Temporary Assistance for Needy Families Program Instruction

U.S. Department of Health and Human Services
Administration for Children and Families
Office of Family Assistance
Washington, D.C. 20447

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TO: States Operating Temporary Assistance for Needy Families (TANF) Plans and Other Interested Parties

SUBJECT: Questions and Answers on the Final TANF Rule

SUMMARY: This PI provides responses to a myriad of questions about the final rule implementing changes to the TANF program as required by the Deficit Reduction Act of 2005 (Pub. L. 109-171). Individual questions received subsequent to this PI will be posted to the OFA website under the following section: http://www.acf.hhs.gov/programs/ofa/polquest/index.htm

REFERENCES: Final rule on the reauthorization of the TANF program covering 45 CFR Parts 261, 262, 263, and 265 published in the Federal Register on February 5, 2008 (see FR Vol. 73, No. 24, pages 6772 – 6828).

ATTACHMENT: A compilation of frequently asked questions and answers pertaining to the above referenced final rule.

INQUIRIES: Inquiries about this document should be directed to the appropriate Office of Family Assistance (OFA) Regional Office TANF Program Manager.

/s/

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Director
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Questions and Answers on the Final TANF Rule

Effective Date of the Final Rule

1. Can States implement any or all parts of the final rule prior to October 1, 2008 (FY 2009), e.g., changes such as the conversion from 10 days to 80 hours of excused absences or counting attendance in a BA program as part of vocational educational training?

   Answer: States cannot implement any final rule provision before October 1, 2008, unless permitted under the interim final rule or the original TANF rule. We do not have the authority to allow States to implement substantive rule changes before the effective date of the new final rule.

2. The preamble to the final rule includes a number of clarifications to regulatory provisions that did not change between the interim and final rule. Can States implement provisions of the final rule that are consistent with the interim final rule before October 1, 2008?

   Answer: Yes, States may adopt any provision that is not inconsistent with the interim final rule or with guidance given as part of the work verification plan (WVP) approval process. The final rule clarified a number of policies that can be adopted immediately, though some may require an amendment to a State's WVP. Whether a State needs to amend its WVP depends on whether and how the State described a particular provision in its approved WVP. Examples of clarifications that can be adopted immediately include:

   - For unpaid work activities, daily supervision does not necessarily mean daily contact, but it does mean that a responsible party has daily responsibility for oversight of the individual's participation.
   - Subsidized employment positions do not have to be of a limited duration; that was just a recommendation in the interim final rule. There may be circumstances that warrant longer placements.
   - Distance learning may count to the extent that such programs otherwise meet a work activity definition and include supervision. A State should explain in its WVP how it will provide supervision and monitor hours of participation of clients engaged in distance learning training programs.
   - A State may adjust prior reported data for any month in the fiscal year in which a family with a work-eligible individual whose application for Supplemental Security Income (SSI) was approved retroactively, as long as the adjustment is within the allowable reporting time frame for the fiscal year (i.e., by December 31st of the following fiscal year). (Effective October 1, 2008, it may do the same for Social Security Disability Insurance (SSDI) recipients.)
   - While travel time to and from work sites does not count toward the participation rates, a State may count the time an individual spends in job search and job readiness assistance traveling between multiple interviews.

   A State may modify its WVP before October 1, 2008, if needed, to adopt these clarifications. If a State has any doubt about whether it can implement a specific provision, it should contact

us via the ACF Regional Office.

Work Verification Plans

1. What is the process for revising a State WVP to reflect the final rule?

   Answer: A State can submit an amendment to its WVP or an amended plan. Because the final rule did not make significant changes, we expect that the approval process will be smooth and timely. To facilitate the approval process, if a State submits an amended plan, it should clearly identify those sections of the plan that changed.

