



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

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Field Operations Memo 99-26 A
September 7, 1999

To: Transitional Assistance Office Staff
From: Joyce Sampson, Assistance Commissioner for Field Operations
Re: *Minnefield v. McIntire* Lawsuit

Background

A preliminary injunction has been granted in the *Minnefield v. McIntire* lawsuit. As a result of the injunction, the Department must use comparable standards when determining an exemption request made by either a person claiming to be essential to the care of a disabled child or a person claiming to be essential to the care of a disabled adult.

State Letter 1180 issued changes to the TAFDC regulations. Although the State letter is effective **September 2, 1999**, the Department is required by the court order to implement the changes effective **August 27, 1999**.

Impact on Cases

Effective **August 27, 1999**, grantees requesting an exemption who claim to be essential to the care of a disabled child no longer need to show that the disabled child is receiving SSI.

Grantees can now submit:

1. verification that the disabled child is in receipt of SSI; or
the TAFDC-4 completed by a competent medical authority stating the child is disabled; and
2. the TAFDC-4 completed by a competent medical authority stating the severity of the disability, the reason the grantee is essential to the care of the disabled child and that the grantee must be in the home during normal school hours to care for the disabled child if this disabled child is of mandatory full-time school age, whether or not the disabled child attends school.

**Impact on Cases
(continued)**

The injunction is **prospective**. No cases denied this exemption prior to August 27, 1999 are covered by the preliminary injunction. However, these cases may reapply for exempt status under the new regulations.

Transitional Assistance Workers must review cases that requested the exemption on or after August 27 to determine eligibility for the exemption using the new regulations.

**Procedural
Update**

Changes to Chapter 2 of *The TAFDC Procedural Guide* will be issued shortly.

Questions

If any policy-related or procedurally-related questions arise as a result of the *Minnefield v. McIntire* Lawsuit, have your Hotline Designee call the Policy Hotline at (617) 348-8478.
