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Reference: Welfare Transition Hardship Extension of TCA Time Limits

**GUIDANCE PAPER
WELFARE TRANSITION
HARDSHIP EXTENSION TO TEMPORARY CASH ASSISTANCE (TCA) TIME LIMITS**

Of Interest To:

Workforce Florida, Inc., Regional Workforce Boards, and other entities engaged in implementing programs under the Temporary Assistance to Needy Families Program and the Welfare Transition Program.

Subject

Revised Guidance: Hardship Extension to Temporary Cash Assistance (TCA) Time Limits.

Background

The 1996 *Personal Responsibility and Work Opportunity Reconciliation Act*, PRWORA, changed cash assistance from an open-ended entitlement program to a time limited cash assistance program designed to move families away from government dependency and towards self-sufficiency. The federal law gave states the option to establish TCA time limits not to exceed the federal limit of 60 months unless the individual met a hardship. The Florida State Plan establishes a lifetime limit of 48 months. The State may extend an individual's cash assistance time limits based on the State's definition of a 'hardship.'

In 2000, Senate Bill 2050 (Chapter 445 F.S.), established that each time limited recipient of TCA would be assigned a periodic time limit. Essentially, the lifetime limit of 48 months was divided into two time periods. The 2000 legislation also defined the criteria for recommending an extension to time limits. The Department of Children and Families (DCF) was directed to work with Workforce Florida, Inc. (WFI) to establish procedures for reviewing Welfare Transition (WT) cases prior to the individual meeting their first periodic time limit. Prior to time limits expiring, the law also required the Regional Workforce Boards (RWB) to conduct an employability review with each WT participant approaching the last six months of their TCA periodic time limit. The RWB is required to provide a recommendation for an extension to time limits if one is requested.

During 2005, Chapter 445 regarding TCA time limits was changed. Senate Bill 408 removed periodic time limits and, an individual is now assigned a lifetime limit of 48 months at initial approval of TCA. As a result of removing periodic time limits:

- TCA recipients may no longer earn additional months for working and complying with program requirements;
- TCA recipients may no longer earn months to extend receipt of cash assistance for the successful completion of substance abuse and mental health treatment programs; and
- The RWB is now required to conduct an employability review prior to the individual meeting their lifetime limit of **48** months.

Included in Senate Bill 408 was language that deleted the requirement to align the composition of a review panel with the racial, gender and ethnic diversity of the community. Elements not modified by the 2005 legislative changes include:

- An employability review must be conducted by the RWB designee within six months of the individual's time limit.
- A recommendation to extend time limits must be based on the criteria established under 445.105 (F.S.) and further defined under 65A-4.201 (FAC).
- Florida Statutes provide for an extension of cash assistance time limits based on the status of an individual's Social Security Income (SSI) or Social Security Disability Income (SSDI) application or appeal.
- The number of individuals with a time limit extension beyond the 48 month (State) or the federal 60 month lifetime period cannot exceed 20 percent of the average monthly caseload.
- For individuals who have moved from another state, the months in which TCA was received under the TANF block grant in that other state, will count towards the cumulative 48-month limit.

I. Program Guidance

It is the responsibility of the DCF to review each individual's time limits within six months of the TCA recipients (or applicant's) lifetime limit and initiate the employability review by completing Section A of the Hardship Extension Review Form, CF-ES 2082, and forward a copy to the RWB.) Upon receipt of the CF-ES 2082, a thorough employability review must be conducted with the individual and documented. During the review, the RWB must:

- Assess the individual's employment prospects;
- Assess barriers to the individual becoming employed;
- Provide the appropriate services/referrals in an effort to assist the individual with eliminating employment barriers prior to TCA ending;
- Develop a plan in conjunction with the individual to assist the individual in identifying actions necessary to obtain employment prior to reaching the end of the time limit and termination of cash assistance;
- Review the hardship extension criteria with the individual and inform the individual if they qualify for a time limit extension **recommendation based on the hardship extension criteria defined by law and code**; and
- Provide information regarding a hardship extension to the individual including his/her rights and responsibilities.

