TAFDC ADVOCACY GUIDE

About MLRI

Massachusetts Law Reform Institute is a statewide legal advocacy and support center. Our mission is to represent low-income people, disabled people and elders in their struggle for basic human needs; to defend against policies and actions that harm and marginalize people living in poverty; and to advocate for systemic reforms that achieve social and economic justice. Our activities include advice, litigation, policy analysis, research, technical assistance and public information.

Acknowledgments

MLRI dedicates this Guide to the low-income children and their families for whom it was written. We thank the advocates for children and families in Massachusetts who help cash assistance applicants and recipients obtain the benefits for which they are eligible and who work to preserve and protect basic benefits for people in poverty.

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Introduction

In 1935, the United States Congress created the Aid to Dependent Children (ADC) program as part of the original Social Security Act. The goal was to help states make it possible for poor children without a parent’s support to live at home rather than in an orphanage. The program became Aid to Families with Dependent Children (AFDC) when Congress extended coverage to the child’s parent or other caretaking relative.

For 61 years, states ran the AFDC program in partnership with the federal government. States had to comply with federal laws and regulations. In particular, states had to provide benefits to everyone who met federal eligibility rules.

The Federal Welfare Block Grant

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (sometimes called the federal welfare reform act) became law on August 22, 1996. The 1996 federal welfare reform act converted AFDC to a block grant—called Temporary Assistance to Needy Families (TANF)—with essentially fixed funding.

The 1996 federal welfare reform act deleted the 61-year guarantee that all children meeting federal eligibility standards will get assistance, and instead allows states to deny aid to any poor family or category of poor families. The act expressly bars states from using federal funds to provide benefits to many lawful immigrants. With very limited exceptions, a state cannot use federal funds for families who have received assistance for five years, and a state can pick a shorter time limit if it wants. The act also subjects states to fiscal penalties unless a specified percentage of assistance recipients participate in federally defined work activities for a specified number of hours each month. States can use state funds not counted towards required state expenditures to cover families the state wants to exempt from strict federal work requirements.
Introduction

The Massachusetts TAFDC Program

In Massachusetts, the agency that runs the family cash assistance program is called the Department of Transitional Assistance (DTA). In February 1995 the Massachusetts legislature enacted a “welfare reform” plan called Chapter 5. Chapter 5 renamed the state’s welfare program Transitional Aid to Families with Dependent Children (TAFDC). Chapter 5 also made sweeping changes to the program, imposing a two-year time limit on benefits and a work requirement for many recipients, a family cap, sanctions for not documenting immunization and for children not attending school, living arrangement requirements for teen parents, and other new restrictions.

DTA began implementing the state’s two-year time limit on December 1, 1996. Thousands of families have lost benefits because of the time limit and sanctions. Nearly 9000 children are excluded from benefits because of the family cap.

Less than half as many needy families receive cash assistance as before welfare reform. Before welfare reform, for every 100 families in poverty, 92 received cash assistance. Now, for every 100 families in poverty, only 34 receive cash assistance. There are more families in deep poverty (income below about $10,000 a year) than families receiving TAFDC.

TAFDC benefits have lost half their value since 1988. The maximum TAFDC grant for a family of 3 is barely a third of the federal poverty level. Massachusetts has also kept a number of rules and benefit restrictions that are no longer required by federal law, including asset limits and assistance unit rules.

Recent and Upcoming Welfare Changes

The Massachusetts legislature enacted another welfare bill in 2014. The bill imposed new limits on TAFDC and gave DTA the option to implement other limits. The bill also made some small improvements to the program. The legislature enacted some additional improvements in 2017 and 2017. DTA has implemented some but not all of the changes. The changes DTA has made are discussed in this edition of the Guide.
How to Keep Up with the Law

**Look up the regulations.** The first thing you need to do is look up the regulations. DTA’s regulations covering TAFDC in Massachusetts are printed in Chapter 106 of the Code of Massachusetts Regulations (106 C.M.R.).

DTA plans to change the regulation numbers this year. Some of the content will also change. In this Guide, we refer to the current regulation numbers for each rule, but this Guide does not include all the rules. And no one can remember all of them—you have to look them up. Also, the rules change faster than we can reissue the Guide. You can find the latest regulations (with the latest numbering) on DTA’s website, www.mass.gov/dfa/regulations, and on the Massachusetts courts website, http://www.mass.gov/courts/case-legal-res/law-lib/laws-by-source/cmr/100-199cmr/106cmr.html.

**You also need to look at DTA policy materials.** DTA posts some policy materials in its Online Guide, available on the DTA website, www.mass.gov/dfa. The TAFDC Advocacy Guide refers to specific pages in the DTA Online Guide. You can find the page by typing the information about the page into the Online Guide search box. Older policy materials we refer to in this Guide are available at www.masslegalservices.org/benefits. In some cases you also need to look at state statutes, and federal statutes and regulations. If you do not have access to these materials, you should check with someone who does. Legal services programs have most of the state and federal materials and have trained advocates who may be able to answer your questions. A list of these programs is in Appendix E.

The online version of this Guide, available www.masslegalservices.org under Legal Advocacy Guides, provides links to the regulations and older policy materials.

This Guide shows that the TAFDC program is complicated. As a result, DTA denies benefits to many eligible people. You can help by learning the rules and explaining them to people in need. You can work with other people to make sure DTA offices follow the rules so that people get the benefits they need for themselves and their children.
Introduction

This Guide also shows that TAFDC rules often hinder the goal of aiding children and families. By joining together, we can change state and federal welfare laws to create programs that better serve the needs of low-income families and actually help families escape poverty.
Part 1  General Eligibility
Rules

1  Who can get TAFDC?

TAFDC covers low-income

- families with children and
- pregnant women.

2  Which families with children can get TAFDC?

A family can get TAFDC if there is a child living with one parent, two
parents, or another relative. 106 C.M.R. §§ 203.580, 203.585.

- You do not have to have custody to get TAFDC for a child. You can
get TAFDC for a child even if someone else or an agency has custody
if the child is living with you. 106 C.M.R. § 203.595(A)(1); DTA

- If two parents share custody or care of a child, either parent may get
TAFDC for the child, but not both. If the parents cannot agree on who
will get the benefits, DTA will decide based on the amount of time
each parent spends with the child and which responsibilities each
parent fulfills. 106 C.M.R. § 203.595(A)(1); DTA Transitions,
3 Can you get TAFDC if neither parent is in the home?

To get TAFDC, the child has to be living with a relative. Besides a natural or adoptive parent, the relative can be

- any other blood or adoptive relative related as closely as first cousins (including aunts, uncles, grandparents, sisters, brothers),
- a stepmother, stepfather, stepbrother or stepsister, step-grandparent, or
- a spouse (or former spouse) of one of the blood or adoptive relatives listed above. 106 C.M.R. § 203.585. See also DTA Online Guide (Relationship); DTA Transitions, July 2016, p. 4; Apr. 2004, p. 2.

**Advocacy Reminders:**

- A non-parent relative does not have to have legal custody or guardianship in order to get TAFDC for a child, see Question 2, unless the child has previously lost TAFDC because of the time limit in another family, see Question 37, or would otherwise be ineligible because of the family cap. See Question 34.

- You can verify that you are a relative with a birth certificate or you can use other documents such as school records. You can also use a signed statement from a knowledgeable person. 106 C.M.R. § 203.585; DTA Transitions, July 2016, p. 4.

- The non-parent relative has the choice of being included in the TAFDC grant or just getting benefits for the children. See Question 32.

- A child who is living with someone who is not a relative may be eligible for Emergency Aid to Elders, Disabled and Children (EAEDC) benefits or foster care benefits.

- If a non-parent relative shares care with a parent and they cannot agree on who will get the benefits, DTA will decide based on the amount of time each caregiver spends with the child and the person’s
Can you get TAFDC if the child is not in the home?

You can get TAFDC for a child (and caretaking relative) if the child normally lives with you but is temporarily absent. This includes situations where the child is visiting the other parent, spends time with the other parent under a shared custody arrangement, is away at school or is in the hospital. It also includes situations where you have voluntarily placed the child in the care of the Department of Children and Families (DCF) or some other person or agency but you are still exercising care and control. 106 C.M.R. § 203.595; DTA Online Guide (Child Out of the Home); DTA Transitions, May 2009, p. 10; July 2006, p. 3.

In general, you cannot get TAFDC for a child who is temporarily absent for more than 120 consecutive days, unless you can show good cause for a longer period. You may be able to show that the absence is temporary because it is for fewer than 120 days. You may have good cause for a longer period if the child is hospitalized or in a residential school but comes home for visits or holidays, or there is a temporary family crisis. DTA recognizes that placement of a child with DCF usually involves a serious family crisis. DTA Online Guide (Child Out of the Home); DTA Transitions, May 2009, p. 10.

How young must children be to qualify?

The child must be either

- under 18, or
Part 1  General Eligibility Rules

- 18 and attending secondary school (or equivalent) full-time with a reasonable expectation of graduating by her or his 19th birthday. 106 C.M.R. §§ 203.570-203.575: DTA Online Guide (Assessed Person Potential Changes Views).

Some children must meet Learnfare rules and DTA says children 16 or 17 must be in school full-time or register for the Employment Services Program (ESP). See Questions 18 and 19.

Advocacy Reminders:
✓ If your child cannot graduate by age 19 because of a disability, ask for a reasonable accommodation. See Question 24.

✓ A child age 18 who has finished high school but is taking an MCAS remedial course is eligible until the child turns 19, takes the MCAS retest, or six months after finishing high school course work (whichever is soonest). See DTA Transitions, July 2004, p. 3.

6 Can you qualify if you are pregnant and do not have a child living with you?

If you are age 20 or older, you are pregnant, and you have no other children living with you, you can get TAFDC—for yourself only—beginning with your third trimester (week 27 or 120 days before your due date). If you are a teen (under age 20), you are pregnant, you have no other children living with you, and you are meeting the teen school attendance requirements, see Question 13, you can get TAFDC—for yourself only—as soon as the pregnancy is verified. 106 C.M.R. § 203.565; DTA Online Guide (Pregnancy).

If you are living with but not married to the baby’s father, his income should not be counted until the baby is born. 106 C.M.R. §§ 203.565, 204.235(c).
You should begin the application process several weeks before your eligibility date in order to get benefits as soon as you are eligible.

**Example**

Carolyn is pregnant and is due on December 16. She can get TAFDC beginning on August 18 (120 days before her due date). She should apply in July.

**Advocacy Reminders:**

- A pregnant woman not yet eligible for TAFDC may be eligible for EAEDC cash benefits if she is disabled.

- Pregnant women at any stage of pregnancy may also be eligible for MassHealth; SNAP (food stamps); WIC (Women, Infants and Children) nutrition benefits through the Department of Public Health, 1-800-WIC-1007; and emergency shelter for families through the Department of Housing and Community Development (apply at your local DTA office).

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### 7 What if you just moved to Massachusetts? What if you are homeless?

You have to live in Massachusetts to get TAFDC, but

- You do not have to have a permanent or fixed address—you can be homeless. You need to show you live in the area covered by the office where you applied. DTA must accept an oral or written statement from someone who knows about your situation, or your own statement.

- Even if you just arrived in Massachusetts, you can qualify—unless you are currently receiving public assistance in another state—if you intend to live here or you came for a job or to look for work.
Part 1 General Eligibility Rules

- Certain temporary absences from the state are allowed. 106 C.M.R. §§ 203.650-203.660; DTA Online Guide (Address, Residence, Temporary Absence).
Part 1 ■ General Eligibility Rules

Advocacy Reminders:

✓ DTA may try to deny you if you came to Massachusetts so you or your child can go to school here or you came for medical care. 106 C.M.R. § 203.650(A). But you should qualify if you intend to live here even if you came to go to school or for medical care. You can show you intend to live here by registering to vote or by making plans to stay after graduation.

✓ DTA may try to close your case if you use your EBT card outside Massachusetts for 75 days. DTA Operations Memo 2013-34 (July 26, 2013). You may have to prove you are a Massachusetts resident to keep your benefits. See DTA Transitions, Sept. 2013, p. 5-6. Consult an advocate if that is a problem for you.

8 What if you are not a citizen?

Some non-citizens are eligible for TAFDC. If you are a non-citizen who is not eligible for yourself, you can apply for your children if they are eligible. There are four groups of non-citizens who meet non-citizen eligibility rules.

■ Refugees and other non-citizens granted special legal status because they are fleeing persecution, including
   persons who entered the U.S. as refugees,
   persons granted asylum after entering the U.S.,
   persons granted withholding of deportation or removal,
   certain Vietnamese Amerasians (generally individuals fathered by U.S. military members during the Vietnam conflict),
   certain Cuban or Haitian nationals who have parole status, an order of supervision, a pending application for asylum, or meet other rules for Cuban/Haitian entrants,
   Afghan or Iraqi military interpreters and their families granted Special Immigrant status, or
Part 1  ■ General Eligibility Rules

- victims of trafficking in human beings.

Persons in this group meet non-citizen rules without any waiting period and whether or not they have become lawful permanent residents.

■ Lawful permanent residents (“green card” holders or “LPRs”) or non-citizens granted humanitarian parole status for at least a year who

- have had lawful permanent resident or parole status for a minimum of five years, or

- previously were refugees or had another refugee group status (see above), or

- have been continuously present in the U.S. (with no long interruptions) since at least August 21, 1996 (even if lawful permanent resident or parole status was granted within the past five years).

■ Veterans of the U.S. military and active duty military personnel who are lawfully residing in the U.S. (even if not LPRs), their spouses, surviving spouses who have not remarried, and their children; and

■ Battered non-citizens who meet certain legal status requirements and were abused by a spouse or parent (and the children or parents of battered non-citizens). See Question 9.


Advocacy Reminders:

✓ A child born in the United States is a citizen regardless of the parent’s immigration status. Citizens also include most people born abroad to or adopted by a U.S. citizen. See DTA Transitions, May 2006, p. 3. If your child is eligible but you yourself do not meet the non-citizen requirements, you can apply for and receive benefits for your citizen child but not for yourself. See Question 33.
Part 1 ■ General Eligibility Rules

✓ For details on how DTA verifies non-citizen status, see DTA Online Guide (Entering Noncitizen Data-TAFDC); DTA Operations Memos 2013-14A (May 2, 2013); 2012-5 (Jan. 23, 2012); DTA Field Operations Memo 2010-36A (Sept. 29, 2010). DTA must give you a reasonable time to provide documentation and should not delay or deny benefits until documentation is provided. St. 2010, c. 131, § 182.

✓ If you are an eligible non-citizen parent, but your child does not meet non-citizen rules (for example, if your child is a lawful permanent resident who entered the U.S. within the past five years), you may be eligible for yourself because you have a dependent child in your care even though the child is not eligible for benefits. 106 C.M.R. § 203.560. See DTA Transitions, Nov. 2002, p. 2; May 2007, p. 3.

✓ A disabled adult who does not meet TAFDC non-citizen requirements may qualify for EAEDC (Elders, Disabled and Children benefits) if he or she meets all EAEDC requirements. DTA Field Operations Memo 2008-43 (Aug. 15, 2008). The EAEDC Advocacy Guide explains EAEDC disability rules and procedures. See www.masslegalservices.org under Legal Advocacy Guides. DTA has not agreed that disabled non-citizen children can qualify for EAEDC but DTA hearing officers have approved benefits for them.

✓ There are different non-citizen eligibility rules for Emergency Assistance (shelter and rehousing services for homeless families) and for SNAP (food stamps). See www.masslegalservices.org under Legal Advocacy Guides for these programs.

✓ If you are a non-citizen, receiving TAFDC cash assistance may make the immigration authorities think you will not be able to support yourself and will become a “public charge” primarily dependent on the government for support. This can be a problem if you are applying for a green card (permanent resident status) or want to leave the U.S. and return. Receiving TAFDC does not by itself make you a “public charge,” but you should consult an immigration specialist before applying for a green card or leaving the U.S. If you are already a lawful permanent resident, receiving TAFDC will not affect your ability to become a citizen. Receiving TAFDC will also not make you a “public charge” if you are a refugee or asylee, have an approved VAWA petition, or hold a U-visa. For more information on public charge, visit the U.S. Citizenship and Immigration Services, www.uscis.gov; the National...
Part 1 ■ General Eligibility Rules


✓ DTA does not count the income of a sponsor unless you actually receive it and does not count sponsor assets at all. DTA Field Operations Memo 2008-65 (Dec. 8, 2008). DTA also does not count sponsor income or assets for SNAP (food stamps) except in a few very special circumstances.

✓ DTA cannot report you to immigration authorities unless you are under a final order of deportation and you show DTA a copy of the final order. 106 C.M.R. § 203.675. You can choose not to provide DTA with information about your non-citizen status. See DTA’s brochure, “What Immigrants Need to Know,” attached to DTA Field Operations Memo 2004-34 (Sept. 30, 2004).

9 What are the special non-citizen eligibility rules for battered immigrants and their families?

Non-citizens abused by a spouse or parent (and the children or parents of abused non-citizens) may be eligible for TAFDC even if they do not meet the other non-citizen rules in Question 8. You may be eligible if you are no longer living with your abuser and you meet one of the following:

■ Your spouse or parent is a U.S. citizen or lawful permanent resident and filed a petition (usually called a Form I-130) to get you legal status. The petition can be either approved or pending.

■ You have a pending or approved self-petition for legal status as a victim of domestic violence. This is called a VAWA (Violence Against Women Act) petition or form I-360. It is available to non-citizens who are married to or the children of U.S. citizens or lawful permanent residents but are no longer living with them.

■ You have a pending or approved petition for suspension of deportation or cancellation of removal under VAWA.
You are the dependent child of someone who qualifies as a battered non-citizen even if you are not listed on the petition. 106 C.M.R. § 203.675(A)(8); see DTA Online Guide (Battered Noncitizen-TAFDC); DTA Field Operations Memo 2005-22 (June 1, 2005); DTA Transitions, June 2007, p. 7.

**Advocacy Reminders:**

- Battered non-citizens who qualify under the above rules do not have to wait five years to get TAFDC.
- You do not have to have to give DTA a police report or court order to verify the abuse.
- DTA will ask you for proof of your immigration status and copies of any petitions. Tell your DTA worker if you cannot get the documents you need because the abuser has them. Contact an advocate if you need help.
- A VAWA petition qualifies as pending when you have received a notice of “prima facie” determination that you appear to meet the VAWA criteria.
- If you filed a self-petition under VAWA, it is likely your children will not be listed on notices from the Department of Homeland Security, but your children have the same protections under the special rules for battered non-citizens.
- There are a number of codes on immigration documents that may show that a non-citizen meets battered non-citizen criteria. Some of these are listed in DTA Field Operations Memo 2005-22 (June 1, 2005). For additional information, consult an immigration law specialist.
- You may qualify as a battered non-citizen even if the abuser was not your spouse or parent if your spouse or parent consented to or did not intervene to stop the abuse. 106 C.M.R. § 203.675(A)(8)(a).
10 Do you have to have a Social Security number?

You must provide a Social Security number for every person in your family who is applying for benefits. You can provide the numbers orally or in writing. You do not have to show Social Security cards. 106 C.M.R. § 701.230. DTA will do a computer check to see if the Social Security numbers you gave match the people in your family.

If you do not have a Social Security number for someone in your family who is applying for benefits, you must apply for a number and must provide verification from the Social Security office that you have applied. If you are not sure about a number, you must ask Social Security to check the number and provide verification of your request. Your TAFDC cannot be delayed or denied while you are waiting for a number. See DTA Online Guide (Overview of Social Security Numbers-TAFDC).

You do not have to apply for or give DTA a Social Security number if you are not seeking TAFDC for yourself because of your immigration status. You can still get TAFDC for your children if they qualify for Social Security numbers.

Advocacy Reminders:

✔ DTA will check your number with Social Security, so it is important to give DTA the correct number. If you are not sure, ask Social Security to check. You can get TAFDC while Social Security is checking.

✔ If you are a non-citizen who meets TAFDC or SNAP (food stamp) non-citizen requirements but you are not eligible for a regular SSN, Social Security must issue you a non-work SSN. This may apply to a battered non-citizen who has applied for legal status as a victim of domestic violence. See Question 9. To get a non-work SSN you will need a letter from DTA saying you otherwise qualify for a benefit.

✔ If you are a domestic violence survivor (citizen or non-citizen) who is concerned about safety, you can request that DTA not use your SSN. See DTA Field Operations Memo 2005-42 (Sept. 8, 2005).
Do you have to tell DTA anything about your child’s other parent?

You have to assign (turn over) to the state any rights you have to child support for any child for whom you are applying for or receiving assistance. There is no exception to the assignment requirement. You have to sign the assignment form even if you do have information about the absent parent and even if you have good cause for not cooperating with child support enforcement.

Unless you have good cause (see below), you also have to cooperate with (help) the Child Support Enforcement Unit of the Department of Revenue (DOR) to get child support from any parent who is not living with the child, prove he is the father (establish paternity) and get a support order. This includes going to court if there is a court proceeding. You can be sanctioned if you do not cooperate. If you are sanctioned, DTA will remove you from the grant and will reduce your grant by your share of the grant or 25% of the payment standard for your family size, whichever is larger. 106 C.M.R. § 203.700. See Question 31 for more details about the consequences of sanctions. See Part 8 for information about how to appeal a sanction.

DTA and DOR will ask you for specific information about any parent who is not living with the child. If you do not have specific information, you will have to provide all the information you have and a sworn statement documenting your efforts to get the information. You should not be sanctioned if you have given all the identifying information you have. 106 C.M.R. § 203.700; 830 C.M.R. § 18.18A.1.

You have good cause for not providing child support information or otherwise cooperating with child support enforcement if you are afraid that doing so will cause you or your child any physical or emotional harm or if you got pregnant by rape or incest. You can verify good cause with statements from social services agencies or from people who know your situation. 106 C.M.R. §§ 203.745-203.760. DOR may try to seek support from a parent even if you are not required to cooperate. Tell DTA and DOR if pursuing child support may harm you or your child, and check with an advocate if DOR insists on pursuing support.
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If you have been sanctioned for not cooperating and want to remove the sanction, tell DTA you want to cooperate and sign DTA’s form saying you will cooperate. DTA should remove the sanction within 73 days or as soon as DOR tells DTA you have cooperated ( whichever is earlier). 106 C.M.R. § 203.770; DTA Field Operations Memo 2001-22 (Apr. 25, 2001).

The support rules apply to mothers as well as fathers. A mother who does not live with the child can also be ordered to pay child support. Non-parent caretaker relatives must also meet child support cooperation rules for at least one of the child’s parents.

Advocacy Reminders:

✓ If you cannot attend an appointment with DOR or go to court, call the DOR worker right away and ask that the appointment or court date be rescheduled.

✓ DTA may say you have not cooperated or have committed fraud because it thinks you gave inconsistent information about your child’s father. DTA Operations Memo 2013-17 (May 1, 2013). Consult an advocate if you need help.

✓ DTA may tell you to sign a Mother’s Affidavit to collect the information DOR needs to get an order for genetic testing to establish paternity. You do not have to sign the Mother’s Affidavit. It is DOR’s job, not DTA’s job, to establish paternity. DTA cannot sanction you for not signing. DTA Field Operations Memos 2003-25 (Oct. 3, 2003) and 2004-13 (Mar. 19, 2004).

✓ Some two-parent families may get a notice telling them they have to go to the Department of Revenue (DOR) to establish paternity. Families who do not comply may be sanctioned. DTA Field Operations Memo 2009-47 (Aug. 21, 2009). Since the second parent had to show paternity to receive TAFDC, there should be no need to establish paternity. And there may be no legal authority to sanction two-parent families because their benefits are not paid for with federal funds. Consult an advocate if this is a problem for you.

✓ You do not have to assign child support for a child who receives SSI.

✓ You do not have to assign child support for a child who is excluded by the family cap. See DTA Online Guide (Completing the TA34-36
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Assignment of Support Form). You may need to modify the form to clarify that you are only assigning child support for children for whom you seek to receive TAFDC. See Question 35.

- If the support that is paid is more than the monthly TAFDC grant plus $50 for two months, the DTA should terminate the TAFDC and reassign the current support to the family. The Department of Revenue should send current support payments to the family. You will need to set up a payment method with DOR — debit card or direct deposit.

- It may be illegal for DTA to remove you from the grant for noncooperation and in some cases DTA may be reducing the grant for noncooperation by more than the law allows. Consult an advocate.

- A child born to a married couple — including a same-sex married couple — is the child of both members of the couple. DTA Transitions, July 2013, p. 5.

12 Can you get TAFDC if you are a teen parent or pregnant teen?

You can get benefits if you are a teen parent or a pregnant teen but you must meet special “living arrangement” and “school attendance” rules. There are different rules for minor teen parents and pregnant teens (under age 18) and adult teen parents and pregnant teens (18 and 19). 106 C.M.R. §§ 203.600-203.640.

Advocacy Reminder:

- Pregnant teens are now eligible for TAFDC once the pregnancy is verified provided they meet other eligibility requirements. See DTA Operations Memo 2014-59 (Sept. 18, 2014); DTA Online Guide Transmittal, 2015-56 (Nov. 20, 2015).
13 What are the school attendance rules for teen parents and pregnant teens?

Unless you already have a high school diploma or HiSET certificate, will turn age 20 within 60 days, or your baby is less than three months old, you must be

- in school (primary, middle or high school) full-time,
- in a special program for teens called the Young Parents Program, or
- in a HiSET program combined with other volunteer or educational activities totaling 20 hours per week. 106 C.M.R. §§ 203.610, 203.630; DTA Online Guide (Teen Parents - Introduction).

There are no exemptions from the school attendance rule except for lack of child care, school vacations or other “good cause.” See Question 61.

If you do not meet the school rules and do not have good cause, DTA will remove you from the grant for 30 days. If you still do not meet the requirements, DTA will cut off all TAFDC benefits for you and your child.

You can get free child care. Your parents or other relatives do not have to care for your baby unless you want them to. If appropriate child care is not available, you are exempt from the school requirement. You can also get transportation assistance for some of the cost of getting to school. See Question 102. If you do not have affordable transportation, you have good cause for not complying. See Question 61.

Advocacy Reminders:

✓ DTA is responsible for finding you a program if you cannot find one on your own. You should not be sanctioned if there are no educational activities for you to attend. You should not be sanctioned if DTA cannot find you a program that meets any special needs you have, such as a learning disability or other disability.
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✓ You should not be sanctioned if you do not have child care or affordable transportation.

✓ If you are a teen parent or pregnant teen who has finished high school but you failed the MCAS exam, you are exempt from time-limited benefits and Work Program requirements until you retake MCAS or for a period of six months (whichever is sooner). DTA Transitions, July 2004, p. 3, Sept. 2003, p. 2. You may be exempt for other reasons too. See Question 39.

✓ You should not be sanctioned if you are on a wait list for a program that will open up within 60 days.

✓ You should not be sanctioned during summer and other vacations.

✓ You should not be sanctioned if you will turn age 20 within the next 60 days.

✓ DTA will give you a voucher to pay for the HiSET test and any retest. DTA Online Guide (High School Equivalency Test); DTA Operations Memo 2014-38 (May 8, 2014).

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14 What is the living arrangement rule for minor teen parents and pregnant teens?

If you are under 18, DTA may say you have to live in a teen group home (structured setting) unless you

■ live with one or both of your parents,

■ live with an adult age 20 or older who is related to you or your baby—not including the baby’s father if you are not married to him (see Questions 2 and 3 for a list of relatives),

■ live with a legal guardian,

■ are 17 and the teen specialist says you can live on your own,
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- will turn age 18 within the next 60 days,
- live with your husband if you are married, or
- are a graduate of a Department of Children and Families (DCF) independent living program. 106 C.M.R. §§ 203.620-203.640.

15 What if you are a minor teen parent or pregnant teen and your parent’s home is not safe for you or there is some other reason you cannot live there?

You do not have to live with your parent if someone in your parent’s home is abusive, neglectful, or abuses drugs or alcohol, or if there are other “extraordinary circumstances” why you cannot live there.

“Extraordinary circumstances” include situations such as

- your parent lives out of state,
- there is no room in your parent’s home,
- your parent’s housing violates health and sanitary codes,
- living with your parent will violate your parent’s lease and result in eviction,
- your parent refuses to help you buy food and other things your baby needs,
- you are in a special residential program.

If you have a good reason why you cannot live with a parent or other adult relative, a teen specialist will refer your case to the Department of Children and Families (DCF) for an assessment. DCF will make a recommendation about the appropriate placement for you, including whether you can live on your own. In cases of abuse or neglect, DTA will

DCF may recommend that you live in a home for teen parents. You will have 30 days to move to the teen living program. If you do not go to the program, your TAFDC will be denied or will stop. You have a right to appeal any loss of benefits. See Part 8. If there is no place available in a home for teen parents, you will be allowed to live on your own with your baby until a place is available. 106 C.M.R. § 203.630.

