



Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Transitional Assistance
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Field Operations Memo 2000-6
February 18, 2000

TO: Transitional Assistance Office Staff

FROM: Joyce Sampson, Assistant Commissioner for Field Operations

RE: EAEDC Caretaker Family

Introduction

State Letter 1186, effective February 18, 2000, revises the EAEDC Caretaker Family regulations. The revised regulations require the caretaker to obtain legal custody or guardianship of the dependent child(ren) or provide verification of good cause for not obtaining legal custody or guardianship. The verification must be provided at the end of six months from:

- the date assistance begins for new applicants, and
- the date of the next eligibility review for current recipients.

Transitional Assistance Worker Responsibilities

During the application process or during the next eligibility review the Transitional Assistance Worker must:

- Explain the revised regulation to the caretaker.

Be sure the applicant or recipient: (a) is informed that he or she has six months to obtain legal custody or guardianship, and (b) is informed about the good cause provision and that if he or she does not have legal custody or guardianship, verification of good cause must be provided. Failure to provide either verification at the end of six months will result in ineligibility for EAEDC.

- Note in the case record that the revised regulation was fully explained.
- Keep a tickler file of any EAEDC Caretaker Family that does not have current verification in the case record of legal custody or guardianship of the dependent child(ren).

**Transitional
Assistance
Worker
Responsibilities
(cont.)**

At the end of six months, schedule another eligibility review for these cases. If at the eligibility review (following the six-month period), the caretaker does not provide one of the required verifications, the EAEDC caretaker family case must be closed.

Note: If the caretaker is included in the assistance unit and remains eligible for EAEDC, e.g., a person who is age 65 and awaiting SSI, or claims a disability, close only the dependent child(ren).

**Transitional
Assistance
Supervisor
Responsibilities**

When reviewing the EAEDC Caretaker Family application or eligibility review, Transitional Assistance Supervisors should ensure there is either verification of legal custody or guardianship, or a notation in the case record that the revised regulation was explained.

Supervisors need to manage this process to ensure appropriate cases are reviewed and monitored for compliance.

When reviewing the EAEDC Caretaker Family eligibility review following the six-month period, Transitional Assistance Supervisors must ensure there is current documentation of legal custody or guardianship, or acceptable verification of good cause. If there is a question about whether a document is acceptable, have the Hotline designee call the Policy Hotline.

**Good Cause for
Not Obtaining
Legal Custody
or Guardianship**

Legal custody or guardianship is not required if good cause exists. Good cause exists if the caretaker or the dependent child would be at risk of serious harm or emotional impairment for trying to get legal custody or guardianship.

A serious emotional impairment is one of such severity that it would significantly reduce the caretaker's or the child's capacity to care for himself or herself or significantly reduce his or her capacity to perform essential activities of daily living.

Good cause is verified by both (1) **and** (2):

- (1) a signed statement which must include the reason the caretaker believes obtaining legal custody or guardianship places him or her or the dependent child(ren) at risk of serious harm or emotional impairment, and a detailed description of any incidents which may have led him or her to believe this is true, and the approximate dates of such incidents; **and**
 - (2) court, medical, criminal, child protective service, psychological, law enforcement, school records, or other official documentation that demonstrate there is a risk of serious harm or emotional
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impairment to either the caretaker or the dependent child(ren).

**Good Cause for
Not Obtaining
Legal Custody
or Guardianship
(cont.)**

If the above records are not available or inconclusive, verification shall be by a sworn statement from the caretaker and at least one other individual with knowledge of the circumstances that sets forth with specificity a factual history which support the good cause claim.

Questions

If you have any questions, please have your Hotline designee call the Policy Hotline at (617) 348-8478.
