



TANF 710-1 Sanction and Re-Engagement

Supersedes: TANF 710-1 (1/1/17)

Reference: ARM 37.78.506

Overview: TANF cash clients must continue to meet specific eligibility requirements to remain eligible. When it is determined that a TANF cash client (required to negotiate an Employability/Service Plan E/SP) is knowingly non-compliant with negotiated activities, a sanction is imposed.

Non-compliance is determined through the re-engagement process. Re-engagement provides an opportunity for clients to resolve disputes, misunderstandings and provide good cause for non-compliance.

There are two components when evaluating a sanction:

1. Good cause assessment; and
2. Penalty or ineligibility determination.

The penalty/ineligibility month begins the 1st of the month after timely or adequate notice is sent; this may or may not be the month immediately following the non-compliance. Timely notice is required for open cases; adequate notice is required for closed cases.

TANF ELIGIBILITY POLICY

SANCTION PERIODS:

Sanction	Penalty/Ineligibility	Who is affected?
1st	1-month penalty period	Sanctioned individual(s)
2nd	1-month ineligibility period	Total household
3rd	3-month ineligibility period	Total household
4th /subsequent	6-month ineligibility period	Total household

SANCTIONED INDIVIDUALS:

The following are subject to sanction.

First sanction (serve penalty month):

1. Sanctioned individual(s)

Second and subsequent sanctions (serve ineligibility periods):

1. All household members considered to be TANF recipients at the time of sanction;
2. All required filing unit members at the time of sanction; and
3. All individuals who enter the household during the ineligibility period who would have been required filing unit members had they been in the household at the time the sanction was imposed (including unborn children).

GOOD CAUSE:

Once a sanction notice is sent, the client has ten (10) days to request and verify good cause for non-compliance. Refer to TANF 1508-1

If good cause is not verified, the sanction remains imposed.

If the client provides proof of good cause for non-compliance in negotiated activities, communication and client advocacy meetings prior to the penalty period starting, the sanction may be lifted. If verification does not support negotiated hours on the E/SP, the sanction remains imposed.

Good cause verification received after the penalty period has started is evaluated on a case-by-case basis.

PENALTY/INELIGIBILITY PERIOD FOLLOWS THE INDIVIDUAL:

The penalty/ineligibility period follows an individual who moves from one TANF household to another.

When a child leaves (including when a child is removed by Child and Family Services) a sanctioned household and joins a Specified Caretaker Relative household where they make application and are eligible for child-only TANF benefits, they can receive TANF in the second household. The Specified Caretaker Relative, other than the child's parents, has the option to be included in the assistance unit.

Children are not eligible for TANF when moving into another parent's household even if that parent is eligible for child-only TANF such as when the other parent is in receipt of SSI.

PENALTY PERIOD (1st sanction):

TANF benefits are reduced during the penalty month for a 1st sanction. The TANF grant is reduced by an amount equal to the sanctioned individual(s) share of the grant.

INELIGIBILITY PERIOD (2nd or subsequent sanction):

When a 2nd or subsequent sanction is imposed, an ineligibility period must be served. During the ineligibility period, the TANF program is closed.

Ineligibility periods increase incrementally based on the number of imposed sanctions.

The time clock does not increment during an ineligibility period unless the client requests and receives continued benefits pending a fair hearing.

TIMELY/ADEQUATE NOTICE:

Timely or adequate notice must be sent before imposing a sanction; timely notice is required for open cases and adequate for closed cases.

CANCEL/REMOVE A SANCTION:

Imposed sanctions can only be removed/cancelled when:

1. Good cause is requested, verified and granted;
2. The fair hearing decision is in the client's favor; or
3. An administrative error occurred.

APPLICATION FOLLOWING PENALTY/ INELIGIBILITY:

The household can reapply for TANF cash any time after case closure.

If the household reapplies during the:

1. Sanction penalty month:
 - a. All work-eligible clients are required to negotiate an E/SP for the penalty month before reduced benefits can be authorized. Benefits may be prorated.
2. Ineligibility period:
 - a. The household is not eligible until the ineligibility period has ended; whether or not they participated during the ineligibility period.
 - b. A new application (HCS-250) is required if the household wants to receive TANF cash after the ineligibility period.
 - c. The household can reapply during the ineligibility period, but benefits won't start until the 1st of the month following the ineligibility period.

SANCTIONED INDIVIDUAL LEAVES HOUSEHOLD:

When the sanctioned individual leaves the household, the remaining household members may receive TANF benefits, if eligible. The household must complete the HCS-262 "Household Member Absence" form before benefits can be determined.

TANF EMPLOYMENT and TRAINING POLICY

UNIVERSAL ENGAGEMENT / ENGAGEMENT PATHWAYS:

Families receiving TANF services are expected to fully engage, to the best of their ability based on their Family Bridge Model results, informed choice, screenings and assessments, goal setting activities and their Employability/Service Plan.

The Engagement Pathways (intensive, light, supportive and specialized) defines the level of intervention and family/client advocate engagement.

RE-ENGAGEMENT:

Clients must be allowed every opportunity to participate in employment activities. At the first sign of noncompliance, Pathways must attempt phone contact or send a letter scheduling an appointment to discuss participation. If the client attends the meeting, activities need to be discussed and/or the EP may need to be re-negotiated. If there is no response from the client for the scheduled meeting and/or good cause for non-compliance is not proven, the sanction is imposed.

PARTICIPATION DURING THE PENALTY MONTH:

The sanctioned individual is still considered “work-eligible” and may be required to participate during the penalty month.

“Work-eligible” sanctioned client must negotiate a new E/SP before reduced benefits can be issued. The E/SP must be negotiated and signed by the 25th (or next business day if weekend or holiday) of the month prior to the penalty month. Failure to negotiate a new E/SP by the 25th results in case closure due to failing to meet an eligibility requirement; reduced benefits are not issued.

Sanctioned “non-work eligible” clients are not required to negotiate an E/SP prior to the penalty month but must do so by the 25th of the penalty month to avoid case closure.

During the penalty month child care is available to allow the sanctioned individual to participate in negotiated activities.

Full benefits are reinstated the 1st of the month after the penalty month if the sanctioned client negotiates an E/SP timely.

PARTICIPATION DURING THE ONE-MONTH INELIGIBILITY PERIOD:

Sanctioned individuals not required to negotiate an E/SP who want to continue participation in negotiated activities during the one (1) month ineligibility period may do so. If they fail to participate during the ineligibility month, no additional penalties are imposed.

During the one (1) month ineligibility period child care is available to allow the sanctioned individual to participate in negotiated activities.

PARTICIPATION DURING 3rd OR SUBSEQUENT SANCTION:

Participation during the three (3) or six (6) month ineligibility period is not considered TANF participation.

Effective Date: June 01, 2019