In some cases, you may be able to live on your own if you are 17 years old, are in school full-time, have reliable day care, are in a teen parenting program, and the teen specialist determines that your current living arrangement is safe and healthy for your baby. 106 C.M.R. § 203.640. The Commissioner of DTA will make the final decision about whether you can live on your own. You have the right to appeal this decision. See Part 8.

16 Are there any living arrangement rules for teen parents and pregnant teens who are 18 or 19?

DTA rules allow you to live on your own if you are an adult teen parent or pregnant teen (ages 18 and 19) and you meet the school attendance rules or you have graduated from high school or have a HiSET certificate. 106 C.M.R. § 203.640.

17 Can you get your own grant if you are living with a parent?

There are different rules for minor teen parents and pregnant teens (under 18) and adult teen parents and pregnant teens (18 and 19).
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If you are a minor teen parent or pregnant teen (under 18) who lives with a parent and your parent is receiving TAFDC, you must be included in your parent’s grant.

If you are a minor teen parent or pregnant teen who lives with a parent and your parent is not receiving TAFDC, you can get your own grant but your parent’s income above 200% of the federal poverty level may be counted in figuring eligibility for you and your child. See Question 73.

If you are a teen parent or pregnant teen living with an adult relative (aunt, uncle, grandparent) who is not your parent and is not receiving TAFDC, the relative’s income and assets do not count.

Once you turn age 18, you do not have to be included in your parent’s grant and your parent’s income does not count.

Note

Even if you get your own TAFDC grant, you may not be able to get separate SNAP (food stamp) benefits if you are under age 22 and you live with a parent. A parent you live with has to be part of your SNAP household so a parent’s income may make you ineligible. 106 C.M.R. § 361.200(A).

Advocacy Reminder:

✔ If you are a minor teen parent receiving TAFDC with other family members, you can choose not to receive TAFDC for your baby. 106 C.M.R. § 204.305(C). You might want to do this if you are getting child support for the baby. DTA Transitions, Aug. 2004, p. 3. See Question 32.

18 What are the school requirements for children (“Learnfare”)?

Unless you are disabled, your school age children under age 16 who are on the TAFDC grant must meet DTA’s school attendance requirements. If a child has too many unexcused absences, you will lose that child’s portion
of the grant. This is called “Learnfare.” 106 C.M.R. § 203.900; DTA Online Guide (Learnfare Introduction). Children who are taught at home must provide documentation of an approved home school arrangement.

You will be put on TAFDC “probation” if your child had more than eight unexcused absences during the previous school quarter. A quarter is 45 school days. If the child has more than three unexcused absences during any month in the probation period, you will lose the child’s share of the grant. Probation continues until the child has six months in a row with no more than ten unexcused absences.

**Advocacy Reminders:**

 ✓ **Learnfare** does not apply to your child if you are disabled. For disability, see **Question 40**.

 ✓ **Learnfare** does not apply to children who are not on the grant because of the family cap, because they get SSI benefits, or because of their non-citizen status.

 ✓ Is your child missing school because of a learning disability or other disability? You can ask for a disability accommodation. See **Questions 24-27**.

 ✓ DTA requires you to tell DTA what school your child is enrolled in. If you do not provide the information, DTA will close your entire case. DTA Operations Memo 2014-48 (Aug. 14, 2014). DTA can require information about your child’s school attendance, but the requirement to provide school enrollment information may be illegal and it may be illegal to close the case for the entire family because of missing school enrollment information for one child. Contact an advocate if this is a problem for you.

 ✓ DTA cannot terminate the family grant even if the only child on the grant is under a Learnfare sanction. DTA Transitions, Aug. 2004, p. 3.

 ✓ DTA considers any child age 6 or older to be school age and subject to the Learnfare requirement. See DTA Online Guide (Learnfare Introduction). DTA should not consider a six-year old child to be school age if the child has not yet started school and will still be six next September when school starts.
DTA says children 16 or 17 must be in school full-time or register for the Employment Services Program (ESP). 106 C.M.R. § 207.000 (C). This may be illegal; consult an advocate if this is a problem for you. Also consider asking for an accommodation on the basis of disability or learning disability. See Questions 25-27.

How do you verify school attendance and which absences are excused?

DTA verifies school attendance directly with Department of Elementary and Secondary Education (DESE). You do not need to give DTA proof unless your child is home-schooled, there is another reason DESE does not have a record of your child’s school attendance, or the school report is wrong.

Under the rules, an absence is excused if it was caused by

- the child’s illness (you can sign the note if the absence was less than five days; for absences of five days or longer, you need a doctor’s note or hospital records),
- religious holidays,
- death of a family member (verified by death certificate or notice in the paper),
- the child’s disability, or
- a crisis (must be approved by the local DTA office). 106 C.M.R. § 203.900.

You do not need to provide proof unless your child’s school reports more than 8 unexcused absences in the quarter.

Sometimes the school will report an absence as unexcused, even though your child was absent for a good reason. If you get a notice saying you are on probation or losing part of your grant because your child had too many absences, find out what the school reported to DTA and double check the
dates to be sure DTA is not using old information. If the school reported some absences as unexcused and there was a good reason your child was absent, give your worker proof of the reasons. You can also appeal any reduction in benefits. See Part 8.

Children who are expelled or suspended are not exempt from Learnfare, even if the school provides no alternative education. There may be ways to get the child back into school or an alternative program. Check with an advocate.

**Advocacy Reminder:**

- If a child is removed from your grant for Learnfare noncompliance, DTA should reinstate the child on the grant if you provide verification of Learnfare compliance within 30 days of the closing. DTA Transitions, Aug. 2004, p. 3.

- DTA will reinstate children who were removed due to Learnfare sanctions for the months of August and September when schools are closed. DTA Operations Memo 2014-45 (July 10, 2014). Consult an advocate about getting a child reinstated for July.

- DTA is supposed to contact you and help you with school attendance issues if you are put on Learnfare probation because your child was absent too much. DTA Online Guide (Learnfare Intervention). You may have a defense to a Learnfare sanction if DTA does not help you address the reasons your child misses school.

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**20 What are the immunization rules?**

You must show proof of immunization (shots) or an appointment for immunization for every pre-school child in your family who is on the TAFDC grant. Proof includes a note from the doctor (on letterhead), a copy of a bill for a well-child visit, or a DTA form signed by your doctor. You can also meet the immunization rules if DTA pays for licensed child care or you have a statement from a Head Start or licensed child care program that the child is enrolled. 106 C.M.R. § 203.800. See Question 31 on the consequences of sanctions for not meeting the immunization requirements.
You do not have to have your child immunized if it would violate your religious beliefs, if a doctor determines that your child should not be immunized for medical reasons, or if you decide after consulting with a doctor that you do not want your child immunized for health reasons. If you do not wish to immunize your child for these reasons, you will be asked to provide a written statement from you or your doctor. 106 C.M.R. § 203.800(B).

The state is supposed to make sure you can get your child’s shots. Be sure to tell your DTA worker if you are having trouble scheduling an appointment for shots or getting the doctor to verify that your child’s shots are up to date.

You do not have to provide proof of immunization for school-age children. 106 C.M.R. § 203.800.

Advocacy Reminders:

✓ The immunization requirement does not apply to children who are not on the grant because of the family cap, because they get SSI benefits, or because of their non-citizen status.

✓ You have 60 days from when you are told about the immunization requirement to provide proof of immunization or the reason why your child should not be immunized. 106 C.M.R. § 203.800; DTA Operations Memo 2012-17 (Apr. 25, 2012).

What if you are on strike?

DTA rules deny TAFDC benefits to the entire family if the parent is on strike. If the striker is not a parent, then the other members of the family are eligible. 106 C.M.R. § 203.920. See DTA Field Operations Memo 2003-20 (Aug. 18, 2003).

Advocacy Reminders:

✓ Strikers are not barred from MassHealth or EAEDC and may be eligible for SNAP (food stamps).
Denying TAFDC to families where the parent is on strike may be illegal. The DTA rules denying benefits to strikers are not based on a statute.

22 What if you have an outstanding default or arrest warrant?

You are not eligible for TAFDC if you have an outstanding default or arrest warrant issued by any Massachusetts court. 106 C.M.R. § 701.110(C). A default warrant may be issued when you miss a court date or when you do not pay a fine, court costs, restitution or other monies ordered by the court or by state law. For example, a default warrant may be issued when someone fails to pay speeding tickets or child support.

DTA will give you 30 days to show that you have resolved the default or arrest warrant or show that the court made a mistake in issuing it. If you do not give proofs to DTA within 30 days, you will get a notice reducing your TAFDC by the incremental amount for one person. You have a right to appeal this reduction. See Part 8. The rest of your family should remain eligible. Question 31 explains how your income should be counted in figuring your family’s eligibility.

If you get a notice from DTA or the Bureau of Special Investigations (see Question 125) that you have an outstanding warrant, or you already know that you have one, you should contact an advocate immediately for advice and possible referral to a lawyer who can represent you. Because different courts have different ways of handling warrants, you should try to obtain a court-appointed lawyer or a private attorney to help you resolve the warrant.
23 What if you have a criminal history or are fleeing prosecution or punishment?

You are not eligible for TAFDC benefits for yourself if

- you are violating a condition of probation or parole imposed after September 25, 1996,

- you are fleeing prosecution for punishment for a felony (or a” high misdemeanor” committed in New Jersey),

- you were convicted of false statements about residency to get benefits in two or more states, or

- you were convicted of a drug-related felony for conduct that occurred after August 22, 1996, you were incarcerated for the felony, you were released from prison less than 12 months ago, and you are subject to the time limit (see Questions 39-45 for exemptions from the time limit) and you were not granted a domestic violence waiver (see Question 46). 106 C.M.R. § 701.110(B), (D); DTA Operations Memos 2013-37 (July 26, 2013); 2012-30 (June 20, 2012).

Other criminal history or activities that do not fall within these dates and conditions should not disqualify you from benefits.

If you get a notice from DTA that your TAFDC has been denied or reduced because of one of these situations, contact an advocate immediately. You have a right to appeal the denial or reduction. See Part 8.

Advocacy Reminders:

✓ You cannot be denied SNAP (food stamps) because of a drug felony conviction.
✓ If you are facing drug-related criminal charges, make sure your defense lawyer knows about this rule and how a felony conviction could affect your benefits.

✓ The rest of your family should remain eligible for benefits if you are disqualified under these rules. **Question 31** explains how your income should be counted in figuring your family’s eligibility.

✓ A DTA hearing officer has ruled that a person who left another state to start a new life is not ineligible as a fleeing felon where the person was not trying to avoid punishment or prosecution.

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24 What if a disability makes it hard for you to meet DTA rules or use DTA services?

The federal Americans with Disabilities Act (ADA) requires DTA to provide equal access to programs and services to qualified people with disabilities. 42 U.S.C. § 12132; see 106 C.M.R. §§ 360.250, 701.390. See also DTA Online Guide (ADA and Reasonable Accommodations).

Under the ADA you are a person with a qualifying disability if you have a disability that substantially impairs a major life activity, such as learning, understanding, walking, working, breathing, or caring for yourself. Disabilities include physical or mental health impairments, and intellectual disabilities. A temporary health problem like a broken leg may not be a disability under the ADA. You can be disabled under the ADA even if you are not receiving any benefits on the basis of disability and even if DTA has decided you do not qualify for an exemption because of disability. See DTA Online Guide (ADA Definition).

If a disability makes it hard for you do the things DTA asks you to do to get and keep your benefits, you can ask DTA a **reasonable accommodation**. An accommodation may be appropriate if your disability makes it hard for you to:

- understand DTA’s notices and forms,
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- meet deadlines,
- give DTA the proofs it asks for,
- go to the DTA office,
- communicate with DTA, or
- meet a specific rule or requirement.

DTA must tailor accommodations to what you need because of your disability. Examples of accommodations include

- helping you understand notices and complete forms,
- giving you extra time to meet a deadline,
- changing a requirement or rule,
- handling your case by phone and mail,
- naming someone to talk to DTA for you or get copies of mail DTA sends you,
- providing an auxiliary aid (such as an ASL interpreter)

**Example 1**
You have severe depression and post-traumatic stress disorder (PTSD). You need help getting verifications and you cannot go to the DTA office in person because taking public transportation and being in crowded waiting areas trigger your PTSD symptoms. You can ask DTA to help you get verifications and to waive any requirements for in-person appointments.

**Example 2**
Because of your learning disability, you need help understanding DTA notices and help completing the paperwork that DTA asks you to complete. DTA should accommodate you by explaining notices to you and by filling out the forms with you instead of requiring you to fill forms out by yourself. For more information about protections related to learning disability, see Question 27.
**Example 3**

You have a hearing, vision, or other condition that makes it hard for you to communicate. DTA should ask you what kind of help you prefer to communicate with DTA. This help is usually called an auxiliary aid. DTA should provide your preferred auxiliary aid. If that is not possible, DTA should work with you to find an acceptable alternative. A rule should not be applied to you unless DTA has communicated the rule – such as a deadline – using the appropriate auxiliary aid. See DTA Online Guide (Working with Clients Who Need Auxiliary Aids).

**Example 4**

Because of a disability, your child will not finish high school by age 19. DTA should allow your child to continue to receive TAFDC benefits past the age of 18, the usual cutoff date for children who will not finish school by age 19.

**Example 5**

Your car is worth $20,000 and you need it to take your disabled child to medical appointments. DTA should modify the asset rule so that you can continue to receive TAFDC benefits.

**Advocacy Reminders:**

- ✓ An accommodation can be requested at any time, including after DTA has issued a notice stopping or lowering benefits.

- ✓ DTA cannot require you to accept a specific accommodation (such as requiring a helper or authorized representative to act for the client). Instead, DTA should work with you to find an accommodation that you agree to.

- ✓ DTA is not required to provide an accommodation that is a fundamental alteration of its programs. If that issue comes up, consult an advocate.
25 How do you ask DTA for an accommodation?

DTA is supposed to ask you if you have a disability and need an accommodation. DTA is supposed to ask these questions at application, at reevaluation, and any time you are being interviewed or assessed. You can ask for an accommodation at these times, or at any time that you need one.

You can ask your DTA worker for an accommodation, or you can talk to the Client Assistance Coordinator in your DTA office. Each DTA office has a Client Assistance Coordinator who can help with the accommodation process and other disability related needs. DTA Online Guide (Client Assistance Coordinator Responsibilities). You or your advocate can also submit a written request for accommodation. It is helpful if the request explains what you need and why.

Once you ask for an accommodation, DTA should work with you to figure out how it can meet your needs. For example, if you ask for something DTA says it cannot do, instead of denying your request, DTA should discuss other options with you.

DTA may ask for medical proof that you need the accommodation. If you need an accommodation but do not have the medical evidence DTA asks for, you can ask the Client Assistance Coordinator to help you get it.

Advocacy Reminders:

✔ To reach a Client Assistance Coordinator, see Appendix D. You can also get a list of Client Assistance Coordinators at www.mass.gov/dta (look under Related Links for Disability Accommodation Contacts-CACs).
What are your rights if DTA denies your reasonable accommodation request?

The DTA local office should give you a written decision on your request for reasonable accommodation no later than 30 days from your request. If the local office denies your request or any part of it,

- You can appeal, see Part 8, or
- You can ask the DTA Central Office Accommodation Appeal Committee to review the local office decision and then appeal if the DTA Central Office Accommodation Appeal Committee denies your request in whole or in part.

  - Request DTA Central Office Review by filling out the back of the form and giving it to your worker. The Committee has 10 days to make a decision on the reconsideration request. If the local office did not decide your request in 30 days, you can file your request directly with the Committee. DTA Online Guide (ADA Reasonable Accommodation Decision Timelines).

  - If the DTA Central Office Accommodation Appeal Committee denies your request for accommodation in whole or in part or does not make a decision in 10 days from your request for a decision, you can request a hearing by filling out the back of the form and sending it to the Division of Hearings. See Part 8 on appeal rights.

Try to get a legal advocate to help you with your request for review and your appeal. See Appendix E for a list of legal services offices.
Should you ask DTA to screen you for a learning disability?

A person with a learning disability may need a different kind of education or training program or extra help to meet DTA Work Program requirements. This is called an accommodation.

DTA has a set of questions to figure out if you might have a learning disability. This is called a Learning Disability screening. The questions ask about past learning experiences and if you have trouble with things like reading, math, or your memory. DTA must offer to screen you for a learning disability at certain times, but you can ask to be screened at any time.

If your screening shows that you might have a learning disability, DTA will offer you a free assessment by a doctor. The doctor will ask questions to figure out if you have a learning disability. After the assessment, DTA will share the results with you. If you are in an education, training, or job search program, DTA will also share the results with the program so they can give you the accommodations you need.

If you can’t meet the TAFDC Work Program requirement while the assessment is being done, DTA should not stop or lower your TAFDC. See DTA Online Guide (Learning Disability Screening Overview); DTA Field Operations Memo 2007-1 (Jan. 10, 2007); 106 C.M.R. § 701.395.

Even if you don’t want the screening, talk to DTA if you need extra help because of a disability. See Questions 24-25.

Advocacy Reminders:

✓ You can also ask for a Learning Disability screening and a disability accommodation if you are a teen parent who has to meet the teen parent school attendance requirement.

✓ Children with a learning disability sometimes struggle with school, get discouraged, and are absent or drop out. Ask DTA for a disability accommodation so that your benefits are not cut because of Learnfare or work rules for children age 16 or 17 who have stopped going to school.
What if you are a domestic violence survivor?

A number of special rules and procedures apply to survivors of domestic violence. See DTA Online Guide (Domestic Violence); DTA Field Operations Memo 2010-35 (Sept. 20, 2010).

Each DTA office has a Domestic Violence Specialist assigned to it. You can ask to see the Domestic Violence Specialist to help you develop a safety plan, help you get documents like birth certificates or court records, or locate services for your family.

The Domestic Violence Specialist will also help you fill out forms to request a waiver of TAFDC rules because of domestic violence, see Question 46, or a waiver of the family cap rule. See Question 36.

The Domestic Violence Specialist can also help you verify good cause for not cooperating with child support enforcement or can help you seek child support safely. See Question 11.

For more information and phone numbers for Domestic Violence Specialists, ask DTA for DTA’s domestic violence brochure, or go to http://www.mass.gov/eohhs/gov/departments/pta/help-for-victims-of-domestic-violence-on.html. The brochure is available in seven languages.

You can ask DTA for special confidentiality protections. See Question 111. You can ask to use an alternate social security number (SSN). See Question 10.

You can ask DTA to grant you “good cause” for not meeting a DTA rule, including the time limit, Question 37, the Work Program, Question 38, and teen parent school attendance requirements. Question 13. DTA Online Guide (Good Cause Due to Domestic Violence).

There are special eligibility rules for certain battered non-citizens and their families who do not qualify under other non-citizen rules. See Question 9.
Advocacy Reminders:

✔ If a DTA staff person thinks that your child has been abused or neglected, DTA may file a report with the Department of Children and Families. Consult an advocate if you are worried that DTA will file an abuse or neglect report.
Part 2 Assistance Units

29 Who has to be in the assistance unit?

An assistance unit is all the members of a household who are counted in determining the amount of the grant.

Certain people have to be in the assistance unit, whether they want to or not. This is a way of forcing their income to be counted in determining the eligibility of other members of the household. Mandatory assistance unit members are

- a natural or adoptive parent, or parents, living with a dependent child, and
- most siblings—including half-siblings but not step-siblings—living with the dependent child. 106 C.M.R. § 204.305.

Example 1

Ms. Ward has two children, Michael and Rachel. The children have different fathers. Rachel’s father pays child support. Ms. Ward would like to exclude Rachel from the TAFDC unit, so that the child support would not count against the grant for Michael and so that she could use the child support for Rachel. Under the rule, however, Rachel has to be in the unit with her half-brother Michael. See Question 70 for who gets the child support.

Example 2

Nina Santiago and her partner Jose Hernandez have one child, Awilda. Ms. Santiago’s child, Victor, also lives with them. Jose is not Victor’s father, and has no obligation to support him. But under the rule, Awilda has to be in the assistance unit with Victor, and Mr. Hernandez has to be in the assistance unit with Awilda, his daughter. As a result, Mr. Hernandez’s income counts in determining everyone’s eligibility.
Part 2  Assistance Units

Advocacy Reminder:

✔ The assistance unit rule is not required by statute. DTA could eliminate the assistance unit rule if it wanted to.

30 Who cannot be in the assistance unit?

Certain people cannot be included in the assistance unit, even if they live in the same household. These people may or may not have their income and assets counted in determining the family’s eligibility.

People who are excluded and whose income and assets do not count are

- Supplemental Security Income (SSI) recipients and

- foster children. 106 C.M.R. § 204.305. The foster parent can get a TAFDC grant for herself if she qualifies as a relative. See Question 3.

People who are excluded and whose income and assets do count if they are otherwise mandatory members of the assistance unit (see Question 29) are

- children who are denied cash benefits because of the family cap rule (see Question 34),

- people who are sanctioned (for not cooperating with child support, an Employment Development Plan, the Work Program, Learnfare, immunization, teen parent school attendance, third-party medical insurance, or direct deposit requirements, or for an intentional program violation),

- ineligible non-citizens, and

- people who have not met an eligibility rule such as the Social Security number requirement. 106 C.M.R. §§ 204.305-204.310.

Also, you are excluded if you have an outstanding default or arrest warrant in Massachusetts, you are fleeing prosecution or punishment for a felony, or you are violating a condition of probation or parole. 106 C.M.R. § 701.110. See Questions 22 and 23. You may also be excluded if you
were convicted of a drug-related felony for conduct that occurred after August 22, 1996, you were released from prison less than 12 months ago, and you do not meet any of the other exceptions listed in Question 23. Consult an advocate if you need help dealing with any of these problems.

Advocacy Reminders:

✓ It may be illegal for DTA to remove you from the grant for not cooperating with child support. Also, if you have income that is being counted in figuring the grant amount, DTA may be reducing your grant for not cooperating with child support by more than the amount permitted by law.

✓ You may have grounds to challenge a sanction or disqualification if you had good cause for not meeting a DTA requirement or DTA did not comply with its obligations before imposing the sanction or disqualification.

31 What happens if you are excluded from the assistance unit?

Effect on grant. If you are excluded from the assistance unit you lose your portion of the grant (usually about $100). If you are sanctioned for not cooperating with child support, you lose your portion of the grant or 25% of the maximum grant for your family size, whichever is more.

Effect on education, training, child care and transportation. If you are excluded from the assistance unit because you are not a citizen, but you have work authorization or are an otherwise lawfully present immigrant, you are eligible for education, training, child care and transportation on the same basis as other TAFDC recipients. See DTA Field Operations Memo 2002-18A (Oct. 10, 2002).

If you are excluded from the assistance unit for some other reason—for example, because you get SSI, you are under sanction, or you do not have work authorization—DTA may say you are not eligible to participate in a DTA-funded education or training program, can get child care only for work, for school (if you are a teen parent), or for another work, education
or training activity that DTA mandates, and can get transportation assistance only for an education, training or job search activity that DTA requires.

Consult an advocate if you are denied services because you are excluded from the assistance unit.

Effect on how income is counted. DTA may try to count gross earnings of someone excluded from the assistance unit against the reduced grant (without any deductions for work expenses, child care, or earned income disregards). Consult an advocate if DTA tries to deny you earnings deductions because you are excluded from the assistance unit.

- Because of a lawsuit, DTA no longer denies earnings deductions if you are excluded from the assistance unit because of a drug felony conviction. See Question 23 for who can be excluded from the assistance unit because of a drug felony conviction.

- See Question 72 for how DTA counts income if you are excluded from the assistance unit because you are an ineligible non-citizen.

- Income of SSI recipients and non-parents who are not receiving TAFDC does not count. See Questions 32 and 68.

### 32 Who has a choice about whether to be in the assistance unit?

Certain people can choose whether to be in the assistance unit:

- **A grantee relative who is not a parent**, such as a grandparent aunt, or stepparent, does not have to be included in the assistance unit. The income and assets of the grantee relative do not count unless she or he is included in the unit. (The spouse of a grantee relative who is not a parent cannot be included.) 106 C.M.R. § 204.320. A grantee relative who is not a parent is exempt from the time limit, family cap and work program if the grantee relative chooses *not* to be included in the unit. See Question 39. A grantee relative can make this choice at any time.
Are you getting TAFDC for your children and caring for a child who is not their sibling? You can choose whether to get TAFDC for the non-sibling child. If you need TAFDC for a child who is not a sibling of your children, you can get the full grant for the child ($388 for one child) if you can show that getting only $100 as an additional person in your unit will cause homelessness or serious hardship. 106 C.M.R. § 204.305(B).

An adoptive parent has a choice about whether to include a child getting adoption assistance payments in the assistance unit. 106 C.M.R. § 204.395(E)(3). Usually, adoption assistance payments are more than the child’s share of the grant, so it makes sense for the adoptive child to be excluded.

A woman who qualifies for benefits for herself on the basis of pregnancy has a choice about whether to include her children in the assistance unit. 106 C.M.R. § 204.305(D). For example, if child support is more than the child’s share of the grant (about $100) plus the $50 pass through, see Question 70, it is probably better for the child not to be in the assistance unit. But once the baby is born, the mother cannot get benefits for herself unless all children are included in the assistance unit.

A teen parent who is getting TAFDC on her parent’s grant can choose whether to get TAFDC for her child. The teen parent might not want to get TAFDC for the child if she is getting child support or Social Security benefits for the child. See DTA Transitions, Aug. 2004, p. 3.

A non-citizen who does not wish to be included in the assistance unit because of her immigration status does not have to get TAFDC. See Question 33.

Example 1

Jane lives with her aunt and cousins who get TAFDC benefits. Jane has income from child support, so her aunt does not include her in the TAFDC unit and her income does not count in determining the aunt’s and cousins’ TAFDC eligibility.
Part 2 ■ Assistance Units

Example 2
Reggie lives with his aunt and cousins who get TAFDC benefits. Reggie has no income, so his aunt needs to get TAFDC for him. If Reggie is included in the assistance unit with his aunt and cousins, his aunt will get about $100 a month for him. His aunt can get a full single person grant for Reggie if she can show that giving him only a $100 grant would result in his becoming homeless (because she cannot afford to have him continue to live with her) or would otherwise cause Reggie serious hardship.

Example 3
Wretha is taking care of her grandchild, Laurene, who is six years old. Wretha has no income but chooses to receive a grant only for Laurene. Laurene’s grant is based on the “exempt” standard, see Question 79, and Wretha does not have to meet the Work Program requirements. Benefits for Laurene will also not be subject to the time limit.

33 Can you get TAFDC just for your children if you are a non-citizen?

Yes. You have the right to exclude from the TAFDC application any non-citizen family members who do not want to apply. DTA will give you a form to list family members who do not wish to apply. See DTA Field Operations Memo 2004-34 (Sept. 20, 2004).

- You can apply just for your U.S. citizen children or for children who meet non-citizen eligibility requirements. See Questions 8-10.
- You do not have to give information on your immigration status or an SSN.
- You can opt out for any reason, such as you do not have legal status or an SSN, or you do have legal status but you do not meet TAFDC non-citizen rules. You do not have to give a reason for opting out.
Even if you opt out, you must still give DTA information on your income and assets, the other parent, and other TAFDC eligibility factors.

DTA will not report you to immigration authorities unless you tell DTA you are under a final order of deportation and show DTA a copy of the final order. 106 C.M.R. § 203.675. If you are not sure about your status, consult an immigration specialist.

**Advocacy Reminders:**

- Non-citizens can also opt out of the SNAP (food stamp) application. But you may be eligible for higher benefits if you do not opt out. And even if you opt out of TAFDC and SNAP, your children may be eligible for higher SNAP benefits if you have legal status and show DTA proof of that status. See 106 C.M.R. §§ 362.220, 365.520(B).

- See Question 55 on the work rules for non-citizen parents who are not included in the TAFDC assistance unit.

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**34 What is the “family cap”?**

In general, you can receive benefits for a child only if the child was already born when your family first applied for TAFDC or if the child was born fewer than 10 months after you applied for TAFDC. A child born more than 10 months after you first applied for TAFDC will not be added to the cash grant unless the child meets an exception. This rule is called the “family cap” or “child exclusion” rule. 106 C.M.R. § 203.300; DTA Online Guide (Family Cap Q and A).

A child who is excluded under the family cap is barred from receiving cash benefits (including layette and clothing allowances) as a child. See Question 80 and 84. The income and assets of an excluded child are counted in determining the family’s eligibility, except for $90 per month of the child’s income. 106 C.M.R. § 203.300(B)(5).

