

DEPARTMENT OF HUMAN RESOURCES FAMILY INVESTMENT ADMINISTRATION	TEMPORARY CASH ASSISTANCE MANUAL	
NON-PARENT CARETAKER RELATIVES 303	COMAR 07.03.03.06	TECHNICAL ELIGIBILITY 300

303.1 NON-PARENT CARETAKER RELATIVES

Non-parent caretaker relatives are a specific group of people who accept responsibility to provide care and guidance to a minor child of a relative.

303.2 RELATIONSHIP

- A. A child must live with a relative in order to receive assistance. The relative may or may not be the parent of the child.
- B. The child's relationship to the non-parent caretaker relative may be by blood, adoption or marriage.
- C. Include related siblings in the assistance unit, even if one or more of the siblings is not related to the caretaker relative
- D. There is no limit to the degree of relationship (cousins, great, etc).
- E. Verification of relationship **is not required** unless questionable.

REMEMBER: It is important to enter the correct relationship code on CARES.

303.3 ASSISTANCE UNIT

- A. The non-parent caretaker relative may or may not be included in the assistance unit.
- B. If the caretaker is:
 - 1. Needy and requests assistance for her/himself, **include** that caretaker on CARES for the TCA assistance unit.
 - a. The payment process for these families is transparent to the local departments. When CARES is coded correctly, the assistance unit is paid the correct TCA grant amount.

EXAMPLE: A needy grandmother receives TCA for 3 grandchildren. The TCA grant amount for 3 children is \$565. The total grant would be \$565 plus \$119 (the incremental portion for 1 which is the difference between TCA for 4 and TCA for 3 - \$684 - \$565 = \$119). The total amount paid to the family is \$684.

- b. The income and resources of the caretaker are still considered when determining if the caretaker is needy.

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- c. When the caretaker's income exceeds the TCA grant for one person, the caretaker is not considered needy and is excluded from the assistance unit.
 - d. When the caretaker is included, all of the caretaker's minor children **must** also be included unless receiving SSI.
 - e. If the caretaker's children are included in the assistance unit, the grant is paid following the FIP schedule for the household size.
2. Not needy and does not request assistance, **do not include** that caretaker in the TCA assistance unit.
 - a. When the caretaker is not included, the caretaker's minor children **must not** be included in the assistance unit unless the caretaker receives SSI.
 - b. If the caretaker receives SSI and caretaker's children are included in the assistance unit, the grant is paid following the FIP schedule for the household size.
- B. If other children related to each other or to the caretaker relative move into the non-parent caretaker's home, they can be added to the existing assistance unit.
- Only one assistance unit can be established and paid TCA with the same relative acting in place of the parent.
- EXAMPLE:** Ellen Arnold receives TCA for her niece, Sasha. Sasha's parents are Annette Arnold (Ellen's sister) and William Bould. Sasha's sister, Kia moves into the home. Kia's parents are Bernadette Read and William Bould. Because Sasha and Kia have the same father, Kia can be added to the TCA grant.
- Kia's relationship code on CARES is "NN" – the same as Sasha's.
- C. When the parent of a child living with a non-parent caretaker moves into the caretaker's home:
1. The non-parent caretaker is not eligible for assistance for the child or as a needy caretaker.
 2. The caretaker's case is closed.

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3. The parent of the child can apply and eligibility would be determined based on his/her meeting all technical and financial requirements.
4. The caretaker may be the payee of the TCA grant.

EXAMPLE

Ms. Joyce's granddaughter has been living with her for four years. Her mother dropped her off one day and never came back. Ms. Joyce receives TCA for her granddaughter because she needed help financially with her granddaughter's care.

After four years, the child's mother came back. With nowhere else to go, Joyce allowed her to stay with them.

Ms. Joyce's TCA case for the grandchild must be closed.

The child's mother can apply for TCA herself and the child and Ms. Joyce could be the representative payee for the TCA grant.

- D. Needy non-parent caretaker relatives who are: technically ineligible, an illegal or undocumented immigrant, a fleeing felon, a parole violator, or were convicted of a felony after July 1, 2000 that involved a controlled substance while receiving cash assistance and the conviction was within the last 12 months **cannot be included** in the assistance unit and their income or assets **are not** countable.

303.4 ABSENCES

As with any other assistance unit, the non-parent caretaker must report absences as required in Section 300 of this manual.