2. When must a Sate submit to ACF a revised WVP or amendment reflecting the changes in the final rule?

   Answer: A State may submit a revised WVP or an amendment with an effective date of October 1, 2008, as soon as it chooses. The sooner it is submitted, the sooner we can approve the WVP. We have asked all States to submit plans by September 1, 2008, but earlier would make the review process go more smoothly.

3. Question: Which provisions will a State need to change in its WVP to conform to the final rule?

   Response: There are some provisions all States must change, including:

   - For job search and job readiness assistance: (1) converting the 6-week (or 12-week) limit to hours; and (2) measuring participation in the activity on a rolling 12-month rather than fiscal year basis.
   - Converting the excused absence allowance from 10 days to 80 hours.
   - There are several data reporting changes: (1) the Work-Eligible Individual Indicator reflects the change in the definition of a work-eligible individual; (2) the addition of sub-data elements for the unpaid work activities to collect the holiday hours and hours of excused absences; and (3) the addition of the two data elements to collect the number of deemed core hours for the overall rate and the two-parent rate. States have not yet seen the revised TDR & SDR instructions, as they are currently at OMB for approval. A State should have these instructions in hand when it modifies its WVP.

   Other changes are at State option, depending on whether the State wants to take advantage of the added flexibility in the final rule. Optional changes include:

   - For subsidized employment and on-the-job training, removing the expectation for employers to retain participants.
   - For job search and job readiness assistance: counting 3 or 4 days as a week using the prorating method and removing any reference to "otherwise employable."
   - For vocational educational training, counting postsecondary education in a bachelor's or advanced degree program and dropping the requirement for integrated basic education or ESL to be of limited duration.

- For education activities, counting unsupervised homework and dropping the requirement that participants make good or satisfactory progress.
- For the definition of work-eligible individual, excluding SSDI recipients.
- For the exclusion from the definition of work-eligible individual for a parent caring for a disabled family member, dropping the requirement that the disabled family member not be in school full-time.
- For all unpaid work activities, providing documentation for all hours reported for a month in the case-record, rather than documenting job search and job readiness assistance hours daily and other unpaid work activities bi-monthly.

Job Search and Job Readiness Assistance (JS/JR)

6-Week Limit

1. Please clarify how the conversion of the 6-week limit on job search and job readiness assistance (JS/JR) to 120 hours (for a work-eligible individual with a 20-hour average weekly work requirement) or 180 hours (for a work-eligible individual with a 30-hour average weekly work requirement) relates to the durational limit of 4 consecutive weeks. How can a State benefit from using hours for the 6-week limit if it can count no more than 4 consecutive weeks?

   Answer: The 6-week and 4-consecutive-week limitations operate differently. The 6-week limit is converted to hours and operates like an accrual system. Each time an individual reaches 20 (or 30) hours, a week is used up. The 4-consectuive-week limit operates as before: reporting any hours in a week uses a week of participation.

   We converted the 6-week limit to an hourly equivalent in the final rule because many commenters argued persuasively that an hourly conversion would give them more flexibility to structure work activities to meet the needs of their participants. A State will benefit from this mainly when it needs only a few hours of JS/JR in a week to count the family in the rate.

   Here is an example to illustrate the benefit of the hourly equivalent compared to the interim final rule. Suppose someone with a 20-hour per week requirement goes 5 hours per week to substance abuse treatment and also spends 15 hours per week in work experience. Suppose this continues for 6 months. Under the interim rule, if the State counted the 5 hours of JS/JR, it would use up 4 of the 6 weeks it was allowed for the year in the first month. It could not count JS/JR in the fifth week (due to the 4-consecutive-week limit in the law), and then it would use up the remaining 2 weeks in weeks 6 and 7. It would have reached its limit on counting JS/JR in just 7 calendar weeks (and by counting just 30 hours of participation in the activity).

   Under the final rule, in exactly the same situation, the State can count the 20 hours of JS/JR that the individual goes to during the first month and only use 1 time-limited week instead of 4. At that pace, the State could effectively stretch counting the 6 weeks (120 hours) to 30 weeks over a 12-month period, keeping in mind that every 5th consecutive week it cannot count JS/JR hours.