Each family on TAFDC has a “family cap date.” Any child born after the family cap date will be excluded unless the child meets an exception. A teen who was already pregnant or a parent when her family applied for
Part 2 ■ Assistance Units

TAFDC has the same family cap date as her family if DTA told the teen herself about the family cap date. The family cap date for a teen who becomes pregnant after her family applied for TAFDC is the birth date of her first child.

DTA uses the term “child of record” for the youngest child who can receive TAFDC—that is, the last child born before the “family cap date.”

What if you go off TAFDC, get pregnant, and later reapply for TAFDC? The family cap rules bar benefits for a child conceived after the family left TAFDC, unless three conditions are met: (1) the child was born at least 20 months after the family left TAFDC, (2) the TAFDC case was closed for at least 12 consecutive months, and (3) if the family returned to TAFDC, it received less than 10 months of TAFDC before the birth. This is sometimes called the “20-12-10 rule.” See Question 36 for information about other family cap exceptions and waivers.

Example

Charlene Davis applies for TAFDC for herself and her child, Samantha, in December 2013. Her “family cap date” is 10 months later, in October 2014. Samantha is her “child of record.” In June 2014, she gets married and goes off TAFDC. In August 2015 she and her husband have a child, Georgette. Three years later, Charlene’s husband dies and she reapplies for TAFDC. Georgette is excluded, because she was born after Charlene’s “family cap date.”

- In the example, if Georgette had been born in February 2016 she would not be excluded because she would meet the exception for a child conceived after the family left TAFDC (born 20 months after the family left TAFDC, case closed for at least 12 consecutive months, and family did not return to TAFDC before the birth or received less than 10 months of TAFDC before the birth).

- A later born child should not be excluded when there is no “child of record,” for example, when the so-called “child of record” was never born (because of miscarriage or abortion), was stillborn, or died after birth.
Advocacy Reminders:

✓ If you are a parent caring for a child excluded by the family cap, you can receive benefits for yourself even if you do not have any other eligible children living at home.

✓ The family cap should not apply to your first born child even if you previously received assistance for yourself and a sibling, grandchild or other child who is not your biological child. DTA Field Operation Memo 2008-60 (Nov. 18, 2008).

✓ The family cap should not apply to a child who was included in your assistance unit but then left your home and returned. The family cap should not apply to a child who was eligible in someone else’s assistance unit but is now living with you. The family cap should not apply to a child who comes to live with you who was born before your “child of record.” Although the family cap should not apply, DTA may say the child is excluded unless you get a waiver. Consult an advocate.

✓ DTA assigns a “cyclical” month to each TAFDC family based on the last digit of the grantee’s Social Security number. See Question 85. If a child might qualify for a family cap exception under the “20-12-10 rule,” check to see if the child qualifies for the exception using cyclical months rather than calendar months.

Are “family cap” children eligible for any benefits?

Children excluded under the family cap can qualify for SNAP (food stamps); WIC (Women, Infants and Children) nutrition benefits through the Department of Public Health, 1-800-WIC-1007; and MassHealth. They are eligible for child care if the parent is working or doing any approved Work Program or education or training activities.

You do not have to assign a family cap child’s child support rights. You can modify the assignment form to be clear that you are only assigning support for the children who will be on the grant. See Question 11. 106 C.M.R. §§ 203.700, 203.710. However, DTA will count all but $90 per
Can you get a waiver or exception to the family cap?

The family cap does not apply to

- a child born as a result of rape, incest or sexual assault. 106 C.M.R. § 203.300(C).

- a child born to a grantee relative who previously was not included in the assistance unit (see Question 32). The “child of record” is the first child born to the grantee relative. Her “family cap date” is 10 months after this child is born. 106 C.M.R. § 203.300(A).

- a child born at least 20 months after the family went off TAFDC, if the case was closed for at least 12 months and the family was back on TAFDC for fewer than 10 months before the birth. 106 C.M.R. § 203.300(C).

- the first born child of a teen parent who previously received TAFDC on her parent’s grant. 106 C.M.R. § 203.300(A).

DTA must waive the family cap for a child who had to leave her parent’s home and move in with you because the parent she was living with died, became too disabled to care for the child, gave up legal custody, or is in jail, prison or a mental health facility. 106 C.M.R. § 203.300(D)(1).

You may also ask the Commissioner of DTA to waive the “family cap” rule because of “extraordinary circumstances.” 106 C.M.R. § 203.300(D)(2). DTA is supposed to establish criteria for extraordinary circumstances waivers but has not yet done so. So far DTA has proposed that a waiver may be granted if the child of record died, the parent has no other living children, and the parent was not responsible for the child’s death. DTA has also proposed that a waiver may be granted in the case of a failed tubal ligation or other failed surgical birth control method. “Extraordinary circumstances” may include situations where you used
birth control but it didn’t work, where you have a religious objection to abortion, and where you or your child has serious health problems. DTA Field Operations Memo 2007-35 (July 16, 2007) includes a form for requesting a family cap exception or waiver.

You may also get a waiver of the family cap rule for domestic violence reasons. See Question 46.

**Advocacy Reminders:**

- If DTA grants a family cap waiver or exception, you are exempt from the time limit and Work Program until the child is two years old. See Question 39.

- The family cap rape exception applies if someone had sex with you without your consent. For example, it is rape if you were intoxicated (drunk) and someone had sex with you without your consent. G.L. c. 265, § 22.

- The family cap rape exception also applies if someone had sex with you (with or without your consent) if you were under age 16. G.L. c. 265, § 23.

- The family cap sexual assault exception applies in situations where you were afraid someone would hurt you or your children if you did not have sex with him, if you used contraception, or if you got an abortion. The sexual assault exception applies whether or not you knew the person.

- DTA has discretion to grant exceptions or waivers in many more circumstances. Consult an advocate if you think you have special circumstances that should qualify for an exception or waiver.
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Part 3  Time Limit and Work Program
Rules and Exemptions

37  What is the time limit rule and when does your time limit start over?

Certain families are limited to a total of 24 months of TAFDC benefits in any five-year period. You are eligible for a new five-year period and 24 months of additional benefits five years after your last five-year period started. 106 C.M.R. § 203.200; DTA Operations Memo 2011-53 (Nov. 22, 2011).

The 24-month time limit runs only during months the family is not exempt (see Question 39) and

- receives a TAFDC cash grant for a full calendar month, or
- is considered a TAFDC family, but is not receiving a cash grant because the benefit amount is less than $10 a month.

The 24-month time limit clock (but not the five-year period) stops running if the family stops receiving TAFDC or becomes exempt from the time limit. See Question 39. If the family goes back on TAFDC, the 24-month clock starts running again. DTA will add the new months to the full calendar months already used before the family stopped receiving assistance or became exempt.
Part 3 ■ Time Limit and Work Program Rules and Exemptions

The 24-month time limit clock also runs against the children of a parent who received assistance. But sometimes a child can get a waiver if another relative or parent has custody or guardianship, or the parent who received assistance is dead, incarcerated, institutionalized, or incapacitated.

If you reach the time limit and still need TAFDC benefits, you may be able to get an extension, a domestic violence waiver, or an exemption. See Questions 39-48.

Maximum grants for families subject to the time limit are lower than grants for exempt families. See Questions 77-80 for the grant amounts and eligibility calculation.

Advocacy Reminders:

✓ Check to see if you are eligible for an additional 24 months of benefits because your five-year period has started over.

✓ A month counts against your 24-month time limit only if you received TAFDC as a nonexempt household for the full calendar month. If your case was closed for part of a month or you were exempt for part of a month, that month does not count.

✓ You have the right to challenge DTA’s calculation of your time clock. See Question 115.

✓ A month counts towards your 24-month time limit if you are a TAFDC participant and you are receiving a very small grant, you are receiving no grant (because of the $10 minimum rule), or you are receiving a grant only because your child support is assigned to the state. See Question 70. You may decide you are better off closing your case so that you do not use up your 24 months. If you close your case, you should still be eligible for MassHealth and SNAP (food stamps). See Question 100 on eligibility for child care after your case closes.

✓ DTA says that in a two parent family each parent may have a different five-year period. DTA Operations Memo 2011-53 (Nov. 22, 2011). Consult an advocate if this is a problem.
38  What is the Work Program?

Most parents and other caretakers who are subject to the time limit are also subject to the Work Program. See Questions 52-60 for more details on the Work Program.

Even if you are not exempt from the Work Program, you may have good cause not to participate. See Question 61.

39  Who is exempt from the time limit and Work Program?

You are exempt from the time limit and Work Program if

- you are a disabled parent or a disabled relative caring for a child (see Question 40 for details on the current disability exemption rules and proposed changes),

- you are needed to care for a disabled family member (see Questions 42 and 43,  

- you are a parent or other relative caring for a child under age two who is not excluded by the family cap,

- you are a parent or other relative caring for a child excluded by the family cap who is under three months old,

- you are a teen parent under age 20 and you are attending either a full-time high school or a full-time HiSET, training or work program that totals at least 20 hours a week,

- you are a pregnant woman in your third trimester (week 27 or last 120 days) of pregnancy (see Question 44 for proposed changes),

- you are not the parent of the child you are caring for and you are not receiving TAFDC for yourself (see Question 32), or
Part 3 ■ Time Limit and Work Program Rules and Exemptions

- you are age 60 or older (see Question 45 for proposed changes). 106 C.M.R. § 203.100.

If you are ineligible for benefits for yourself and cannot work for pay because of your immigration status, you are not subject to the time limit but you can be required to do a work activity other than paid work or job search. 106 C.M.R. § 203.400(A)(3). See Question 55.

**Advocacy Reminders:**

- If you qualified for any one of these exemptions for even part of the month, the whole month does not count towards your 24-month time limit.

- You can ask for an exemption at any time—even if you reached your time limit and lost benefits. Review the exemptions to see if you might qualify for one.

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**40 How do you qualify for a disability exemption?**

*Under current rules,* you qualify for a disability exemption if you have an illness or impairment expected to last for at least 30 days, *and*

- you are an SSI or Social Security disability recipient, *or*

- the Disability Evaluation Service determines that you meet the requirements for SSI, *or*

- your condition matches the signs, symptoms and test results in DTA’s list of medical impairments, *or*

- your impairments reduce your ability to work considering your age, education, and work experience. 106 C.M.R. §§ 203.530-203.545; DTA Field Operations Memo 2010-30 (July 1, 2010); DTA Transitions, June 2009, p. 7.

*Under DTA’s proposed rules,* you qualify for a disability exemption if
Part 3 ■ Time Limit and Work Program Rules and Exemptions

You are an SSI or Social Security disability recipient, or

the Disability Evaluation Service determines that you meet the requirements for SSI, or

you have an impairment that is expected to last between 90 days and 12 months and that Disability Evaluation Service determines is equal to an SSI impairment.

If you do not get SSI or Social Security disability benefits, you must complete a form called a “Disability Supplement.” The Disability Supplement asks about your health problems and symptoms, medical and mental health providers, medicine, and the impact of your disability on your ability to work. It is important to list all of your health problems and symptoms even if you haven’t talked about them with your doctor. Also be sure to list all of the medical and mental health providers you have seen in the last year.

If you need help with the form, you can ask your DTA worker or the Client Assistance Coordinator (see Question 25) to help you. You may also get help from a nurse, social worker, friend or someone else.

DTA will send your Disability Supplement to the Disability Evaluation Service (DES), which decides if you meet DTA’s disability rules. Before it makes a decision, DES will ask for your medical records from any medical or mental health providers you listed in the Disability Supplement. If DES needs more information it will send you to a doctor for an evaluation. It is important to keep these appointments; call DES right away if you cannot go at the scheduled time.

Advocacy Reminders:

✓ The EAEDC Advocacy Guide explains the current DTA disability rules and procedures in more detail. See www.masslegalservices.org under Legal Advocacy Guides. There are some differences in the procedures for EAEDC and TAFDC disability. For example, for EAEDC, you cannot apply for disability status unless your doctor fills out a medical report form. This is not a requirement for TAFDC under current rules.

✓ If you have medical records that may help verify your disability, you can send them to DES. DTA will accept medical documents that are scanned, faxed or photocopied from the original unless the document
Part 3 ■ Time Limit and Work Program Rules and Exemptions

appears questionable. DTA Operations Memo 2012-33 (July 11, 2012). The DES fax is 774-455-8153; the DES mail address is 333 South Street, Shrewsbury, MA 05145.

✓ If DES decides you are not disabled you can appeal. See Part 8. To get a copy of the records DES had when it decided your case, call 774-455-8200.

✓ Even if you are disabled, you can volunteer for education and training services. See Question 94. If you need special services because of your disability, DTA is required to provide “reasonable accommodation.” See Questions 24-27.

41 Are you subject to the time limit and work rules while DTA evaluates your disability claim?

You will be considered disabled and eligible for an exemption while DTA and the Disability Evaluation Service evaluate your first claim for a disability exemption. 106 C.M.R. § 203.530(F); DTA Online Guide Transmittal 2017-56 (June 16, 2017); DTA Transitions, July 2015, p. 4.

If your claim is denied, you will be considered non-exempt as of the month you claimed disability. Months when your claim of disability was pending will count towards your 24-month time limit.

If your claim is denied, you can apply for a disability exemption later. The second time you will not be considered disabled until a decision is made on your claim, unless you are applying for the exemption in a new five-year eligibility period. 106 C.M.R. §§ 203.100(A)(4), 203.530(F); DTA Transitions, Mar. 2002, p. 7. See Question 37 for more information on when the five-year period begins and ends.

Even if you do not qualify for a disability exemption while your new claim is evaluated (because you were already denied the exemption during your current five-year eligibility period), you may have “good cause” because of physical or mental health reasons for not meeting work
Part 3  ■  Time Limit and Work Program Rules and Exemptions

activity, employment development plan, or time limit extension requirements. 106 C.M.R. § 701.380. To show you have good cause, you must

■  make a new disability exemption request, and

■  have a doctor or psychologist fill out a “Good Cause Medical Statement” form for you. Ask your DTA worker for this form. See DTA Field Operations Memo 2002-13 (May 22, 2002); DTA Online Guide (TAFDC Good Cause Medical Statement).

If you do not have a doctor who is familiar with your condition, DTA should grant you “good cause” if you give DTA a letter from a social worker or someone who knows you explaining that because of your disabilities you need more time to get a doctor to complete the “Good Cause Medical Statement.” This is called “disability accommodation.” See DTA Transitions, Nov. 2003, p. 10. Check with an advocate if you need help.

Advocacy Reminders:

✓  DTA counts months during which you have “good cause” towards your 24 months of time-limited benefits. If you are later approved for an exemption for those months, be sure DTA has taken those months off your time clock.

✓  Not renewing a disability exemption when it expires does not count as a denial. If you request a disability exemption later, you have the right to be considered exempt while your request is being reviewed. You do not have to submit a Good Cause Medical Statement. See DTA Online Guide (TAFDC Good Cause Medical Statement).
How do you qualify for an exemption as the caregiver for a disabled child?

You qualify for an exemption if you are the caregiver for a disabled child and

- the child’s doctor verifies the disability on a DTA form or the child receives SSI (Supplemental Security Income) benefits, and

- the child’s doctor verifies that you are needed to care for the child, and

- if the child attends school full time or is otherwise out of the home, you show that the child needs your care during the day or night so you cannot work full time. The doctor can explain this on the form, or you can do your own statement and provide support for it from someone else. 106 C.M.R. § 203.100.

Ask your DTA worker for the form to bring to your child’s doctor.

**Advocacy Reminders:**

- You are eligible for this exemption if you cannot work full time because of your child’s disability. For example, you may not be able to work full time because of your child’s doctor appointments or school crises, or because your child keeps you up at night and you need to sleep during the day.

- You do not need to be related to the child you are caring for. The child you are caring for does not have to be receiving TAFDC. DTA Transitions, July 2012, p. 5; May 2007, p. 3.

- Only one parent in a two-parent household may claim this exemption even if both are needed to care for the child or children.

- Under DTA’s proposed rules, you will have to apply for SSI for a disabled child if you seek an exemption because you need to care for the child. You can ask DTA to help you apply for SSI. Consult an advocate if you have a good reason for not applying for SSI for the disabled child.
43 How do you qualify for an exemption as the caregiver for other disabled family members?

You qualify for an exemption as the caregiver for a disabled spouse, sibling, half-sibling, the other parent of your child, or your or your spouse’s parent(s) or grandparent(s) if

- the disabled person receives SSI or Social Security disability benefits, or
- the disabled person is a recipient of TAFDC and meets the requirements for TAFDC disability, or
- the disabled person is not a recipient of TAFDC and a medical provider has verified the disability, and
- you provide written medical evidence of the severity of the disability, the reason you have to be home to care for the person, and your inability to work full time outside the home because you must be home to care for the person. 106 C.M.R. § 203.100; DTA Transitions, July 2012, p. 5.

Ask your DTA worker for the form to bring to the doctor.

44 How do you qualify for an exemption as a pregnant woman?

Under current rules, you are exempt from the time limit and the Work Program if you are a pregnant woman in your third trimester (week 27 or last 120 days) of pregnancy and you have verified the pregnancy and your due date. 106 C.M.R. § 203.100(A)(1)(c).
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*Under DTA’s proposed rules,* you are exempt from the time limit and the Work Program if

- you are a pregnant woman in your third trimester (week 27 or last 120 days) of pregnancy, you have verified the pregnancy and your due date and you have a medical statement that your pregnancy prevents you from working, or

- you are a pregnant woman in your 33rd week of pregnancy and you have verified the pregnancy and your due date.

**Advocacy Reminders**

✓ Under state law, you should qualify for an exemption beginning with your third trimester of pregnancy if you have a medical condition that prevents you from working, whether or not the condition is pregnancy-related. Consult an advocate if you are pregnant and have a medical condition that prevents you from working.

✓ Under DTA’s proposed rules, whether or not you have a medical condition that prevents you from working you can qualify for TAFDC benefits at the beginning of your 27th week of pregnancy, but you may not be exempt from the work requirement and the time limit until the 33rd week of pregnancy. It is not clear if DTA will require pregnant applicants to do job search until they reach their 33rd week of pregnancy. See Question 107.

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45 How do you qualify for an exemption on the basis of age?

*Under current rules,* you are exempt from the time limit and the Work Program if you are age 60 or older.

*Under DTA’s proposed rules,* you are exempt from the time limit and the Work Program if

- you are age 66 or older, or
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- you are age 60 or older, you are a child’s primary caregiver, and you retired before applying for benefits.

Advocacy Reminder:

✓ DTA has not said what it will require as evidence that you retired before applying for benefits. You may be able to show that you “retired” if you were not working outside the home before you applied for TAFDC benefits.

46 Can you get a waiver or good cause exception to welfare rules because of domestic violence?

Waiver due to domestic violence

If you (or your child) are a survivor of domestic violence, you may request a waiver of welfare requirements, including the time limit, the Work Program, the family cap, teen parent, and child support requirements, and the one-year drug felon bar. You can also ask to have your Employment Development Plan (see Question 96) changed if you cannot comply with it because of domestic violence.

To get a requirement waived, you will need to show that the requirement will make it harder for you or your child to escape domestic violence or will penalize you or your child for past violence. You can verify your claim for a waiver on the basis of domestic violence with your own statement, plus court or medical records or the statement of at least one other person with knowledge of the circumstances. The statements will have to explain why the welfare rule should be waived. 106 C.M.R. § 203.110.

You can get a domestic violence waiver form from your worker or a DTA Domestic Violence Specialist. If you want, the Domestic Violence Specialist will help you fill out the domestic violence waiver request form and help you get counseling, legal and other services to deal with the violence or the effects of the violence.
DTA will not consider a request to waive the time limit until you reach your 22d month of time limited benefits, and can take a month or more to decide on your waiver request. This may be illegal. Check with an advocate if you need to know sooner so you can plan for the future.

**Example 1**

Katherine Farrell was living with her boyfriend who hit her if she would not have sex with him. She moved out with her 4-year-old child Sam and applied for TAFDC benefits. Sam was upset by the beatings and is misbehaving at home and in school. Ms. Farrell takes him to psychologist appointments, goes to frequent meetings at the school, and spends lots of extra time with him. She does not feel she can work or go to education or training right now. She requests a waiver of the time limit and the Work Program, explaining why she cannot meet Work Program requirements. Her child’s psychologist writes a statement for her.

**Example 2**

Susan Moriarty’s husband Tom was controlling and physically abusive. He would not let her leave the house without him and would not let her go to school to get her HiSET certificate. She finally left with her daughter and began receiving TAFDC. Ms. Moriarty wants to get a HiSET certificate, but the HiSET program is only 10 hours a week, and DTA says she must participate in a work activity for 30 hours a week. She and her therapist think trying to go do another activity plus school will put too much stress on her. She can ask for a waiver of the Work Program hours requirement because making her comply would penalize her for past domestic violence. She can support her request with a statement from her therapist.

**Good cause due to domestic violence**

Instead of or in addition to asking for a domestic violence waiver, you can ask DTA to grant you “good cause” for not meeting a DTA rule, including the time limit, Question 37, the Work Program, Question 38, and teen parent school attendance requirements. Question 13 .DTA Online Guide (Good Cause Due to Domestic Violence).
Advocacy Reminders:

✓ When you ask for a domestic violence waiver, be sure to explain the connection between the violence and the reason you need a waiver. In the two examples, Ms. Farrell and Ms. Moriarty need more time to deal with the consequences of past violence.

✓ Many domestic violence survivors have a disability such as post-traumatic stress disorder (PTSD), depression, anxiety, or other physical or mental disability. If you have a disability, you may get better protection from the work requirement and the time limit by asking for a disability exemption, see Question 39, in addition to or instead of a domestic violence waiver.

✓ You can appeal a denial of a domestic violence waiver. See Question 115.

✓ The welfare rule you are asking to be waived should not be applied while your waiver request is pending. See DTA Field Operations Memos 2007-35 (July 16, 2007) and 1997-49 (Sept. 1, 1997).

47 What can you do if you are getting close to the end of your time limit?

Your benefits will not end after 24 months if you get an exemption, a waiver, or an extension.

Exemptions include exemptions for disability, caring for a disabled child or certain other family members, caring for a child under age two who is not excluded by the family cap or a child under three months who is excluded by the family cap, the last weeks of pregnancy, non-parent caretaker not on the grant, and other exemptions listed in Question 39.

Waivers include domestic violence waivers (see Question 46) and family cap waivers (see Question 36). If you get a waiver of the family cap, either because of domestic violence or because of “extraordinary circumstances,” the child is no longer excluded and qualifies the family for an exemption from the time limit until the child is two years old.
Extensions of the time limit are discussed in Questions 48-51.

Advocacy Reminders:

✓ You can continue to receive benefits if you start a new five-year eligibility period even if you do not have an exemption, an extension or a waiver. See Question 37.

✓ If you are not the parent of the child you are caring for, you should continue to receive benefits for the child even if you have reached your time limit. See Question 32.

48 Can you get an extension of benefits past the time limit?

You can ask for an extension of your benefits. In deciding whether you get an extension, DTA says that it looks at

■ what you are doing to find a full-time job,

■ whether you have complied with work requirements and DTA work activities,

■ whether you have been sanctioned for not complying with DTA rules,

■ whether there are jobs in your area that you could do,


In addition, under DTA rules, recipients who are working at least 35 hours a week at minimum wage or higher will be granted an extension if they are financially and otherwise eligible. In a two-parent family, both non-exempt adults must be working 35 hours a week.

You may also be able to get an extension if you are in a DTA-approved education or training program and need additional time to complete the program. 106 C.M.R. § 203.210(A).
Advocacy Reminders:

✓ You may use informal (unlicensed) child care if you wish, but you have a strong case for an extension if licensed care is not available and you do not want to use informal care.

✓ DTA must give you an opportunity to participate in a work activity. You should not be denied an extension if DTA did not refer you to work activities. DTA Transitions, Dec. 2013, p. 3.

✓ DTA limits extensions to two months (or three months if you need time to complete an education or training program), but you can ask for as many extensions as you need. 106 C.M.R. § 203.210(B)(3); DTA Operations Memo 2013-38 (July 26, 2013). See Question 50.

49 How do you request an extension of benefits past the time limit?

If you have used 22 months of time-limited benefits, DTA should schedule an interview (by phone or in the DTA office) to discuss whether you want an extension of benefits beyond 24 months. If you do not keep the appointment your case will be closed at the end of month 24. DTA Operations Memo 2013-38 (July 26, 2013). If you request an extension before the closing date, your benefits should not stop until a decision is made on your extension request.

You can also ask for an extension after your 24 months of benefits have ended. You will need to file a new application for benefits with the extension request. If five years have passed since your time limit first started to run, you can just reapply for benefits without asking for an extension.

You have a right to request an extension of benefits. You should not tell DTA you do not want an extension unless you are sure you do not want your benefits to continue.

After the interview, the DTA worker makes a recommendation about whether your extension request should be approved or denied. The case
Advocacy Reminders:

✔ You do not have to wait to request an extension until DTA schedules you for an interview. You can request an extension once you reach the 22nd month. 106 C.M.R. § 203.210.

✔ Be sure to tell DTA about everything you have done to get education, training, or a job. Be sure to tell DTA about transportation, child care, health or family issues that have prevented you from getting education, training, or a job.

✔ You have a right to have an advocate help you with the interview. You can ask to respond to the interview questions in writing.

✔ DTA will ask how you are going to take care of your children when your benefits stop. You should explain to DTA any difficulty you will have taking care of your children and paying your bills. If you expect to get help from family or a job, you should be realistic about whether that help will last or is only short term.

✔ Ask DTA for a copy of the Recommendation for Extension form so you can see if the information you gave them was properly recorded and if anything DTA wrote is not correct. Check the sanction history to make sure you are not being denied on the basis of past sanctions that were removed.

✔ If your extension request is denied, ask for a copy of the Commissioner’s Extension Decision.

✔ If you say you do not want an extension, DTA will ask you to sign a TAFDC Extension Refusal Form. Even if you do not want an extension or are sure you will not qualify for an extension, it is better not to sign this form.
How long will your extension last?

Extensions are approved for a maximum of two months except for extensions to complete an education or training program, which may be approved for three months. DTA Operations Memo 2013-38 (July 26, 2013).

If your extension is approved, you should get a letter saying when your extension will end.

Advocacy Reminders:

✓ DTA may say you have to use the extension to find a full-time job. If that is not practical for you, consult an advocate.

✓ Because of a court order, DTA must allow families applying for or receiving an extension the same income deductions allowed for other families. This means your income is counted after taking the $200 work expense deduction and half of the remainder. See Question 78.

What if your extension request is denied?

DTA will send you a notice when it makes a decision on your extension request. If your extension request is denied, the notice should give the reasons for the denial. DTA Operations Memo 2013-38 (July 26, 2013). If DTA denies your request, you can appeal. If you appeal the denial of an extension within 10 days of the date DTA sent notice of the denial, you should continue to receive benefits while you are waiting for a decision on the appeal. See Question 116.

Advocacy Reminders:

✓ You can appeal the written notice terminating your benefits whether or not you filed an extension request or an appeal from the denial of an extension request. If you file the appeal within 10 days of the date DTA
sent the notice, your benefits should continue until the appeal is decided. Consult an advocate for help with your appeal.

✔ If you appeal, ask DTA for the recommendations and the reasons for the recommendations at all four levels – the DTA worker, the supervisor, the local DTA office director, and the DTA Commissioner.

✔ Some DTA staff say they do not recommend extensions because their previous recommendations have been rejected. This may be a ground for challenging an extension denial.

✔ DTA says that it can deny your extension request even if you complied with work activities if your work activities were not designed to “lead to full time employment.” DTA Operations Memo 2013-38 (July 26, 2013), Attachment B. This may not be legal. Consult an advocate if DTA denies your extension request on this or any other ground.

✔ Some of DTA’s extension denials may be illegal. Consult an advocate if DTA denies your extension request.

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52 What activities count towards the Work Program requirements?

Activities that count towards the Work Program requirement include

- a DTA-approved education or training activity, including
  - skills training,
  - adult basic education,
  - English-as-a-Second Language (ESL),
  - a HiSET program,
  - the Young Parents Program,
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- post-secondary education, including programs for an associate’s degree, four-year or bachelor’s degree, or graduate degree that are at least half-time and for which funding is available from non-DTA sources, see 106 C.M.R. § 207.140,

- an “employment supports work activity” (supportive work site),

- paid work, including college work study,

- unpaid work (DTA calls this “community service”),

- internships, including internships in the DTA Works Program that pay a stipend that does not count against your grant and other paid or unpaid internships,

- baby-sitting for your grandchild so a teen daughter who lives with you can go to school,

- home-schooling your children, see TAFDC Update No. 11 (Jan. 25, 1996),

- participating in a substance abuse program while in a substance abuse shelter,

- another program DTA expects will lead to a job,

- job search,

- housing search if you are staying in an emergency shelter, a motel or a temporary housing arrangement provided through the Department of Housing and Community Development. 106 C.M.R. § 203.400(A)(2); DTA Transitions, July 2015, p. 5.

