

## KANSAS HOPE ACT FREQUENTLY ASKED QUESTIONS

### Food Assistance

#### **Drug felony conviction**

##### **Q. How will my drug conviction impact my food assistance benefits?**

A. In a food assistance household, any individual who is convicted of a felony offense occurring on or after July 1, 2015, which includes as an element of such offense the manufacture, cultivation, distribution, possession or use of a controlled substance or controlled substance analog will be ineligible to receive food assistance benefits until the individual participates in an approved drug treatment program and submits and passes an approved drug testing plan. A second drug-related felony conviction will result in that individual being ineligible to receive food assistance for their lifetime. The remainder of your food assistance or TANF cash assistance household can get benefits if they are otherwise eligible. The estimated number of cases affected is less than 1 percent.

#### **Child Support**

##### **Q. How many SNAP applicants/recipients will be helped with collecting child support?**

A. DCF will be helping food assistance recipients collect child support, representing an estimated \$8.6 million increase in child support collections by 2018. For caseload data pulled from November 2014, 19,516 cases are estimated to have no child support arrangement. The cooperation with Child Support Services (CSS) will be reviewed at initial application and yearly reviews.

##### **Q. What does “non-cooperation with Child Support mean?”**

A. Non-cooperation means the failure of the applicant or recipient to comply with all requirements set forth in statute, federal regulation and agency policy.

##### **Q. How does “non-cooperation” apply to Child Support?**

A. Children should receive basic assistance from a non-custodial parent. By requiring cooperation of the custodial parent to determine paternity and pursue support, the State is providing an opportunity for these children to rise out of poverty. There may be times when it is not in the best interest of the child to pursue child support and paternity determination. If that is the case, then the family can request a “good cause” waiver. Our first goal is the safety of the child and the family.

#### **Electronic ID Check**

##### **Q. What does it mean when it says that on or after Jan. 1, 2017, DCF will conduct an electronic check of any false information provided on a TANF application? Is this new?**

A. DCF currently uses a multitude of data to conduct electronic checks for false information provided on applications for TANF or other benefit programs administered by the department. Identity is checked currently using different interfaces. Additional identity verification software may also be purchased.

## **Vehicle**

### **Q. What are the changes with the vehicle policy?**

A. When determining eligibility for assistance programs, DCF is to consider one vehicle owned by the applicant for assistance. If there are any additional vehicles (boat, jet-ski, RV, quad, etc.) owned by the applicant, these will be considered non-exempt resources. If there is an additional vehicle in the applicant's household for the primary purpose of earning income, it can be considered as exempt personal property.

## **Non-citizen**

### **Q. How is the income and resources counted for undocumented immigrants?**

A. We are legally prohibited from providing benefits to undocumented immigrants. Since they earn income in Kansas, they should be treated as other citizens when totaling the household income to determine benefit eligibility.

This legislation mandates a change in the treatment of income for food assistance non-citizen household members who are unable or unwilling to provide documentation of their immigrant status.

The USDA suggested the following to clarify illegal non-citizens as persons “unwilling” and “unable” to provide documentation. Persons “unable” include those who may have lost their immigrant papers and do not want to go through the process to obtain them again, as well as persons who are not in the country legally. Persons “unwilling” include non-citizens who do not want to participate in the food assistance program, as well as those that fail to respond to a request for immigrant status or documentation.

This change is an option allowed in the federal regulations and is being adopted to ensure that households with illegal non-citizens are not advantaged over a similarly-situated citizen household.

This change is within the USDA guidelines on how to treat non-citizen income.

Non-citizens who are documented had no change. Their income and deductible expenses are still counted on a pro rata share.

## **ABAWD**

### **Q. What is the work requirement for able-bodied adults?**

A. Individuals 18 to 49, who are capable of work, are not pregnant, and have no dependent children, are required to meet the work program requirements to continue to receive food assistance.

Federal SNAP work requirements were initially implemented as part of the 1996 welfare reform package. The law stated that able-bodied adults without dependent children (ABAWD) would be eligible for SNAP benefits three out of every 36 months unless the person meets the mandated work requirement, which is a minimum of 20 hours per week, or if the person is enrolled in a federally-approved job training program.

## **SNAP Recruitment**

### **Q. What is the change to SNAP recruitment?**

A. The Agricultural Act of 2014 eliminated the use of federal funding for television, radio, and billboard ads. The Act also prohibits the USDA and states from entering into cooperative agreements with foreign government to promote SNAP.

This legislation reflects the federal law prohibiting federal or state funds used for recruitment.

## **Broad-based Eligibility**

### **Q. What is broad-based eligibility? Does Kansas use it?**

A. Broad-based eligibility is a policy that expands categorical eligibility for food assistance to also include households in which all members authorized to receive non-cash or in-kind services from a program that is less than 50 percent funded with State maintenance of effort (MOE) funded benefit.

