



## TANF IMPLEMENTATION IN TEXAS

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The Texas Department of Human Services (TDHS) and the Texas Workforce Commission (TWC), with local Workforce Development Boards, have the primary responsibilities for implementing TANF. The Office of the Attorney General (OAG) is responsible for establishing paternity and collecting child support for TANF recipients.

### TEXAS DEPARTMENT OF HUMAN SERVICES

The TANF program in TDHS is called Texas Works. Eligibility staff are called Texas Works Advisors. TDHS TANF responsibilities are:

- TANF eligibility certification
- Medicaid enrollment
- Food Stamps enrollment
- Good Cause Exemptions re: Personal Responsibility Agreement
- Sanctions for noncompliance
- One-Time Assistance to Needy Families

TDHS local officers receive TANF applications and **certify applicants as TANF-eligible**. In the certification process, applicants are expected to sign the **Personal Responsibility Agreement** and to participate in a **Workforce Orientation Session**, usually conducted by the local workforce office. TDHS also **enrolls recipients in the Medicaid and Food Stamps programs** as they are being certified for TANF.\*

Domestic violence victims can request a good cause exemption from child support enforcement (part of the Personal Responsibility Agreement) from the Texas Works Advisor. They also can request an exemption from participation in the Workforce Orientation Session if attending would increase the risk to their safety.

*\* Families who meet TANF eligibility criteria also meet Medicaid and Food Stamp eligibility criteria, so they are enrolled in those two programs at the same time they are enrolled in TANF. It is*

*important to remember that families may be eligible for Medicaid and Food Stamps whether or not they are in the TANF program. Unlike TANF, Medicaid and Food Stamps for families do not have time limits and work requirement, and financial criteria for these two programs are not as stringent as for TANF. TDHS also determines Food Stamps and Medicaid eligibility for people who are not on TANF rolls and who financial resources are about TANF-eligibility status but are with the Food Stamps and Medicaid criteria.*

After families are enrolled in TANF, they must participate in employment services through their local workforce development program (under the authority of their local Workforce Development board) and must cooperate with the Attorney General Office's Child Support staff to collect child support. If a TANF recipient does not meet the requirements of the employment services program or does not cooperate in the child support enforcement process, the respective agency recommends that they be sanctioned. **TDHS is responsible for imposing sanctions**, which are deductions from the family's monthly cash payment.

TDHS can provide families that meet TANF eligibility requirements but do not sign up for TANF a one-time cash payment of \$1,000 to meet family emergency needs (car or housing repairs, etc.). This is called the One-Time Assistance to Needy Families (OTANF). Recipients of the OTANF are not required to participate in employment services, collect child support, or meet other TANF participation requirements. Families who accept this one-time cash payment must wait twelve months before they are eligible to sign up for TANF or other OTANF.

When families come into a TDHS office to apply for TANF, staff offer to help them find employment rather than applying for TANF. Most TDHS offices have lists of local jobs and information about community services.

#### **ATTORNEY GENERAL'S OFFICE - CHILD SUPPORT DIVISION**

Once TDHS has certified a family as TANF-eligible, the case is referred to the Child Support Division of the Attorney General's Office unless TDHS has granted a good cause exemption to the child support collection requirement. **The Attorney General's Office cannot grant exemptions from child support enforcement.** OAG TANF responsibilities are child support enforcement:

- Gather relevant information from the mother;
- Establish paternity;
- Locate and gather relevant information from the father;
- Recommend child support to court;
- Recommend sanctions if the mother does not cooperate; and
- Upon mother's request, keep information about her location confidential in child support registries.

When the Child Support Enforcement staff begin working on a case, they will contact the custodial parent for information about the location of the father of the children receiving TANF. If paternity has not been established, they will ask the mother to assist in that process. On forms the mother will receive by mail, there is a question that asks if domestic violence may be a problem in the child support collection process.

In making arrangements to collect child support, the father of the children receiving TANF will be sent papers notifying him of a court hearing where child support will be ordered. **The address of the children's mother often is on the papers sent to the father.** The mother is expected to appear at the hearing. If domestic violence is or has been a problem, the Child Support staff can arrange for her not to meet face-to-face with the father during the proceedings. The father is not required to attend the hearing. As part of the child support order, **fathers are routinely granted child visitation rights.** Mothers can request that the court not grant visitation rights prior to the hearing, and they can appeal a visitation order within three days. **Women must have a private attorney to make special requests of the court not to grant visitation to the father or to appeal the court's visitation order.** The Attorney General's Office represents the state and cannot represent the parent in court.