The RWB provider or designee may become aware of critical information during regular case management appointments or during the employability review:

- If an individual reports that they have an application for SSI/SSDI or an appeal pending for SSI/SSDI, the individual must be instructed to inform and provide documentation to the DCF to receive a SSI/SSDI extension.
- If the RWB notes that the individual may be within the last six months of their time limit and a CF-ES 2082 form has not been provided by DCF, the DCF should be contacted. The DCF then should review the individual's time limits and initiate the hardship extension review process if appropriate.
- If the individual previously refused a hardship extension but later decides a time limit extension is needed, the RWB should initiate the process and conduct an employability review unless the individual is not receiving assistance. If the individual is not receiving assistance, they must complete an ACCESS Florida application via the DCF Web site.

II. Procedures for Processing Requests for Hardship Extension of Time Limits

Individual Still Receiving TCA

Upon receipt of the Hardship Extension Review Form, CF-ES 2082, the RWB must schedule an interview to assess the individual's employment potential and employment barriers and enter receipt of the CF-ES 2082 in the One Stop Service Tracking (OSST) system. Using the AWI-WTP 0004, Cash Assistance Time Limit Ending Assessment and Review letter, the individual should be notified of when their last month of cash assistance is and informed that a mandatory employability review has been scheduled. It is important to retain a copy of the appointment letter in the individual's case file.

A. *If the individual does not attend the appointment:*

- Because the individual did not attend the appointment, a recommendation to request a hardship extension is not required. Mark "No Show to Appointment/Extension Not Requested" on the CF-ES 2082 under Section B. Update the OSST *Hardship* sub-category on the *Alternative Plan* page in OSST by marking *No Show to Appointment/Extension Not Requested*. Forward the CF-2082 original copy to DCF. Retain a copy of the CF-ES 2082 in the case file.
- Pre-Penalty Counseling procedures must be initiated. The employability review appointment is a mandatory appointment. The pre-penalty and work penalty procedures outlined in the [Work Penalty, Pre-penalty Guidance document should be followed](#). The case notes should clearly outline the failure to meet for the mandatory employability reviewing appointment.
- The individual has the right to request an extension to their time limits at a later date. If the individual's TCA case is closed and the participant would like to request an extension, a Request For Assistance (RFA) must be filed. If the individual is receiving cash assistance and would like to request an extension, the RWB may opt to assist the individual with initiating the process.

B. If the individual attends the appointment and is not requesting a hardship extension to TCA time limits

- Discuss the individual's time limits, current situation and options. Helping the individual identify barriers to employment and assisting with services to overcome such barriers is a priority of this review appointment.
- Review the Hardship Extension Statement of Understanding Form, AWI WTP-2086, with the individual and sign the form. The completed form must be retained in the case file.
- The individual must verify the decision by marking "I am not requesting an extension to my time limits for temporary cash assistance" in Section C of the CF-ES 2082. The individual must sign and date portion C of the CF-ES 2082 as well. A recommendation for a hardship extension under section B is not required. The CF-ES 2082 must be returned to the DCF to process the case appropriately. A copy of the CF-ES 2082, Hardship Extension Review Form, must be retained in the individual's case file.
- The OSST system must be updated to reflect appropriate information.

C. If the individual attends the appointment and requests a hardship extension of time limits

- The RWB will review the individual's employment potential and barriers to employment to assist the individual with identifying actions necessary to become employed prior to reaching the TCA time limit.
- The RWB should discuss the individual's options and review the Hardship Extension Statement of Understanding form, AWI WTP-2086, with the individual. The individual and provider must sign and date the last two lines of the form. The completed AWI WTP-2086 must be retained in the case file.
- The individual must verify the decision by marking "I am requesting an extension to my time limits for temporary cash assistance" in Section C of the CF-ES 2082. The individual must sign and date section C of the CF-ES 2082.
- The RWB is required to review the individual's case (participation, engagement, current circumstances, etc.) and indicate if a hardship extension criterion has been met (if any). The RWB must make a recommendation **based** on the hardship extension criteria. This means, if a recommendation for additional time is entered on the form, the individual must have met one of the hardship extension criteria, and the form must reflect this information. The RWB must complete section B of the CF-ES 2082.