This bill prohibits the State from adopting the USDA state option of broad-based categorical eligibility (BBCE).

USDA regulations mandate categorical eligibility for TANF and SSI recipients but also allow options for expanded programs. The State does not currently utilize any BBCE.

## **Purchases**

### **Q. What purchases are eligible with SNAP?**

A. The Food and Nutrition Act of 2008 defines eligible food as any food or food product for home consumption and also includes seeds and plants which produce food for consumption by SNAP households. The Farm Bill precludes the following items from being purchased with SNAP benefits: alcoholic beverages, tobacco products, hot food and any food sold for on-premises consumption. Nonfood items such as pet foods, soaps, paper products, medicines and vitamins, household supplies, grooming items, and cosmetics, also are ineligible for purchase with SNAP benefits.

Retailers authorized by the USDA to accept the Kansas Benefits Card are instructed and charged with enforcing what can or cannot be purchased with food assistance benefits.

## **Photos on Kansas Benefits cards**

### **Q. Am I required to have my photo on my Kansas Benefit card?**

A photograph of a recipient on a Kansas Benefits Card issued by DCF, which is used to obtain food, cash or other services, will be placed on the benefits card only if agreed to by the recipient. If the recipient is a minor or otherwise an incapacitated individual, a parent or guardian's photograph can be used instead. A benefits card with the recipient's photograph will be a valid form of identification for voting purposes.

**Q. How many TANF and/or SNAP recipients are expected to agree to have their photo added to their Kansas Benefits card? And is this something they would have to “opt in for” or will have to “opt out of”?**

A. The bill language states a photograph of the recipient shall be placed on the card if agreed to by the recipient. The agency is currently preparing for this option. An implementation date has not yet been determined.

## **Cash Assistance**

### **Time Limit**

**Q. What is the new Kansas TANF cash assistance lifetime limit?**

A. The family group shall not be eligible for TANF if the family group contains at least one adult member who has received TANF, including the federal TANF assistance received in any other state, for 36 calendar months beginning on and after October 1, 1996, unless the Secretary determines a hardship exists and grants an extension allowing receipt of TANF until the 48-month limit is reached.

**Q. Do TANF time limits affect other programs?**

A. As TANF families transition out of the TANF program at 36 months, they may continue to be eligible for food assistance, child care, medical and/or energy assistance. Based upon all closure reasons, 95 percent of our TANF closures do continue to get transitional and/or support services once they leave TANF.

**Q. What is the average time a family stays on TANF cash assistance in Kansas?**

A. The average family stays on TANF for 18 months—never reaching the reduced time limit.

**Q. What are some hardship reasons to continuing receiving TANF for up to 48 months?**

A. Some hardship reasons may include having a disability that precludes employment on a long-term basis or requires substantial rehabilitation, caring for a disabled family member, overcoming the effects of being a victim of domestic violence, involvement with family services, or other hardships as determined by an executive review team on a case-by-case basis.

**Q. Are all cases that have reached 36 months and don't have a hardship losing TANF benefits beginning July 1, 2015?**

A. Ongoing TANF cases without a hardship will be allowed a six-month transition period and may continue receiving TANF until Jan. 31, 2016, unless they reach the current 48 month time limit. Those who have a hardship determined before July 1, 2015, may continue until Jan. 31, 2016, unless they reach 60 TANF months before then.

## **Restricted Locations for TANF cash use**

### **Q. What items cannot be purchased with TANF cash assistance?**

A. TANF cash assistance shall not be used to purchase items, such as alcohol, cigarettes, tobacco products, lottery tickets or sexually-oriented adult materials. The Kansas Hope Act also prohibits the use of TANF cash assistance for concert tickets, professional or collegiate sporting event tickets or tickets for other entertainment events intended for the general public.

No TANF cash assistance would be allowed for use in a liquor store, casino, gaming establishment, jewelry store, tattoo or body piercing parlor, spa, massage parlor, nail salon, lingerie shop, tobacco paraphernalia store, vapor cigarette store, psychic or fortune telling business, bail bond company, video arcade, movie theater, swimming pool, cruise ship, theme park, dog or horse racing facility, or pari-mutuel facility.

Restricted businesses are blocked from allowing the use of the Kansas Benefits Card on their point of sale (POS) machines to make purchases. The blocked businesses are identified based on their merchant category code.

### **Q. Will the Kansas Benefit Card be programmed in a way that prohibits their use in these restricted locations?**

A. Because Kansas uses an Electronic Benefit Card (EBT) to issue cash assistance, DCF is able to restrict the use of the Kansas Benefits Cards at point of sale (POS) devices based on the type of business associated with each device. DCF is also able to monitor and restrict usage at ATMs associated with these restricted locations. To effectively block ATMs, the DCF EBT unit reviews ATM transactions for potential ATM usage at the restricted venues on a quarterly basis. Staff visually verifies and validates that the ATM terminal is associated with a business that requires restriction before blocking the Kansas Benefits Card usage at the ATM terminal.