2. We have a structured, 40-hour per week (5 days) job readiness class. If 20 hours equals 1 week, does 40 hours within a 5-day period count as 1 week or 2 weeks?

   Answer: If the State reported 40 hours for a week, it would use up 2 weeks of the 6-week JS/JR limit (assuming an average weekly requirement of 20 hours per week). But, that State would also get credit for the equivalent of 2 weeks of participation because the family needed only an average of 20 hours per week to count in the rate for the month and it had 40 hours from this class.

3. What can States do for individuals who participate in JS/JR for a fifth consecutive week but cannot count toward the work participation rate?

   Answer: When an individual participates in an activity in addition to JS/JR, for example work experience, the State may excuse the individual from that other activity (for up to 16 hours in a month and no more than 80 hours in the preceding 12-month period) for whatever reason it determines appropriate, including participating in a JS/JR activities, such as treatment. In the example above, the State would report those hours as part of work experience. Or, if the State does not wish to use its excused absences in this way, it could simply have the person make up the 5 hours that cannot count in the fifth week by scheduling the person for 2 hours more for the 6th, 7th, and 8th weeks. Or, it could assign the person to 20 hours of work experience in the fifth week. There are many options.

4. Question: The final rule changed the period for limits on JS/JR participation from the Federal fiscal year to "the preceding 12-month period." If limits are imposed for the current reporting month based on participation in the prior 12 months, then don't the limits really apply to a 13-month period, and not a 12-month period?

   Answer: No, the limit applies to a 12-month period. Most often, for reporting purposes, this will mean the current month for which the State is reporting data and the 11 previous months; however, the key is that, in any 12-month period, the State cannot count more than 120/180 hours of JS/JR, depending on whether the family had a 20-hour or 30-hour average weekly work requirement.

   The phrase "preceding 12-month period" comes from the statute, which allows States to disregard from the work participation rate calculation families that have been subject to a work-related sanction for up to three months in "the preceding 12-month period." This policy works the same way for this disregard, as well as the new excused absence policy.

5. How is the 6-week limit intended to apply to families with 2 work-eligible individuals?

   Answer: The limit applies to each individual separately; the State can report up to 180 hours of JS/JR in any 12-month period for each work-eligible individual in a 2-parent family.

6. How should a State report participation data if circumstances occur in a family that change the family's hourly limit? How do limits apply from that point forward?

Answer: The number of JS/JR hours that can count is based on the average weekly hourly requirement faced by the work-eligible individual for that month. If the individual has a 20-hour requirement, the State could count up to 120 hours of JS/JR in a 12-month period; if the requirement changes to 30 average hours per week, the State can count up to 180 hours. In addition, there may be changes that occur at the State level that permit the State to count 12 weeks rather than 6 weeks. If a State is eligible for 12 weeks, the hourly standards would double, i.e., the State could count either 240 hours or 360 hours in a 12-month period. For more information on the applicability of the 12-week limit, see the Program Instruction, "Qualifying to Count Participation in Job Search and Job Readiness Assistance Activities for Up to Twelve Weeks," which can be found at: http://www.acf.hhs.gov/programs/ofa/pi-ofa/pi200604.htm.

7. Does the counter start again if there is a change in the hourly requirement, e.g., a single parent's child turns 6 years old or leaves the household, or a child under 6 years old joins a single parent household that did not previously have a child less than 6 years of age? What if a single-parent family becomes a two-parent family and vice versa?

   Answer: No, the count of hours used does not start over. A State's ability to count hours of JS/JR depends on the circumstances. For example, the month after the youngest child turns 6 (unless it is the first of a month), that family's work obligation increases from 20 hours to 30 hours. At that point, that a State could begin to count up to 180 hours of JS/JR for the preceding 12-month period (up from 120 hours). Conversely, if a family without a child under 6 years of age expands to include such a child, its average hourly requirement per week would drop from 30 hours to 20 hours. In such a circumstance, if the State had counted 120 or more hours of JS/JR in the preceding 12 months, the State could not count such participation again until it had counted less than 120 hours in the most recent 12-month period.