Federal law requires states to keep a registry of child support cases and to share this information with the federal child support registry. If a custodial parent wants to collect child support but does not want the noncustodial parent to be able to locate them through the federal or state child support registries because of former domestic violence, **the Attorney General's office can flag the custodial parent's case file so that the address, telephone number and other information revealing her location is kept confidential in the registries.** Women must request that their case be flagged so that information allowing her to be located will be kept confidential in the federal and state child support registries. They must present Child Support staff with a copy of a protective order or other court document relative to domestic violence, or they can sign an affidavit by the Child Support staff if court documentation is not readily available.

If a woman does not cooperate with the Child Support staff when asked for assistance in establishing paternity or collecting child support from the children's father, they are likely to cite her for noncooperation and recommend to TDHS that she be sanctioned. If a woman tells the Child Support Enforcement staff that she is afraid for her own or her children's safety if child support is pursued, they can refer her back to the TDHS office to request an exemption from TANF's child support collection requirement.

## **TEXAS WORKFORCE COMMISSION AND LOCAL WORKFORCE DEVELOPMENT BOARDS**

The TANF program at TWC and Local Workforce Development programs is called **Choices** (formerly the JOBS program).

TWC is responsible for employment services for TANF recipients and develops regulations that provide general parameters within which local employment programs work so they will be in compliance with state laws and federal laws and regulations. TWC also provides information and technical assistance to local workforce programs.

The State of Texas is divided into 28 workforce development areas, each headed by a local Workforce Development Board (WDB). Each WDB is responsible for developing policies and implementing strategies to move TANF recipients into employment as quickly as possible, honoring the state's "Work First" philosophy. **These local boards have been given extensive flexibility to set priorities and select policies and implementation strategies that fit the local needs and demands**

**in the areas they serve.** Most WDBs contract with private providers to implement the local programs. Each WDB is responsible for ensuring that participation rates for TANF recipients are met within their geographic area. Local WDB's TANF responsibilities:

- Provide Employment Services Program
  - Employment planning
  - Job search
  - Employment preparation activities (type and scope optional with local Board)
  
- Provide support services
  - Child care
  - Transportation
  - Domestic Violence, Mental Health, and Substance Abuse Services (local Board option)
  - Education and technical skills training (local Board option)
  
- Grant Good Cause Exemptions from participation in Employment Services
  
- Recommendation sanctions to failure to meet participation requirements

WDBs or their contractors create **local workforce centers** where clients are served. The workforce centers provide a wide range of services to assist employers in finding qualified job applicants and assist individuals in job search and other employment services. They also contract for or provide support services and training to help families with problems that are employment barriers to overcome the problems so they can gain and maintain employment.

### **Employment Services to TANF Clients**

As part of the TANF application process, the applicant must attend a Workforce Orientation Session before then can be deemed TANF eligible. **If an applicant is a domestic violence victim and attending the Workforce Orientation Session would threaten her safety, either the TDHS Texas Works Advisor or local workforce center staff can exempt her from participating in this session.**

At the orientation session, the applicant is given a written appointment letter or notice, telling her when and where she is to go for the Employment Planning Session at a workforce center after she is TANF-certified. In most places, the Employment Planning Session is within two to three weeks after the recipient is certified as TANF-eligible.

The parent enters the Choices program by going to a local workforce center for an Employment Planning Session, where Choices staff begin employability planning to assist the recipient in getting a job. In general, single parents are expected to start participating in work or work-related activities 20 hours per week immediately after the Employment Planning Session.

Most TANF recipients will be required to begin searching for a job immediately and will be held responsible for making a designated number of employer contacts per week. If they do not find a job within a reasonable time period, they may be placed in Short Term Employment Preparation Activities, which include the following:

- Education (adult basic education, remedial education, GED, etc.)
- Job skills training
- On-the-job training
- Unpaid work experience
- Life skills/survival skills training

They also may be placed in subsidized employment or volunteer work activities. As soon as they complete any of these activities, job search is renewed.

**Local Workforce Development Boards have the option to include special services** in areas such as domestic violence, substance abuse, or mental health as employment related activities if the services are necessary before a woman can succeed in employment, training, or other activities. Each local Workforce Board makes decisions about what activities will count for participation in employment services.

**Active participation in the Choices program is required unless the recipient requests and receives a good cause exemption from employment services.**

TWC has approved good cause reasons for not participating for a person who:

- Is temporarily ill or incapacitated.
- Is incarcerated or has a court appearance.
- Is the parent or caretaker for a child under the age of 6 (She shall not be required to engage in employment services more than 20 hours per week. This good cause exemption does not apply for parents who have not completed high school or its equivalent.).
- Cares for physically or mentally disabled child at home.
- Demonstrates that no transportation is available or there is a breakdown in child care arrangements.
- Lacks of other necessary support services and participation are not deemed possible without such services.