303.5 CITIZENSHIP

- A. Non-parent caretaker relatives included in the assistance unit **must** provide proof of citizenship for Medical Assistance. .
- B. Non-parent caretaker relatives not included in the assistance unit **are not required** to be citizens, however, they **may not** be illegal immigrants and **must** provide a social security number for CARES processing.

303.6 RESOURCES and ASSETS

- A. If the non-parent caretaker **is included** in the assistance unit, count all resources and assets according to Section 901 of this manual (toward the room and board portion of the benefit only)

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- B. If the caretaker **is not included** in the assistance unit, **disregard** all resources and assets of the caretaker and any of her/his minor children.

303.7 EARNED and UNEARNED INCOME

- A. If the non-parent caretaker is:
1. **Included** in the assistance unit, count all income according to Section 902 and 903 of this manual as income for the caretaker and the caretaker's children only.
 2. **Not included**, disregard all income of the caretaker and caretaker's children.
- B. A non-parent caretaker relative receiving SSI **may not** be included in the assistance unit.
- C. When the caretaker has income, the case manager must determine if not including or removing the caretaker from the assistance unit would be more beneficial to the family.
- D. The TCA grant for the children should never be less than the full amount for the number of children unless the children have income.
- Needy caretaker receives assistance for 2 nieces. The needy caretaker works 1 day per month and receives \$50.
 - \$50 x 40% earned income disregard = \$20.00
 - \$50 earnings-\$20 earned income disregard = \$30.
 - Room and Board benefit for 3 people (2 children + one) = \$574
 - \$574 (grant for 3) -\$453 (grant for 2) = \$121 caretaker's incremental portion
 - \$121-\$30 (countable earnings) = \$91 would be the caretaker's incremental portion
 - \$453 + \$91 = \$544 TCA benefit for the family.

NOTE: In most cases when the non-parent caretaker included in the assistance unit income, it benefits the family more if the caretaker and all related minor children

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are removed from the assistance unit. A grant would be paid for the other related children remaining in the assistance unit.

CALCULATION EXAMPLE:

An aunt receives TCA for herself, her daughter and her two nephews. The aunt starts working part-time 20 hours a week at \$8.10 per hour = \$162 per week. The difference between the TCA grant amount for 4 (\$684) and 2 (\$446) = \$238. It is more beneficial for the family to remove the aunt and her daughter from the grant and pay TCA for the 2 nephews only.

- \$162 per week x 4 weeks = \$648
- \$648 X 40% earned income disregard = \$259 income to be disregarded
- \$648-\$259= \$389 net countable income
- The incremental portion of the TCA grant for the caretaker and the caretaker's child is \$238.
- The caretaker's income (\$389) exceeds the incremental portion (\$238).
- The caretaker and the caretaker's child would be removed from the TCA grant.

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CARES NOTE: CARES does not calculate the caretaker's income correctly and applies the caretaker's income to the full TCA benefit. Case managers must do an off-line calculation to determine whether the caretaker's income exceeds the incremental portion of the TCA for the caretaker or does not exceed it.

- If the income is less than the incremental portion, CARES will process the calculation correctly for both TCA and FS.
- If the income is more than the caretaker's incremental portion, the case manager must close the caretaker relative off the TCA case and add the caretaker's income to CARES so Food Supplement Program benefits the household receives will be calculated properly.

303.8 LUMP SUM

- A. When a lump sum is received and the non-parent caretaker and any of his/her minor children are included in the assistance unit,
1. Use the portion of the TCA grant amount for the assistance unit that includes only the **non-parent caretaker and his/her minor children** to calculate the months of TCA ineligibility. The other related children are not considered in calculating the months of ineligibility.
 2. Follow the calculations instructions found in Section 909 of this manual.
 3. Remove the non-parent caretaker and his/her children from the TCA grant; leaving only the other related children as the TCA assistance unit.
- B. **Disregard** any lump sum received by the non-parent caretaker not included in the assistance unit.

EXAMPLE:

Janice Wilson receives TCA for herself, her 2 children and her nephew (\$684). Ms. Wilson calls to report that she received a \$3800 settlement from a car accident.

TCA for 4 = \$684

TCA for 1 (nephew) = \$255

\$684-\$255 = \$429 incremental portion of the TCA grant for Ms. Wilson and her 2 children

\$3800 / \$429 = 8 months of ineligibility for Ms. Wilson and her children.