8. When does a State begin counting hours in lieu of weeks?

   Answer: A State begins counting hours October 1, 2008. Until then, only weeks may count under the interim final rule. Beginning with October, 2008, a State would count just one month, then in November it would look over two months, in December three months, and so on until it reaches a 12-month period in August.

4 Consecutive Weeks

9. Please give a clear example of 4 consecutive weeks of JS/JR.

   Answer: For the limit of no more than 4 consecutive weeks of JS/JR we have retained the definition in the interim final rule: 7 consecutive days. In other words, any hours of participation in JS/JR during the course of a 7-day period triggers a week for the 4-week limit. Once an individual has 4 consecutive weeks of participation, that individual's participation in JS/JR may not count for 1 week, i.e., 7 consecutive days. For example, if the State began reporting hours for an individual on March 3, all the JS/JR hours from that date through March 9 would be part of the first week, hours on March 10 through March 16 would

be in the second consecutive week, and March 17 to 23 would constitute the third consecutive week. After March 30, the State could not report hours for that individual for 7 consecutive days. Beginning on April 7, the State could again begin to count JS/JR hours for the individual.

3 or 4 Days of Job Search and Job Readiness Assistance

10. A provision in the final rule allows a State to apply the average hours that an individual participates in JS/JR during 3 or 4 days to the remaining days in the week. Does this mean we do not need to report actual hours in this scenario?

    Answer: Yes, this is one notable exception to reporting only actual hours of participation, because there is a specific statutory provision that permits it. It is limited to once in a 12-month period.

11. If a State chooses to use the average of 3 or 4 days to calculate participation for the remaining days, what kind of back-up documentation is required to show that the State used this method and didn't rely on actual hours?

    Answer: The State should note in the case file that it is invoking this statutory provision.

12. How often can a State use the 3 or 4 day provision in counting JS/JR hours?

    Answer: This provision is limited to once in any 12-month period.

Vocational Educational Training

1. Question: Does the 12-month-lifetime limit on counting vocational education training start over on the effective date of the final rule (October 1, 2008) like the 6-week limit on JS/JR?

   Answer: No, the lifetime limit on counting 12 months of vocational educational training does not start anew with the implementation of the final rule. This is a statutory lifetime limit on what a State may count toward the work participation rate that began with the start of a State's TANF program (i.e., 1996 or 1997).

   For the 6-week limit on counting JS/JR, the slate is wiped clean for looking at prior weeks of this activity because, under the new rules, States have to track hours for that limitation. Since they did not have to track hours before that point, they would have no system in place prior to October 1, 2008, to judge how many hours an individual had already counted in the prior year. Also, that limitation will now be tracked on the basis of a rolling 12-month period (the prior 12 months) as opposed to a fiscal year basis, which state systems also did not previously have to track. We did not make any changes of this nature to the definition of vocational educational training so there was no need to "start the clock over" nor any authority to do so, given the lifetime nature of the limit.

2. What kinds of vocational rehabilitation activities are countable under vocational educational training?

   Answer: The preamble to the final rule states, "We would consider vocational rehabilitation activities that are organized educational programs directly related to preparing individuals for employment in current or emerging occupations to be vocational educational training." It is our understanding that many vocational rehabilitation programs incorporate educational components that would fit within the regulatory definition of vocational educational training. For example, part of an individual's vocational rehabilitation program might be to complete a certificate in computer programming from a community college. Such a program would be part of an organized educational program and would be directly related to preparation for employment.

3. Are States required to count an individual's participation in an advanced degree program?

   Answer: No, the final rule simply gives States the flexibility to count participation in a BA or advanced degree program.