Education or training counts towards the work requirement for 24 months. DTA may allow education and training for more than 24 months if you are making substantial progress towards a degree or certificate. Although education and training can count towards the work requirement for 24 months, you can be cut off when you reach your time limit unless you are approved for an extension.

See Question 95 for a list of DTA’s Employment Services Program (ESP) activities. Most ESP activities count towards the Work Program requirement
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Advocacy Reminders:

✓ DTA does not count education or training towards the 24-month limit unless you attend for the full month. A partial month does not count. DTA Transitions, Sept. 2009, p. 6.

✓ DTA will approve distance learning offered at publicly funded community colleges. DTA Operations Memo 2011-35 (July 15, 2011). You may be able to get DTA to approve another distance learning program if there is a way to verify attendance. See DTA Transitions, Nov. 2008, p. 5; Massachusetts’ Work Verification Plan (Oct. 1, 2007). Check with an advocate.

✓ If you are in shelter and meeting your work requirement through housing search, you can volunteer for another activity and get child care and transportation benefits. Be sure DTA treats you as a volunteer for the other activity so DTA can’t sanction you if you run into a problem with the other activity.

✓ DTA should treat you as meeting the Work Program requirement when you are meeting the preliminary requirements for the activity, such as visiting the site, attending an orientation, getting a medical exam, getting a criminal history report, or arranging child care.

✓ Housing search does not count as work if you have a Home BASE rental subsidy. DTA Online Guide (HomeBASE Impact DTA Requirements).

53 How many hours a week do you have to do a work activity?

Required hours of work activity depend on the age of your youngest child who is not excluded by the family cap. There is a special rule if the only children living with are excluded by the family cap. You can meet the work requirement by doing one or a combination of activities for the required hours.

Youngest child between age two and school age. If you are not exempt and your youngest child (not excluded by the family cap) is between the
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ages of two and age six or first grade (whichever is later) you must do 20 hours a week of work activity.

**Youngest child school age or older.** If you are not exempt and your youngest child (not excluded by the family cap) is school age or older, you must do 30 hours a week of work activity. 106 C.M.R. § 203.400(A)(5); DTA Operations Memo 2011-42 (Sept. 2, 2011).

**Only child or children excluded by the family cap.** If the only children living with you are excluded by the family cap, the required hours of work activity are based on the age of the youngest child. DTA Operations Memo 2011-42 (Sept. 2, 2011).

**Note**

If you are in a homeless shelter and meeting your shelter housing search requirements, you meet the work activities requirement. 106 C.M.R. § 203.400(A)(2)(j). You do not have to show that you are doing housing search for a set number of hours.

**Advocacy Reminders:**

✓ DTA has a duty to help you locate work activities that meet the hours requirements. For example, if you must do 30 hours of work activities a week and your training program is 20 hours a week, DTA should help you find a program or community service placement for the additional hours. If DTA cannot find an appropriate program or placement for you, you have good cause, see 106 C.M.R. § 701.380(A)(8) and **Question 61**, for not doing the additional hours.

✓ If you are in an education or training activity, each hour of participation (or each credit hour, if you are in college) counts as two hours towards the work requirement. In other words, if you are in college and you have 12 credit hours, you are counted as participating for 24 hours a week. If you are in a training program for 15 hours a week, you are counted as participating for 30 hours a week. DTA Field Operations Memo 2008-53A (Oct. 24, 2008); DTA Transitions, Aug. 2010, p. 8. You should also be able to get credit for additional study or laboratory time if it is supervised.

✓ The federal Fair Labor Standards Act limits the number of hours you can participate in community service to meet the work requirement. See **Question 58**.
What are the work rules for two-parent families?

In a two-parent family where neither parent is exempt each parent must meet the required work activity hours each week based on the age of the youngest child. 106 C.M.R. § 203.400(A)(5); DTA Online Guide (Two-Parent Case Examples).

What are the work rules for non-citizen parents?

Non-citizens who are included in the assistance unit are treated the same as citizens.

Non-citizens who are ineligible for benefits for themselves because of their immigration status but have work authorization or could work for pay are subject to the work rules on the same basis as citizens.

Non-citizens without work authorization cannot be required to look for or take a paid job. DTA requires these non-citizens to do community service unless they are exempt from the work rules for some reason other than lack of work authorization. 106 C.M.R. § 203.400(A)(3). DTA does not allow non-citizens to count education or training on the same basis as citizens. This may be illegal. Consult an advocate if DTA will not let you count education or training.

Non-citizens have the same right as citizens to claim an exemption (for example, because of disability) or get a waiver (for example, because of domestic violence) or claim good cause for not meeting the work requirement (for example, because of lack of child care).
Advocacy Reminders:


- Ineligible non-citizens who cannot work for pay qualify for child care if needed to comply with their community service requirement. DTA Online Guide (Introduction to Child Care Services).

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56 When do you have to start a Work Program activity?

You have 60 days to look for and start a work program activity once you begin receiving TAFDC, start a new five-year eligibility period (see Question 37), or DTA decides you are subject to the Work Program. 106 C.M.R. § 203.400(A)(2); DTA Operations Memo 2011-53 (Nov. 22, 2011); DTA Online Guide (Work Program Requirements Overview).

If your activity stops or no longer qualifies as “work,” you have 20 days to begin another activity.

If you cannot meet DTA’s deadline for starting a work program activity, you may have good cause to start later. See Question 61. For example, you may need more time to arrange child care or a community service site may not be ready for you.

If you reapply for TAFDC, you have used your 60-day work search period already, and you do not qualify for an exemption or have good cause for not participating in a work activity, you have 10 days to look for and start an activity (unless your case was closed because you did not meet the work activity requirements). See DTA Online Guide (Work Program Requirements Overview); see Question 61 for more information on good cause.

Advocacy Reminder:

- The Work Program requirement is separate from and in addition to the applicant job search requirement discussed in Question 107. Be sure to
57 How should you choose a Work Program activity?

You have the right to choose which Work Program activities you will use to meet the work requirement. You have the right to pick an education or training program or any other countable activity, including community service.

Ask your worker about training or education programs that DTA pays for. Also ask about programs that other agencies pay for, such as adult basic education and training programs paid for by other agencies. In general, it is not good to borrow money to pay for an education or training program, except for college programs that qualify for low-interest loans and have a good track record of helping graduates get jobs.

As long as you choose a countable activity, DTA should approve it and put it in your Employment Development Plan (EDP). See Question 96.

Advocacy Reminders:

- DTA is required by law to provide appropriate services for people with disabilities. Consult an advocate if you need special training, education, or employment services because you have a physical or mental disability, including a learning disability. See Questions 24-27.

- You can arrange your own community service placement, but DTA reserves the right to disapprove the site you arrange. Under the law, any nonprofit organization may be a community service site, so DTA disapproval may not be legal.
What if you can’t find an appropriate Work Activity?

The Full Engagement Worker is supposed to meet with you to identify any problems you have meeting the work requirement, determine an appropriate activity for you, and determine what services you need such as child care or transportation. If you prefer to participate in community service rather than any other activity, DTA should refer you to a community service site.

If you have not verified that you are participating in an allowed work activity within 60 days of when you apply, DTA is supposed to refer you to an actually available community service site. If you can’t get to the community service site, the community service is not appropriate, or the community service site will not accept you, notify DTA immediately. If DTA thinks you have not participated and do not have good cause for not participating, you may be sanctioned and your benefits may be lowered or stopped. See Question 31.

DTA says it can require you to do community service during your child’s school hours. DTA says it can reassign you from one placement to another if it wants. 106 C.M.R. § 207.170(A). Consult an advocate if you have located a good placement, and DTA is telling you to change.

**Limit on number of hours you can count community service.** Under the federal Fair Labor Standards Act, you cannot participate in community service for more hours than your TAFDC grant plus SNAP (food stamp) benefits divided by the minimum wage ($11/hour) divided by 4.333. 106 C.M.R. § 203.400(A)(2)(c); DTA Operations Memo 2008-4 (Feb. 1, 2008); DTA Online Guide (Community Service and FLSA Community Service Choices).

- DTA says it can require you to do another activity in addition to or instead of community service if you cannot meet your full work requirement with community service because of the Fair Labor Standards Act. 106 C.M.R. § 203.400(A)(2)(c); DTA Operations Memos 2008-53A (Oct. 24, 2008), 2008-4 (Feb. 1, 2008); DTA Online Guide (Community Service and FLSA Community Service Choices);
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DTA Transitions, June 2012, pp. 4-5. This may be illegal. Consult an advocate if it is a problem for you.

■ DTA agrees that if there is no activity available for you to supplement your community service hours and no activity for you to do instead of community service, you must be given “good cause.” DTA Operations Memos 2008-53A (Oct. 24, 2008); 2008-4 (Feb. 1, 2008); DTA Online Guide (Community Service and FLSA Community Service Choices).

Advocacy Reminders:

✓ If DTA does not help you find a community service site, sends you to a site that does not exist, or sends you somewhere that is not appropriate, you should ask your worker to give you good cause for not meeting the Work Program requirement. See Question 61.

✓ DTA must subtract the value of child support collected and retained by the state in making the Fair Labor Standards Act calculation. DTA Field Operations Memo 2008-53A (Oct. 24, 2008); DTA Online Guide (Community Service and FLSA with Child Support).

✓ DTA can place you in a community service site at DTA if it chooses. See DTA Operations Memo 2012-14 (Apr. 6, 2012). This can be a stepping stone to the DTA Works Program, which pays a stipend that is not counted for TAFDC or SNAP (food stamps). DTA Works Program positions often lead to paid jobs. See Question 95.

59 What if you need child care or transportation to meet the Work Program rules?

You are eligible for free child care if you need child care to meet Work Program rules. See Question 99. If you cannot locate appropriate child care you have good cause for not meeting the rules. See Question 61. If you are meeting the Work Program through community service, DTA says it can require you to do community service during your child’s school
hours so you will not need child care. See DTA Transitions, Feb. 2004, p. 2. Consult an advocate if this is a problem for you.

DTA provides limited transportation help to Work Program participants participating in education, training, job search or paid work. See Question 102. DTA Online Guide (Transportation Overview). If you cannot meet the Work Program rules because you do not have or cannot afford transportation, you have good cause for not meeting the rules. See Question 61; DTA Operations Memo 2011-34 (July 5, 2011); DTA Transitions, July 2015, p. 5.

DTA will authorize child care for up to two weeks while you are waiting to start an activity. If you already have child care and have an activity scheduled to start within a month, DTA will authorize child care for up to a month so you do not lose your child care arrangements. 106 C.M.R. § 207.210(A)(2); DTA Online Guide (Eligibility for Child Care Services); DTA Transitions, Nov. 2012, p. 4. DTA will authorize child care for four weeks if you need child care to engage in a work activity for two weeks so you can get back on benefits after you have been cut off by the time limit or for not complying with work requirements. DTA Online Guide (Applicant 60 Day Work Search).

60 What happens if you do not meet the Work Program rules?

Unless you are exempt from the time limit, you can be sanctioned for not meeting Work Program rules. See 106 C.M.R. § 207.200.

If you are subject to the work requirement and not participating, DTA is supposed to refer you to a community service site. DTA says it meets this obligation by sending you a notice to come to the local DTA office for a community service referral. DTA will cut off your benefits if you do not go to the local DTA office as required. See DTA Operations Memo 2014-55A (Sep. 16, 2014). But if DTA does not give you a community service referral, DTA should not sanction you.
If you are not participating within 20 days of a community service referral, DTA issues a warning notice and 10 days after the warning notice sends another referral to community service or another activity you have selected and takes steps to reduce your benefits. In a two-parent family, you lose the grant for both parents even if only one parent did not meet Work Program rules.

Twenty days after the second referral, DTA sends another warning notice and 20 days after that DTA takes steps to cut off all cash assistance for your family. See DTA Online Guide (Work Program Sanctions Flow Chart); DTA Online Guide Transmittal 2015-33 (June 26, 2015); Field Operations Memo 2005-8 (Feb. 2, 2005). The termination notice will say you did not comply with your Employment Development Plan.

If your family’s cash assistance is cut off because you (or the other parent) did not meet Work Program rules or comply with your Employment Development Plan, your family is not eligible until you have met the rules for two weeks unless you have become eligible for an exemption or you have good cause. 106 C.M.R. §§ 207.200(B), 207.205; DTA Online Guide (Applicant Who Has Used 60-Day Work Search). You can meet the requirements by verifying attendance at a career center for the required number of hours.

DTA has a duty to find you an appropriate and available community service placement if you need one. See Question 58; DTA Operations Memo 2011-34 (July 5, 2011). If DTA does not find you an appropriate and available community service placement, you have good cause for not complying and should be put back on benefits even if you are not doing a work activity. See Question 61.

A court has said that it may be illegal to cut benefits to the whole family because one person did not meet Work Program rules. Consult an advocate.

**Advocacy Reminders:**

✓ You should not be sanctioned if you have good cause for missing the activity. See Question 61.

✓ You can appeal if your attendance was not recorded correctly or if DTA does not accept your good cause claim. See Part 8.
Part 3 ■ Time Limit and Work Program Rules and Exemptions

✓ If your benefits are cut off, you should get the child care services you need to cure the sanction. See Question 98. You may also be able to get transportation assistance. If you cannot cure the sanction because you do not have child care or transportation, tell DTA you have good cause and check with an advocate about what to do.

✓ Consult an advocate if DTA denies you education, training, child care, transportation benefits or earnings deductions because you did not meet Employment Development Plan (EDP) or Work Program requirements.

✓ Your SNAP (food stamp) benefits will not increase when you lose your share of the grant because of an EDP or Work Program sanction. 106 C.M.R. § 365.130. But your SNAP benefits should go up if you lose all of your TAFDC, as long as you are complying with applicable SNAP requirements.

✓ You should not be sanctioned if you are exempt from the time limit and have participated in work or another activity as a volunteer. See Question 94.

✓ If you worked for two or more weeks after you lost benefits because of a sanction, DTA should not require you to work for two weeks after you reapply before finding you eligible. If DTA says you have to work after reapplying, consult an advocate.

61 What if you have a good reason for not meeting Work Program rules?

You should not be sanctioned if you have good cause for not meeting the Work Program rules or your Employment Development Plan. Good cause reasons include

- lack of appropriate child care, see Question 100,
- illness or disability (yours or a family member’s),
- lack of affordable and reliable transportation,
Part 3 ■ Time Limit and Work Program Rules and Exemptions

- lack of an appropriate and available community service site identified by DTA, see Question 58,

- a family crisis, emergency, or other compelling circumstances,

- the job does not pay minimum wage, violates health or safety standards or discriminates on the basis of sex, race, religion, ethnic origin or disability,

- the job is not available because of a strike or lockout, or

- you are participating in housing search. 106 C.M.R. § 701.380(A); DTA Operations Memo 2011-34 (July 5, 2011); DTA Online Guide (Good Cause Criteria), (Grantees Who Do Not Have to Meet the Work Program).

If DTA thinks you are not meeting the work requirement, it will send you a form listing the good cause reasons. To stop DTA from reducing or cutting off your benefits, circle the good cause reasons that apply, add any other reasons you think are good cause, and return the form to your worker within 10 days.

Advocacy Reminders:

✓ You may have good cause if no one at the work placement speaks your language or the placement is not appropriate for some other reason. See Question 58.

✓ If you have just been evicted or you are homeless, you may be able to claim good cause on the basis of family crisis, emergency, or other compelling circumstances.

✓ Good cause due to family crisis, emergency or other compelling circumstances includes being in a domestic violence shelter or dealing with domestic violence. DTA Online Guide (Work Program Requirements/Grantees Who Do Not Have to Meet the Work Program Requirement); DTA Online Guide (Good Cause Due to Domestic Violence). You may also be able to get a domestic violence waiver. See Question 46.

✓ DTA may say you do not have good cause based on lack of appropriate and available child care if the Child Care Resource and Referral Agency won’t say that appropriate child care is not available. DTA Online Guide
Part 3 ■ Time Limit and Work Program Rules and Exemptions

(Good Cause Criteria); DTA Field Operations Memo 2005-1A (Apr. 15, 2005). But you have a right (and a duty as a parent) to take into account what any reasonable parent would consider in deciding whether child care is appropriate. See Question 100. Consult an advocate and file an appeal if you have not been referred to child care you think is appropriate and you are denied good cause. See Part 8.

✔ You should be able to claim good cause if you cannot go to the Work Program activity because of any reason beyond your control or any other good reason. If your worker will not approve your good cause claim, contact an advocate and file an appeal. See Part 8.
Part 4  Financial Eligibility

62  What is financial eligibility?

You must be financially eligible to get TAFDC benefits. To be financially eligible, your countable income and assets must be within TAFDC eligibility limits. If you are within TAFDC eligibility limits, the amount of your grant is figured by comparing your countable income, after any allowable deductions, with the payment standard for your family size. These rules are discussed in more detail in this Part.

63  What is the difference between income and assets?

In general, income is money that “comes in.” An asset is money or property you already have. 106 C.M.R. § 204.100.

Some assets and income do not count. See Questions 64 and 68.

Advocacy Reminder:

- DTA must treat money either as income or as an asset. It cannot treat money both as income and as an asset in the same month. Some money and property is not counted as income and is also not counted as an asset.
What assets count?

You are financially eligible only if your TAFDC household has **countable assets of $2,500 or less.** 106 C.M.R. § 204.110.

**Noncountable Assets**

The following items **do not count** as assets

- the home you live in,
- the first $15,000 of the fair market value of one car or other vehicle per family (see **A Note About Cars** below),
- household and personal belongings,
- an asset that you do not have ready access to (such as assets tied up in legal proceedings), unless you transferred the asset during the 12 months before you applied for TAFDC (see **Question 65**),
- any assets of an SSI recipient, including accounts you have access to that are restricted or dedicated for the use of the SSI recipient (see DTA Transitions, July 2002, p. 2),
- federal and state earned income credits in the month of receipt and the following month,
- college savings in a plan created pursuant to or consistent with section 529 of the federal Internal Revenue Code (see St. 2016, c. 133, §123 (July 1, 2016), **and**
- assets used to produce income, such as a vehicle used for self-employment.

This is not a complete list of noncountable assets. Check the regulations for other noncountable assets. 106 C.M.R. §§ 204.120, 204.140; DTA Online Guide (Noncountable Assets).
Countable Assets

The following items do count as assets:

- cash on hand (unless listed as noncountable),
- bank accounts that you have access to,
- the fair market value of a “non-luxury” vehicle in excess of $15,000, as well as the greater of the full fair market value or the full equity value of all other vehicles owned by a family member, see DTA Operations Memo 2014-46 (July 10, 2014),
- the cash surrender value of life insurance and burial insurance,
- state and federal income tax refunds other than earned income credits, see DTA Transitions, June 2013, p. 6,
- real estate other than your home unless it qualifies for a six-month exclusion and you are trying to sell it. See DTA Operations Memo 2013-52 (Oct. 3, 2013); 106 C.M.R. §§ 204.120-204.140; DTA Online Guide (Countable Assets).

Advocacy Reminders:

- DTA has the authority to grant a waiver to allow a vehicle that would otherwise put your family over the asset limit. You could ask for a waiver if a vehicle that otherwise puts you over the asset limit is necessary to accommodate a disability; is needed for a family member to get to work, education or training, or medical care; is needed for a domestic violence survivor’s safety plan; or is needed for other good reasons. DTA may say it doesn’t have the authority to grant a waiver for a second vehicle that puts you over the asset limit, but you can try to make the case to DTA that a waiver is necessary.

- If your vehicle puts you over the asset limit and you need it to transport a disabled family member, you can also ask DTA to modify the car rule under the Americans with Disabilities Act. See Question 24. If you need the car for a domestic violence survivor’s safety plan, you can ask for a domestic violence waiver. See Questions 28 and 46.
Part 4 ■ Financial Eligibility


✓ DTA says that you can only claim the $15,000 exclusion for a vehicle that is used primarily for transportation. See Online Guide (Asset Types—Vehicles). This requirement is not in the statute.

✓ An asset may be noncountable if you do not have access to it because of domestic violence. For example, if your abuser has your car it may be noncountable. See DTA Transitions, Nov. 2009, p. 5, Apr. 2001, p. 8.

✓ If your bank account goes over $2,500, DTA may take steps to close your case without checking to see if any of the money in your bank account is not countable. See DTA Operations Memo 2014-57 (Oct. 10, 2014). Consult an advocate if that is a problem for you.

✓ A leased vehicle is not counted. DTA Transitions, Nov. 2009, p. 5.

✓ Prepaid funeral arrangements usually cannot be converted into cash and are usually noncountable. DTA Transitions, Feb. 2013, p. 7.

65 How does DTA treat assets you no longer have?

If you spent, gave away or otherwise transferred any money or property during the year before you applied for TAFDC, DTA may say you are not eligible. DTA should not disqualify you if

• at the time of the transfer you thought you had enough left to live on for a year after the transfer,

• you spent the money on
Financial Eligibility

- shelter, fuel, utilities, or food (up to the need standard for your family size), \textit{and/or}

- necessary medical expenses (including health insurance premiums),

\begin{itemize}
  \item you spent the money on transportation costs (less than $150/month), replacement or purchase of basic household furniture or appliances, repairing your dwelling, court-ordered judgments, certain government obligations like taxes, or a prepaid funeral arrangement and burial plot,
  \item you spent the money on expenses related to your work or education,
  \item you spent the money on something that is not an “extraordinary expense” (something you would not normally buy) and the amount you spent was less than 25\% of your average monthly income (based on the previous six months of your income),
  \item you or the person who made the transfer was legally incompetent or coerced, \textit{or}
  \item the transfer was the result of a court action. 106 C.M.R. § 204.135.
\end{itemize}

\textbf{Advocacy Reminders:}

- DTA should only count the amount of money you spent or transferred that exceeds the $2,500 TAFDC asset limit (in combination with the other countable assets you had at the time).

- An irregular expense is not necessarily “extraordinary.” For example, one-time moving expenses are not extraordinary.

- DTA may try to apply the transfer of assets rule to recipients whose assets go over the $2,500 limit. See DTA Operations Memo 2014-57 (Oct. 10, 2014). This may be illegal. Check with an advocate if this happens to you.

- The transfer of assets rule is often very unfair and may be illegal. Check with an advocate for legal help if DTA says you are not eligible because of the transfer of assets rule.
What if you are expecting money from an accident or illness?

If you are expecting money from an accident or illness and you need TAFDC because of that accident or illness, you have to assign your right to the money to DTA. This includes money from a lawsuit or Workers’ Compensation. DTA can reimburse itself from the accident or illness money for the TAFDC you needed because of the accident or illness. 106 C.M.R. § 702.800. The assignment form also covers money you may get for medical expenses.

If you are receiving TAFDC, DTA will apply the lump sum rule to the balance of money that you get from a settlement or Workers’ Compensation award. See Questions 81-83. If you are not receiving TAFDC and you apply for benefits after you get the money, DTA may apply the transfer of assets rule. See Question 65.

Advocacy Reminders:

✓ If child support has been paid to the state for the time period covered by the assignment, DTA should not reimburse itself again for TAFDC benefits that were paid back through child support payments. Similarly, DTA should not reimburse itself for TAFDC benefits you repaid to DTA after DTA said you were overpaid. Be sure to tell your lawyer about any payments that reduce DTA’s claim before the lawyer turns any money from the lawsuit over to DTA.

✓ The 2014 law discussed in Question 67 may provide a way for you to save some of the money.

What if you want to try to save money?

DTA is required by a 2014 state law to allow you to save money for specified purposes and not have the savings count towards the $2,500
Part 4 ■ Financial Eligibility

asset limit. The 2014 law calls these accounts “economic independence accounts.” The specified purposes include saving for first and last months’ rent, a security deposit, education or training, or any other expense that DTA determines will help you get off benefits, including paying off your debts. G.L. c. 118, § 16.

Under the 2014 law, you have to put some of your TAFDC benefits into the account, but DTA could make the required contribution only $1. That would allow you to save other money such as your tax return, the earned income credit, gifts from family members, or money that would otherwise be countable under the lump sum rule. See Questions 64, 76, and 81. It would allow you to participate in a savings program for your children’s education without having the money count against your asset limit.

A separate law allows recipients to put money in a college savings in a plan created pursuant to or consistent with section 529 of the federal Internal Revenue Code. St. 2016, c. 133, §123 (July 1, 2016).

DTA has not yet implemented either of these laws. Consult an advocate if you would like to establish a noncountable savings account or DTA is counting savings that you intend to use for one of the allowable savings goals.

68 What income is not counted?

DTA looks at total monthly income to decide eligibility, but not all income counts. 106 C.M.R. § 204.250.

The following items do not count as income:

- income of any SSI recipients in the family, including child support received for a child receiving SSI,
- foster care payments you receive for a foster child,
- SNAP benefits (food stamps),
- federal and state earned income credits and tax refunds (may count as an asset, see Question 64),
Part 4 ■ Financial Eligibility

- federal higher education (college level) grants, loans and work study,
- other higher education grants and scholarships that cannot be used to meet current living expenses,
- up to $7,500 in relocation payments received by a tenant to leave a foreclosed property plus additional amounts you can verify are being used for relocation expenses, DTA Transitions, Jan. 2008, p. 7,
- any loan that cannot be used to meet current living expenses,
- payments from a reverse mortgage (loan that allows homeowner to withdraw equity from property), see DTA Transitions, Apr. 2007, pp. 4-5,
- training stipends up to $130 per month,
- reimbursements for training expenses,
- Youthbuild or Americorps earnings or payments to participants,
- earnings of a child under 14,
- earnings of a child who is a full-time student working part-time), see DTA Online Guide (Noncountable Income – TAFDC);
- certain restricted cash gifts from persons who are not financially responsible for anyone in the TAFDC household (see Question 76),
- the first $50 a month in child support,
- the first $90 a month in child support or other income paid for a child excluded under the family cap,
- housing subsidies received under any Massachusetts or federal housing program, and
- assistance from social service or other organizations.

This is not a complete list of noncountable income. The regulations describe over 30 types of noncountable income. Check the regulations for a more complete list. 106 C.M.R. § 204.250.
Advocacy Reminders:

- DTA has discretion to make additional types of income noncountable. Advocates can work with DTA to expand the list of noncountable income sources.

- DTA sometimes counts the earned income of children under age 18 who are not full-time students working part-time. Check with an advocate.

- Some employees get “credits” that can be used to pay for benefits such as health insurance, child care, or life insurance. The “credits” may show up on your pay stub as income, but they are not counted for TAFDC or SNAP (food stamps) unless you have the option of taking the credits as cash. See DTA Transitions, Jan. 2006, p. 7 and Feb. 2006, p. 3.

- Payments from a publicly supported employment program, such as the federal Workforce Innovation and Opportunity Act, are usually not counted for TAFDC or SNAP. This includes some programs that provide summer employment for youth as well as other programs. Consult an advocate if DTA is counting payments from a publicly supported employment program in case the payment should not be counted.

What income is counted?

Earned and unearned income is counted unless it is specifically excluded.

Earned income

Countable earned income includes wages, tips, salary and earnings from self-employment. 106 C.M.R. § 204.210(A). Subtract business expenses from self-employment income. There are special rules for business expense deductions if you get income from rent. 106 C.M.R. § 204.210(E).

Unearned income

Countable unearned income includes social security (but not SSI), unemployment compensation, veterans’ and other pension benefits, and income from trusts. 106 C.M.R. § 204.210(B).
What happens if your child’s father (or mother) pays child support?

When you get TAFDC, you have to assign your child support (and spousal support) rights to the state for any person who will be included in the grant. The Department of Revenue (DOR) then collects the support. 106 C.M.R. §§ 203.700-203.710. DTA should send you the first $50 a month in support that DOR collects. This is called a child support “pass through.”

The assignment of child support does not cover back support (arrearages) for the period before you began receiving TAFDC. DOR should send this money directly to you. DTA may then try to count this money as income for TAFDC and may try to apply the lump sum rule. See Question 81. Consult an advocate if you get a back child support payment from DOR.

If the child support DOR collects for a month is more than your grant plus $50, DTA should send you the difference. If this happens for two months in a row, DTA should close your TAFDC case and you should get the child support instead (and the month should not count towards your 24 months if you are subject to the time limit). 106 C.M.R. § 204.230; DTA Online Guide (Acosta Payment).

You can close your TAFDC case at any time for any reason. If you close your TAFDC case DOR must send the support money directly to you. There may be several weeks’ delay before DOR starts sending you the support.

You can keep all of the child support paid for a child excluded by the family cap (whether the child’s parent pays the support to you directly or DOR collects the support and then pays it to you). The first $90 per month does not count against the grant whether it is current support or back support. 106 C.M.R. § 204.250(HH).

