



The Virginia Poverty Law Center (VPLC) provides leadership, support, training, public education, and advocacy to address the civil legal needs of

Virginia's low-income population. Our legal staff specializes in areas of law that affect low-income Virginians. Through training and communications, we educate others about the legal rights of the poor and identify systemic problems and issues. We work collaboratively with Virginia's legal aid community, other organizations, and stakeholders to represent the interests of low-income Virginians in the courts, executive agencies, and legislative bodies.

This handbook has been prepared for general information purposes only and is intended solely to provide a summary of Virginia's TANF program.

The information contained in this handbook is not legal advice and should not be relied on for legal advice. Also, the law and the rules are always changing. For specific legal advice, call your local Legal Aid Office.

1- 866- LEGLAID (1- 866- 534- 5243).

TANF

TEMPORARY ASSISTANCE for NEEDY FAMILIES
a guide to Virginia's cash assistance program



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If you think that you need help with your appeal, you also can contact your local Legal Aid office. They may be able to provide you with free legal help. **Call 1-866-534-5243.**

What happens if I lose my appeal?

If you lose your DSS fair hearing, you can appeal your case to circuit court. However, while you appeal to court, DSS can still stop or reduce your TANF. In addition, if you were receiving cash assistance during your appeal, you may have to repay any money received.

What happens in an appeal?

When you file an appeal you are asking for a “fair hearing.” A fair hearing allows you to present your side to a hearing officer. Before the fair hearing you can request a meeting at the Department of Social Services with your caseworker. This conference will usually include your caseworker and your caseworker’s supervisor. During this meeting, DSS will tell you why they are reducing or terminating your TANF. You will be able to explain why you do not agree with their decision. If you are still unhappy with the decision after the meeting, you can still have your fair hearing.

The hearing officer will be from DSS, but she will not be from your local office. Usually there will be a hearing officer, your caseworker, a supervisor, any witness or representative you bring and you at the hearing. The hearing can be by telephone or in-person.

During the hearing, the hearing officer will ask you and the caseworker questions, and you or your representative are able to ask the caseworker questions. The hearing officer will send you a written decision within 60 days of the date you requested the hearing.

Can I bring someone to the hearing with me?

Yes, you can bring someone with you. You can bring a representative or someone you think can help represent you and help present your side of the story.

I. TANF ELIGIBILITY

What is TANF?

Temporary Assistance to Needy Families (TANF) is the cash assistance program for very low income families in Virginia. The purpose of the program is to help needy adults take care of their families and become self-sufficient. In addition to cash benefits, the TANF program has a variety of services that help people find and keep jobs.

Who is eligible to receive TANF?

To get TANF, your family must: (1) include a child who is a U.S. citizen or an eligible immigrant; (2) be needy; and (3) satisfy certain “good conduct” requirements.

Are all children eligible to receive TANF?

No. A child is eligible if he/she is:

- younger than 18 (or will graduate from high school by 19),
- living in the home of a parent or relative or is in foster care,
- a resident of Virginia,
- a citizen of the U.S. or an eligible immigrant,
- in need of financial help.

How do I know if my family is a “needy” family?

TANF has income rules based on your family’s size and where you live in Virginia. If your family’s monthly income is below these income limits then you may be eligible to receive a TANF check.

MAXIMUM MONTHLY FAMILY INCOME CHART*

Household Size	Rural Areas	Most Urban Areas	Northern Virginia
1	\$270	\$322	\$450
2	\$424	\$475	\$605
3	\$546	\$596	\$727

**This chart is only a guide. Some of your family’s income may not count. If you believe that you are eligible for TANF, you should apply.*

How much TANF money would I receive?

The amount of TANF you receive depends on your family’s size, where you live, and any income you have. For example, the largest TANF payment for a family of three in most rural parts of Virginia is \$228 a month. For a family of 3 in most urban areas, the largest TANF payment would be \$389 a month. Parents, caretakers, and children on TANF also receive health benefits from the Medicaid program.

V. APPEALS

What if I do not agree with a decision in my case?

If you get a notice from the Department of Social Services saying your TANF will be denied, reduced, or cut off, you can appeal this decision. You must ask for an appeal within 30 days of the date on the notice. If you appeal a reduction or termination of your TANF within 10 days of the date you received the notice, your benefits will continue while your appeal is being decided. So, it is best to appeal right away when you receive a notice.