- The RWB must return the original CF-ES 2082 to the DCF who will approve or deny the extension based on the criteria and recommendation of the RWB. ***The RWB does not complete section D of the CF-ES 2082 or make a final determination. The RWB only makes a recommendation based on the hardship extension criteria defined under Florida Statute 414.105 and Florida Administrative Code 65A-4.201.***
- A copy of the CF-ES 2082 must be retained in the individual's case file.
- The individual may withdraw their hardship extension request at any time.

If the individual's time limits have ended, and they are not receiving on-going TCA the procedures described below should be followed if they request a hardship extension of their time limits. Their case is in a pending status and no TCA is provided due to time limits. Because of the nature of the pending status, ***the review and recommendation process should be completed within ten working days. The RWB is responsible for developing a local operating procedure regarding this emergency extension process. The process should include provision of other workforce services if eligible and appropriate to help the individual become employed or retain employment.***

III Eligibility Criteria for Hardship Extension

Eligibility criteria for the recommendation of a hardship extension of TCA time limits include:

- 1. Criteria One: Has the participant diligently participated and have an inability to obtain employment.**

Diligent participation is defined by the Department of Children and Families as not having had more than one work sanction imposed in the last 18 months of receipt of TCA and, demonstrating satisfactory compliance with the Individual Responsibility Plan (IRP) including alternative plan requirements as determined by the RWB provider (DCF Rule 65A-4.201, amended 5/27/2001).

- 2. Criteria Two: Does the participant have one or more extraordinary barriers to employment?**

- The individual has been a custodial parent with a child under three months of age.
- The individual has been a single custodial parent caring for a child who has not attained age six and has proven the inability to obtain needed child care due to the unavailability of appropriate child care within a reasonable distance from the home or worksite, unavailability or unsuitability of informal child care by a relative or other arrangements, or unavailability of appropriate and affordable formal child care arrangements.

- The individual was unable to participate in assigned work activities due to a medical incapacity. The individual was required to comply with the course of treatment necessary for the individual to resume participation. The individual was excused from the work activities if a licensed physician (licensed under Florida Statute chapter 458 or 459) verified the medical incapacity.
 - The individual was temporarily unable to participate in assigned work activities due to circumstances beyond their control, including conditions that may result in an exemption from work requirements.
3. **Criteria Three: Does the participant have a significant barrier combined with a need for additional time? The provider must indicate which significant barrier the participant has. Significant barriers include:** Illiteracy, language barriers, domestic violence, a surplus of labor in the local community, living in an area with a high unemployment rate, underemployment, homelessness, previous felony convictions and unavailability of support services including adequate/reasonable transportation.
4. **Criteria Four: Did the parent receive cash assistance as an “adult” while a teen?** This means the individual received assistance as an adult while under the age of 20. The RWB must then verify if the parent received 24 months of eligibility beyond receipt of high school diploma or equivalent. A need by teen parents for an exemption in order to have 24 months of eligibility beyond receipt of the high school diploma or equivalent.

The participant may receive an extension to time limits for other reasons outside of the criteria determined by the RWB:

- The **DCF** can make a recommendation to extend the time limits for a minor child of a family who is receiving TCA and has reached the end of the established time limits (414.105 (4) (e) F.S.): “the recommendation must be the result of a review which determines that the termination of the child's temporary cash assistance would be likely to result in the child being placed into emergency shelter or foster care.”
- The individual has applied for social security or social security disability benefits.

IV. Determination

The individual is granted a hardship extension to their lifetime limit by DCF

- The RWB must update the OSST system.
- The RWB must prepare the individual for the end of the extended life time limit.
- If the individual requires a subsequent extension to time limits, the RWB must initiate the review process and forward the recommendation to the DCF prior to time limits expiring. Otherwise, cash assistance will end once time limits are met.