**Advocacy Reminders:**

✓ You are entitled to the $50 a month child support pass through for children who are on the grant, plus a $90 per month exclusion for each family cap child who is not on the grant.
The regulations say you have to assign the family cap child’s right to medical insurance, but do not require you to assign the family cap child’s right to cash support. 106 C.M.R. §§ 203.700, 203.710. DOR does not typically pursue medical insurance.

Support paid for a child receiving SSI does not count against the TAFDC grant but some of it does count against the SSI benefit. 106 C.M.R. § 204.250(A)(1). See also DTA Transitions, Mar. 2002, p. 7.

Massachusetts has not yet taken advantage of a federal law that allows the state to increase the pass through from $50 a month to $100 a month for one child and $200 a month for two or more children. Under this option families get more of the child support that is paid for their children.

71 Does DTA ever count money as income even if you do not get it?

DTA counts the money you don’t get that is withheld from your paycheck such as the money withheld for taxes, union dues, health insurance, and retirement accounts. DTA also counts money that is withheld from your paycheck to pay child support, back taxes, or a debt.

DTA may also try to count money that is withheld from social security or other benefits to pay back an overpayment. DTA Transitions, May 2013, p. 8. This may be illegal. Consult an advocate.

In some cases, DTA counts money as income to you even if all of it was paid to someone else. This is called “deeming.” 106 C.M.R. § 204.210(D).

The following questions deal with deeming from a stepparent or ineligible non-citizen parent, Question 72, and grandparent deeming, Question 73.
72 How does DTA count income of a stepparent or ineligible non-citizen parent?

Your income is counted in figuring your stepchildren’s eligibility if you are a stepparent and the child’s natural or adoptive parent is also in the home. This is true even though you have not adopted your stepchildren and do not have a legal responsibility to support them. 106 C.M.R. § 204.210(D)(1)(a).

Your income is also counted in figuring your children’s eligibility if you are a parent who is an ineligible non-citizen who cannot be in the assistance unit or has chosen not to apply. See Questions 8 and 32. 106 C.M.R. § 204.330. See also DTA Transitions, June 2003, p. 2.

Income of a stepparent or ineligible non-citizen parent who lives with a dependent child is counted after deducting

- $200 a month from earned income,
- support payments paid to people outside the TAFDC unit, and
- the Need Standard (see Question 79) for the stepparent or ineligible parent and any dependents living with him or her who are not included in the TAFDC unit. 106 C.M.R. § 204.235(A).

Example

Sonia Novik is a lawful permanent resident who got her status two years ago and does not meet non-citizen eligibility requirements. She has two children ages two and three who are citizens. She earns $700 a month. She pays rent. DTA will subtract $200 a month for work expenses and the Non-Exempt Monthly Need Standard for one person of $418 a month (with the rent allowance). DTA will count $82 against a two-person grant for the children.
Advocacy Reminders:

✔ There is no stepparent deeming to the child of a teen parent. For example, a 16-year-old with a baby who lives with her mom and her mom’s husband should not have her mom’s husband’s income deemed unless her mom is also part of the assistance unit.

✔ There is no stepparent deeming where the stepparent is the primary caretaker for the child, the natural or adoptive parent is not in the home, and the stepparent is not on the grant. In this situation, the stepparent is treated like any other non-parent relative who is not receiving assistance for herself. See Question 32. See DTA Transitions, Oct. 2004, p. 4.

✔ There is no stepparent deeming for MassHealth, but stepparent income is counted if the stepparent is the applicant for her or his spouse or child.

73 How is grandparent income counted towards the baby of a teen parent?

If you are a teen parent under 18 and you live with your child’s grandparent (your own parent or the baby’s other grandparent) the grandparent’s income is counted after deducting 200% of the federal poverty guideline for the grandparent, grandparent’s spouse and other dependents who are not receiving assistance. 106 C.M.R. § 204.236. This is true even though your baby’s grandparents have no legal responsibility to support your baby.

<table>
<thead>
<tr>
<th>Family Size</th>
<th>200% of Poverty Monthly</th>
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<tbody>
<tr>
<td>1</td>
<td>$1,980</td>
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<tr>
<td>2</td>
<td>2,670</td>
</tr>
<tr>
<td>3</td>
<td>3,360</td>
</tr>
<tr>
<td>4</td>
<td>4,050</td>
</tr>
</tbody>
</table>

These are the 2016 amounts. They usually go up in January or February each year. See http://www.mass.gov/dta/eligibility.
Example

Sherry is 17. Sherry and her baby live with Sherry’s mother, Grace Ryan, and Sherry’s 15-year-old sister. Grace Ryan earns $33,000 per year before taxes, or $2,750 per month. Subtract 200% of the federal poverty level for a family of two ($2,670) from Grace’s monthly earnings. The difference, $80 a month, is counted as unearned income against the grant for Sherry and her baby.

Advocacy Reminders:

✓ Only the income of a grandparent counts. Do not count income of the teen’s stepparent (grandparent’s spouse) or the teen’s siblings. 106 C.M.R. § 204.236.

✓ There is no grandparent deeming if a teen parent lives with a non-parent relative such as an aunt, uncle, older sibling, or her own grandparents, and the relative is not receiving TAFDC.

✓ There is no grandparent deeming if the teen parent is 18 or 19.

✓ There is no grandparent deeming if the teen has left the home and the grandparents are caring for the teen’s baby. The grandparents can get a one-person grant for the baby excluding their income. See Question 32.

✓ There is no grandparent deeming for MassHealth unless the grandparent applies for MassHealth as part of the family group.

74 What if a stepparent, parent or grandparent refuses to give income information?

If DTA cannot determine your eligibility because you cannot provide information from a stepparent, parent, or grandparent, your family is not eligible. 106 C.M.R. §§ 204.235, 204.236, 204.315.
75 What is in-kind income (and how can you avoid having it counted)?

In-kind income is something you get free, such as free rent, utilities or food. SNAP (food stamps), MassHealth, housing subsidies and other benefits are *not* counted as in-kind income. DTA counts in-kind income in figuring the grant amount, but not for the Gross Income Eligibility or Net Income tests. 106 C.M.R. § 204.210(C). DTA reduces the grants of homeless families in an emergency shelter or motel by $148.50 a month, because the family receives free shelter and utilities. DTA does not reduce the grants of homeless families receiving rental assistance or families placed in short term housing arrangements. DTA Operations Memo 2011-48 (Nov. 3, 2011); DTA Online Guide (HomeBASE Impact DTA Programs/Requirements).

DTA does not count in-kind income if it is

- for only part of a need listed in the In-Kind Chart (for example, part of the rent), *or*

- for a need not listed in the In-Kind Chart (for example, diapers, clothing, school fees). 106 C.M.R. § 204.510.

<table>
<thead>
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<th>In-Kind Chart</th>
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<tbody>
<tr>
<td><strong>Items received free</strong></td>
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<tr>
<td>Rent or mortgage</td>
</tr>
<tr>
<td>Unheated facility</td>
</tr>
<tr>
<td>Heated facility</td>
</tr>
<tr>
<td>Fuel</td>
</tr>
<tr>
<td>Utilities</td>
</tr>
<tr>
<td>Food (individual)</td>
</tr>
</tbody>
</table>
Example

Carol and her child live rent-free with Carol’s mother. Because Carol does not pay rent or utilities, DTA counts $126.30 per month as income to Carol. Carol can avoid having the free rent and utilities counted by paying her mother a small amount each month for rent and utilities (for example, $10). If her mother is on TAFDC (or EAEDC or SSI) Carol can pay the money directly to the mortgage and utility companies so that the payments will not count against her mother’s grant, or her mother can deduct the payments as business expenses. See 106 C.M.R. § 204.210(E).

Advocacy Reminder:

✓ Be sure to tell DTA if you are moving from an emergency shelter, motel, or temporary housing so DTA will know that it should stop reducing your grant by $148.50 a month.

76 Do gifts count as income?

Gifts from Persons with No Financial Responsibility

A friend, charity or relative (except for a parent of a minor child or a spouse) does not have financial responsibility for people receiving TAFDC. The following gifts from people who do not have financial responsibility do not count as income:

- gifts of less than $30 in a three-month period,
- gifts (cash or non-cash) that are restricted for a specific purpose or paid to a vendor except to the extent the gift, or part of it, is countable as in-kind income. See Question 75. 106 C.M.R. §§ 204.210, 204.250(N), (AA), 204.510; DTA Transitions, May 2004, p. 2.

Gifts from Persons with Financial Responsibility

A parent of a minor child or a spouse has financial responsibility for the child or spouse. The following gifts from a parent or spouse do not count as income:
Part 4 ■ Financial Eligibility

- gifts (other than child support) of less than $30 in a three-month period,

- non-cash gifts to the recipient or money paid directly to a vendor on the recipient’s behalf except to the extent the gift, or part of it, is countable as in-kind income (see Question 75). 106 C.M.R. §§ 204.210, 204.250(N), 204.510.

**Example 1**

Ms. Padilla and her baby are on TAFDC. Ms. Padilla’s sister gives her $200 specifically to help pay Ms. Padilla’s $500 rent. Ms. Padilla’s sister is not legally responsible and the $200 is not countable as in-kind income, so the gift is not countable as income.

**Example 2**

The father of Ms. Rosen’s baby gives $200 directly to Ms. Rosen’s landlord to cover part of her rent. The gift is not countable as income since the money is paid to the landlord and not to Ms. Rosen and is not counted under the in-kind income rule.

Be aware, however, that if a parent pays money directly to a vendor as part of a child support agreement, DTA may try to count the money as income.

You must turn over to DTA any cash child support you get for a child who is receiving TAFDC. 106 C.M.R. § 204.230. DTA will pass through to you the first $50 in current support. See Question 70.

If you have a child excluded by the family cap, the first $90 in income paid for the child from any source does not count against your TAFDC.

**Advocacy Reminders:**

- Countable gifts (cash or non-cash) from non-legally responsible persons and countable non-cash gifts from legally responsible persons that cover the full expense of a need listed in the In-Kind Chart (for example, rent) are counted at the in-kind value, not the actual value.

- One-time gifts that are countable are also treated as lump sum income. See Question 81. Recurring gifts that are countable are treated as income only in the month the gift is received. Gifts that are noncountable should not be counted as lump sum income.
Financial Eligibility

✓ To avoid risking a fraud referral, it is better to report changes that may affect eligibility such as receipt of gifts, even though DTA should not count these gifts if they meet the non-countable income rules.

How do you figure monthly income?

DTA looks at the income you expect to get in the month. If you get the income on a weekly basis, DTA multiplies the weekly amount by 4.333, which is the average number of weeks in a month. If you get the income every two weeks, DTA multiplies the biweekly income by 2.167. 106 C.M.R. § 204.290. This is called “prospective budgeting.”

DTA should use the “best estimate” of the income you expect to receive. 106 C.M.R. § 702.920. If your job stopped or you expect to work fewer hours in the coming month, DTA should count the income you expect to receive, not the income you received before.

Advocacy Reminder:

✓ DTA will average the income of workers who have a contractual annual salary. 106 C.M.R. § 204.290(A)(4); DTA Transitions, Sep. 2010, p. 4. DTA should not average the income of school employees and others who get their income during only part of the year but do not have an annual contract or are paid on an hourly basis. DTA may average the income of a teacher who is paid during the school year but has an annual contract. DTA should not average the income of a school cafeteria worker who is paid during the school year and does not have an annual contract.
What deductions can you take from income?

Earned income deductions

If you have earned income, you are allowed deductions from earnings in calculating your TAFDC. Because your earnings are not counted dollar-for-dollar against the grant, you have more income (from combined TAFDC and earnings) than if you were not working.

Start with your monthly gross earned income and deduct in the following order:

- $200 for work expenses. This is a flat amount regardless of how much your work expenses really are.

- One-half of what is left after the $200 work expense deduction.

DTA may deny you the $200 plus one-half deductions if you did not report your earned income on time, see Question 114, you quit a job without good cause, or you are under a sanction or otherwise excluded from the assistance unit. See DTA Online Guide (Work Expense Deduction, Eligibility for 50% Disregard). Denying the disregards may not be legal. See G.L. c. 18, § 37; St. 2016, c. 133, §125. Consult an advocate.

- Dependent care costs. Deduct actual dependent care costs (including costs of transportation to and from child care) up to $200 a month per dependent depending on the age of the dependent and the number of hours you work. 106 C.M.R. §204.275. Determine the maximum deduction you can take for each dependent using the table at the end of Appendix A. See DTA Online Guide Transmittal 2017-51 (July 28, 2017); DTA Online Guide (Entering Dependent Care Expenses Data).

DTA may try to deny you the dependent care deduction if you did not report your earned income on time, you quit a job without good cause, or you are under sanction or otherwise excluded from the assistance unit. 106 C.M.R. §§ 204.275, 204.280, 204.285. Consult an advocate if DTA tries to deny you the dependent care deduction.
Part 4 ■ Financial Eligibility

Working recipients are almost always eligible for free subsidized child care. Deduct dependent care costs only if you have actual out-of-pocket costs. For example, you can deduct costs of transporting your child to and from child care if you have to pay those costs. Be sure to take the other deductions before deducting child care costs.

Unearned income deductions

You can deduct the first $50 a month in child support for children who are included in the grant. You can deduct the first $90 in income from any source for a family cap child.

Advocacy Reminders:

✓ Applicants are eligible for the $200 work expense deduction and the dependent care deduction. DTA may say that to get the 50% disregard, you have to be a recipient or have received TAFDC within the past four months. If you were not a recipient in the previous four months and you qualify for TAFDC without the 50% disregard, you should then be considered a recipient and you should get the 50% disregard as well as the other deductions.

✓ Because the benefit levels are higher in September, see Question 79, a family may qualify in September with income that would have made the family ineligible in previous months. Once the family qualifies it will continue to be eligible for the $200 plus 1/2 deductions from earned income.

79 How much income can you have and still get TAFDC?

Compare your monthly countable income to the Need and Payment Standard for your unit’s size and exempt status.

■ First figure your countable unearned income. Include in-kind income and deemed income. See Questions 69-76. Include child support income except for the first $50 in child support paid for a child in the assistance unit and the first $90 in child support or other income for a family cap child.
Part 4 ■ Financial Eligibility

Then add your countable earned income after taking the deductions from earned income allowed in Question 78. Multiply weekly income by 4.333 and biweekly income by 2.167. See Question 77. Do not include earned income of children under age 14 or children 14 and older who are working part-time while attending school full time. DTA Online Guide (Noncountable Income – TAFDC).

Compare your total monthly countable income with the Need and Payment Standard for your family size and exemption status. Use the Standard with the rent allowance if you live in private, unsubsidized housing. Use the lower standard without the rent allowance if you do not pay rent or you live in a teen parent living program, see Questions 14-16, or you live in public or subsidized housing and the rent of at least one of the occupants is based on a percentage of income. 106 C.M.R. § 705.910.

If your total countable income is above the Need and Payment Standard, you are not eligible.

Advocacy Reminders:

✓ The assistance unit does not include SSI recipients or foster children. Do not count their income and do not include them in the assistance unit size. See Question 30.

✓ DTA should not ask you for verification that you pay for private, unsubsidized housing unless the amount you report raises questions. DTA Operations Memo 2011-21 (June 29, 2011).

✓ Some programs, such as tax credit programs, subsidize owners, not tenants. Unless you are in a teen living program, DTA rules do not consider you to be living in subsidized housing unless the rent is based in whole or part on a percentage of a tenant’s income. See DTA Transitions, Apr. 2001, p. 5.

✓ You can get the rent allowance if your mortgage is paid off as long as you verify other housing expenses such as property taxes, condo fees or home insurance. DTA Online Guide Transmittal 2017-80 (Sep. 29, 2017).
### Exempt from Time Limit and Work Program

#### Monthly Need and Payment Standards

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<th>Assistance unit size</th>
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**Important Note:** The Need and Payment Standards go up by $300 per child in September when the $300 clothing allowance is paid.
### Not Exempt from Time Limit and Work Program
#### Monthly Need and Payment Standards

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</table>

**Important Note:** The Need and Payment Standards go up by $300 per child in September when the $300 clothing allowance is paid.

### A Note about the Need and Payment Standards

The Need and Payment Standards are arbitrary amounts set by the Massachusetts legislature. They do not have anything to do with how much a family really needs to live.
80 How much will you get each month?

To figure your monthly TAFDC grant, go through the same steps as for Question 79. This time, however, do not count child support for a TAFDC child. See Question 70 on what happens to the child support.

To figure out how much TAFDC you will get, subtract your total net countable income from the Need and Payment Standards in Question 79. 106 C.M.R. §§ 204.420, 204.425.

81 What is lump sum income and why is it such a problem?

You are about to receive a settlement from an accident.

You finally got back money from unemployment compensation.

Your luck has finally changed—or has it?

Lump sum income is money that you do not get regularly, such as a lottery award, an inheritance, a lawsuit award or settlement, or an award for back unemployment compensation. 106 C.M.R. § 204.240.

If you or your children get this money while you are on TAFDC, you will be ineligible for TAFDC for a certain number of months. This number of months is equal to the amount of the lump sum divided by the monthly standard of need for your family size. 106 C.M.R. § 204.240(D). You can deduct the first $600 in lump sum income. 106 C.M.R. § 204.250(B).

Example

Martha and her two children get a TAFDC grant of $633 a month. Martha gets a check from an accident settlement for $6,000. She can deduct $600 from the settlement. The rest, $5,400, divided by her monthly standard of need, $633, is 8.5. Martha and her children will be ineligible for TAFDC for eight months, and some of the lump sum will
count against her grant when she goes back on TAFDC in the ninth month.

**Advocacy Reminders:**

✓ The lump sum rules only apply to money you get while you are on TAFDC. But if you got a lump sum within the 12 months before you applied for TAFDC, you may be subject to the transfer of assets rules. See Question 65. See DTA Transitions, Jan. 2004, p. 2.

✓ There is no lump sum rule for SNAP (food stamps) or MassHealth.

✓ Applying the lump sum rule to any money other than inheritances, lottery or other contest winnings, or damage awards may be illegal. For example, the lump sum rule should not apply to back child support. Consult an advocate.

✓ Money in a pension fund is an asset and should therefore not be countable as income when it is withdrawn, but DTA has said that a one-time withdrawal from pension funds may be considered lump sum income. DTA Transitions, Feb. 2014, p. 5. DTA’s position may not be correct or legal.

✓ Retroactive TAFDC benefits are not countable as income and are therefore not subject to the lump sum rule, 106 C.M.R. § 204.250(DD), and are also not countable as an asset in the month of receipt or the following month. 106 C.M.R. § 204.140(X).

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**82 Can you exclude any money from the lump sum rule?**

You can exclude all money that is non-countable. See Question 68. You can exclude the $600 deduction.

You can exclude money from a lawsuit or settlement that was intended to replace property or to reimburse you for expenses and which you actually used to pay for or replace these items. 106 C.M.R. § 204.240(A)(3), (A)(4), (B)(3), (B)(4); DTA Transitions, May 2010, p. 3.
Part 4 ■ Financial Eligibility

You can exclude money that someone (like a landlord or a utility company) refunded to you if you originally paid them with your cash assistance benefits. 106 C.M.R. § 204.250(EE).

You can exclude up to $7,500 in relocation payments you received to get you to leave a foreclosed property plus additional amounts you can verify are being used for relocation expenses. DTA Transitions, Jan. 2008, p. 7.

In addition, you can exclude money you spent for back bills you incurred while you were waiting for the lump sum, but only if you spent the money for

- medical care or health insurance,
- transportation costs (up to $150 per month),
- purchase, replacement or repair of basic household furniture or specific appliances (does not include television or other electronic equipment) up to $2,500,
- basic repairs to your home up to $2,500, provided you own the home,
- court-ordered judgments, including child support or alimony,
- taxes and other debts to the government. 106 C.M.R. § 204.240(B)(4); DTA Transitions, Oct. 2006, p. 4.

If someone else paid for these things for you and you paid the person back after you got the lump sum, you can deduct what you paid. However, you must have written verification that you owed the money and used the lump sum to pay your debt.

Sometimes you can exclude money received because of injury to a legally incompetent person (a child is legally incompetent), if the money is placed in an irrevocable trust for the injured person and is restricted for certain purposes. You will need a lawyer to set up the trust. 106 C.M.R. § 204.240(B)(5).

**Advocacy Reminders:**

✔ Money you received before you applied for TAFDC is not subject to the lump sum rule, but may be treated as an asset. See Questions 64-65. DTA Transitions, May 2010, pp. 3-4.
Part 4  Financial Eligibility

✓ You should be able to exclude money you put into a savings account designated as an “economic independence account.” See Question 67. Consult an advocate or ask the lawyer who helped you get the lump sum.

83 What happens if you run out of money before the lump sum time is up?

You can get your lump sum period of ineligibility recalculated only if

- you had to spend the money or lost it because of a natural disaster,
- because of domestic violence you had to spend the money on daily living expenses or no longer have the money, see DTA Transitions, Feb. 2008, p. 4; DTA Online Guide Transmittal 2017-78 (Apr. 29, 2017),
- you spent the money on the expenses listed in Question 82,
- you were not eligible for SNAP (food stamps) and spent the money on food, or
- your TAFDC standard of need has increased because your assistance unit is bigger than it was when your period of ineligibility was calculated or for some other reason. 106 C.M.R. § 204.240(E), (F).

Advocacy Reminder:

✓ Recalculation does not necessarily mean that you can get back on assistance right away. Because the lump sum rules are so complicated and because the consequences of spending your lump sum on disallowed expenses are so severe, it is important to check the rules before you get the money, whenever possible. If a lawyer is representing you in a lawsuit that may bring you money, make sure the lawyer is familiar with the lump sum rules before trial or settlement of the case. Do not rely on oral information from your case worker about how you can spend a lump sum.
What are the basic benefits available to TAFDC recipients?

- The basic grant amount depends on the number of people in your TAFDC assistance unit (the number of people your grant is for) and your net countable income. See Part 2 Assistance Units and Question 80 on how much you will get each month.

- The basic grant includes a $40 per month rent or mortgage allowance if you pay for private, unsubsidized housing. 106 C.M.R. § 705.910.

- Your family automatically qualifies for MassHealth, 106 C.M.R. § 705.100, but you may be told you have to show proof of citizenship if you are a citizen. See DTA Field Operations Memo 2007-10 (Feb. 20, 2007).

- In September, you will receive a $300 clothing allowance for each individual in the assistance unit who is under age 19. 106 C.M.R. §§ 204.420-204.425. This includes pregnant or parenting teens under age 19. Children excluded by the family cap do not get a clothing allowance.

  The minimum grant amount is $10 a month. If you are eligible for at least $1 but less than $10 you will not get a cash payment but you will still be considered a recipient for purposes of MassHealth and other benefits (and you will get the clothing allowance in September). 106 C.M.R. § 204.500.
Part 5 ■ Benefits and Services

Advocacy Reminders:

✓ If you are not receiving a cash grant because of the $10 minimum, you are still subject to the time limit and Work Program if you are not exempt, and you are subject to the family cap rules. You can choose to close your TAFDC case if you do not want to have these rules apply to you. You can apply for MassHealth and SNAP (food stamp) benefits separately and in most cases will continue to be eligible for them. You can reapply in late August or in September to get the clothing allowance in September.

✓ The DTA worker has a duty to help identify any benefits you might be eligible for. 106 C.M.R. § 701.220(A); DTA Transitions, Aug. 2007, p. 5.

✓ You are eligible for the full $300 clothing allowance for each child in the assistance unit under age 19. You can apply any time in September and get the full clothing allowance. You can get the full clothing allowance even if you would not be eligible for TAFDC without the September increase in the Need and Payment Standards. DTA Online Guide (Clothing Allowance).

✓ The clothing allowance amount is set in the annual state budget. The current amount of $300 for each child first applied to the clothing allowance paid in 2017. Advocacy is sometimes needed to keep the clothing allowance from going down and to get it increased.

85 When will you get your TAFDC benefits?

TAFDC benefits are deposited twice a month directly to your bank account or electronic benefits transfer (EBT) account. See Question 88. The date of the deposit depends on the last digit of your Social Security number. You get half of the monthly grant at a time. 106 C.M.R. § 706.400. The day of the first deposit in the month is the beginning of your cyclical month. The cyclical month ends the day before the first deposit in the following month would be due.
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</table>

Benefits due on Sunday are deposited on Saturday. Benefits due on a holiday are deposited the day before the holiday. Unless it is a leap year, the second February benefit deposit for Social Security numbers ending in 9 is deposited on the 28th.

**Advocacy Reminder:**

✓ The day of the first deposit in the month is the start of the cyclical month. DTA uses the cyclical month (not the calendar month) to calculate benefits.
How will you get your grant—direct deposit or electronic benefits transfer?

Your TAFDC grant will be deposited directly to your bank account if you have an account. Otherwise your TAFDC grant will be paid through electronic benefits transfer (EBT). 106 C.M.R. §§ 706.400-706.420. You cannot get paid by check except in special circumstances.

How to get and use your EBT card

DTA will issue you an EBT card to withdraw money from your cash benefits transfer account and to access your SNAP (food stamp) benefits. 106 C.M.R. §§ 701.450, 706.420.

- A state law requires EBT cards for certain cardholders to include a photo of the cardholder. You may be exempt from this requirement if you are age 18 or younger, age 60 or older, blind, disabled, a victim of domestic violence, have a religious objection to the photo, or you are not included in the grant. If the Massachusetts Registry of Motor Vehicles has your photo, DTA may use that photo for your EBT card. Otherwise, you may have to go to the local DTA office to have your photo taken. Massachusetts General Laws c. 18, § 2(B)(k); DTA Operations Memos 2014-28 (June 11, 2014), 2013-57A (Nov. 25, 2013), 2013-58A (Nov. 25, 2013).

- You can use your EBT card to get your cash benefits wherever you see the NYCE logo (at bank ATMs). You can also use the card to get your cash benefits and to make purchases wherever you see the QUEST logo. State law bars certain establishments from accepting EBT cards. This includes liquor stores, casinos, jewelry stores, manicure shops, and others. 106 C.M.R. § 701.225; DTA Operations Memo 2012-49 (Oct. 11, 2012).

- You can make up to two ATM withdrawals a month from your cash benefits transfer account without being charged a fee by the EBT company. After that, the fee is 75 cents for each withdrawal. You can make as many ATM balance inquiries as you want without paying a fee.
Some banks charge another fee just for using their ATM. If you withdraw cash from and ATM owned by Bank of America, Citizens Bank or Sovereign Bank, you will not be charged a bank fee. Other ATM owners also offer free EBT cash withdrawals. Always check the fee notices at the ATM before making a withdrawal.

Some stores allow cash back with your EBT purchases. There is no EBT or ATM fee for cash back.

To use the card you need to have a Personal Identification Number (PIN). The PIN is the key that unlocks your account. DTA will assign you a PIN. You can change your PIN at the local office or by mail or by calling customer service at 1-800-997-2555. DTA Field Operations Memo 2005-31 (July 28, 2005). Choose a PIN that is easy for you to remember but hard for other people to guess.

Keep your PIN a secret.

Never write your secret PIN on your card.

Call customer service at 1-800-997-2555:

- If you have questions or problems using your card or secret PIN.
- To find out your cash or SNAP (food stamp) account balance.
- To find out where you can use your card.

Call your local DTA office to change your PIN. See DTA Operations Memo 2011-9 (Feb. 25, 2011).

If you leave more than a month’s worth of benefits in your cash benefits transfer account, your worker may call you in for an eligibility review because DTA suspects you do not really need the money. If you want to prevent this from happening, you should withdraw enough from your account so that the balance will be less than your monthly grant, or you can switch to direct deposit.

If you do not withdraw money from your cash benefits transfer account for 90 days, DTA will put a stop on your card. You have six months to get the stop lifted and get your benefits back. You will have
to explain why you did not withdraw benefits for 90 days. 106 C.M.R. § 706.420(D).

Direct Deposit

If you have a bank account, your cash benefits will be deposited directly to your bank account. You will still need to use your EBT card to get your SNAP (food stamp) benefits. If you don’t want to have your cash benefits deposited to your bank account, you can get your cash benefits through EBT if you lack transportation to the bank or the co-owner of the account has abused you. Or, you can close your bank account and switch to getting your cash benefits through EBT.

Account fees and service charges depend on the bank. Most Massachusetts banks have a basic banking service account with no fees or low fees. See www.basicbanking.org. DTA gets information on bank balances and will cut off your benefits if you exceed the asset limit, see Question 64, but will not review your bank balance to see if you are using your benefits and will not expunge unused benefits from a bank account. See Question 89.