### **Q. What can I do if I see TANF cash assistance being used for a prohibited purchase or in a prohibited location?**

A. The public may call the DCF Fraud Hotline to report fraudulent or improper use of benefits. That number is 1-800-432-3913.

## **ATM Restrictions**

### **Q. What are the new ATM restrictions?**

A. TANF cash assistance transactions for cash withdrawals from automated teller machines would be limited to one transaction per day.

No TANF cash assistance would be able to be used for purchases at points of sale locations outside of the state.

### **Q. Once someone who's on public assistance withdraws their TANF cash, how would the department know where/how the money was spent?**

A. It is difficult to track how cash is used. Those who suspect fraud should report it for investigation.

**Q. What fees are associated with ATM transactions using the Kansas Benefits card?**

A. Each time the Kansas Benefits Card is used at an ATM the user incurs a \$1 surcharge plus the fee amount associated with the ATM network.

**Q. Are there fees associated with cash withdrawals at other locations?**

A. Each recipient receives two free cash withdrawals at participating Point of Sale (POS) merchants each month. Each subsequent POS cash withdrawal incurs a 40-cent fee. There is never a fee for cash withdrawals at the time of a cash purchase.

**Q. Do other states have similar policies that do not allow certain purchases to be made with TANF cash assistance?**

A. All states have some restrictions. The Federal Middle Class Tax Relief and Job Creation Act of 2012 enacted the provision that TANF cash could not be accessed via a transaction in a liquor store; any casino, gambling casino, or gaming establishment; or any retail establishment that provides adult-oriented entertainment in which performers disrobe or perform in an unclothed state for entertainment.

**Q. What should TANF cash assistance be used for?**

A. TANF cash assistance is to be utilized for the care of children.

**TANF Cash ATM Withdrawals**

**Q. What are the limits on TANF ATM withdrawals?**

A. TANF cash assistance ATM withdrawals are limited to one transaction per day. These limits do not prevent the purchase of money orders to cover such items as rent, utility payments or other store purchases.

**TANF Cash Out of State Point of Sale Purchases**

**Q. What are the limits on TANF cash out of state Point of Sale (POS) purchases?**

A. No TANF cash assistance would be able to be used for purchases at points of sale locations outside of the state.

**Q. Are all my Kansas Benefits Card transactions restricted to in-state only?**

A. Only Point of Sale (POS) TANF purchases are limited to in-state only. ATM usage and SNAP food assistance purchases can be completed out of state.

**Q. What is the TANF Diversion Program?**

A. Effective Dec. 1, 2011, the TANF Diversion Program was created to assist first-time TANF applicant families who are employed, or have a valid offer of employment, who if a one-time payment was given, would not utilize TANF. To be eligible, the TANF benefit that they would have been eligible for cannot be less than \$1,000 for a year. They will also reduce their lifetime TANF time limit by six months. Upon opting for the one-time diversion payment, all adults and any members of their mandatory filing unit (MFU) they are associated with would become ineligible for TANF benefits for a period of one year. All adults in the MFU are required to sign a disclaimer attesting to the fact they have been informed of, understand and accept the conditions of the Diversion Payment as explained in the disclaimer.

Example: A diversion example may include a self-employed truck driver who has his truck break down and needs repairs that are less than \$1,000 but doesn't have the money in savings or means to get the necessary money. Without the repairs his family will lose their sole source of income, but with the repair he can resume his employment and avoid going onto assistance.

**Fraud**

**Q. What happens to benefits for children when fraud has been committed?**

A. Children in the home remain eligible for TANF assistance. In order to ensure that benefits are utilized for the children's needs, a protective payee is to be named to administer the TANF and food assistance benefits.

**Q. How frequently is a household disqualified from receiving benefits because of fraud?**

A. For those cases that did involve fraud, 81 judgments have been obtained from July 1, 2014 through Feb. 27. 2015.

**TANF Eligibility**

**Q. What is a "cohabiting partner"?**

A. Cohabiting partners refer to boyfriends, girlfriends, fiancé, etc. They do not have to have children in common. There is no time frame for which they must have been living together to be considered cohabiting partners. Effective Nov. 1, 2011, households that contain cohabiting partners are no longer treated differently from married couples. Households with married couples or cohabiting partners now require the combined income and resources of the couple to be considered in the eligibility determination.

This combined income will be considered in determining TANF and child care assistance eligibility and benefit amounts.