Your appeal request can be done in writing or by calling DSS on the phone. No one can prevent you from filing the appeal. If you make an appeal by phone, make sure that you get the name of the individual you spoke with. This is important because you want to make sure that DSS takes the steps needed to start your appeal.

Please remember if you receive cash assistance while waiting for your appeal, you may have to repay any money received if you lose your appeal.

But what if I have a good reason for not following a program rule?

If you have “good cause” for not following a program rule or requirement, you should fight the sanction. Good cause includes a disability that prevented you from following the rules, lack of child care or transportation, domestic violence, or other situations that are not your fault.

When you receive notice of a sanction, you must call your case worker right away to make your claim for good cause. The caseworker will decide if you had good cause for not following the rule.

If you disagree with your caseworker's decision you should appeal.

What are the “good conduct” requirements?

The main conduct requirements of the program are:

- Cooperation with child support assignment and collection and school attendance.

What is cooperation with child support?

Each TANF applicant/recipient must sign over his or her rights to child support to Virginia. If you are not currently receiving child support, you must cooperate with the Division of Child Support Enforcement (DCSE) to receive child support for your child. You must tell Social Services about your child’s absent parent. You may also have to attend court hearings to prove who is your child’s parent.

The Department of Social Services (DSS) will send you up to \$100/month of the current child support they collect for you.

Two parent households also qualify for TANF. If both parents of the child are in your household, the child support cooperation requirement does not apply to you.

What is the requirement for school attendance?

All children in your home who are under age 18 must regularly attend school.

How do I apply for TANF?

You may apply for TANF at your local DSS.

There is a two-step process. First, you must fill out an application for benefits. Second, you must have an interview with an eligibility worker. Everyone has the right to apply for TANF. This does not mean you will receive the benefits, but you cannot be denied the right to apply.

In the application, you must tell DSS about all of the people who live with you—parents, brothers and sisters. You must also give information about all the money these family members earn or receive. But, some of the money received by your family may not be counted.

If you have any problems that make it hard for you to read or understand the application, DSS has to help you complete the application. If you have any questions while applying for TANF, DSS workers must help you. The worker should help you pick out the right program for your needs, and he/she can answer any questions that you have. You can also apply for food stamps at this time and have one interview for both programs.

Even if you mail or fax your TANF application, you will still have to go into the DSS office for an interview.

When and where will the eligibility interview take place?

The interview can take place the same day you complete your application in the DSS office, or it could be scheduled at your earliest convenience.

IV. SANCTIONS

What is a sanction?

A sanction is a penalty for not following a program requirement or rule. If you are sanctioned, your household will not receive TANF until you follow the program rule or requirement. You will receive notice before you are sanctioned, and the notice must tell you which rule you did not follow.

How long do sanctions last?

There are three levels of sanctions.

1. The first time you do not follow a program requirement, your TANF grant will be suspended for at least one month, or until you follow the requirement, whichever is longer.
2. If a second sanction occurs, your grant will be suspended for a minimum of three months, or until you follow the rule, whichever is longer.
3. Any other sanctions will continue for at least six months, or until you follow the rule, whichever is longer.

Does the time I am sanctioned count towards my time limits?

Yes. Any months when you are not receiving cash assistance due to a sanction still count against your time limit.

These services could include child care, transportation assistance, \$50 monthly cash assistance and health insurance. You should ask your case worker about these important services.

If for some reason you cannot get to a local office, a telephone or home-visit could be scheduled.

What happens at the eligibility interview?

During the interview, you meet with an eligibility worker one-on-one to talk about your family's needs. The eligibility worker will make sure all information on the application is complete and correct. The worker will explain your rights, responsibilities, and all services available in the program. If you need money because of an emergency (e.g. medical bills, car repairs, etc.) you can choose to get a one-time TANF payment instead of monthly checks. If you receive this voluntary emergency payment, you cannot get regular TANF checks for the next 160 days.

How long before I get a decision?

DSS must provide you with a decision on your completed application within 30 days following the date you applied. If you do not receive a decision within 30 days, you should contact your eligibility worker to see if there is any information that you need to turn in. If you are not able to reach your eligibility worker, you can also call your local Legal Aid office for assistance with this problem.

Remember to ask your eligibility worker about any questions you have!

II. VIEW PROGRAM

What is VIEW?