Advocacy Reminders:

✓ If you wish, you can pick someone else to withdraw money from your account or buy food for you with your EBT card, either on a regular basis or in an emergency. This is called an “authorized representative.” If you want, you can have DTA issue two EBT cards—one for you and one for your authorized representative. An authorized representative has access to all your money and SNAP (food stamp) benefits, so be sure you trust the person you pick. 106 C.M.R. § 701.370.

✓ If you have problems with your EBT card, for example if the machine tells you the wrong amount of your benefits, call EBT Customer Service at 800-997-2555. Contact an advocate if your problems are not fixed.

✓ Head coverings worn for religious reasons do not have to be removed for the photo if the face is not covered. If you have a religious reason for not having a photo or for not uncovering your face for the photo, ask to speak to a DTA worker. DTA Operations Memo 2013-58A (Nov. 25, 2013).
What should you do if you need to replace or change your EBT card?

Call EBT customer service, 1-800-997-2555, to report a lost or stolen card.

To get a replacement card, call or go to your local DTA office. DTA will deduct a $5 replacement fee from your next TAFDC semi-monthly grant. If your cash account does not have enough funds to collect the fee, it will be deducted from your SNAP benefits. See DTA Operations Memo 2014-7 (Feb. 6, 2014). You should not be charged a replacement fee if:

- You do not get any cash assistance.
- You need a replacement because of a disability. Ask for an accommodation. See Questions 24-25.
- You need a replacement because of domestic violence. Ask for a domestic violence waiver. See Questions 28 and 46.
- You have a new SSN or changed your name.
- Your card was lost or damaged in the mail.
- Your card is defective.
- DTA mailed you a card, but you ask for another card before the one that was mailed arrives or was used.
- You got an emergency card that does not have your name on it and you want a card with your name.
- You applied for benefits and got a card but you were not approved and never used the card.
- Your case was closed for 30 days or more, you reapply, and you no longer have the card that was issued before.
- You lost your card in a disaster or fire or flood.
If DTA plans to charge the $5 replacement fee, it will give or send you a form notice that says you will be charged. You can request a refund.

If you request four or more replacement cards in a 12-month period, you will have to speak with a DTA worker to get another card. If your worker is not available, you should speak with the worker on duty. See DTA Operations Memos 2014-7 (Feb. 6, 2014); 2013-18 (Apr. 24, 2013); 2013-16 (Apr. 10, 2013).

DTA should issue your replacement card the day you request it or the following day. DTA says it doesn’t have to keep to these time frames for certain clients requesting five or more replacement cards in a 12-month period. If you are subject to these special rules, DTA will say you have to come back to the DTA office to meet with a Fraud Investigator before DTA will give you a replacement card. See DTA Online Guide Transmittal 2016-67 (Nov. 30, 2016). Because this will delay getting you the replacement card, it may not be legal.

**Advocacy Reminders:**

- ✓ You will not get notice of your right to appeal the $5 fee and you will not get notice of the reasons a fee should not be charged. This lack of notice may not be legal. Consult an advocate if you want to challenge the fee.

- ✓ You may not get notice of denial and notice of appeal rights if a request for refund is denied. This may not be legal. Consult an advocate if your refund request is not granted.

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### What are the rules about what you can buy?

You are not allowed to use TAFDC benefits to pay for:

- alcohol,
- cigarettes or other tobacco products,
- lottery tickets or other gambling,
- jewelry,
- vacation services,
- court ordered fees, fines, bail or bail bonds,
- tattoos or body piercings,
- firearms and ammunition,
- pornographic material or performances, or
- a television, stereo, video game or console at a rent-to-own store.

If DTA finds that you knowingly paid for something in violation of these rules,

- for the first offense, you will have to pay DTA back from your benefits for the amount of the purchase,
- for the second offense, you will have to pay DTA back and lose your portion of the cash assistance grant for two months,
- for the third offense, you will have to pay DTA back and permanently lose your portion of the cash assistance grant.

Massachusetts General Laws c. 18, § 5I; DTA Operations Memo 2013-56 (Nov. 21, 2013).

**Advocacy Reminders:**

- There is also a list of places that are not supposed to accept TAFDC benefits held on an EBT card. These include jewelry stores, rent-to-own stores, manicure shops, cruise ships, and tattoo parlors. Massachusetts General Laws c. 18, § 5J. The law does not provide for penalties for recipients whose benefits are accepted by an establishment in violation of this law, but DTA says that the penalties for making prohibited purchases with TAFDC benefits also apply if you use your EBT card at an establishment that is not supposed to accept it. Check with an advocate if that is a problem for you.

- You have a right to use your EBT card to make purchases outside Massachusetts if you wish. DTA may try to close your case if DTA thinks that a pattern of EBT purchases outside Massachusetts shows that you are no longer a resident of Massachusetts. DTA Operations Memo
When can DTA take money back?

DTA sometimes takes back benefits that were deposited to your EBT account. DTA calls this “expunging” benefits.

- DTA expunges TAFDC benefits in an EBT account that were not accessed for 90 days. You can ask DTA to give you back the benefits that were expunged, but DTA will only give back the benefits if you can show that there was an emergency or similar reason you could not access the benefits. 106 C.M.R. § 706.420(D). DTA Operations Memos 2014-8 (Feb. 6, 2014), 2014-9 (Feb. 6, 2014).

- If your TAFDC EBT balance goes over the $2,500 asset limit, DTA may stop your TAFDC benefits. The $2,500 limit does not include the current month’s benefits and does not include benefits that were put in your account to correct an underpayment. DTA Operations Memo 2014-8 (Feb. 6, 2014).

**Advocacy Reminder:**

✔ DTA cannot expunge benefits that are deposited to a bank account.

What other benefits do TAFDC recipients get?

DTA will pay

- up to $300 for a newborn infant (unless the baby is excluded by the family cap) if you ask for the money before the baby is six months old. You do not need to ask in writing. DTA calls this a “crib and layette” payment. You can use it for anything you need for the baby. 106 C.M.R. § 705.600; DTA Transitions, Aug. 2007, p. 5.
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- a “relocation” benefit up to $1,000 for expenses related to moving to permanent housing, such as advance rent, security deposit, rent or utility arrears, storage, moving costs, or critical household furniture or equipment for recipients who have been in an emergency shelter, a domestic violence shelter or a temporary housing arrangement provided through the Department of Housing and Community Development for 60 days or more and for some older teens who have been in a teen living program for 60 days or more. 106 C.M.R. § 705.350; DTA Operations Memos 2012-19 (Apr. 25, 2012) and 2011-48 (Nov. 3, 2011); DTA Online Guide (Relocation Benefit Overview); DTA Transitions, May 2008, p. 8, Feb. 2007, p. 4.

- up to $1,100 for funeral and burial expenses for a TAFDC applicant or recipient, including a child excluded by the family cap, and other people who do not have resources to pay for funeral and burial. Total expenses cannot exceed $3,500. 106 C.M.R. §§ 705.700-705.710; DTA Operations Memo 2012-35 (July 23, 2012); DTA Transitions, Sept. 2012, pp. 5-6.

- for transportation costs if you want to move out of state if DTA has funding available. 106 C.M.R. §§ 705.800-705.840.

You are also eligible for education and training services and payment for HiSET (high school equivalency) testing under the Employment Services Program and for child care if you are working or in an approved education, training or job search program. You may be eligible for transportation assistance. See Questions 94-95, 102.

After your TAFDC case closes you may be eligible for subsidized child care, see Question 98, and for a temporary cash stipend, see Question 91.

91 Can you get Transitional cash benefits after you leave TAFDC?

If your TAFDC case closes because your countable earned income is more than the TAFDC grant, you are eligible for Transitional Support Services (TSS) cash payments.
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- TSS stipends begin when a case has been closed for 30 days because of countable earned income. The stipends are paid according to the following schedule:

<table>
<thead>
<tr>
<th></th>
<th>Work Expense Stipend</th>
<th>Transportation Stipend</th>
</tr>
</thead>
<tbody>
<tr>
<td>Month 1 (30 days after TAFDC closing)</td>
<td>$200</td>
<td>$80</td>
</tr>
<tr>
<td>Month 2</td>
<td>$150</td>
<td>$60</td>
</tr>
<tr>
<td>Month 3</td>
<td>$100</td>
<td>$40</td>
</tr>
<tr>
<td>Month 4</td>
<td>$50</td>
<td>$20</td>
</tr>
</tbody>
</table>

- TSS payments are not paid if the TAFDC case reopens.

- DTA issues TSS stipends once a month based on the last digit of your Social Security Number.

- DTA deposits TSS stipends into your EBT account or your bank account.

- You do not have to apply for TSS. The payments are automatic if DTA says you qualify. DTA Online Guide (Transitional Support Services).

**Advocacy Reminders:**

- If your countable earned income if more than the TAFDC grant and you want to close your case, be sure to tell your DTA worker *before* you close your case so you don’t miss out on TSS.

- TSS payments do not count for SNAP. DTA Online Guide Transmittal 2016-69 (Dec. 9, 2016). Because the payments are temporary, there is a good argument that they should not count for other benefit programs.
What if DTA makes a mistake and owes you money?

DTA has to correct all underpayments. 106 C.M.R. § 706.210. An underpayment is any mistake that makes you get less than you should have gotten. For example, you might be underpaid because

- your worker did not add a new household member to your grant on time,
- DTA counted income against your grant that should not have been counted,
- DTA denied or stopped benefits because of missing proofs even though it had all the proofs it needed, or
- DTA sanctioned you even though you complied with a rule or had good cause for not complying.

If you are underpaid, you should ask DTA in writing to correct the underpayment. If DTA will not make the correction, you can appeal. See Part 8.

Advocacy Reminder:

DTA regulations say that you can only get an underpayment corrected if you are a current recipient or would be a current recipient if the mistake causing the underpayment had not occurred. 106 C.M.R. § 706.210. These limits on underpayment correction may not be legal. Consult an advocate if DTA refuses to correct an underpayment because you are not a current recipient.
93 When does DTA pay your benefits directly to your landlord or utility company?

A payment directly to a landlord, a mortgage company or a utility company is called a “vendor payment.” Vendor payments can be voluntary or involuntary.

Voluntary Vendor Payments

You can ask DTA to pay all or part of your benefits directly to your landlord, mortgage company or utility company.

Agreeing to a vendor payment for rent can sometimes help prevent eviction. If you want a vendor payment and are having trouble getting DTA to set it up quickly enough, consult an advocate.

For rent vendor payments, DTA may request verification that the housing meets health and safety standards.

You can cancel voluntary vendor payments in writing and get the benefits yourself. 106 C.M.R. § 706.630. DTA usually gives the vendor one month’s notice before it stops a vendor payment. 106 C.M.R. §§ 706.680-706.690. See DTA Online Guide (Vendor Payments – Cash).

Involuntary Vendor Payments

If you are behind on your bills, DTA may decide you have “mismanaged” your benefits and send all or part of your benefits to a landlord or utility company. DTA may presume that you have mismanaged your benefits whenever your housing expenses have not been regularly paid for three or more months without reasonable cause. DTA should not presume you have mismanaged your benefits and should not put you on vendor payments if

- Your income does not meet your basic needs.
- Putting you on vendor payments would increase your risk of domestic violence.
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- Putting you on vendor payments would increase your risk of becoming homeless, for example if you are doubled up, don’t have a lease, or would be at risk of eviction if DTA paid your landlord directly.

If DTA decides that you should go on vendor payments for rent, it will require you to get a health and safety inspection report for your address. If your property passes inspection, DTA will put you on vendor payments. If it does not pass inspection, DTA may refer your case to the Department of Children and Families. 106 C.M.R. §§ 706.620-706.680; DTA Operations Memo 2013-48 (Sept. 12, 2013); DTA Transitions, Oct. 2013, p. 4-5.

DTA can also put you on vendor payments if you lose your part of the grant because you do not meet the child support requirements, if you do not meet the Work Program requirements or the terms of an Employment Development Plan, or if you do not meet certain other program requirements. 106 C.M.R. § 706.610.

Advocacy Reminders:

✓ DTA has to give you advance notice and an opportunity to appeal before it starts sending your benefits to a landlord or utility company.

✓ A vendor payment for housing must be the amount of the monthly payment. A vendor payment for fuel or utilities must be the average monthly cost. DTA can pay your entire grant to your landlord or your utility company even if you are left without any money for other expenses. 106 C.M.R. § 706.650.

✓ Consult an advocate if DTA wants to put you on vendor payments and you are having difficulty getting a health and safety inspection report. DTA says that it may refer your case to the Department of Children and Families if you are unable to get a health and safety inspection report. To the best of our knowledge, the Department of Children and Families does not have procedures for doing an investigation of families who are referred to it because they could not get a health and safety inspection report.

✓ Consult an advocate if you are on vendor payments and DTA does not make payments to the vendor on time even though the funds were withheld from your TAFDC benefits.
What is the Employment Services Program (ESP)?

DTA’s Employment Services Program (ESP) covers employment, education, and training services for TAFDC recipients and some former TAFDC recipients. ESP includes community service, job search, education, and training. ESP also provides child care for TAFDC recipients who are working or participating in a DTA-approved education or training program and provides some transportation assistance for TAFDC recipients in approved education or training programs. 106 C.M.R. §§ 207.000, 207.100.

ESP is voluntary unless you are subject to the time limit and the Work Program. DTA regulations provide for sanctions for failure to comply with an Employment Development Plan, 106 C.M.R. § 207.200, but these regulations do not apply to volunteers. See DTA Field Operations Memo 2001-9 (Feb. 20, 2001).

Advocacy Reminder:

DTA is required by law to provide appropriate services for people with disabilities. Consult an advocate if you need special training, education, or employment services because you have a physical or mental disability, including a learning disability. See Questions 24-27.
What are your ESP choices?

ESP choices include:

- **Education that is combined with skills training, and HiSET testing.** You can enroll in a basic education program paid for by a school district, nonprofit or charity and get child care and transportation help from DTA. 106 C.M.R. §§ 207.140, 207.210; DTA Operations Memos 2014-38 (May 8, 2014); 2011-46 (Sept. 21, 2011); DTA Field Operations Memos 2009-69 (Dec. 18, 2009) and 2009-52A (Oct. 6, 2009).

- **Young Parents Program.** This program provides education and life skills training to pregnant and parenting TAFDC recipients ages 14 through 21 who do not have a high school diploma or equivalent. 106 C.M.R. §207.140; DTA Operations Memo 2011-46 (Sept. 21, 2011); DTA Field Operations Memo 2009-52A (Oct. 6, 2009).

- **Post-secondary education (college).** You can get approval to go to college or even graduate school. See Question 97 on the special rules for college. DTA does not pay for college. You have to pay for college with grants and loans. But if DTA approves you to go to college, DTA will pay for child care and some transportation. 106 C.M.R. §§ 207.140(D); 207.210; DTA Operations Memo 2011-46 (Sept. 21, 2011); DTA Field Operations Memos 2009-52A (Oct. 6, 2009) and 2009-45 (July 31, 2009).

- **Employment (skills) training.** DTA pays for some skills training. Some DTA programs are offered through community colleges and some through other organizations. Most DTA-funded skills training programs are short-term (4-12 weeks, or sometimes 16 weeks for some of the community college programs). Examples include programs in business skills, certified nurse aide, child care, customer service, dental assistant, electronics assembly, food service and home health aide. Some of these programs include some basic education and some include English education. 106 C.M.R. § 207.150; DTA Operations Memo 2011-46 (Sept. 21, 2011); DTA Field Operations Memo 2009-52A (Oct. 6, 2009). Some funding for job skills training is available.
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through local Career Centers or local government agencies. For more information, check with your local Career Center or legal services.

- **DTA Works Program.** This program places recipients in 30-hour per week jobs at DTA for up to 6 months. DTA pays a stipend for expenses that is not counted for TAFDC or SNAP (food stamps). Many graduates of this program have gotten regular jobs at DTA or other state agencies. You may be eligible if you are a current TAFDC recipient and can pass a criminal history check. You can apply by e-mailing your resume to DTAWorks@state.ma.us. Ask your DTA worker for more details. DTA Online guide (DTA Works – Client Eligibility); DTA Operations Memos 2011-37 (July 27, 2011), 2010-20 (March 29, 2010).

- **Job Search/Job Readiness.** Many of the DTA-funded programs include job search and job readiness activities. DTA sometimes calls this activity “Employment Ready.” You can also do job search at a local career center. If you are doing job search at the career center you will need to fill out a DTA form to keep track of your attendance. DTA Online Guide (Employment Ready); DTA Operations Memo 2011-46 (Sept. 21, 2011); DTA Field Operations Memo 2009-58 (Oct. 21, 2009).

- **Employment Supports Work Activities.** This program is supposed to give you on-the-job training and a job for a total of 30 hours a week. The program may also provide job readiness training, job search help, and follow-up services. 106 C.M.R. § 207.160; DTA Operations Memo 2011-46 (Sept. 21, 2011); DTA Field Operations Memo 2009-52A (Oct. 6, 2009).

- **Community Service.** You can volunteer for or be required to participate in unpaid community service. 106 C.M.R. § 207.170; DTA Field Operations Memo 2009-52A (Oct. 6, 2009). You may be able to do community service (up to 16 weeks) at the local DTA office. DTA Operations Memo 2012-14 (Apr. 6, 2012). See Question 58 for more information on community service.

- **Full Employment Program.** FEP is a full-time job paying at least minimum wage. The employer gets a subsidy towards your wage. DTA also pays $1 for each hour you work into a special “Individual Asset Account” which you get when you leave FEP. Participants do
not get SNAP (food stamp) benefits and are only eligible for TAFDC if the FEP wage is less than what the TAFDC plus SNAP would have been otherwise. 106 C.M.R. §§ 207.180, 208.000-208.150.

**Services for refugees and immigrants.** The Massachusetts Office of Refugees and Immigrants provides employment services for TAFDC recipients who do not speak English or Spanish. DTA Operations Memo 2011-46 (Sept. 21, 2011); DTA Field Operations Memo 2009-52A (Oct. 6, 2009).

DTA guidelines for referring TAFDC recipients to ESP activities may be found at DTA Online Guide (ESP Component Eligibility) and in DTA Operations Memo 2011-46 (Sept. 21, 2011) and DTA Field Operations Memos 2009-52A (Oct. 6, 2009) and 2009-45 (July 31, 2009).

**Advocacy Reminders:**

✓ It is usually not a good idea to borrow money for skills training. Programs do not always deliver on the promise of a job. You can be stuck with very high debt for the rest of your life. DTA should not pressure you to enroll in an activity that you have to pay for and should discuss no-cost options with you before approving an activity you have to pay for. DTA Operations Memo 2011-46 (Sept. 21, 2011).

✓ A program that sounds good on paper may not offer the services you need. If you are subject to the work requirement, DTA may try to sanction you if you stop participating. You should also be sure to choose carefully so you do not use up the limited time you have to participate in education or training.

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**96 What is an Employment Development Plan?**

The Employment Development Plan (EDP) is a written plan for recipients who are subject to the Work Program or who volunteer for ESP. The EDP is supposed to list your job goal, the education and training that you need to get to that goal, and the services like child care and transportation that you need. See 106 C.M.R. § 207.110; DTA Transitions, June 2012, p. 4.
DTA is supposed to do an assessment of your skills and interests and the job market and get your agreement before it writes the Employment Development Plan. The EDP should reflect the agreement between you and your worker and be signed by both of you.

- Make sure the EDP does not set an unrealistic timetable or subject you to costs you do not want to pay.

- DTA may say it will not approve the activity you want to do if it cannot be completed in the time left on your 24-month time limit clock, but there is no rule that allows DTA to disapprove a plan for this reason.

- Ask DTA to change your plan if it is not working out.

Consult an advocate if you cannot agree on an EDP, if DTA will not approve your plan for what you want to do, if DTA wants you to do an activity you do not want to do, or if DTA will not change your plan. You can also appeal any of these DTA decisions. See Part 8.

### Will DTA approve college attendance?

DTA will approve college attendance as long as

- the activities are can be credited toward a certificate, associate’s degree or other degree (including a four-year or graduate degree),

- the program is at least half time,

- the activities are expected to lead to a job,

- you are making satisfactory progress. 106 C.M.R. § 207.140(D); DTA Online Guide (College).

**Advocacy Reminders:**

- Education and training count towards the Work Program requirement for 24 months. DTA may allow education and training for more than 24 months if you are making good progress towards a certificate or degree,
but you can be cut off when you reach your time limit unless you are approved for an extension. See Question 48.

✓ What if you want to go to college but have already used up some of your 24 months of education and training? You can count college attendance towards the work requirement for any of the 24 months of education or training you have left even if you don’t have enough months left to finish the program. Once your 24 months are up you can continue your education if DTA finds you are making good progress towards a certificate or degree. You may also need DTA to approve an extension of your time limit.

98 Who is eligible for child care?

There are special child care rules for TAFDC recipients and applicants, former TAFDC recipients, and teen parents. Unlike other low-income families, these families do not have to go on a wait list for a subsidy. Eligible current recipients and applicants and teen parents referred for child care by DTA do not have to pay a fee.

Child care for TAFDC recipients and applicants

You are eligible for free child care as long as you

■ are doing paid work (including self-employment) or participating in an approved ESP activity (including self-directed job search or community service), and

■ meet the other requirements for child care listed in Question 99. 106 C.M.R. § 207.210(A); DTA Transitions, June 2012, p. 4; Sept. 2011, p. 5; DTA Transitions, Nov. 2007, p. 4.

You are also eligible for child care for up to two weeks while you are waiting to start an activity. This is especially important if your benefits were stopped because of a sanction and you must participate in an activity for two weeks to get back on benefits. See 106 C.M.R. § 207.210(A)(2).

You may continue child care for up to one month after an activity ends if the child care arrangements would otherwise be lost and you are scheduled
to start or resume an activity within the month. This allows you to keep your current provider while you are waiting for the next activity to start. DTA Transitions, Feb. 2009, p. 7, June 2005, p. 4.

You may be able to get child care if you are on maternity leave from your job. Ask your worker. DTA Field Operations Memo 2006-47 (Oct. 26, 2006).

If you are not getting TAFDC for yourself because of your immigration status, but you are receiving TAFDC for a child and you are documented, you are eligible for child care on the same basis as TAFDC recipients. DTA Transitions, Feb. 2009, pp. 7-8, June 2005, p. 4; DTA Field Operations Memo 2002-18A (Oct. 10, 2002).

DTA policy says child care should be approved for 12 months for employment; child care for education or training should be approved for the length of the program, but no more than 6 months at a time. DTA Transitions, May 2012, p.7. Consult an advocate if you have a problem because DTA approves your child care for a shorter time.

DTA may say you cannot get child care if you are not getting TAFDC for yourself, for example, if you get SSI, are undocumented, are a relative who chooses not be on the grant, or have been sanctioned for not cooperating with child support. Consult an advocate.

**Child care for teen parents**

You are eligible for a DTA authorization for child care if you are a teen parent who is in school or another ESP activity *and*

- receiving TAFDC, *or*

- receiving SSI or foster care for yourself and TAFDC for your child, 106 C.M.R. § 207.210(A)(1)(c), *or*

- under the age of 18, living with a parent, and household income is below 200% of the poverty level, see Question 73 or you cannot get verification of your parent’s income. 106 C.M.R. § 207.230.

You are also eligible for child care through the Department of Early Education and Care if you are a teen parent and you meet certain income eligibility requirements and you are
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- participating in a full time high school or HiSET program; or

- participating in the Young Parents Program, which provides parenting classes and other services in addition to HiSET classes.

See 606 C.M.R. § 10.07; Department of Early Education and Care Financial Assistance Policy Guide, Chapter 6, http://www.eec.state.ma.us/docs1/regs-policies/20130117-financial-assistance-policy-guide.pdf. Apply through the local Child Care Resource and Referral Agency (CCR&RA). See Question 100. There may be a waitlist for care if you are applying at the CCR&RA and do not have a referral from DTA.

Child care for former TAFDC recipients

Transitional Child Care

You are eligible for Transitional Child Care during the first 12 months after your TAFDC case closes if you are working. You can ask for child care at any time during the 12 months. 106 C.M.R. § 207.210(A)(1)(f); DTA Transitions, Apr. 2013, p. 6. If you are working and also in a training program, you can get child care to cover your training time and your work time. DTA Field Operations Memo 2004-17 (Apr. 1, 2004).

To get Transitional Child Care you must

- get a new child care referral from DTA (you will need to verify your activity hours and income)

- ask DTA to fax the referral to the Child Care Resource and Referral Agency (you may also need to go the CCR&RA in person),

- cooperate with child support enforcement or show good cause for not cooperating, 106 C.M.R. § 207.210(A)(1)(f), and

- pay a fee based on your income.

Employment Services Program child care

You are eligible for ESP child care for up to 6 months after your TAFDC case closes if you want to continue a DTA-approved education or training program that began before the case closing. 106 C.M.R. § 207.210(A)(1)(d); DTA Transitions, Apr. 2013, p. 6. There is no fee for
ESP child care. If ESP child care ends during the first year after your TAFDC case closes, you can get a referral for Transitional Child Care as long as you are working at least part time. See below for “Continuity of care” if you are not working but have another need for child care when your ESP child care ends.

**Continuity of care**

If you have subsidized child care when Transitional or ESP child care ends, you should be able to keep getting subsidized child care as long as you have a service need recognized by the Department of Early Education and Care (EEC) and your income is below the maximum for subsidized child care ($78,676 for a family of three; $92,560 for a family of three with a special needs child). See Dep’t of Early Education and Care, SMI Income Eligibility FY 2017, http://www.mass.gov/edu/birth-grade-12/early-education-and-care/financial-assistance/financial-assistance-for-families.

Service needs recognized by EEC include

- your child has a documented special need and a health professional verifies that the child would benefit from child care (parent must separately establish at least a part-time service need on some other basis),
- you need child care because you have a documented special need,
- you are working,
- you are looking for work (up to 8 weeks (may be extended to 12 weeks in extraordinary circumstances),
- you are participating in education or training, or

**Advocacy Reminders:**

- If you are not eligible for Transitional or ESP child care, you can apply for child care at the Child Care Resource and Referral Agency, at an
agency that has contracts to provide child care, or by calling Mass 211 (dial 2-1-1 from your phone). You will have to go on a waiting list unless you have a priority. If you had subsidized child care within the previous three months that was suspended temporarily (for example, because of summer break or travel out of state), you may have a priority for continuing to receive child care through EEC. Department of Early Education and Care *Financial Assistance Policy Guide*, p. 1-3, http://www.eec.state.ma.us/docs1/regs-policies/20130117-financial-assistance-policy-guide.pdf.

✔ Former TAFDC recipients are eligible for Transitional or ESP child care even if they received assistance for a very short time. If you lose your job and expect to get unemployment insurance benefits, you may want to apply for TAFDC before your unemployment benefits begin. Although you may not be eligible for TAFDC once unemployment benefits start, you will be eligible for child care as a former TAFDC recipient once you start working again.

✔ If you are eligible for Transitional child care after your case closes because you are working, you should get a new referral from DTA even if you already have a voucher that has not yet expired. The CCR&RA can then calculate the amount of your parent fee. Otherwise, EEC may say you are liable for back fees. You do not need to get a new referral and there is no fee if you are eligible for ESP child care because you are continuing a DTA-approved education or training program.

✔ You may be able to get a DTA referral for child care during the first 12 months after your TAFDC case closes if you are receiving unemployment insurance benefits, and you are participating in a “Section 30” training program approved by the Division of Unemployment Assistance with a “service need” of at least 20 hours a week. Consult an advocate to find out more about how to get into a Section 30 program.

✔ During the second year after you leave TAFDC, if you do not have subsidized child care and you are working or have a job offer, you may be able to get a DTA referral for Transitional child care. *DTA Online Guide 2017-61* (July 28, 2017). Check with an advocate.
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✓ It may be illegal for DTA to require current or former recipients to cooperate with child support requirements to receive child care. Consult an advocate.

99 Which children can get child care?

You can get child care authorized by DTA for

- a child under age 13, or
- a child 13 or over who is disabled and cannot take care of herself.

The child must be

- receiving TAFDC or foster care benefits,
- under court supervision,
- receiving SSI but otherwise eligible for TAFDC,
- excluded under the family cap, or
- in a family headed by a parent eligible for child care for teen parents.


Advocacy Reminder:

✓ DTA will not authorize child care for a child age 13 or older unless the child is disabled. Sometimes it is not safe to leave a teenager unsupervised after school or during school vacations. Consult an advocate if you need out of school time care for a teenager who is not disabled. You may be able to get child care or you may have good cause for not meeting TAFDC work rules.
How do you get child care? How should you choose a child care provider?