- Receives a job referral that results in employment that pays below minimum wage, except for work-related training or on-the-job training.
- Finds no available jobs within reasonable commuting distance (round-trip commute from home to the job requires more than two hours, or the distance prohibits walking and transportation is not available).
- **Has a family crisis or family circumstance that precludes participation, including being a victim of domestic violence. The recipient is expected to engage in problem resolution through counseling and supportive services. Good cause for domestic violence purposes shall be temporary and re-evaluated within three months and not extend beyond a total of 12 months for domestic violence purposes.**

Failure to participate in work activities, without good cause, will result in immediate sanction for all non-exempt recipients. **Victims of domestic violence can request a good cause exemption from participation in Choices employment services if participation would threaten her or her children's safety because of domestic violence or if her abusive partner prevents her from holding a job or attending training. The request can be made at the Employment Planning Session or at other appointments with Choices staff.** As verification of domestic violence, TWC rules accept the woman's statement that domestic violence causes safety risks for her or her children or will keep her from holding a job. If granted a good cause exemption from employment services, she must request an extension of the exemption if more time is needed when the original exemption expires. Unless the exemption is extended, she must go to the workforce center and participate in employment services immediately at the end of the exemption period or she will be sanctioned.

### **Welfare-to-Work Programs**

All Workforce Development Boards are funded for the Welfare-to-Work program, which works in coordination with the TANF program and can serve both current and former TANF recipients. **The purpose of the Welfare-to-Work program is to provide services to individuals that have most difficulty gaining or maintaining employment and leaving or staying off welfare rolls so they can overcome their barriers to employment and keep a job.**

The primary target groups for Welfare-to-Work assistance are those who are long-term TANF recipients and are about to reach their time limits and recent TANF enrollees who have characteristics associated with long-term welfare dependence. Welfare-to-work funds also can be used with people who have left TANF and are employed but are at high risk for quitting or losing a job because of personal or circumstantial problems. The majority of funds are earmarked for individuals with two of the following three likely barriers to successful employment: lack of a high school diploma or GED and low reading or math skills; substance abuse problems; and poor work history, meaning they have not worked 3 consecutive months in the past 12 calendar months. The remainder of the Welfare-to-Work money goes for services for individuals that have conditions or circumstances that often are barriers to long-term employment, including but not limited to:

- Dropped out of high school
- Teenage pregnancy
- Poor work history
- Physical disability or chronic illness
- Lack of reliable transportation
- Limited English proficiency
- Lack of life and coping skills
- Inadequate technical/vocational skills

- Learning disability
- **Victim of physical, mental, or verbal abuse**
- Low self-esteem
- Older worker
- Substance abuser
- Criminal offender
- Victim of domestic violence
- Lack of affordable child care
- Long-term poverty
- **Condition in household that discourages employment**
- No work history in the household
- Mental illness
- No employment opportunities in the community
- Child in household with infant or who is pregnant
- Homeless

Based on the policies of the local Workforce Development Board, women may be identified as needing services to address one or more conditions that are barriers to employment and be engaged in those service before they begin a job search or employment activities. However, a Board may elect to wait until the person is working and then offer the services in conjunction with her employment. It is more likely that a woman will be able to get Welfare-to-Work services if her need for them is identified while she is still working with a Choices case worker and that **case worker includes in her employment plan that she will receive specified services or assistance that she needs to stay in her job.**

Workforce Development Boards contract with local service providers to deliver services for the Welfare-to-Work program. This usually is done through a Request for Proposal. Samples of the types of services for which local Boards have contracted are:

- Substance abuse
- Mental health
- Physical health
- Domestic violence
- Education (i.e., GED, literacy)
- Technical/vocational training
- Mentoring
- Job readiness
- Counseling
- Job development

Often local Boards will pay for child care and transportation if Welfare-to-Work services are necessary for the women to overcome barriers to long-term employment.

### **Employment Retention and Advancement Programs**

In addition to Welfare-to-Work funding, local Workforce Development Boards receive Workforce Investment Act funds directly from the federal government. Welfare-to-Work funds and Workforce Investment Act funds can be used for similar and sometimes overlapping purposes. A key difference is that the Workforce Investment Act funds offer local workforce boards the opportunity to elect to fund more intensive and extensive technical training and education so that workers can move into jobs that pay living wages. **Workforce Investment Act funds can be used for people on welfare and for other low-income families who need skills development or other services so they can advance in employment and earn better wages, depending on local Board decisions about policies and priorities.**

Local Boards have the flexibility to decide who will be served with the Workforce Investment Act funds and what services, training, or education they will pay for with each group. The funds could be used for a college education for some people, intensive job training or skills upgrading for others, and extensive job readiness and literacy activities for others. The local workforce boards will contract with private providers, who must be certified as eligible providers if they are to be paid with Workforce Investment Act dollars. Community colleges and institutions providing apprenticeship training are automatically eligible to provide education or training. Other providers must meet the state's and local board's criteria for performance-

based accountability.