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Ms. Wilson and her children are removed from the TCA grant, leaving the nephew eligible for a TCA grant of \$255 (grant for 1).

303.9 PPI

- A. Children in a non-parent caretaker assistance unit (whether the caretaker is included in the assistance unit or not) must meet the preschool health and school requirements in Section 600 of this manual.
- B. Disallowances are imposed for children not meeting the requirements.
- C. Children and non-parent caretakers included in the assistance unit are eligible for the \$20 annual health bonus.

303.10 SUBSIDIZED HOUSING

- A. Non-parent caretakers **included** in the assistance unit
 - 1. **Are not required** to verify housing type, but
 - 2. Have **\$60 deducted** from the grant as if the housing were subsidized **if it is not verified**.
- B. Non-parent caretakers **not included** in the assistance unit
 - 1. **Are not required** to verify housing type and
 - 2. **Do not** have \$60 deducted from the grant if living in subsidized housing.

303.11 TIME LIMITS

When counting the number of months of TCA benefits received, **do not count** any month in which the individual is a non-parent caretaker relative in the assistance unit and has no natural or adopted children of his/her own in the unit.

303.12 WORK PARTICIPATION

- A. Non-parent caretakers not included in the assistance unit **are not** subject to work requirements.
- B. Needy non-parent caretakers in the assistance unit with no children of their own included in the grant are **exempt** from all work requirements.

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- C. **Do not** sanction a needy non-parent caretaker for not participating in a work program for which she/he volunteered.
- D. Needy non-parent caretakers with minor children of their own in the assistance are subject to the work requirements in Section 400 of this manual and are subject to sanction.
- E. The following children in the assistance unit (whether or not the non-parent caretaker is included in the grant) must be engaged in a work activity:
1. Teen parents with no high school diploma that are not enrolled full-time in school;
 - They are sanctioned for non-cooperation with school requirements.
 - Their work activity is school - no exemptions.
 2. Teens, ages 16 and 17 with no children in the assistance unit and with no high school diploma, who are not enrolled full-time in school
- F. The children listed in E above who do not meet the work or school requirements are subject to an individual sanction.
- G. Children under the age of 16 in a non-parent caretaker case are exempt from work participation.
- H. Full-time students who are to graduate during the year of their nineteenth birthday
1. Are not required to be in a work activity. School is their activity.
 2. If they are not enrolled in and attending school, they are ineligible for TCA.
- I. Children who are 18 years old with no high school diploma or GED and who are not enrolled full-time in school are not eligible.

303.13 CHILD SUPPORT

- A. Non-parent caretakers whether included in the grant or not **must** cooperate with child support as required in Section 500 of this manual.
- B. If the caretaker (whether included in the assistance unit or not) fails to cooperate with child support without good cause:

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1. At application:

If the household is mixed with the caretaker's children and other related children, the case manager must determine who the caretaker failed to cooperate with child support for.

- a. If it is all the children, deny the application.
- b. If the caretaker cooperates for his/her own children, but not the other related children, open the case for the caretaker and his or her own children but **do not include** the related children.
- c. If the caretaker cooperates with Child Support for the related children, but not his or her own children, open the case for the related children only.

EXAMPLE:

Charlene North applies for TCA for herself, her 12 year-old daughter and her 5 year old grandson. Ms. North agrees to file for child support for her daughter but decides not to file for her grandson. If all other technical and financial eligibility requirements are met, a case is opened for Ms. North and her daughter only.

If Ms. North requests assistance for her grandson at a later date, and agrees to file for and cooperate with child support, the grandson is added to the assistance unit.

2. Ongoing cases:

If the household is mixed with the caretaker's children and other related children, the case manager must determine who the caretaker failed to cooperate with child support for.

- a. If it is all the children, follow the steps below for conciliation and sanction
- b. If the caretaker cooperates for his/her own children, but not the other related children follow conciliation and sanction procedures below for the other related children.
- c. If the caretaker cooperates for the other related children, but not his/her own children and a full-family sanction is imposed, open a case for the other related children only.

C. Conciliation and Sanction (See section 1004 of this manual for additional information)

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1. Send a Notice of Non-Compliance.
2. If it is the first instance of non-cooperation, allow a 30-day conciliation period.
3. If it is the second or more instance of non-cooperation, do not allow a 30-day conciliation period.
4. If the caretaker does not have good cause and continues to be non-cooperative, a full-family sanction is imposed and the case is closed. The case remains closed until the caretaker cooperates or good cause is established.