To get child care based on current or former receipt of TAFDC, you must

- get a child care authorization from DTA,
- find a child care provider who will accept a voucher,
- get a voucher from the Child Care Resource and Referral Agency,

You can get names of local child care providers at www.eec.state.ma.us/ChildCareSearch/EarlyEduMap.aspx. You can try to get help finding a provider from your local Child Care Resource and Referral Agency (CCR&RA). Your DTA worker can give you the contact information for your local CCR&RA You can also get a list at www.eec.state.ma.us/ChildCareSearch/CCRR.aspx. The CCR&RA will decide if you need to meet with a CCR&RA worker (at the CCR&RA or at DTA) or if the voucher may be authorized by telephone or fax. DTA Field Operations Memo 2007-17 (Mar. 26, 2007).

How to choose a child care provider

- Visit the program. Go in the morning when children are most active. If the provider is very busy but you like what you see, go back when there is time to talk.
- Look for the license.
- Trust your instincts.
- And always ask questions.
- The Department of Early Education and Care says you should take care to make sure your child is safe and happy. The child care provider should have experience and education working with young children. The facility should be safe and clean. The program should offer educational and fun activities, have plenty of safe toys and learning
materials, encourage creative play, and plan quiet time both indoors and out. For more information on what to look for, see www.masslegalservices.org/content/eec-child-care-tips.

**Advocacy Reminder:**
- If you are not fluent in English, the Child Care Resource and Referral Agency has a duty to speak with you and provide you with materials in your language or provide an interpreter who speaks your language.

## 101 Can you get licensed child care? Can you get full-time care?

### Licensed child care

The Department of Early Education and Care says a license is a very important credential. It shows the provider meets rules for health, safety and education.

You qualify for licensed child care if the CCR&RA (or DTA) determines you have a “service need” of 20 or more hours a week. The service need hours are based on the number of hours you are working or participating in education, training, job search or other allowed activities.

### Full-time or part-time care

You qualify for full-time child care if the CCR&RA (or DTA) determines you have a service need of 30 or more hours a week. You qualify for part-time child care (up to 6 hours a day) if the CCR&RA (or DTA) determines you have a service need for fewer than 30 hours a week.

Even if you qualify for full-time care, the CCR&RA (or DTA) may not give you a voucher for five full days a week if your schedule does not require full-day care every day. Consult an advocate if this is a problem.

### Informals (unlicensed) child care

You can get a voucher for child care you arrange for yourself. You must be working or participating in education, training or job search to get
informal child care. There is no minimum number of hours. DTA Field Operations Memo 2004-17 (Apr. 1, 2004).

An informal child care provider can be

- any adult person you choose providing care in your home (must pass criminal history check), or
- an adult relative providing care in the child’s home or the relative’s home.

Informal child care pays $18.18 per day per child for six or more hours for care provided in a relative’s home and $10.91 per day per child for fewer than six hours. The rates are somewhat lower for care provided in the child’s home.


Determining your service need

The Child Care Resource and Referral Agency calculates your service need. If you are eligible for child care as a TAFDC applicant or recipient, the CCR&RA calculates your service need based on the authorization from DTA. Ask DTA to put the full number of hours you need on the referral. If you are in education or training, DTA should add one hour of study time for each hour of class or other activity time. DTA Transitions, Aug. 2010, p. 9.

The CCR&RA should

- add up to five hours a week for transportation you provide between the child care provider and your work or other activity – provided you otherwise have a service need of at least 20 hours a week, see Department of Early Education and Care Financial Assistance Policy Guide, p. 3-14, http://www.eec.state.ma.us/docs1/regs-policies/20130117-financial-assistance-policy-guide.pdf; DTA Field Operations Memo 2006-57 (Dec. 15, 2006).
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- determine you have a full-time service need if you have 12 credit hours of college courses, see Department of Early Education and Care Financial Assistance Policy Guide, p. 3-12; DTA Field Operations Memo 2006-47 (Oct. 26, 2006),

- add time for verified paid work, education, or training hours even if they are not listed in the DTA authorization. DTA Field Operations Memo 2007-62 (Nov. 14, 2007),

- issue your voucher for the same length of time as the DTA authorization.

Advocacy Reminders:

✓ If DTA won’t give you a child care authorization or the authorization does not cover the hours you need, you can file an appeal with DTA. See Part 8. Consult an advocate.

✓ If the Department of Early Education and Care (EEC) only approves you for part-time licensed care because your travel time was not counted, or if your voucher does not include 30 hours for 12 credit hours, or does not include time you spend in paid work, education or training that is not listed on the DTA authorization, or otherwise denies you the child care you need, ask for help from your DTA worker or the DTA Ombuds Office. See Question 121. You can also file a request for review with EEC. You can appeal if EEC denies your request for review. See http://www.eec.state.ma.us/docs1/regs-policies/20130117-financial-assistance-policy-guide.pdf; 606 C.M.R. § 10.13. Consult an advocate.

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102 Can you get money for transportation?

DTA provides $80 a month for transportation to cover some of the costs of getting to and from some DTA-approved activities and the costs of taking children to and from child care so you can participate in the activity. DTA provides transportation assistance to
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- current recipients participating in a DTA-approved education, training, or employment supports work activity,
- current recipients who are doing paid work, \textit{and}
- former recipients participating in a DTA-approved education or training program that began before the closing. DTA Operations Bulletin 2016-8, Policy Refresher –ESP Eligibility for Transportation (Dec. 6, 2016).

DTA should make the transportation payment without your having to request it if you verify your participation in an approved activity. You do not have to verify the costs of transportation. DTA will not provide transportation payments if you say you don’t want transportation assistance, say you don’t have any travel costs, or your college forms say that transportation payments are part of your financial aid package.

Transportation payments can be approved for up to one month before an activity starts if you verify that the activity will meet participation requirements. DTA Operations Bulletin 2016-8, Policy Refresher –ESP Eligibility for Transportation) (Dec. 6, 2016).

\textit{Advocacy Reminders:}

✓ If you are 25 years old or younger (and not enrolled in middle or high school) you may be eligible for the MBTA’s Youth Pass, which allows you to buy an MBTA bus and subway pass for $30 a month.

✓ If you do not have reliable and affordable transportation to community service, you should have good cause for not meeting the Work Program. See \text{Question 61}. 
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103 Where do you apply for TAFDC?

Apply for TAFDC at your local DTA office. 106 C.M.R. § 702.130. If you cannot go to the office because of a health problem or domestic violence, you can ask the local office to do a home visit or to do the application by phone and mail or fax. 106 C.M.R. § 701.600.

Be sure to sign a Request for Assistance the first time you go into the welfare office. You can do this even if there is no worker there to take your application. The date you sign is the earliest date your benefits will begin. You have a right to sign a Request for Assistance even if the worker thinks you are not eligible. 106 C.M.R. §§ 702.115, 702.150. If DTA doesn’t give you a Request for Assistance form, write a request for TAFDC (and SNAP) on a piece of paper and sign the paper.

Advocacy Reminders:

✔ DTA must provide a bilingual worker or assistant or a professional interpreter if you want one and you use American Sign Language or your primary language is not English, regardless of language, national origin or non-citizen status. There are no magic words you have to say to request an interpreter. A professional interpreter may be provided in-person or by telephone. 106 C.M.R. § 701.360; DTA Online Guide (Guidelines for Providing Interpreter Services); DTA Operations Memos 2013-64 (Dec. 19, 2013), 2013-11 (Mar. 19, 2013); DTA Field Operations Memo 2008-16 (Apr. 1, 2008).

✔ You can use your own interpreter if you want, but this can be risky if the person is not a professional interpreter. You cannot use a child to interpret for you except to schedule an appointment. Children under age 12 cannot be asked to interpret for any purpose. 106 C.M.R. § 701.360.
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✔ You have the right to refuse a particular interpreter if you are uncomfortable with the interpreter for personal or other reasons. You don’t have to give a reason. DTA must then provide a professional telephone interpreter. DTA Operations Memo 2013-11 (Mar. 19, 2013).

✔ If you have a vision, hearing or communication impairment, DTA should ask you what will help you communicate with DTA. See Question 24; DTA Online Guide (Available Auxiliary Aids); DTA Operations Memo 2013-64 (Dec. 19, 2013). If DTA doesn’t give you the help you need, ask for the Client Assistance Coordinator. See Question 25.

✔ You have a right to a private space for discussions with DTA staff. DTA Operations Bulletin 2017-9.

✔ DTA sometimes issues a “No Trespass Order” barring certain people from the DTA office. See DTA Online Guide (No Trespass Indicator and Page). This may not be legal. If it is a problem for you, call the Ombuds Office, 617-348-5354, which should make sure that you can apply and get your benefits on time.

104 What proofs do you need?

A DTA intake worker will interview you and is supposed to help you with your application. You will have to give DTA proof of your eligibility before your application will be approved. Your worker will give you a list of what you need to prove. 106 C.M.R. §§ 702.120, 702.125. You may have to do job search and provide proof of job search to get approved for benefits. See Question 107.

If you do not have everything, give what you have. In many cases, you can sign a sworn statement to prove something. You can also sign a form letting your worker contact someone else to get the proof. 106 C.M.R. § 702.340; DTA Online Guide (Methods of Verifications – TAFDC).
Some information is available to DTA in a database that DTA can access. If DTA can get the information from a database, it should not require you to provide the proof. DTA Operations Memo 2013-47 (Sept. 5, 2013). For example, DTA can get wage information for some jobs through a service called “The Work Number.” DTA Online Guide (The Work Number); DTA Operations Memo 2013-33 (July 19, 2013).

Things you might be asked to give DTA are

- proof of who you are (for example, your driver’s license, birth certificate, voter registration verification),

- social security numbers for everyone in your family (except for ineligible non-citizens) or proof that you have applied for their social security numbers,

- proof that your children are related to you and how old they are (for example, birth certificates, school records, a statement from someone who knows you and them),

- proof of your immigration status if you are not a citizen and you are requesting benefits (see Question 8),

- proof of who lives in your household,

- proof of your income (for example, pay stubs or a government benefit award letter),

- proof that you are not eligible for unemployment compensation (you can apply on-line and DTA can get proof that you are not eligible by checking the unemployment computer system),

- proof of where you live (for example, a landlord’s statement or utility records) unless you are homeless (see Question 7), and

- proof you have housing expenses—to qualify for the rent or mortgage allowance and to avoid the in-kind deduction (for example, a lease, rent receipt, mortgage or statement from a landlord).

There are many other proofs that DTA can ask for in a particular case. Do the best you can to get them, but if you cannot get them, ask for help from the worker and ask if you can verify the information by signing a
statement. Your worker is supposed to help you get required proof when your worker has been told or is otherwise aware that you need help. See 106 C.M.R. § 702.310(B); DTA Operations Memos 2013-47 (Sept. 5, 2013); 2010-55 (Nov. 23, 2010).

If you need more time to get proofs, you can get an extension. If you have trouble, talk to an advocate.

**Advocacy Reminders:**

- If DTA schedules your appointment for a time that is bad for you, you can reschedule.

- DTA may ask you to provide proof of citizenship for all citizen members of your household. Proof of citizenship is not required for TAFDC unless it is questionable, but may be required for MassHealth so you should provide it to DTA if you can. Your TAFDC application should not be delayed or denied pending DTA’s receipt of proof of citizenship. DTA Field Operations Memo 2007-10 (Feb. 20, 2007).

- Some information does not change and only needs to be verified once, unless there is reason to think that it was wrong originally or has changed. For example, you should not need to re-verify your date of birth or your relationship to your children if you verified this information before. DTA Operations Memo 2010-55 (Nov. 23, 2010).

- A single document can sometimes prove more than one eligibility factor. For example, a rent receipt can prove where you live and that you have rent expenses. DTA Operations Memo 2012-8 (Feb. 6, 2012).

- DTA will accept documents that are scanned, faxed or photocopied from the original unless the document appears questionable. DTA Operations Memo 2012-33 (July 11, 2012).

- DTA should send you a list of any proofs you are missing. DTA should give you time to provide the proofs. Operations Memo 2012-17 (Apr. 25, 2012).
105 How should you send your proofs?

You can fax or mail your proofs to the Document Processing Center (DPC), or you can bring the proofs to the local DTA office. If you already have a case at DTA you can use DTA Connect to send documents from your smartphone.

Be sure to write your DTA number or the last four digits of your social security number on every page.

- **Fax.** This is fast and you get a fax receipt. Fax to
  
  617-887-8765

  - If your documents are two-sided, be sure to fax both sides.
  - Keep your fax receipt and the original of the documents.
  - Social service agencies may let you use their fax machine free of charge.

- **Mail.** Mail documents to the Document Processing Center (DPC) at
  
  Department of Transitional Assistance
  P.O. Box 4406
  Taunton, MA 02780-0420

  - Try to make a copy of the document and mail the copy, not the original.
  - Keep a record of the date you mailed the document.
  - You can get pre-stamped envelopes addressed to DTA at the local DTA office.

- **Bring proofs to the local DTA office.**

  - The local office should process urgent documents right away.
  - The local office will mail documents it thinks are not urgent to the DPC. See DTA Online Guide (Determining Document Urgency)
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- Ask the local office to date stamp your copy of the document.

- **Smartphone or tablet** if you have a case at DTA that is open, pending, or closed for less than 90 days, see Question 109.

- You can take pictures of documents and upload them directly to your case record. If the document is very large it is better to use one of the other ways to send documents.

- You can update your address, phone number and email.

- You can opt in or out of eNotification, voicemail messaging, and text messaging. See Question 113.

**Advocacy Reminders:**

- Don’t send or give originals to DTA.

- Be sure to write your name, and either your DTA number (if you know it) or the last four digits of your social security number on every page.

- Do the best you can to keep a record of the date you sent or gave the document to DTA.

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106 How long does it take to decide whether you are eligible?

DTA must decide on your application within 30 days and either pay benefits or deny your application. The 30-day time limit can be extended if you ask for more time to get proof of eligibility. 106 C.M.R. § 702.160.

If you get a notice saying you did not supply enough proof, you have 30 days from the date of the notice to give DTA more proof.

If you are required to do job search to get benefits and DTA thinks you did not meet the job search requirements by day 30, DTA may grant benefits only for your children by the 30th day and in some cases may deny benefits altogether. See Question 107.
107 Do you have to meet job search requirements before you can get benefits?

You may have to meet a job search requirement during the 60 days after you apply. To meet the job search requirement, you must

- attend a TAFDC group orientation and verify at least two job contacts within 30 days of application, and

- make three additional job contacts within the next 30 days.

You do not have to meet the job search requirements if

- you are exempt from the Work Program or you are a non-citizen who cannot legally work for pay, see Question 39,

- you have requested an exemption on the basis of disability (and you have not requested a disability exemption before), see Question 41,

- you have good cause for not doing job search, see Question 61,

- you are enrolled in an education or training activity or a substance abuse treatment program, or

- you have requested a domestic violence waiver. See Question 46; DTA Online Guide Transmittal 2017-55 (June 16, 2017).

What is the TAFDC group orientation? The TAFDC group orientation is a session held in every local DTA office on Tuesdays at 10 AM and Thursdays at 1 PM. At the orientation, DTA provides information about DTA rules, Employment Services Program activities, and support services like child care and transportation.

What happens if you don’t meet all the job search requirements? The consequences of not meeting the job search requirement are harsher if DTA says you are “Work Ready.” DTA will say you are “Work Ready” if you worked in the past 12 months and either have a high school diploma
or equivalency plus English proficiency or have some college or a specialized certificate such as CNA training.

*If you are subject to the job search requirement and DTA thinks you are “Work Ready,” DTA will*

- deny benefits for you and your children if you do not attend a DTA group orientation and verify at least two job contacts during the 30 days after application,

- terminate your benefits 60 days after application if you have not verified three more job contacts.

In a two-parent case where both parents are subject to the job search requirement, the entire family is ineligible at day 30 if a parent DTA thinks is “Work Ready” does not meet the job search requirements.

*If you are subject to the job search requirement and DTA does not think you are “Work Ready,” DTA will*

- approve benefits for you and your children within 30 days of application only if you attend a TAFDC group orientation and verify at least two job contacts during that time,

- approve benefits by day 30 only for your children if you do not attend the TAFDC group orientation and verify at least two job contacts during the 30 days after application,

- approve ongoing benefits for you and your children 60 days after application only if you have attended the TAFDC group orientation and verified a total of five job contacts,

- terminate your benefits 60 days after application if you have not attended the TAFDC group orientation and verified a total of five job contacts.

In a two-parent case, if both parents are subject to the job search requirement, DTA does not think either parent is “work ready,” and one parent does not comply, both parents are ineligible at day 30 and the whole family is ineligible at day 60.
Advocacy Reminders:

✔ Applicants requesting an exemption because they are disabled, caring for a disabled family member or pregnant should not be subject to the applicant job search requirement.

✔ Be sure to tell DTA if you need help because you have difficulty doing job search or writing down job search contacts because of language or other issues.

✔ You should not have to borrow money or spend the little money you have to meet the job search requirement. Be sure to tell DTA if you have difficulty doing job search because you do not have a phone, cannot afford to put minutes on your phone, do not have access to the internet, do not have money for transportation, or do not have child care for your children. See DTA Online Guide (Initial Job Search Client Responsibilities/Work Ready Client Responsibilities).

✔ DTA will send you an appointment notice for the TAFDC group orientation on a specific date. If you can’t attend that session, you can go to another session (see above for the days and times of the sessions). If there is a good reason you cannot attend a group session when they are scheduled, you can ask DTA to meet with you at a different time. Be sure to tell DTA if you cannot get to the DTA office for the TAFDC group orientation because you do not have money for transportation or do not have child care for your children.

✔ If you get to the orientation late, DTA may say you have to come back another day. See DTA Online Guide Transmittal 2016-53 (Sep. 30, 2016). If that is a problem for you, explain the problem and ask if you can join the orientation late and catch up later on what you missed, or ask to meet separately with the DTA worker or Full Engagement Worker.

✔ If you were looking for a job before you applied and can give DTA a list of the contacts you made, there is good argument you should not have to prove additional job search to get approved for benefits.

✔ There is no job search requirement for SNAP or MassHealth. DTA should approve you for SNAP and MassHealth whether or not you meet DTA’s job search requirements.
What if you need help right away?

You can get help with immediate needs for housing expenses, food, or health insurance within 24 hours of your application. 106 C.M.R. § 702.125(F). Be sure to tell the worker if you need help with immediate needs. DTA is supposed to screen you to determine if you qualify for an immediate needs payment. DTA Operations Memo 2013-35 (July 26, 2013).

Rent, Utilities or Fuel

If you need help right away with rent, utilities or fuel and you appear to be eligible, you can get an advance on your TAFDC benefits to pay for these things. The advance will be paid as a voucher to the landlord, utility or fuel company.

Food

You may qualify for emergency or “expedited” SNAP (food stamp) benefits. If not, you can get an advance on your TAFDC benefits to pay for food.

MassHealth

DTA can give you a temporary MassHealth card.

How can you find out what is happening with your case?

Talk to your worker, a supervisor, an Assistant Director or even a Director.

- You can call your DTA worker to ask about your case. Your worker’s name and phone number should be on any notices you get from DTA. You can get the worker’s name by calling the DTA Assistance Line at 1-877-382-2363.
If you cannot reach your worker you can call your worker’s supervisor, an Assistant Director, or even the Director (see Appendix C to get names and telephone numbers).

You have a right to a copy of anything that is in your file. 106 C.M.R. § 701.330; DTA Transitions, Nov. 2012, p. 4.

Use your smartphone or tablet -- DTA Connect.

DTA Connect is a free mobile app. Download DTA Connect for iPhones and iPads at the App store; download DTA Connect for Androids at Google Play.

Log-in to DTA Connect is easy. You only need your Social Security number and year of birth.

You can see your case information on DTA Connect if your case is active (open), pending, or is closed but was open in the past 90 days. Domestic violence survivors with Heightened Level of Security, see Question 111, cannot see case information on DTA Connect.

Information you can get using DTA Connect includes

- case status, monthly benefit amount, next benefit issue date, and EBT card balance,
- alerts about appointments or deadlines,
- copies of notices sent in the past 90 days,
- whether documents you sent in the past 90 days have been processed.

You can also use DTA Connect to send information to DTA. See Question 105.

Get information from your My Account Page (MAP). You can get basic information about your case through the My Account Page (MAP) online if you already have your EBT card and have access to the internet and an e-mail address. See DTA Operations Memo 2012-41 (Sept. 12, 2012).
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- For security reasons you will need to register and provide personal information to access your information online. Go to www.mass.gov/vg/selfservice, click on the My Account Page button, click on Register for Map, and set up your account. Be sure to write down the username the system assigns to you.

- To log into your MAP you will need to enter your year of birth, Social Security number, and EBT card number. You can change your email address or username.

- When you log in, you will be able to see a lot of information about your case including
  - the status of your case,
  - the amount of your benefits, a history of the benefits you received in the past year, and the date you will receive your next benefits,
  - contact information for your worker and local DTA office,
  - most notices sent to you in the last year, and
  - a list of the documents DTA has received in your case in the last year and a half and whether DTA processed the document.

- You can print out information from the MAP, including forms DTA has sent you to fill out.

**How is DTA Connect different from the MAP?**

- DTA Connect is easier to use. For DTA Connect you don’t have to create an account, remember a password, or know your EBT card number. You can use DTA Connect while your case is pending.

- You can send documents to DTA using DTA Connect. You can’t do that with MAP.

- The MAP has more information. It goes back further and gives a history of benefits deposited to your account.

**Interactive Voice Response (IVR) system.** You can get some information about your case by calling the IVR. This is an automated system, not a live person. It is available round the clock, every day of the
week. To reach the IVR, call the DTA Assistance Line at 1-877-382-2363. You will need to enter your social security number and year of birth to get information about your case.

The IVR can tell you

- if DTA has approved or denied your benefits or has not yet made a decision,
- the amount of benefits you will receive and your next payment date,
- the date DTA last received a document from you,
- the location of your local DTA office.

**DTA Ombuds Office.** If you need more information or you are not satisfied with the information you get, call the DTA Ombuds Office, 617-348-5354. The Ombuds Office was created to help applicants and recipients fix problems they may have with their DTA case. You can also file a complaint with the Ombuds Office.

**Advocacy Reminder:**

✓ Waiting on DTA’s Assistance Line is a problem for people with limited cell phone minutes. Social service agencies can help by offering use of their phones.

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**110 Is your information kept confidential?**

DTA must not release information about you without your written permission. 106 C.M.R. §§ 104.040; 701.320. DTA Operations Memo 2010-50 (Nov. 1, 2010). If you want DTA to share information about you with an advocate or anyone else, you will need to sign a written release that says DTA can share your information.

You may want to block access to DTA Connect, your MAP, and the IVR if you fear someone may try to access your information without your permission. You can do this by checking a box at application or re-
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evaluation. You can also call your worker and ask for the block. DTA Online Guide Transmittal 2017-81 (Sep. 1, 2017).

Advocacy Reminders:

✔ DTA staff are authorized to discuss your case with the advocate if you or the advocate have sent a release to DTA. You or the advocate can fax the release to the Document Processing Center, fax 617-887-8765.

✔ An advocate may be able to talk to the Ombuds Office, see Question 121, or the worker or supervisor without a release by setting up a three-way call with you, DTA and the advocate.

✔ DTA does not need your permission to release information about you in connection with a criminal investigation or similar purposes.

111 Can domestic violence survivors and others get extra confidentiality protections?

You can ask DTA for a Heightened Level of Security indicator because of domestic violence or any other reason, such as fear of gang violence. DTA Operations Memo 2010-50 (Nov. 1, 2010); DTA Online Guide (Heightened Level of Security Indicator). This will flag your case so that

- DTA will not discuss your case with you on the phone.
- You will have to conduct all business by going in person to DTA.
- You will not be able to talk to a Domestic Violence Specialist or the Ombuds Office by phone.
- You will not be able to view your “My Account Page” through the Virtual Gateway.
- DTA will be able to discuss your case with your lawyer or advocate only if you put the name of your lawyer or advocate on the form requesting the Heightened Level of Security.
Advocacy Reminders:

✔️ These extra protections can sometimes be dangerous or very inconvenient because you have to go to the DTA office to conduct your business with DTA. Think carefully about your own situation before asking for the special protection.

✔️ You can cancel the special protection at any time by signing a form saying you no longer want it.

✔️ You can ask the Domestic Violence Specialist in the DTA office for different arrangements that will work better for you. For example, you can ask to have your case handled in a different office where you will be safer. You can ask for a password so that DTA will talk to you on the phone but will not talk to anyone who does not have the password. You can request that DTA use a number instead of your SSN. See Question 10.

✔️ Domestic Violence Specialists are available to help domestic violence survivors request waivers from DTA rules, see Question 48, and help you make a safety plan.

✔️ Massachusetts also has an Address Confidentiality Program to give you a substitute mailing address if you do not want to give DTA your real address. The program will retrieve your mail from the substitute address and forward it to your actual address. To qualify for the program you need to show that disclosure of your address would threaten you or your children’s safety and that the abuser does not know your address. See http://www.sec.state.ma.us/acp/acpidx.htm; DTA Online Guide (Address (RFA)).
112 How often will DTA review your eligibility?

DTA reviews ("reevaluate") eligibility for most TAFDC recipients every six months. DTA reviews households once a year if the adults are on SSI or the adult is a grandparent or other relative who is not and does not have to be in the assistance unit. See Questions 30 and 31. DTA Online Guide Transmittal 2015-65 (Nov. 20, 2015).

- DTA will schedule an interview at least 30 days before the deadline for your review. The interview will usually be by phone. The interview will be at the DTA office if DTA doesn’t have a phone number for you, if you prefer to be interviewed at DTA, or if you have a Heightened Level of Security Restriction. See Question 111. If you miss the interview, DTA will send you a notice of missed interview.

- As part of the review, you may need to give DTA proofs to show you are eligible for TAFDC. If the DTA worker thinks DTA needs more proofs, the worker is supposed to send you a checklist (VC-1) listing the proofs that are needed. If the worker does not send you a checklist, the DTA computer will automatically send you a checklist. DTA should not ask for proof of things that it already has and that probably did not change. 106 C.M.R. § 702.230; DTA Online Guide (TAFDC Reevaluations).
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- DTA will stop your benefits if
  - the interview is not completed by the end of reevaluation period, or
  - DTA has not received and processed the required proofs before the end of the reevaluation period.

- DTA should not stop your benefits if it is DTA’s fault the reevaluation was not completed or DTA has agreed you had good cause to reschedule your interview.

- You can appeal DTA’s decision to stop your benefits. If you appeal within 10 days of the notice saying your benefits will be stopped or before your next benefits are due, you can keep your benefits while you are waiting for a hearing decision. See Part 8 Appeal Rights.

- DTA will reinstate your case if you complete your reevaluation within 30 days of the closing. 106 C.M.R. § 702.240. See DTA Online Guide (Reevaluations Reinstatements); DTA Operations Memo 2012-39 (Aug. 27, 2012).

DTA can review your case sooner if it thinks your eligibility may have changed. 106 C.M.R. § 702.210. Also, if you are getting close to the time limit, DTA may review your eligibility when you go to the office for meetings on how you are preparing for the time limit.

Your case may also be selected for a quality control (QC) review. 106 C.M.R. §§ 701.430, 706.700-706.710. This is a special review to make sure the local welfare office is following the rules. Being selected for QC review does not mean you have done anything wrong. You must cooperate with the QC review or your case will be closed.

Advocacy Reminders:

✓ Tell your DTA worker if you need an interview at a special time because of work, child care, a medical problem, or other reason. If DTA schedules an interview for a time that is bad for you, call your worker before the interview to reschedule. If you cannot reach your worker or your worker will not reschedule, call the supervisor, Assistant Director, or Director, or the DTA Ombuds Office, 617-348-5354. See Appendix C for Assistant Director and Director names and phone numbers.
Each time you go to the DTA office, ask to sign a log if there is one. If you are dropping off proof, ask to have a copy made and date-stamped. Write down the name of the DTA staff you talk to. You can use this as proof later if DTA cannot find the proof or says you missed your appointment.

It may be easier to keep a record of what you sent to DTA if you are able to fax the information and get a fax receipt or you use DTA Connect, see Question 109.

If you are sending proof by mail, use the DTA postage-paid envelope if you have one. Try to keep a copy of anything you mail and make a note on the copy of the date that you mailed it. See Question 105 for ways to reduce the risk that DTA will lose your proofs and ways to prove that you sent them.

DTA may combine your TAFDC with your SNAP review. Even if DTA does not complete the SNAP review on time and closes the SNAP benefits, it must send you at least 10 days’ advance notice of termination or reduction in your TAFDC benefits. See DTA Online Guide (Reevaluations Q and A); DTA Operations Memo 2012-42 (Sept. 21, 2012).

