



Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Transitional Assistance
600 Washington Street . Boston MA 02111

Argeo Paul Cellucci
Governor

Jane Swift
Lieutenant Governor

William D. O'Leary
Secretary

Claire McIntire
Commissioner

Field Operations Memo 2000-8
March 1, 2000

To: Transitional Assistance Office Staff

From: Joyce Sampson, Assistant Commissioner for Field Operations

Re: Changes to the Family Cap Waiver Request Process

Background

The process for waiver determinations in accordance with 106 CMR 203.300(D)(1) is being decentralized. Transitional Assistance Directors will now review and make these waiver determinations. Waiver requests in accordance with 106 CMR 203.300 (D)(2) will continue to be determined by Central Office. Refer to Chapter 6 of *The TAFDC Procedural Guide* for detailed instructions on the waiver determination process.

**TAO Director
Waiver
Determinations**

The TAO Director will make waiver determinations when a dependent child ineligible due to Family Cap provisions is no longer able to live with his or her parent(s) because of one or more of the following reasons (in a two-parent family both parents must each meet one of the reasons):

- the death of the child's custodial parent(s);
 - the incapacity of the child's custodial parent(s) such that the parent(s) cannot care for the child, and such incapacity and inability to care for the child are documented by a physician;
 - the custody or guardianship of the child has been legally transferred to another parent, relative or custodian (custody or guardianship cannot be verified by a petition but must be verified by a final decree);
 - the incarceration of the custodial parent(s) except that the child shall not receive assistance if the parent(s) is released and living with the child; or
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**TAO Director
Waiver
Determinations
(continued)**

- the custodial parent(s) is institutionalized in a mental health facility or hospital, provided institutionalization is expected to last for more than 30 days; the child shall not, however, receive assistance if the custodial parent(s) is released from the institution and lives with the child.

Note: TAO Directors needing assistance in making a waiver determination will refer the waiver request to Central Office.

Refer to the 106 CMR 203.300 for further details on acceptable verifications for waivers. With the exception of death, the information obtained to verify the above circumstances must be reviewed for changes at each eligibility review.

**Central Office
Waiver
Determinations**

Central Office Staff will continue to make waiver determinations if:

- none of the above applies and an applicant or recipient makes a written request explaining the extraordinary circumstances why a waiver should be granted in accordance with 106 CMR 203.300(D)(2); or
 - the TAO Director requests assistance in making a waiver decision.
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**The Notice of
Denial of Family
Cap Waiver**

For denial decisions determined by the TAO Director, *the Notice of Denial of Family Cap Waiver* must be sent to the recipient and a copy filed in the case record.

Note: *The Notice of Denial of Family Cap Waiver* is being distributed to Transitional Assistance Offices with this Field Operations memo.

For denial decisions determined at Central Office, the Notice of Denial of Family Cap Waiver will be sent by Central Office directly to the recipient and a copy to the TAO to file in the case record.

**TAO Family Cap
Monthly Reports**

Transitional Assistance Offices receive five Family Cap reports on a monthly basis. Attachment A includes a list of these reports and the purpose.

Questions

Policy-related questions should be directed by the Hotline designee to the Policy Hotline at (617) 348-8478. Systems-related questions should be directed to Customer Service at (617) 348-5290.

TAO Family Cap Monthly Reports

Report Name	Frequency to TAO	View Direct	Purpose
<i>Cash Active Children Born After Family Cap Date -- Requires Case Review</i>	Monthly (Report run at end of month. Distributed to TAO at beginning of next month.)	No	Identifies cases where children appear to have been born after the Family Cap date AND are receiving cash benefits. TAOs are required to review these cases to correct the error.
<i>Cash Active Children Born After Family Cap Date -- Central Office Waiver Approval</i>	Monthly (Report run at end of month. Distributed to TAO at beginning of next month.)	No	Identifies cases where a Central Office Waiver approval has been granted to include a child born after the Family Cap date for cash benefits. TAOs should use this report to double check proper verifications in record. (TAO Director is now designee.)
<i>Cash Active Children Born After Family Cap Date -- TAO Exception Approval</i>	Monthly (Report run at end of month. Distributed to TAO at beginning of next month.)	No	Identifies cases where a Local TAO Exception approval has been granted to include a child born after the Family Cap date for cash benefits. TAOs should use this report to double check proper verifications in record.
<i>Cash Inactive Children Born After Family Cap Date -- Not NOB</i>	Monthly (Report run at end of month. Distributed to TAO at beginning of next month.)	No	Alerts the TAO that a child who appears to be born after the Family Cap date has been established on the system but is not included in the cash benefits. This is an alert NOT by the NOB process. Workers should be scheduling an eligibility review.
<i>Cash Inactive NOB Children Born After Family Cap Date</i>	Monthly (Report run at end of month. Distributed to TAO at beginning of next month.)	No	Alerts the TAO that a child who appears to be born after the case Family Cap date has been established on the system but is not included in the cash benefits. This is an alert by the NOB process. Workers should be scheduling an eligibility review.