

Food Stamps and Families First Update

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Russ Overby (roverby@tnjustice.org)
Tennessee Justice Center
301 Charlotte Av.
Nashville, Tennessee 37201
615-255-0331

1. Food Stamp Update

a. Resources

1. DHS Food Stamp Policy and Procedures Manual (Vols. I and II) (<http://www.state.tn.us/humanserv/foodstamps.htm>)
2. Department of Human Services bulletins – All bulletins are now in digital format only. To get bulletins as they are issued, e-mail Barbara Ayres at Barbara.Ayres@state.tn.us.
3. Federal regulations (7 C.F.R. 271 et.seq.) (http://www.access.gpo.gov/nara/cfr/waisidx_04/7cfrv4_04.html)
4. FRAC's Guide to the Food Stamp Program (Dec. 1999) (To order http://www.frac.org/html/publications/pub_order.html)

b. Family Assistance Service Center

1. English toll free number 866-311-4287
2. Spanish toll free number 866-311-4290
3. Will answer questions re Families First, Food Stamps and TennCare
4. Make case changes (except changes to Families First Personal Responsibility Plan work components)
5. Reschedule appointments
6. File appeals
7. County offices can refer persons to the Service Center but cannot refuse to help someone if they prefer to talk to someone at the county office.
DHS Bulletin No. 39 (11-2-05); DHS Memorandum FF-05-06 (6-17-05)

c. DHS Division of Appeals and Hearings (DAH)

1. Hears all Families First and Food Stamp cases and TennCare eligibility cases.
2. TennCare medical services appeals are still being processed by the TennCare Solutions Unit and heard by Secretary of State hearing officers
3. Appeals can be made through county offices, the Family Assistance Service Center or the Division of Hearings and Appeals (Fax 866-355-6136)
4. Components within DAH
 - a. Intake
 - b. Conciliation
 - c. Administrative Law Judge Case Prep

d. Administrative Law Judge – In fact, some, if not most cases will be heard by DHS hearing officers who are not Administrative Law Judges. DHS Bulletin No. 45 (1-4-05)

5. Appeal Time Frames

- a. Food Stamps and Families First - 90 days (10 days for benefits pending appeal)
- b. TennCare Standard and TennCare Medicaid 40 days (20 days for benefits pending appeal) DHS Memorandum FF-05-07 (7-13-05)

d. Hurricane Katrina evacuees

1. All evacuees eligible for one month’s maximum food stamp benefit for their household size
 2. No income or resource restrictions
- DHS Memorandum FS-05-11 (9-14-05)

e. Verification Requests

1. Must list what is requested
 2. Give a due date
 3. Offer assistance
- DHS Bulletin No. 15 (4-29-05)

f. DHS must ask all persons who drop off any document whether they want a receipt. There must be prominent notices at all county offices with respect to this. All faxed materials must be logged in. DHS Bulletin No. 37 (9-8-04)

g. Interest income of less than \$ 60.00 per quarter will be disregarded for both Food Stamps and Families First. DHS Bulletin No. 30 (8-20-04)

h. Transitional Food Stamps – Persons who are working and leave Families First due to work income will not lose food stamps due to the additional work income for 5 months. DHS Bulletin No. 34 (9-22-04)

i. Underpayments can be restored for one year even if there is no appeal.
7 U.S.C. 2020(e)(11); DHS Rule 1240-1-20-.09.

j. Food stamp time limits that apply to some adults without children have been extended to six months in a three year period. DHS Bulletin No. 12 (4-15-04)

k. Fraud Investigations

1. New FNS instructions (www.fns.usda.gov/fsp/government/memo-fraud_policy.htm)
 - a. Someone should not be asked to sign an administrative waiver unless the investigator has “convincing” evidence of an intentional violation.
 - b. Someone should not be asked to sign an administrative waiver if the agency intends to prosecute criminally.

- c. Suggesting to someone that his/her case may be referred for prosecution is “confusing or misleading”
2. Waivers may be revoked at any point before a disqualification penalty is imposed. 7 C.F.R. 273.16(f)(2)(ii); DHS Rule 1240-5-14-.05(2)(i).
A penalty cannot be imposed until one month after written notice of disqualification. 7 C.F.R. 273.16(f)(2)(i); DHS Rule 1240-5-14-.05(2)(i).