113 Should you choose to get information by email, text message or voicemail?

Email notification (eNotify). You can choose to get email notifications from DTA. The notifications will not include the actual notice or even tell you what it is about. You will need to log in through the MAP or DTA Connect to see the notice. See Question 109. DTA says it is continuing to send notices by regular mail even if you sign up for email notification.

Text Messaging. You can choose to get text messages on your phone. Text messages include information about office closings, appointments and deadlines, and program changes. You will continue to get all paper notices and forms by regular mail in addition to text messages. Check the
cost of text messages under your cell phone plan before you sign up for text messaging.

**Voicemail.** You can authorize DTA to leave detailed messages about your case on your phone. You will continue to get all paper notices and forms by regular mail in addition to the voice mail messages. See DTA Online Guide (DTA Alerts).

## 114 When do you have to report changes?

DTA regulations say you have to report changes that could make you ineligible or decrease your benefits within 10 days. This includes changes in income or assets or who lives with you. 106 C.M.R. § 701.420. However, DTA says you have to report new income over $100 a month within 10 days. DTA Online Guide Transmittal 2017-68 (Sep. 29, 2017).

Report changes that will increase your benefits, such as a drop in income, at any time.

Because it is hard to know what changes you have to report, it is good to report other changes promptly, too. For example, you should report a change of address even if it will not affect your eligibility so that DTA notices will not be mailed to the wrong address.

**Advocacy Reminders:**

- **When do you have to report a new job or an increase in your wages?**
  You must report within 10 days of getting paid $100 or more than what DTA has on record.

- **What if you can’t reach your worker to report a change?** If possible, mail or fax information about the change to the Document Processing Center and keep a copy or send a picture with DTA connect. See Questions 105 and 109. Also keep a record of any phone calls you make to report a change (or to try to report a change). You may need this record later to prove that you tried to report a change.

- **You can report a change of address or a new phone number** to the Interactive Voice Response (IVR) system. See Question 109.
Be sure to report a change of address and tell the post office about the change. If DTA mail is returned to you without a forwarding address, DTA will send you a request for verification of address and will close your case if you do not respond within 10 days (30 days for applications). DTA Operations Memo 2013-13A (March 28, 2013).

If DTA has information that your address has changed, it should send notices to the new address whether or not you reported the change. DTA Online Guide (Address Changes Reported to DTA by DHCD); DTA Transitions, Feb. 2012, p. 3; DTA Field Operations Memo 2008-22 (Apr. 30, 2008).

If you move to an address covered by a different DTA office, your case should be transferred to the new office unless you are doubled up with a host family. If there is a problem, ask to speak with the Transfer Specialist in the new office. DTA Operations Memo 2012-39 (Aug. 27, 2012).
Part 8   Appeal Rights

115 What are your rights if DTA will not give you benefits or reduces or stops your benefits?

If DTA denies benefits or stops or lowers your benefits, you can ask for a “fair hearing.” A fair hearing is a formal meeting at the local welfare office or a formal telephone or video conference. A hearing officer (referee) runs the hearing and decides who is right. 106 C.M.R. § 343.110. You can ask for a fair hearing to challenge any DTA decision or action you disagree with. 106 C.M.R. § 343.230.

Denials

You can ask for a fair hearing if your application is denied, or if any other request is denied, such as a request to correct an underpayment, a request for child care, a request for waiver of the family cap, a request for a domestic violence waiver, a request to correct your time clock, a request for a time limit extension, or a request to accommodate a disability. You can ask for a hearing if the worker says you have been denied, but never sends you written notice. You can also ask for a hearing if the worker just ignores your request.

Cuts or Terminations

In most situations, DTA must give you at least 10 days advance notice before your benefits are stopped or reduced. You can ask for a hearing if your benefits are stopped or reduced. See Question 116 on whether you can keep your benefits while you are waiting for a hearing decision. You can also reapply while you are waiting for a hearing.
Worker Bad Conduct

You can ask for a hearing if your worker threatens you, makes unreasonable demands that do not follow the rules, violates your privacy, or does not treat you with dignity and respect. 106 C.M.R. § 343.235.

Note

You can ask for a DTA fair hearing to appeal DTA’s determination that you are not eligible for child care. Other child care issues must be raised with the agency that is providing the child care, usually the Department of Early Education and Care.

How much time do you have to ask for a fair hearing?

You usually have 90 days to get your fair hearing request to the Division of Hearings. You have 120 days in worker bad conduct cases and cases where DTA fails to act on a request. 106 C.M.R. § 343.140.

What happens to your benefits while you are waiting for a decision on your appeal?

- In most situations, if your benefits are being cut off or reduced, you can keep your benefits while you are waiting for a hearing decision by making sure that the Division of Hearings gets your fair hearing request no later than 10 days after it sent notice of the cut-off or reduction, or before the effective date of the action, whichever is later. 106 C.M.R. § 343.250. DTA can recover benefits you got while you were waiting for a hearing if you lose. 106 C.M.R. § 706.260. See Questions 122-128 for limits on recovering overpayments.

Advocacy Reminders:

✓ It is almost always a good idea to appeal any denial, termination, or reduction in benefits promptly. The appeal form may ask if you do not want your benefits to continue while you wait for a hearing decision. It is almost always a good idea not to choose this option.
Save any notices you get from DTA and the envelopes the notices come in. You may need the postmark on the envelope to show when the notice was sent.

SNAP benefits may close automatically if the SNAP benefits are not recertified before the end of the SNAP recertification period. However, even if DTA is closing your SNAP benefits, it must send you at least 10 days’ advance notice of termination or reduction in your TAFDC benefits. See DTA Online Guide (Reevaluations Q and A); DTA Operations Memo 2012-42 (Sept. 21, 2012).

How do you ask for a fair hearing?

You can ask for a hearing by

- sending a fax to Division of Hearings, fax 617-348-5311, or

- writing to DTA Hearings, P.O. Box 4017, Taunton MA 02780-0314

Fax is better because it gets there right away and you can get a fax receipt showing the Division of Hearings got the appeal.

Call 617-348-5321 or 800-882-2017 to see if DTA got your hearing request.

DTA has forms you can use to ask for a hearing. If you got written notice of DTA’s decision, you can ask for a hearing by filling out the hearing form that came with the notice. You can also just write your own letter. 106 C.M.R. § 343.240.

You can also ask on your appeal form for:

- a telephone hearing,

- the hearing to be held in your home if you have a disability that makes it hard for you to go to DTA,

- an interpreter who is fluent in your primary language,
Part 8 • Appeal Rights

- a sign language interpreter or auxiliary aids if you are deaf or hard of hearing, *and*

- an “expedited” (quickly scheduled) appeal, if your family does not have benefits. 106 C.M.R. §§ 343.310, 343.450, 343.300(A). If you are appealing a termination or a reduction in benefits and you are getting benefits while you are waiting for the hearing, it is usually better *not* to ask for an expedited appeal.

Be sure to send your hearing request to the Division of Hearings, *not* your local DTA office.

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118 If you have the proof your worker wanted, should you still ask for a hearing?

You should always ask for a hearing, even if you now have the proof your worker wanted. If your worker approves your case while you are waiting for the hearing, you can withdraw (cancel) your fair hearing request so you do not have to go to the hearing. You can mail or fax your withdrawal to the Division of Hearings, see Question 117. If DTA approved your case or agreed to some or all of what you were asking for, it is a good idea to say so in the withdrawal.

If you can supply the proof within 30 days of the notice denying or cutting your benefits, your benefits should be approved or reinstated. You may also be able to get your worker to approve your case if you supply the proof after 30 days. 106 C.M.R. §§ 702.240, 343.350(B).
How should you present your case at the hearing?

The hearing is your last chance to make sure DTA has the facts supporting your position, including any documents.

- Try to get a legal advocate to represent you at the hearing or give you advice about representing yourself. 106 C.M.R. § 343.150. See Appendix E for a list of legal services offices. You can also bring a friend or relative for support. 106 C.M.R. § 701.350.

- DTA should schedule you for a face-to-face hearing unless you ask for a video or telephone hearing. For most people, a face-to-face hearing is better. It is easier to understand what is happening at a face-to-face hearing, easier to handle documents, and easier for the hearing officer to determine who is telling the truth.

- If you need an interpreter, you should ask for one when you write your hearing request and at the hearing. 106 C.M.R. § 343.410.

- You should bring any proof you have. This includes proof you did not have before. 106 C.M.R. §§ 343.410, 343.500(A). You or your advocate can ask DTA to send you papers and information from your file. 106 C.M.R. § 343.340. If your hearing is being conducted by telephone, you should insist on an opportunity to fax documents to the hearing officer.

- You can bring witnesses. You can also get a paper ordering a witness to come to your hearing; this paper is called a “subpoena.” 106 C.M.R. § 343.360. Talk with a legal advocate about how to do this.

Face-to-face hearings and most telephone hearings take place at your local DTA office in a separate room. Only the people who need to be there are allowed in—the DTA worker(s), you, your representative (if any), any witnesses, and the hearing officer. Everyone must testify under “oath or affirmation.” The hearing is tape-recorded. 106 C.M.R. §§ 343.450, 343.500, 343.550.
If you believe that DTA is using evidence that is unfair or unreliable—for example, an accusation from an unidentified person—tell the hearing officer that you “object.” Objecting may make the hearing officer think twice about relying on this information. Also, if you lose the hearing and appeal to court, the court can consider whether the hearing officer made a mistake by admitting the evidence you objected to.

If you are not receiving benefits, you can ask the hearing officer to decide your case right away with an “interim” (not final) decision.

**Advocacy Reminders:**

- DTA regulations allow it to schedule your hearing by telephone or video, 106 C.M.R. § 343.120, but it is current DTA policy not to schedule a telephone hearing unless you ask for one, and DTA does not currently schedule video hearings. If DTA schedules you for a telephone or video hearing and you want a face-to-face hearing, call the Division of Hearings right away (617-348-5321 or 800-882-2017) and say you want a face-to-face hearing. If DTA won’t give you a face-to-face hearing, be sure to say on the record of the hearing that you want a face-to-face hearing.

- The hearing officer must take evidence and decide the issues “de novo” (anew) based on what is presented at the hearing. The eligibility date is the date all eligibility conditions were met regardless of when the evidence was submitted.

- If you think the interpreter is not interpreting correctly, object to the hearing and ask for a different interpreter. DTA Field Operations Memo 2008-16 (Apr. 1, 2008).

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**When will you get a decision and what should you do if you lose?**

If you asked for a hearing because your application was denied, the hearing officer must decide your case within 45 days after you appeal. In all other cases, the hearing officer must decide within 90 days of your
121 Can you fix problems without going to a hearing?

You can try to fix problems by talking with your worker, your worker’s supervisor, the Assistant Director or the Director. See Appendix C for Assistant Director and Director names and phone numbers.

You can also ask the Ombuds Office, 617-348-5354, but the Ombuds Office often will tell you to talk to your worker.

When the issue is missing verification and the verification has been provided, DTA is required to take action to adjust the benefits. 106 C.M.R. §§ 702.240, 343.350(B).

Even if you are trying to fix the problem, you should be sure to ask for a hearing right away. You can always cancel the hearing if you settle your case. 106 C.M.R. § 343.350. For legal help, call the nearest legal services office. See Appendix E.

Advocacy Reminders:

✓ Advocates may need a signed release from the client to discuss a client’s case with a DTA worker, supervisor or the Ombuds Office. You can fax the release to the Document Processing Center (DPC), fax 617-887-
8765. A worker is authorized to discuss the case with you if you have sent a release to the DPC.

✓ An advocate may be able to talk to the Ombuds Office or the worker or supervisor without a release by setting up a three-way call with the client, DTA and the advocate.
122 What if you are overpaid?

If you get more benefits than you are eligible for, DTA can recover the overpayment. An overpayment can happen because of a DTA mistake, your mistake, or because you got benefits while you were waiting for a hearing and lost the hearing. 106 C.M.R. § 706.220. If DTA thinks the overpayment happened because of your mistake or because you committed fraud, it may refer your case to the Bureau of Special Investigations (BSI). 106 C.M.R. § 706.240.

DTA can also try to recover cash benefits you “knowingly” used to buy alcohol, tobacco products, lottery tickets, or other prohibited items. See Question 87. 106 C.M.R. § 706.250(D).

If the overpayment happened because of your mistake or a DTA mistake, DTA has a policy of not seeking recovery of an overpayment

■ if the overpayment occurred 12 or more months before DTA discovered the problem,

■ if the overpayment is less than $125 and you are not a current recipient,

■ to the extent you cannot repay the overpayment within three years without financial hardship. DTA will reduce the claim to the amount that can be recovered in three years. If you are a current recipient, DTA will not reduce the claim below what could be collected through automatic benefit reduction ($10 or 10 percent of the Payment Standard, whichever is greater). See 106 C.M.R. § 706.290; DTA Online Guide (Unintentional Program Violations).
Part 9 ■ Overpayments and Fraud

The date of discovery is the date the overpayment is verified or the date the household fails to respond to or verify an overpayment inquiry. DTA Operations Memo 2014-35 (May 15, 2015).

- DTA considers information it gets from a match with the original source of the information to be verified when DTA receives it. Examples are unemployment benefits reported by the Division of Unemployment Assistance and Social Security benefits reported by the Social Security Administration. In these cases the day DTA receives the match is the date the overpayment is considered verified.

- DTA does not consider wage information it gets from the Department of Revenue to be “verified” when DTA receives it. Such information is considered verified when the household provides paystubs or when the household fails to respond to a notice to verify wage information.

DTA may suspend collection where the overpayment happened because of your mistake or a DTA mistake if you are no longer a recipient or DTA determines that collecting the claim will cost more than the amount it will be able to get from you.

Advocacy Reminder:

✓ If you don’t report a change by mistake, the overpayment period begins when the change would have been effective if it had been reported on time. See DTA Online Guide (Unintentional Program Violations). For example, you usually have 10 days to report a change and then DTA has to give at least 10 days’ notice before it takes action to reduce or cut off your benefits. The overpayment therefore should not begin until the date the DTA notice would have been effective if you had reported on time, usually 20 or more days from when the change occurred.

123 What is an intentional program violation? What is welfare fraud?

An intentional program violation (IPV) is purposely giving false or misleading information, hiding information in order to get benefits you are not eligible for, or not reporting a change that would reduce your grant.
106 C.M.R. § 706.300. Purposely giving false or misleading information or hiding information in order to get benefits is also welfare fraud.

124 When can your benefits be stopped for an intentional program violation?

If you are found guilty of an IPV by a court of law or by a welfare hearing officer or you waived your right to an IPV hearing or signed a consent agreement in court, you will not be eligible for TAFDC benefits for yourself for

- six months for the first violation,
- 12 months for the second violation, and

DTA has to follow special notice and hearing rules if it has charged you with an IPV. 106 C.M.R. § 706.320-706.345.

In addition to disqualifying you from benefits for an IPV, DTA will recover the overpayment by taking money out of your children’s future benefits. See Question 127. See Questions 31 and 78 on the other possible effects of an IPV sanction.

There are separate but similar IPV rules for SNAP (food stamps). 106 C.M.R. §§ 367.500-367.800.

Advocacy Reminders:

- Although DTA can recover the overpayment by cutting benefits for children or other people who were on the same grant with the person who committed the IPV, DTA can only stop benefits for the person who committed the intentional program violation.

- The period of disqualification must begin with the first possible month after written notice of the decision. 106 C.M.R. § 706.305. If DTA misses that date, you should not be disqualified.
An IPV is a very serious matter. Contact legal services right away if you get notice of an IPV. See Appendix E.

**Note**

You can also lose benefits forever if a court convicts you of fraud of $1,000 or more, even if this is the first conviction. You can lose your benefits for ten years if a court convicts you of intentionally trying to get benefits from two states at the same time. 106 C.M.R. § 706.305.

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### 125 What should you do if you are told to go to a Bureau of Special Investigations (BSI) interview?

If DTA thinks you were overpaid because of your mistake or because you committed fraud, it may refer your case to the Bureau of Special Investigations (BSI). 106 C.M.R. § 706.240. DTA may also refer applications to BSI if the worker thinks you are lying about something.

BSI may tell you to come in for an interview. You do not have to go to the interview. Your benefits won’t stop just because you do not go to the interview. But if you don’t go, BSI may prosecute you for welfare fraud.

If you do go to a BSI interview, **you have the right to remain silent.** **Anything you say can be used against you.** Try to consult with an advocate before you say anything. It may be best to remain silent even if you have not done anything wrong. You do not have to give BSI names of people to talk to.

Do not sign anything unless BSI has shown you how it figured the overpayment, you are sure that all the calculations are correct, and you agree with everything in the statement you are signing. Do not agree to a repayment schedule that you will not be able to keep or that will cause your family hardship. If you are unsure, consult an advocate first.
126 Can you go to jail? Will you have a criminal record?

If BSI decides that you committed welfare fraud and that the overpayment was not just a mistake, you can be prosecuted. If you get notice of a criminal complaint, you should plead “not guilty” and ask the court to appoint a lawyer for you. Legal services programs do not represent people in criminal matters but they may help you and your lawyer figure out whether BSI has correctly computed what you owe.

If you plead guilty or you are found guilty, you will probably not have to go to jail, but the criminal record may make it harder for you to get a job, get credit, or get housing. A criminal record may also cause immigration problems. You may have to pay back the money the court decides you owe. If the court finds that you committed an IPV, your benefits can be stopped. If you are convicted of or plead guilty to fraud of $1,000 or more, you (and the other parent, in a two-parent household) may be permanently ineligible for TAFDC. Your children are still eligible. 106 C.M.R. § 706.305.

127 Can DTA cut your benefits to pay itself back?

If you are a current recipient, DTA can recover both fraud and non-fraud overpayments by reducing your benefits. 106 C.M.R. § 706.250. This includes overpayments that happen because of a DTA mistake, your mistake or because you got benefits while you were waiting for a hearing and you lost the hearing. 106 C.M.R. § 706.220.

DTA will reduce your TAFDC by 10 percent of the Payment Standard for your family size. 106 C.M.R. § 706.290(B). For example, if you get a two-person grant for which the Payment Standard $486 a month, DTA will cut your grant by 10%, or $48.60 a month, to pay an overpayment.
DTA has said that it will not reduce TAFDC benefits to recover an overpayment if the only recipients are children, but has not yet put this policy in writing.

BSI or DTA may try to get you to agree to a bigger reduction. You can refuse. 106 C.M.R. § 706.290(B). Be careful not to agree to repay so much that you do not have enough for your expenses.

You have the right to advance notice and an opportunity for a hearing before your benefits are reduced. 106 C.M.R. §§ 706.210, 343.225. DTA may say you cannot challenge the overpayment at this point, so if you think the overpayment did not happen or the amount is not correct, you should request a hearing when you first get notice of the overpayment and should not wait to receive notice of the reduction before asking for a hearing.

DTA can also recover the overpayment by not paying you for an underpayment you are owed. See Question 92. This is called “offsetting.”

128 How does DTA collect overpayments if you are not receiving benefits?

DTA has several ways of collecting overpayments from former recipients.

**Tax intercept.** The Department of Revenue (DOR) may intercept your state tax refund to pay back an overpayment. Before your state tax refund is intercepted, you should get notice from DTA. You can ask for a DTA hearing to show that you were not overpaid or that the amount of the overpayment is wrong. See Part 8. You will also get notice after the intercept, but DTA says you cannot challenge the overpayment after the intercept, so try not to wait for the intercept to ask for a hearing.

**Wage attachment.** DTA regulations allow DTA to attach your wages to collect overpayments established by a court order, DTA hearing, or voluntary repayment agreement. 106 C.M.R. § 706.295. Unless you agree to wage attachment, there are strict limits on how much DTA can attach. G.L. c. 18, § 30; G.L. c. 235, § 34. Consult an advocate before agreeing to wage attachment.
Offsetting a payment from another agency. DTA can collect an overpayment by stopping a payment owed to you by another state agency, such as a transportation reimbursement. G.L. c. 7A, § 3; 815 C.M.R. § 9.00. Consult an advocate if this happens to you.

Other collection methods. DTA can turn over the debt to a collection agency. A collection agency is not permitted to harass you, cannot threaten to take the first $500 a week in gross wages, and can only take amounts in excess of $2,500 from a bank account. G.L. c. 235, § 34; 940 C.M.R. § 7.07(18).
Appendix A: Simplified TAFDC Grant Calculation Worksheet

You can use the worksheet that follows to figure out what a family should receive if they meet all the other eligibility rules. Because of other eligibility rules, some families may not be eligible for benefits even if they appear to be eligible for a grant using the worksheet.
# Simplified TAFDC Grant Calculation Worksheet

<table>
<thead>
<tr>
<th>Step</th>
<th>Description</th>
<th>Calculation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td><strong>Figure</strong> gross monthly earned income</td>
<td>$ __________</td>
</tr>
<tr>
<td>2</td>
<td><strong>Subtract</strong> $200 work expense deduction</td>
<td>$ __200.00</td>
</tr>
<tr>
<td>3</td>
<td><strong>TOTAL AFTER WORK EXPENSE DEDUCTION</strong></td>
<td>$ __________</td>
</tr>
<tr>
<td>4</td>
<td><strong>Subtract</strong> half of Line 3 (50% disregard)</td>
<td>$ __________</td>
</tr>
<tr>
<td>5</td>
<td><strong>TOTAL AFTER SUBTRACTING HALF OF LINE 3</strong></td>
<td>$ __________</td>
</tr>
<tr>
<td>6</td>
<td><strong>Subtract</strong> dependent care expenses (see chart for limits)</td>
<td>$ __________</td>
</tr>
<tr>
<td>7</td>
<td><strong>TOTAL NET EARNED INCOME</strong></td>
<td>$ __________</td>
</tr>
<tr>
<td>8</td>
<td><strong>Add</strong> countable unearned income</td>
<td>$ __________</td>
</tr>
<tr>
<td>9</td>
<td><strong>TOTAL COUNTABLE INCOME</strong> (enter on Line 11)</td>
<td>$ __________</td>
</tr>
<tr>
<td>10</td>
<td><strong>Enter</strong> Payment Standard for family size based on exempt or non-exempt status (use amount with rent allowance as applicable)</td>
<td>$ __________</td>
</tr>
<tr>
<td>11</td>
<td><strong>Subtract</strong> Total Countable Income (Line 9) from Payment Standard</td>
<td>$ __________</td>
</tr>
<tr>
<td>12</td>
<td><strong>TAFDC GRANT</strong>-Round down to nearest dollar</td>
<td>$ __________</td>
</tr>
</tbody>
</table>
Instructions for completing worksheet

Line 1: Multiply weekly earned income by 4.333 or biweekly earned income by 2.167. See Question 79.

Line 6: Subtract dependent care expenses up to the Maximum Dependent Care Deductions for each dependent in chart below.

<table>
<thead>
<tr>
<th>Hours of Work</th>
<th>Age of Dependent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Weekly</td>
<td>Monthly</td>
</tr>
<tr>
<td>1-10</td>
<td>1-43</td>
</tr>
<tr>
<td>11-20</td>
<td>44-87</td>
</tr>
<tr>
<td>21-30</td>
<td>88-130</td>
</tr>
<tr>
<td>31+</td>
<td>131+</td>
</tr>
</tbody>
</table>

Line 8: For example, include unemployment insurance and Social Security Benefits. Do not include SSI. Do not count child support.

Line 10: Choose the table based on whether you are exempt or non-exempt. See Question 84.

Line 11: The family’s cash income may also include up to $50 a month in current child support collected by the Department of Revenue and “passed through” to the family and/or $90 paid for a child excluded under the family cap. No cash payment is made if the grant amount is less than $10 a month, but the family is subject to the Work Program, time limit, family cap and other welfare rules.
Appendix B: Department of Transitional Assistance Executive Staff 2017
Appendix C:  
Department of Transitional Assistance Offices  
Listing with Addresses and Telephone Numbers
<table>
<thead>
<tr>
<th>TAO</th>
<th>OFFICE</th>
<th>MAIN TELEPHONE</th>
<th>FAX</th>
<th>DIRECTOR</th>
<th>DIRECT TELEPHONE</th>
<th>ASSISTANT DIRECTOR</th>
<th>TELEPHONE</th>
<th>ADDRESS</th>
</tr>
</thead>
<tbody>
<tr>
<td>097</td>
<td>FALL RIVER</td>
<td>(508) 646-6200</td>
<td>(617) 887-8765</td>
<td>OUNGUON</td>
<td>(508) 646-6340</td>
<td>MICHAEL BARRY</td>
<td>(508) 646-6295</td>
<td>1567 NORTH MAIN STREET FALL RIVER, MA 02720</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>STEPHANE MARSHALL</td>
<td>(508) 646-6312</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>020</td>
<td>HYANNIS</td>
<td>(508) 862-6800</td>
<td>(617) 887-8765</td>
<td>PETER DANZELL</td>
<td>(508) 862-6818</td>
<td>WENDY BUTTRICK</td>
<td>(508) 862-6847</td>
<td>181 NORTH STREET, HYANNIS, MA 02601</td>
</tr>
<tr>
<td>204</td>
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<td>KRISTEN WEBSTER</td>
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<td>SARAH MALONEY</td>
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<td>(617) 989-2401</td>
<td>PATRIA ESPINAL</td>
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<td>(617) 989-2322</td>
<td>JENNIFER BARTHELEMY</td>
<td>(617) 989-2302</td>
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<td>KARYN GONZALEZ</td>
<td>(617) 249-8169</td>
<td>LEAH SHIELDS</td>
<td>(617) 249-8192</td>
<td>1515 HANCOCK STREET Suite 105 QUINCY, MA 02169</td>
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<td>JOSE (JOE) BRANCO</td>
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*WESTERN REGION - REGIONAL DIRECTOR: ROXANNE SMITH-MILLER*  
Office:  (617) 348-5557
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<td>(617) 660-1850</td>
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<td>TARA MEOLI</td>
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<td>CARLOS RESTO</td>
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<td>NOLA WARD</td>
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Appendix D:
Client Assistance Coordinators
Appendix E: Massachusetts Legal Services Offices
Massachusetts Legal Services Offices

**Intake and Referrals for Clients**

Eastern Region Legal Intake (ERLI) Boston ................................................................. 617-603-1700

**Regional Legal Services Offices**

Community Legal Aid/Central West Justice Center
- Northampton ............................................................ 413-584-4034
- Pittsfield ...................................................................... 413-499-1950
- Springfield .................................................................... 413-781-7814
- Worcester ...................................................................... 508-752-3718

*Satellite Offices: Fitchburg, Greenfield, Holyoke, Milford,*
- North Adams, and Southbridge – By Appt. Only ......................... 855-252-5342

Community Legal Services & Counseling Center, Camb.................. 617-661-1010

Greater Boston Legal Services, Boston ........................................ 617-371-1234; 800-323-3205
- GBLS/Cambridge & Somerville Legal Services, Camb .................. 617-603-2700

MetroWest Legal Services, Framingham ..................................... 508-620-1830; 800-696-1501

Northeast Legal Aid/ Northeast Justice Center
- Lawrence, Lowell, and Lynn .............................................. 978-458-1465; 800-336-2262

South Coastal Counties Legal Services / Justice Center of Southeast Mass. ....... 800-244-9023
- Brockton .......................................................................... 508-676-6265
- Fall River .......................................................................... 508-676-6265
- Hyannis ............................................................................. 508-775-7020

Volunteer Lawyers Project, Boston .................................................. 617-423-0648

**Law School Clinics**

Boston College Legal Services Lab, Newton ...................................... 617-552-0248
- Harvard Legal Aid Bureau, Cambridge .............................................. 617-495-4408
- Legal Services Center, Jamaica Plain ................................................ 617-522-3003

**Statewide Legal Services and Support Centers**

Center for Law and Education, Boston ..................................................... 617-451-0855
- Center for Public Representation, Newton ........................................ 617-965-0776
- Center for Public Representation, Northampton (INTAKE) .................. 413-587-6265
- Children’s Law Center of Mass, Lynn ................................................. 781-581-1977
- Disability Law Center, Boston (INTAKE) ........................................... 617-723-8455; 800-872-9992
- Disability Law Center, Northampton .................................................. 413-584-6337; 800-222-5619
- Health Law Advocates, Boston .......................................................... 617-338-5241
- Mass. Advocates for Children, Boston .................................................. 617-357-8431
- Massachusetts Law Reform Institute, Boston ...................................... 617-357-0700; 800-717-4133
- Mental Health Legal Advisors Committee, Boston ......................... 617-338-2345; 800-342-9092
- National Consumer Law Center, Boston ........................................... 617-542-8010
- Prisoners Legal Services, Boston ...................................................... 617-482-2773
- Shelter Legal Services/Veterans Legal Services (serves Greater Boston) ........... 857-317-4474

**Legal Resource Finder – Online Resource**

Please visit www.MassLRF.org (Legal Resource Finder) for a listing of legal services programs in Massachusetts and for referrals to addition sources of legal help.

205