Local Workforce Development Boards have very wide discretion in use of Workforce Investment Act funds. To date, very little funding from any sources in Texas have gone into extensive education and training that will prepare low-skilled people to earn living wages and advance in employment in today's job market. **These funds can be used to provide many low-income people the opportunity to get extensive education and training which has not been available to them before, if local boards decide to use these funds for such purposes.**

## **SUPPORT SERVICES AND BENEFITS FOR TANF RECIPIENTS**

Families who enroll in TANF are simultaneously certified for certain other types of assistance. Additional support services may be provided when necessary for a parent in a TANF family to seek employment or participate in other mandatory TANF activities.

### **Medicaid**

TANF recipients (parent and child) are automatically enrolled in the Medicaid program, except in very rare cases when they may have some other means to pay for health care.

### **WIC**

When applying for WIC, families will automatically be deemed eligible for WIC if they provide proof of their enrollment in TANF, Medicaid or Food Stamps. The WIC program serves pregnant women, breastfeeding women, postpartum women, infants and children younger than age 5. The WIC program provides nutritious foods, nutrition education, health screenings, and immunizations for infants and children less than 5 years of age.

### **Food Stamps**

Families are enrolled in the Food Stamp program at the same time they are certified to receive TANF.

### **Child Care**

Child care will be paid for when necessary for a TANF participant to look for employment, hold a job, or engage in other employment services activities as directed by Choices staff. Child care is provided through Child Care Management Services (CCMS) contracted providers, who are local child care agencies. The CCMS will allow parents to choose from among those providers. Parents can elect to receive child care services from a provider outside the CCMS system if they meet certain CCMS requirements, which are available through a CCMS office. Parents also can have subsidized self-arranged care when certain relatives of the child provide it. The local workforce or CCMS office will provide the criteria for self-arranged care.

### **Transportation**

Transportation assistance may be provided for TANF participants in job search, employment, or education and training programs if they do not have other transportation. Transportation services or assistance usually include but are not limited to the following:

- Vouchers for mass transit services (urban and some rural counties)

- One-time expenditure for car repairs, car registration fees, and car insurance
- Driving examination and driver's license fees
- Monthly gas allowance (rural counties: subsidized at the state rate of \$.28 per mile; maximum allows will differ according to the size of the service area)
- Child care transportation (available for child care either through services provided by the facility or through a voucher system for subsidized transportation services)

Each local Workforce Development Board decides the specific nature of the transportation services and benefits provided to TANF recipients.

### **Child Support**

If child support is collected for a custodial parent who is receiving TANF benefits, she gets to keep \$50 per month, and anything collected above that amount is turned over to the state.

### **Other Services and Benefits for TANF Recipients**

Depending on the policies adopted by each Workforce Development Board, additional support services may be available as necessary to remove employment barriers so that TANF recipients can get and keep a job. A local board may contract with local providers in areas such as alcohol and drug addiction, mental health, physical health, or domestic violence services. Contact local workforce agencies to find local policies.

### **Earned Income Disregard**

In 1999, the Texas Legislature passed a law that allows most women moving off TANF and into employment to continue to receive TANF cash benefits for their family during the first four months of their employment. This program is called **earned income disregard** because in calculating whether the family meets the income eligibility requirements to receive TANF, the first \$120 and 90% of the remainder of the woman's monthly salary are disregarded during her first four months on the job. With this amount of monthly income disregarded, most women who have left TANF and become employed would not be earning enough to put them over the income limits for TANF eligibility.

### **Transitional Benefits for TANF Families**

Texas laws and policies provide certain transitional benefits for one year for families who move off TANF and into a job. So long as they stay employed during the first year, they keep the Medicaid and child care benefits that they had while enrolled in TANF.

**Medicaid:** So long as she stays employed, in the first year after leaving TANF rolls, the mother's and the children's Medicaid health coverage continues unless her employee pays for health insurance. After one year of employment, the mother cannot continue to receive Medicaid (unless she loses her job and returns to TANF). The child can continue Medicaid after the transitional year if their age and the family's income and

resources make them Medicaid-eligible.

**Child Care:** In the first year of employment after leaving TANF rolls, families receive one year of child care. After the first year of employment, the children may be eligible for subsidized child care if the family is income eligible.

### **Tuition Waivers**

Tuition and fees may be waived at any public college, university, or community or junior college for young people whose family was enrolled in TANF for at least six months during their senior year in high school. Additional information about this tuition and fee waiver is available from local TDHS offices and should be available through high school counselors and public higher education institutions.

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