

<b>DEPARTMENT OF HUMAN RESOURCES FAMILY INVESTMENT ADMINISTRATION</b>		<b>TEMPORARY CASH ASSISTANCE MANUAL</b>
<b>CONCILIATION PROCESS - 1002</b>	<b>COMAR 07.03.03.19</b>	<b>NON-COMPLIANCE 1000</b>

### 1002.1 REQUIREMENTS

- A. Non-compliant customers are entitled to one conciliation period (up to 30 days) for each program requirement as described in Section 1000.1 of this chapter. Additional information is available in the WORK BOOK.
- B. Case managers use the conciliation period to:
1. Advise the customer of their non-compliant behavior,
  2. Investigate good cause, and
  3. Discuss with the customer what steps they must take to comply with the requirements.
- C. The case manager must send a Notice of Non-Compliance (NONC) to the customer to advise the customer of their non-compliant behavior.
- The local department may develop its own Notice of Non-Compliance or use the one developed at Central.
- D. Begin the 30-day conciliation period with the date the NONC is mailed.
- Do not mail the NONC and an adverse action letter at the same time
- E. Thoroughly document/narrate all discussions with the customer
- F. If there was a conciliation period **prior to 11/1/98** for non-compliance with work requirements, CSEA or substance abuse requirements, the customer is entitled to a new conciliation period for a new instance of non-compliance with any of these 3 requirements.
- D. Give customers every opportunity to participate in the 30 day conciliation process and comply with program requirements prior to imposing a sanction, however:
- The LDSS may extend the conciliation period up to 90 days, if through no fault of their own, customers want to comply but can not do so within 30 days.
- E. Customers are not entitled to a new conciliation period if:
1. They complete a conciliation period and again fail to comply with the same program requirement

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2. Their case is reopened when a sanction is lifted for compliance
- F. When a customer fails to comply the case manager must investigate good cause.
1. There is no requirement that the conciliation appointment or the investigation of good cause be completed face to face.
  2. For the first instance of non-compliance, case managers should send the Notice of Non-compliance asking the customer to contact them or if the case manager has already talked to the customer the NONC can be used to re-refer the customer to another activity if appropriate.
    - Contact can be in person, by phone, e-mail or other means
  3. If the non-compliant customer is a minor, mail the NONC to the parent or caretaker relative and request the contact with both the minor and the parent or caretaker.
    - Any contact with a minor must be preceded or followed by a call to the parent or caretaker relative or with the relative present.
- G. Send a follow up letter after a telephone conference reminding the customer of the agreements reached and the steps to be taken.
1. The Family Independence Plan (FIP) must be updated and then signed by the customer.
  2. Send a copy to the customer asking the customer to sign and return it.
- H. If the customer does not agree to comply and did not establish good cause, send a 10 day Notice of Adverse Action (NOAA) to reduce the benefit or close the TCA case.
- I. Customers with an Intentional Program Violation (IPV) are not entitled to the conciliation process
- J. All contacts and case actions must be narrated in CARES narration.

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## 1002.2 NOTICE OF ADVERSE ACTION (NOAA)

- A. Send a NOAA no later than the 10th working day before the end of the conciliation period if the household fails to respond to:
1. The NONC, or
  2. Subsequent attempts at contact, or
  3. The customer fails to comply
- B. The case manager may send the 10-day NOAA any time during the conciliation period when the customer refuses to comply.
- The sanction is not effective until the first of the month following the end of the 30 day conciliation period and the 10 day adverse action period
- Example:** If the 30-day conciliation period began on August 10, and the NOAA is sent on August 25, the sanction becomes effective October 1.
- There is a difference between refusing and failing to comply
- C. If the customer refuses to comply, the case manager sends a 10 day NOAA and:
1. Closes the case, or
  2. Removes the individual's needs from the grant amount if the person:
    - a. Fails to comply with substance abuse treatment requirements, or
    - b. Is a minor who does not meet work requirements
- D. CARES adds 3 days for mailing to adverse action time.
- If there are at least 13 days between the date the NOAA was mailed and the 17<sup>th</sup> day before the end of the month the adverse action will take place in the same month

**Example 1:** On March 1, the case manager sends Ms. Young a Notice of Non-Compliance for not complying with her work activity in February. The case manager sent the NONC as soon as she heard from the vendor that

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Ms. Young was non-compliant. By March 17<sup>th</sup>, Ms. Young has not contacted the case manager about correcting the non-compliance and has not made any attempt to get back into her activity. The case manager sends a NOAA to close the case effective April 1. The 30-day conciliation period and the adverse action period end on March 30.

**Example 2:** Mrs. Smith did not comply with her work activity as required for the first time. The case manager sends a NONC on January 10. The conciliation period starts on January 10. January 27<sup>th</sup> is the 17<sup>th</sup> day following the mailing of the NONC and the case manager sends the NOAA stating the case will close February 28<sup>th</sup> for non-compliance with a work requirement. The 3-day conciliation period ends on February 8.

### 1002.3 INSTANCES OF NON-COMPLIANCE

- A. Count instances of non-compliance, not the number of times a person has been sanctioned.
  - In some case records counting the sanctions may be the only way to tell how many times the customer has been non-compliant.
- B. Instances of non-compliance are counted even though the household complies during the conciliation period or during the 10-day NOAA period.
- C. Sanctions are effective the first day of the month following the expiration of the adverse action period.

### 1002.4 TYPES OF NON-COMPLIANCE NOT REQUIRING CONCILIATION

- A. There are **three kinds of noncompliance** with TCA requirements for which the conciliation process is not required. The customer:
  1. Does not comply with the family's FIP/Independence Plan
  2. Refuses or fails to provide needed verification to determine or continue eligibility
  3. Refuses to sign required forms
- B. Give the customer 10 days adverse action time and close the TCA case or if any of these three circumstances occurs at application, deny the application.