2. Families First Update

a. Resources

1. T.C.A. 71-3-151 et. al.
2. Tennessee Department of Human Services Administrative Rules 1240-1-45 to 55
3. Families First Handbook – Available on-line at <http://www.state.tn.us/humanserv/famfir.htm#handbook>
4. Department of Human Services bulletins – All bulletins are now in digital format only. To get bulletins as they are issued, e-mail Barbara Ayres at Barbara.Ayres@state.tn.us.
5. Families First Guide – If you want a digital copy of this just e-mail Russ Overby at roverby@tnjustice.org
6. TALS benefits listserv. E-mail Jill Kelly jkelly@tals.org to be added to the listserv.
7. DHS Desk Guide (attached)

b. DHS chain of command (attached)

c. [Cosby v. State Dep't of Human Servs., 2005 Tenn. App. LEXIS 571 \(Tenn. Ct. App. 2005\)](#)

1. Won by Theresa-Vay Smith of Legal Aid Society of Middle Tennessee and the Cumberlands
2. DHS cannot rely on eligibility rules that are not published rules unless the rule is “substantially repetitious of existing law.”
3. DHS could not rely on a Families First Manual rule that said in joint custody cases a child had to live with each parent for extended periods because this rule was not consistent with the statute or published rules.

d. Families receiving cash assistance

1. 70,692 in June of 2005 (down about 3,000 from last year)
2. 4,604 cases closed in June
 - a. 1,118 due to employment
 - b. 992 due to sanctions
 - c. 241 due to time limits

- e. Caretakers who are not in the Families First assistance group can get child care assistance if they are working. DHS Bulletin No. 43 (12-20-04)
- f. Customer Service Reviews are now limited to closures due to work sanctions, time limits and non-cooperation with child support. DHS Bulletin 13 (5-16-05)
- g. Hurricane Katrina evacuees
 - 1. Eligible for one time cash payments (Families First EASE)
 - a. 1-2 person household - \$ 750
 - b. 3-4 person household - \$ 1250
 - c. 5 + household - \$ 1500
 - d. If accept EASE, not eligible for Families first for three months
DHS Memorandum FF-05-12 (9-6-05)
 - 2. Eligible for Hurricane Evacuee Child Care
 - a. Eligible if income is below 85% of state median income
 - b. No co-pay required
DHS Memorandum FA-05-02 (9-14-05)
- h. Childcare assistance may continue at the end of 18 months of transitional child care.
DHS Bulletin No. 27 (6-30-04)
- i. Section 1931 Medicaid (“AFDC-MO”) Anyone who meets the old AFDC criteria can qualify for this coverage. DHS Memorandum MA-02-12 (June 20,2002)
 - 1. Family cap does not apply
 - 2. There must be “deprivation”. This means either one parent must be absent, or one parent must be “incapacitated” or meet the “unemployed parent” criteria.
 - 3. Can be a fleeing felon or convicted of drug felony due to possession, use or distribution after August 22, 1996
 - 4. No work activity requirements
 - 5. Refusal to cooperate with child support renders caretaker ineligible not entire assistance group
 - 6. No time limits
 - 7. You get \$150 work disregard PLUS additional earnings disregard based on AG size. (See Family Assistance Desk Guide “AFDC MO Addtl. Earning Disregard”)
 - 8. To get transitional Medicaid when AFDC-MO closes, must have received AFDC-MO for three of the last six months and closure must be due to increased earnings or hours of employment.
- j. Earned income disregard for public housing residents (42 U.S.C. § 1437a(d) and 24 C.F.R. 5.617 and 24 C.F.R. 960.255)
 - 1. Applies to families in public housing with an increase in income due to work who meet one of three criteria.
 - a. Employment of a family member who was unemployed for one or more years. Unemployed defined as total earnings of less than

- \$ 10/wk. for the prior year.
 - b. Person with income increase due to employment during participation in any family self-sufficiency or other job training program.
 - c. Person who has received Families First assistance within the last six months.
2. Households who qualify for the disregard have the increased earnings totally disregarded for 12 months and 50% disregarded for the following 12 months.
 3. The disregard applies even if the person did not timely report.
- HUD Admission and Occupancy Frequently Asked Questions at Q 16 (www.hud.gov/offices/pih/about/ao_faq.cfm)

4. Who to Call

- a. Toll-Free Families First, Food Stamps and TennCare – Family Assistance Service Center – 1-888-863-6178
- b. Families First – Paul Lefkowitz – 615-313-2275
- c. Food Stamps – Richard Dobbs – 1-615-313-5652
- d. Electronic Benefit Security Card – 1-888-997-9444
- e. Child Support Distribution Line – 1-800-838-6911 (253-4394 Nashville
- f. Attorney complaints re child support distribution – Kathy Vaughn, Loretta Harris or Theresa Morgan – 1-615-313-5348
- g. Attorney complaints re local child support enforcement agency – Tim Murphey, Scott Harris or Bill Duffey – 1-615-313-4880

SECTION 1931 “AFDC-MO” ADDITONAL EARNINGS DISREGARD

AG SIZE	DISREGARD AMOUNT
1	100
2	171
3	217
4	229
5	292
6	294
7	328
8	331
9	370
10	373
11	388
12	400
13	411
14	420
15	428
16	436
17	442
18	448
19	453
20	457
21	457
22	458
23	458
24	458