Education Activities

1. The requirement for "good or satisfactory progress" has been deleted from the definitions of education directly related to employment and satisfactory attendance at secondary school or in a course of study leading to a GED. Can we drop this requirement before the implementation the October 1, 2008, implementation date of the final rule?

   Answer: No. This information should be in the case file and the State should not report hours of participation if the individual did not make good or satisfactory progress. For example, some States use the definition of progress of the educational institution providing services. Anyone who does not meet that standard should not count for participation. A State is free to define this term broadly, as long as the definition is part of an approved WVP.

2. Can a State consider log-in/log-out time to be actual time for distance learning?

   Answer: The time reported for distance learning depends on a variety of factors. The WVP must describe how the State will supervise the activity and ensure that it counts actual hours. For some activities, this could be monitored by log-in/log-out time, for example if the program also shows the work done and progress achieved during this period. For some distance learning activities, there may be other methods of supervision and monitoring of hours.

3. Can supervised study hours be added to unsupervised study hours or is a student allowed only 1 study hour (supervised or unsupervised) per credit hour?

   Answer: Yes, the final rule permits a State to count supervised homework time and up to 1 hour of unsupervised homework time for each hour of class time. Total homework time counted for participation cannot exceed the hours required or advised by a particular

educational program.

Assessment

1. Is there a timeframe for how long assessment can last in any work activity? What is the documentation standard required to show that the assessment is related to the activity?

   Answer: No, there is no timeframe but the individual must be engaging in assessment activities, not simply waiting to be placed or assessed. A State should document assessment hours in the same way it documents any other unpaid activity.

2. If an assessment finds that an individual is not suitable for the work activity for which she was scheduled to begin, can the assessment period still count under the planned work activity?

   Answer: Yes.

Work-Eligible Individual

1. The preamble of the final TANF rule regarding retroactive revision of data for a work-eligible individual who has been approved for SSI or SSDI uses the phrase "for whom prior State TANF or SSP-MOE benefits are reimbursed." Is reimbursement a requirement in order to remove an SSI or SSDI recipient from the work participation rate?

   Answer: No. Since we defined work-eligible individual in the interim final rule in terms of SSI receipt, reimbursement of TANF funds is not a requirement, though we expect it to happen most of the time. The SSDI portion of this provision does not begin until October 1, 2008, but the same principle applies.

2. Is the disregard for a single parent with a child under 12 months of age a lifetime exclusion?

   Answer: There is a lifetime limit of 12 months but there is no requirement to use all 12 months at once or for a child. This disregard is not part of the definition of a work-eligible individual, but rather is used in calculating the overall work participation rate. This is not new to the final or interim final rule but was part of the original TANF law.

Caseload Reduction Credit

1. Please clarify the difference in the definition of a two-parent family between the final rule and the definition in place in FY 2005 and elaborate on how this will impact on the caseload reduction credit calculation.

   Answer: Under prior rules, the minimum two-parent family definition was written in terms of parents receiving assistance. Under the new final rule, it is written in terms of work-eligible individuals. We believe the practical impact of these changes is likely to be small.

2. Since the old definition of a two-parent family applied to FY 2005, the base year of the recalibrated caseload reduction credit, a State submitting a separate two-parent caseload reduction report would be using caseload data based on the old definition for FY 2005 and the new one for the comparison-year caseload. In order to make an adjustment to our FY 2005 two-parent caseload data, the State must explain in its report how it arrived at the adjusted number. How does a State arrive at this adjusted number?

   Answer: If a State wants to make an adjustment to account for this difference, which is not required, it should propose a reasonable method as part of its caseload reduction report. We think that the former two-parent definition and the new one are similar enough that it would not have much of an impact.

Excused Absences/Holidays

1. The TANF rules allow for 10 holidays, but many agencies or businesses that offer unpaid work activities have more than 10 holidays. How can States address this discrepancy?

