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OWF/PRC Guidance Letter No. 46

To: Directors, County Departments of Job and Family Services
Directors, County Public Children Service Agencies
Directors, County Child Support Enforcement Agencies

From: Thomas J. Hayes, Director

Subject: **Interstate Tracking of Receipt of TANF Cash Assistance for Time Limit Purposes**

This guidance letter is being published to provide information on the treatment of TANF cash assistance received in other states and to provide state contact information for verifying such months of receipt.

The TANF program was created by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA - Public Law 104-193). As part of Public Law 104-193, receipt of TANF cash assistance was limited to 60 months nationwide.

Each state is required to track the number of months it provides TANF cash assistance that count towards the federal time limit. As part of its application process, each state should ask a family whether it has lived in any other states. If the family has, the new state should contact the other state(s) to determine whether the family received assistance that counts toward the federal time limit. All states are expected to do their best to gather this information. The question regarding receipt of TANF cash assistance in other states, is on the JFS 07200 "Request for cash, medical and food stamp assistance".

States are able to provide cash assistance without regard to the 60-month limit to families through the use of:

- Maintenance of Effort (MOE) funds (so long as these funds are not commingled with federal TANF funds)
- Approved certification of waiver inconsistencies

Maintenance of Effort funds

Section 409(a)(7) of the Social Security Act permits states to assist eligible families by expending maintenance-of-effort funds (MOE) under "all state programs". Eligible families assisted through a separate state program or through segregated state funds, are not generally subject to all TANF requirements, including the time limit on receipt of assistance. The last column of the attached chart indicates whether the state is providing benefits under any state-funded program.

Approved certification of waiver inconsistencies

States were also able to submit a certification of waiver inconsistencies to the U.S. Department of Health and Human Services (HHS). The purpose of the certification of waiver inconsistencies, was to outline the waiver provisions that the state established that differed with federal policy. One area where some states provisions differed from federal policy, was in the treatment of TANF months for time limit purposes. For instance, Ohio submitted a certification of waiver inconsistencies, indicating that TANF would begin 10/1/96, but the tracking of months for state and federal purposes would not begin until 10/1/97. This is because Ohio operated a time limit waiver through 9/30/97 and the policies under the waiver differed from those as passed in PRWORA.

The other states with approved certification of waiver inconsistencies are Arizona, Connecticut, Delaware, Hawaii, Indiana, Minnesota, Nebraska, Oregon, South Carolina, Tennessee, Vermont, Virginia and Washington.

There are basically four types of situations that states have received approved certification of waiver inconsistencies for:

- Five states have waivers that exempt a portion of their population from time limits for months that they meet a specific criterion, such as disability or caring for an individual with a disability. These states are Hawaii, Nebraska, South Carolina, Tennessee and Virginia.
- Six states have waivers that exempt the entire population from time limits for a specified period of time as indicated in their waiver approval. These states are Arizona, Delaware, Indiana, Ohio, Vermont and Washington (Note: the state of Washington delayed counting months from 10/1/96 to 8/1/97 and the state of Delaware delayed counting months until 3/1/97 - since Ohio began time limits in 10/1/97, nothing received in Washington or Delaware prior to 10/1/97 would be applicable).
- Two states have waivers that permitted them to conduct demonstration projects that allowed them to waive the time limits for those individuals who fit into the pilot groups. These states are Connecticut and Minnesota.
- One state has a waiver that allows them to exempt from time limits any month that an assistance group participates in a work activity or any month that the assistance group is not provided an opportunity to participate in a work activity. This state is Oregon.

Treatment of TANF months

- TANF months received in other states only count in Ohio if received on or after 10/1/97 (the date that Ohio's time limits began). No months received outside of Ohio prior to 10/1/97 will count toward the 60-month lifetime limit.
- TANF months received in one of the states under an approved waiver would be countable on the date indicated on the attached chart or later if the individual is exempt from time limits due to a state-determined exemption.
- TANF months received in Ohio prior to 10/1/97 are not counted toward the 60-month lifetime limit in other states because of Ohio's waiver. When verifying months of receipt in Ohio for other states, only those countable months reflected on CRIS-E screen TLIN would be applicable to the other state.

The attached chart indicates the first month that TANF benefits received in another state would be applied to the 60-month federal lifetime limit when a family is applying in Ohio. The footnotes indicate specific exemption criteria to those states with waivers that could exclude a portion of the population. **The chart is meant to be informational only and should not replace contacting the other state to verify months of TANF that will or will not be counted toward the 60-month lifetime limit.** Since Ohio has an initial 36-month time limit, any countable TANF months received out of state counts toward the initial 36-month OWF time limit as well as the 60-month lifetime limit.

Contacting Other States

When contacting other states, it is important to ask for **federal TANF-funded months** received by the individuals, since states do have different names for their TANF program. A list of these names can be found on the Health and Human Services - the Administration for Children and Families web site at: <http://www.acf.dhhs.gov/programs/ofa/tfnames.htm>. The phone and fax numbers have been provided by the other states as the point of contact when verifying months of receipt of TANF.

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- c: Deputy Directors
Bureau Chiefs, Office of Family Stability
Stan Sells
Joel Potts
Bob Bonthius
Fayette Moore
County Commissioners Association
PCSAO
OJFSDA