EXAMPLE:

Lorraine South receives TCA for herself, her 2 daughters and her 2 nieces. On September 8 the local department is notified that Ms. South did not keep two appointments with Child Support to discuss her daughters' absent father. This is the first time Ms. South has not cooperated with Child Support and she is allowed a 30-day conciliation period.

The case manager phones Ms. South twice and leaves messages both times on her answering machine. Ms. South does not respond. On September 12 a Notice of Non-Compliance (NONC) is mailed – still no response. On October 11 a Notice of Adverse Action (NOAA) is sent and a full-family sanction is imposed when the adverse action period expires.

Ms. South and her daughters are removed from the grant with the correct CARES sanction code. Her two nieces are still eligible and remain on the TCA grant with Ms, South as the payee.

303.14 DISABLED CARETAKER RELATIVES

- A. Disabled non-parent caretakers **are not** referred to Disability Entitlement Eligibility Program (DEEP) formerly Disability Entitlement Advocacy Program (DEAP).
- B. Refer disabled children in a non-parent caretaker relative case to DEEP according to procedures outlined in Section 800 of this manual.
- C. If the non-parent caretaker **does not** cooperate with DEEP (whether included in the grant or not) on behalf of the children, the case is subject to sanction as outlined in the above referenced manual section.

303.15 SUBSTANCE ABUSE

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- A. Non-parent caretaker relatives are **exempt** from participation in substance abuse treatment and services.
- B. **Exclude** non-parent caretaker relatives who were convicted of a felony after July 1, 2000 that involved a controlled substance while receiving cash assistance and the conviction was within the last 12 months from the TCA assistance unit.
- C. Non-parent caretakers may volunteer for treatment and services.
- D. **Do not** sanction non-parent caretakers for failure to participate in any treatment or services for which they have volunteered.

303.16 WELFARE AVOIDANCE GRANT (WAG)

Follow the local department's Standard Operating Procedures for WAGs with the following notations:

- A. If the non-parent caretaker relative has minor children of his/her own and they do not receive TCA, but there are other related children in the home receiving TCA, **exclude** the other related children and their TCA grant when processing a WAG.

EXAMPLE:

Virginia Torres is applying for TCA for herself, 12 year-old son and 9 year-old daughter. She receives TCA for her children's 2 cousins. Ms. Torres recently had surgery and exhausted all leave from her job. She expects to return to work in 6 weeks.

After a complete assessment, the case manager determines that a WAG would help this family better than TCA. A WAG for \$2405.30 is approved.

Ms. Torres and her children are ineligible for TCA for 6.8 months ($\$2405.30 / \$352 = 6.8$ months). Remember that CARES counts any portion of a WAG as a full month.

A full TCA grant for 5 people is \$805.

A grant for 2 people (2 cousins) = \$453

$\$805 - \$453 = \$352$ incremental portion of the TCA for Ms. Torres and her two children

Ms. Torres continues to receive TCA for her children's 2 cousins of \$453.

- B. In cases where a non-parent caretaker relative **with no minor children of his/her own** is receiving TCA for other related children, the case manager must

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thoroughly explain the family's ineligibility for TCA for the period covered by the WAG. This allows the caretaker to make an informed decision whether to receive a WAG or continue receiving TCA.

303.17 EMERGENCY ASSISTANCE to FAMILIES with CHILDREN (EAFC)

Follow the local department's Standard Operating Procedures for EAFCs.

303.18 INTERIM CHANGES

Follow the procedures provided in Section 213 of this manual.

303.19 REDETERMINATIONS

Follow the procedures in Section 214 of this manual. Case managers should assist non-parent caretaker relatives as much as possible. **Do not require** a face-to-face interview. Phone interviews, if necessary, may be completed at times convenient to both the case manager and the caretaker relative.

ADDITIONAL INFORMATION

Provide caretaker relatives with information about and referrals to services they may need including clothing, counseling for themselves or the children, assistance with problems with the school such as poor attendance or children who are failing in school.

In most cases, caretaker relatives provide a service to the children in their care. If not for the caretaker relative the child may be in Foster Care.

When a case manager suspects or has evidence that a child is not being cared for adequately by the caretaker relative (or a parent) or is in danger, that local department's Child Protective Services (CPS) is contacted immediately.