   Answer: Under the original TANF rule, States were required to report actual hours of participation; there was no allowance for unpaid holidays or excused absences. Thus, the interim rule, and now final rule, should have a positive effect on State work participation rates. The fact that some work site sponsors provide more than the 10 days allowed in the final rule means that States may have to find ways to compensate for days TANF recipients miss due to a holiday that is not recognized in the State WVP.

   To help ensure that work-eligible individuals meet their hourly work requirements, some TANF agencies require individuals to participate more than the average of 20 or 30 hours per week to count in the Federal work participation rate, providing some leeway should a client miss hours due to some unforeseen circumstance or a holiday that is not recognized in the State WVP. In addition, some TANF agencies focus on monthly rather than weekly participation hours, allowing individuals the flexibility to miss hours in some weeks and make them up in others. For example, an individual could work 20 hours one week, 40 hours the next week, and 30 hours per week the remaining two weeks. It is important to remember that for most employed individuals, the standard is 40 hours per week. The fact that most TANF recipients have an average weekly requirement of 20 or 30 hours means that there is considerable flexibility in developing work schedules to meet the work requirements. In addition, the State could count uncovered holidays under its excused absence policy.

Fair Labor Standards Act

1. How can we get clarification on whether or not the FLSA applies to a given work experience or community service position and what benefits should be included in the calculation of the required/allowed hours?

   Answer: As we explained in the preamble to the final rule, the U.S. Department of Labor (DOL) determines whether or not the FLSA applies to an activity. DOL interprets their statute and regulations. We collaborated with DOL in drafting the final rule and preamble

explanation. The FLSA calculation is fact-specific and the Wage and Hour Division is responsible for considering the facts in light of their statute and regulations.

We have spoken with DOL staff. They suggested that the best course of action is for a local office to contact the appropriate Wage and Hour District Office to find out if the FLSA applies in a given scenario, as opposed to requesting a formal determination for each placement, which may not be a workable solution.

DOL also cautioned that employers must comply with the higher applicable Federal or State standard. Thus, local offices should direct questions about the application of that higher standard to the appropriate Federal or State office responsible for that standard.

The URL for Wage and Hour office, which answer questions about the Federal standard, is: http://www.dol.gov/esa/contacts/whd/america2.htm

The link for State Labor Offices is: http://www.dol.gov/esa/contacts/state_of.htm

Child Support Issues in FLSA

1. In the preamble of the final rule, you cautioned that, in determining the maximum number of hours of work experience and/or community service that may be required of a recipient to meet the minimum wage requirements of the FLSA, States should calculate the amount of assistance net of any child support collections received in the month and retained to reimburse the State or Federal government for the current month's assistance payment. The preamble further noted that prior law requiring this calculation is no longer in effect. If the prior law is no longer in effect, what is the legal basis for continuing this requirement?

   Answer: We do not require States to net out child support. In drafting the final rule, it occurred to us that States might need guidance with respect to possible alternatives available in order to avoid a situation where a State ends up requiring a client to work off hours of "assistance" that had already been reimbursed by an absent parent. We set forth netting out child support as an option simply because we knew States could benefit from this guidance. We also note that, as an added benefit, netting out child support increases the effect of the "deeming" provision and could help a State in meeting participation requirements.

Pro-Family Maintenance of Effort Expenditures

1. The list of healthy marriage promotion activities includes "education in high schools on the value of marriage, relationships skills and budgeting." There has always been a prohibition against public school education programs for MOE. Please clarify.

   Answer: As we stated in the preamble discussion of the final rule, a State may count State expenditures made on allowable activities under the Healthy Marriage Promotion and Promoting Responsible Fatherhood programs toward its MOE requirement, unless a limitation, restriction, or prohibition under the subpart applied. Expenditures on public education activities are generally prohibited under TANF.