The individual is denied an extension to his/her time lifetime limits

- The RWB must update the OSST system.
- The RWB must prepare the individual for the end of the life time limit.
- The cash assistance should end according to DCF rules and regulations.
- **If the individual disagrees with the denial to time limits, they may request a hearing through DCF.** The RWB should inform the individual of their rights to request a fair hearing and file a grievance.

V. Processing SSI/SSDI Hardship Extension Requests

Individuals with pending SSI/SSDI applications are eligible for an extension of their time limits until they receive a final determination of their eligibility for SSI/SSDI or a final decision on their appeal of denial of eligibility. If an individual chooses not to appeal a denial of social security benefits with the SSA, the determination is considered final.

1. According to Florida Administrative Code, the DCF is responsible for reviewing the individual's time limit. If the individual is within the last six months of cash assistance time limits and reports to the DCF that a current appeal or application for SSI/SSDI has been filed, an extension is provided. If no application or appeal is verified, DCF should forward a CF-ES 2082 to the RWB.
2. While waiting for a final determination of the SSI or SSDI application, the individual must comply with the alternative requirement plans assigned by the RWB based on the individual's documented medical ability to comply.
3. If a final determination results in the denial of SSI or SSDI benefits, any period during which the recipient received temporary cash assistance shall count against the recipient's 48-month lifetime limit.

VI. Compliance Requirement

Individuals who are on an extension are required to comply with their Individual Responsibility Plan (IRP). The IRP may include alternative activities, such as medical treatment, therapy, counseling appointments, as well as substance abuse/mental health services. The development of the IRP should take into consideration the individual's situation and medical ability to comply. Failure to comply should result in pre-penalty counseling and may result in a sanction being imposed (procedures in accordance with the Work Penalty, Pre-penalty Process).

- Individuals who have received an SSI/SSDI time limit extension and are subsequently sanctioned may lift their sanction according to the normal pre-penalty/penalty guidance. The mandatory penalty period must be served if good cause is not provided.
- In regards to a hardship extension, non-compliant participants can be sanctioned. If the individual fails to comply with work activity requirements, alternative

requirements, plan requirements, etc., the pre-penalty process should be initiated. If sanctioned, the TCA will close, and the remaining extension months (if any) will be voided.

- The individual cannot be prohibited from applying for the remainder of their hardship months if their case is closed as a result of failure to comply with the work requirements after receiving an approval based hardship extension. If the individual reapplies for TCA or requests a review, he or she must complete an application for assistance. The DCF must complete the time limit review process (form) and forward the referral to the RWB.

VII. 20% Cap

The DCF may grant hardship extensions for up to 20 percent of the average number of cases receiving cash assistance. It is DCF's responsibility to monitor and calculate the 20 percent cap. It is the DCF's responsibility to track the number of individuals receiving hardship extensions and ensure they do not exceed the 20 percent cap.

Methodology

The twenty percent cap is the number of cases that can exceed the State and Federal lifetime limits. The cap is determined by averaging the number of all cases that receive TCA. The information is located at the Welfare Transition Report site listed below under the **Hardship Extension** link. The methodology approved by WFI for the 20 percent cap allows for DCF to make the 20 percent calculation based on the average number of monthly cases receiving TCA for the preceding FFY.

The DCF provides two reports displaying the number of individuals that are receiving cash assistance beyond the State and federal lifetime limits. The report assists the DCF in monitoring the number of individuals that receive cash assistance beyond their approved time limits. The report site is located at the [Welfare Transition Report](#) site.

VI. Hardship Extension Forms

The following forms are located at the [AWI Welfare Transition Website](#):

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- Hardship Extension Review Form, CF-ES 2082
- SSI/SSDI Agreement of Understanding, Extension of Time Limits, AWI 2287
- SSI/SSDI Time Limit Extension Review Form, AWI 2289
- Hardship Extension Statement of Understanding, AWI 2086