The Virginia Initiative for Employment not Welfare (VIEW) is the TANF work program. The VIEW program provides work experience and training to help people on TANF earn enough money to support their families.

Participation in VIEW is required for many people on TANF. While in VIEW you are entitled to Medicaid as well as help with child care costs and transportation.

Does everyone on the TANF program have to participate in the VIEW program?

No. The following individuals are not required to participate in the VIEW program:

- People under 18 years of age,
- People between 18-19, who are enrolled full-time in high school,
- People who cannot participate because of a temporary medical condition (e.g. they are pregnant, injured, or sick),
- People who are considered disabled by the Social Security Administration,
- People who are 60 years of age or older,
- People who are needed on a continuous basis to care for a disabled family member living in the household.
- A parent/caretaker relative of a child who is younger than one year old.

you sign the Agreement of Personal Responsibility.

TANF CLOCK FOR PEOPLE ON VIEW

On TANF 24 Months	Off TANF 24 Months	On TANF 24 Months	Off TANF 24 Months	On TANF 12 Months
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= 60 month TANF lifetime limit

Is there any way for me to “Stop the Clock” on my time limit?

Yes. You can stop the clock on your TANF time limit if:

- appropriate child care or transportation is not available and as a result you are not able to participate in work activities, or
- you become exempt from participating in the VIEW program for health problems or other reasons, or
- you have a family crisis or a major change in your situation, such as death or illness of a spouse, parent or child; family/domestic violence situations; or other emergencies.

You must tell your caseworker about any of these changes.

What happens when I am no longer eligible for TANF benefits?

VIEW participants are eligible for some continued services when they leave the TANF program. You may be eligible for special services when you reach your two-year limit, five-year limit or when your case is closed for other reasons (except sanctions).

III. TIME LIMITS

HOW DO THE TIME LIMITS WORK?

If you are required to participate in the VIEW program, your family can receive TANF cash assistance for 24 months (two years). After receiving TANF for 24 months, you and your entire household have to wait another 24 months to apply again. You will know when your 24 months of TANF assistance is coming to an end because you will receive notice before you are cut off from the program.

You can continue to receive cash assistance after the 24 months, if you meet a "hardship exception." For example, if you were working and lost your job due to no fault of your own, you might be eligible to receive TANF again. If you think you may be eligible, ask your caseworker about the hardship exception before your TANF is cut off.

In addition, there is a lifetime limit of 60 months (five years) you can receive TANF cash assistance. Any month that you receive cash assistance counts towards this five year limit.

When do the time limits start?

Time limits start the first month after the date

What are the VIEW's program requirements?

All individuals who participate in the VIEW program must:

- Attend an initial assessment meeting with an employment services worker,
- Participate for at least 30 hours a week in a "work activity."
- Sign a written Agreement of Personal Responsibility, and follow program rules.

What are work activities?

Work activities include:

- employment,
- job readiness classes (classes to help with resumes and interview skills),
- training for a specific job (e.g. medical tech, car repair, computer tech.)
- On the Job Training, and
- high school education or GED.

What happens at the initial assessment?

The employment services worker will ask you about your education, training, work experience, and family history to figure out your needs and strengths. In addition, he/she will explain the VIEW program rules and penalties for not following program requirements.

During this meeting you should tell your worker about any problems you have that can affect your ability to work. Examples of problems you may have are: health problems, domestic violence, alcohol/drug abuse, child care, and lack of reliable transportation.

It is very important to fully explain any and all problems you may have. The caseworker needs your help to decide what services you may need.

You will sign the Agreement of Personal Responsibility during this meeting and also develop a VIEW work plan. The work plan is developed by you and your employment services worker. It will set out your activities, assignments, goals, and plans while you are in the VIEW program. The work plan is different from the Agreement of Personal Responsibility.

If you have any health problems or a disability, make sure to tell your employment services worker. You will be given a form called "Do you have a disability?" to fill out.

If you do not understand any part of the Agreement of Personal Responsibility or the work plan, ask your eligibility worker about it.

What happens if I do not sign the agreement?

If for some reason you choose not to sign the Agreement of Personal Responsibility, your case will be closed. The Department of Social Services will not give you cash assistance unless you sign the Agreement.

How are VIEW participants different from other TANF recipients?

There are two big differences between people who receive TANF and people who have to participate in the VIEW program:

1. VIEW participants are required to participate in work activities.
2. Time limits apply to families with VIEW participants.