## **Work Activities**

### **Q. How does DCF help individuals become employed?**

A. DCF provides employment preparation services to TANF cash assistance recipients and to former TANF recipients during the 12-month period following their use of cash assistance. The goal of these services is to provide the opportunities for TANF recipients to advance in the labor market and reach self-sufficiency.

Employment preparation services include:

- Job search
- Job-readiness activities
- Job retention activities
- Job skills training
- Supervised community service
- Education
- Case management
- Work experience

Supportive services are also available to TANF recipients and former TANF recipients transitioning to employment. These services include:

- Transportation
- Child care
- Special services allowance
- Education
- Case management
- Contracted employment services
- Training

### **Q. What are some of the work requirements for TANF participants?**

A. Eligible TANF participants will be engaged in work as soon as they are determined ready through the employment assessment process, but not later than 24 months (non-consecutive) after initial receipt of TANF cash assistance. TANF mandatory work program clients shall actively participate in work components that lead to competitive, integrated employment. Components are defined by the federal government as being either primary or secondary. In order to meet federal work participation requirements, households need to meet at least 30 hours of participation per week, at least 20 hours of which need to be primary and at least 10 hours may be secondary components.

### **Q. What are the consequences of non-cooperation with work programs?**

A. The periods of ineligibility for TANF benefits based on non-cooperation with work programs are:

- three months and full cooperation with work program activities for a first penalty;
- six months and full cooperation with work program activities for a second penalty;
- one year and full cooperation with work program activities for a third penalty; and
- 10 years for a fourth or subsequent penalty.

## **Work Requirement**

### **Q. How do you know welfare to work is effective?**

A. While some choose not to follow through and actively participate, those who do are assisted in employment preparation, job obtainment and retention and support services. From December 2013 through December 2014, 6,029 new employments were reported for TANF clients. As the economy improves and more businesses come to Kansas, jobs are more readily available, especially in high-demand occupations, and fewer find themselves in need of temporary assistance. These stronger work requirements were created to discourage welfare dependency. TANF participation has declined—an indication that more people became employed while others chose not to complete the necessary steps to determine eligibility for TANF, or to go to work.

### **Q. What are work assessments?**

A. Work assessments include the SASSI (Substance Abuse Subtle Screening Inventory) , O'Net et al. (career exploration and job analysis) , Work Key Certificate (job skills assessment), TABE academic assessment (as needed), psychological evaluations (as needed), and medical evaluations (as needed).

### **Q. What is a Work Experience (WXN)?**

A. The Work Experience (WXN) is a tool for TANF clients and SNAP clients in designated counties, with little to no work history or education. Worksites can be developed with public and private nonprofit or for profit organizations. These sites allow the client an opportunity to develop a current work history, establish references for employment seeking efforts, or become employed at the WXN site. Employment Services staff work with the client to select a placement that matches the client's job skills, prior work experience or training, and occupational goals. Physical proximity to the work site will also be considered to reduce transportation barriers and costs. WXN placements must be reviewed after 90 days and are limited to six months per 48 month life time limit. Sites chosen will ideally offer employment opportunities during or at the end of the experience should the client be a successful placement.

### **Q. Why was the exemption for work activities changed from six months to two months?**

A. The policy change went into effect May 1, 2013, in order to be more consistent with maternity leave benefits in the public and/or private sector. The two months are defined as two consecutive months starting with the month after a child is born. This change also allows the parent or other adult caretaker to become engaged in short-term training programs or other employment-related services sooner. Other facts to keep in mind are that single-parent families with a child under age six meet the federal participation requirement if the parent is engaged in work or work activities for at least 20 hours per week in a primary work component. The parent with a child older than three months of age is only participating 20 hours a week if he/she is a single parent. If a parent has health issues that do not allow him/her to participate then they are not requested to do so. If the child is born significantly premature, with serious medical conditions/disability then the parent/caretaker is not requested to participate.

## **Child Care**

### **Q. What are the new child care post-secondary student requirements?**

A. Child care is provided for the pursuit of any degree or certification if the occupation has at least an average job outlook listed in the occupational outlook of the U.S. Department of Labor, Bureau of Labor Statistics. For occupations with less than an average job outlook, educational plans shall require approval of a DCF supervisor. Child care may also be approved if the student provides verification of a specific job offer that will be available to such student upon completion of the program. The student must have a goal of employment in their field of study. The student must maintain a cumulative GPA of 2.0 on a 4.0 scale, and grades must be verified within 30 days of the end of each term. Child care for post-secondary education shall be allowed for a lifetime maximum of 24 months per adult. The 24 months may not have to be consecutive. The student must be expected to complete their educational program within 24 months. Students shall be engaged in paid employment for a minimum of 15 hours per week. In a two-parent adult household, child care would not be allowed if parents are adults and attending a formal education or training program at the same time. The household may choose which one of the parents is participating as a post-secondary student. The other parent shall meet another approvable criterion for child care subsidy.