2. Please confirm that the restriction on MOE expenditures for TANF purposes 3 and 4 to needy families will first affect States' FY 2009 expenditures for FY 2010 caseload reduction credit and not before.

   Answer: The final TANF rule is effective FY 2009. Therefore, the change in the scope of the pro-family MOE claiming provision begins with FY 2009 expenditures. Yes, a State's FY 2010 caseload reduction credit, which reduces its FY 2010 required work participation rate, uses FY 2009 data and thus will be the first credit to which the restriction applies.

Data Reporting

1. Question: If a State pays benefits retroactively (for the period between application and approval), it has the option to consider the family to be receiving assistance during the period of retroactivity. Can it implement this option on a case-by-case basis or must it be applied universally?

   Response: This is a case-by-case decision. This is not new to the final rule or even the interim final rule, but existed under the original TANF rules.

2. How should a State code an individual when there is a change in circumstances in the family? For example, suppose a work-eligible individual dies on March 31, but the family receives a TANF benefit for that person for April. Should that person be included in the participation rate for April even though he died?

   Answer: If an individual's status changes from work-eligible to non work-eligible or vice versa during the report month, the State must code the individual as a work-eligible individual for the report month. In determining the average number of hours of participation per week for the report month, State may apply the same approach we use for partial months of receipt of assistance. This means that the family will be in the denominator for the month if an adult is "work-eligible" for any time in that month, but it may also be possible to include the family in the numerator that month and count it toward the participation rate even if the work-eligible status of the adult changes in the course of the month. As under prior TANF rules, the new rules accommodate partial months of receipt of assistance. Section 261.22(d)(1) states: "If a family receives assistance for only part of a month, we will count it as a month of participation if a work-eligible individual is engaged in work for the minimum average number of hours in each full week that the family receives assistance in that month." Similarly, if a family includes a work-eligible individual for only part of a month, we will consider the family to have met the participation standard for the month and include it in the numerator if the adult engaged in work for the minimum average hours required in each full week that he or she was a work-eligible individual in that month. This is because under the new rules, the participation rates are based on the number of families that include a work-eligible individual, as opposed to families with an adult receiving assistance so the same discussion applies to families with a work-eligible individual that applied before to families receiving assistance that include an adult.

   In some cases, there may have been a change in circumstances that took place prior to the

report month, but the State did not learn of the change until a subsequent month. In such a situation, the State should revise its data to the extent possible. For example, the definition of a work-eligible individual does not explicitly refer to a deceased individual, but it is clear that such an individual cannot meet the work requirements and is not "work-eligible." If an adult (or minor child head-of-household) who was receiving assistance died prior to the report month, the deceased individual is not a work-eligible individual for the report month. This is true even if the family's grant for the report month included the needs of the deceased individual, for example because the State must provide timely notification to a family before reducing the grant or the family failed to report the death to the TANF agency. However, if a work-eligible individual died in the report month, the State should treat it as it would any other change in circumstances, following the guidance above.

3. Regarding the two new data elements for deemed core hours in the overall and 2-parent rates, is this applicable only to States with a simplified Food Stamp program or does it apply more generally to deemed hours for satisfactory school attendance and education directly related to employment?

   Answer: Yes, the deeming of core hours is only applicable to States with a simplified Food Stamp program and a work-eligible individual who has participated in a community service programs and/or work experience program to the maximum permissible under the Fair Labor Standards Act and has not met the minimum core hours requirement. It is not applicable to satisfactory school attendance and education directly related to employment.

4. The preamble reminds States that ACF has and will continue "to make available a file showing on a case-by-case basis, which families are counted as participating and which ones are not, upon request from a state." In the past, we have not found the file to contain sufficient detail to enable us to determine for individual families why a case failed to meet the criteria to be counted as participating. Could we get more specific details?

   Answer: The file that we have provided to States has the error flag codes, which is an indicator of why the case was not counted as participating. However, if there is additional information that would be helpful to States in resolving data problems, we will be happy to work with the States.