



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

MITT ROMNEY  
Governor

RONALD PRESTON  
Secretary

KERRY HEALEY  
Lieutenant Governor

JOHN A. WAGNER  
Commissioner

**Field Operations Memo 2003-23**  
**September 16, 2003**

**To:** Transitional Assistance Office Staff  
**From:** *cd* Cescia Derderian, Assistant Commissioner for Field Operations  
**Re:** Baynes v. Wagner Lawsuit – TAFDC

**Overview**

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A Superior Court Judge has recently issued a decision in favor of a TAFDC parent seeking an exemption of the work requirement as a caretaker of a disabled child. In this case, the child attends school full-time and the medical provider did not certify on the TAFDC-4 that the parent had to be home during normal school hours to care for the child.

The Judge held that the state’s welfare reform act and the Department’s own definition of the disabled child caretaker exemption at 106 CMR 203.100 (A)(1)(b)(1) require only that the parent show he or she is essential to the care of the child. The Judge determined that adding the requirement that a medical provider certify that the parent must be home during normal school hours exceeded the requirements for the exemption under the state law and the Department regulations.

**Effect on TAFDC AUs**

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While the Department is currently considering changing the verification required for the disabled child caretaker exemption, the Department would like to review the following exemption requests and exemption denials on a case by case basis:

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**Effect on  
TAFDC AUs  
(continued)**

- *Any parent seeking an exemption as a caretaker relative for a disabled child who is full-time school age but for whom the medical provider has not certified that the parent needs to be home full-time to care for the child; and*
  - *Any parent who has requested such an exemption after the decision was issued on **May 16, 2003**, but has had the exemption denied because the medical provider did not certify that the parent had to be home during school hours.*
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**AU Manager  
Procedures**

If an AU Manager receives a request from a parent seeking an exemption or has denied a request after May 16, 2003, as specified above, please email the AU information (recipient's name, SSN and a brief explanation of the basis for the exemption) to the TAO director or designee.

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**TAO Director or  
Designee**

The TAO director or designee must notify Ruth Greenholz at the Legal Division by e-mail at [ruth\\_greenholz@dta.state.ma.us](mailto:ruth_greenholz@dta.state.ma.us). The e-mail must include the recipient's name, SSN and a brief explanation of the basis for the exemption.

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**Questions**

If you have any questions, please have your Hotline designee call Ruth Greenholz at 617-348-8520.

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