

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, California 95814



January 9, 2007

ALL COUNTY INFORMATION NOTICE NO. I-01-07

TO: ALL COUNTY WELFARE DIRECTORS
ALL CalWORKs PROGRAM SPECIALISTS
ALL FOOD STAMP PROGRAM SPECIALISTS
ALL TRIBAL TANF ADMINISTRATORS
ALL Medi-Cal PROGRAM MANAGERS

**REASON FOR THIS
TRANSMITTAL**

- State Law Change
- Federal Law or Regulation Change
- Court Order
- Clarification Requested by One or More Counties
- Initiated by CDSS

SUBJECT: TRIBAL TEMPORARY ASSISTANCE TO NEEDY FAMILIES (TANF)
PROGRAM QUESTIONS AND ANSWERS

REFERENCE: ALL COUNTY INFORMATION NOTICE (ACIN) NO. I-54-02, ALL COUNTY
INFORMATION NOTICE (ACIN) NO. I-28-05, COUNTY FISCAL LETTER
(CFL) 03/04-10

The purpose of this letter is to provide responses to frequently asked questions regarding Tribal Temporary Assistance to Needy Families (TANF) programs. The letter covers basic questions about funding and detailed questions about how Tribal TANF and the California Work Opportunity and Responsibility to Kids (CalWORKs) program interface with one another.

If you have any questions regarding this All County Information Notice (ACIN) or general Tribal TANF questions, please contact your Tribal TANF program analyst. For questions regarding county allocations or the State budget, please contact Fiscal Systems at fiscal.systems@dss.ca.gov. For questions regarding categorical eligibility, contact the Food Stamp Bureau at (916) 654-1896 or the Medi-Cal Policy Division at (916) 552-9421 and for questions regarding Employment Services, please contact the CalWORKs Employment Bureau at (916) 654-2137.

Sincerely,
Original Document Signed By
Charr Lee Metsker on 1/3/07
CHARR LEE METSKER
Deputy Director
Welfare to Work Division

Attachments

c: CWDA
CSAC

Background

In 1996 the 104th Congress amended the Social Security Act, by replacing Aid to Families with Dependent Children (AFDC), the Job Opportunity and Basic Skills Training Program (JOBS), and Emergency Assistance (EA) with block grants to States for the Temporary Assistance for Needy Families (TANF) program.

Included in the authorization for this new block grant system were provisions for block grants to eligible Tribes. The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, P.L. 104-193, as amended, authorizes Federally-recognized Indian Tribes to administer their own TANF programs in a manner similar to the States.

Tribes administering their own TANF program have great flexibility in program design and implementation. They can define such elements of their programs as the service area, service population (e.g., all Indian families in the service area or only enrolled members of the Tribe), time limits, benefits and services, the definition of "family," eligibility criteria, and work activities. Tribes have the ability to establish, through negotiation with HHS, program work participation rate targets and required work hours. Also, they can establish what benefits and services will be available and develop their own strategies for achieving program goals, including how to help recipients move off welfare and become self-sufficient.

Tribal TANF Questions and Answers

Process

1. What is the sequence of events leading to the establishment of a Tribal TANF program? The process begins when the California Department of Social Services (CDSS) receives notification from the Federal Administration for Children and Families (ACF) that a Tribe has submitted a letter of intent to operate a Tribal TANF program. At that time, the ACF also requests that the State determine the federal funding amount for the proposed Tribal TANF program service delivery area. The CDSS establishes the caseload counts based on State, county and Tribal data. After the CDSS and Tribal program reach concurrence on the caseload counts, CDSS notifies the ACF, the Tribe and county of the final caseload counts and federal dollars to be transferred to the Tribe.

After a case count has been determined, a Memorandum of Understanding (MOU) between the Tribe and the State and one between the Tribe and the county is drafted. The final stage is the transfer of the caseload from the county to the Tribe. The MOU process and transfer of cases typically take six months. A flow chart showing this process is attached for your reference.

2. Is it possible to have more than one Tribal TANF program in one county?

Yes. When a county has more than one Tribe with indigeonous ties to that region, Tribes may request approval to operate separate Tribal TANF programs in the area that is listed as their Bureau of Indian Affairs designated service area. Attached is a list of current Tribal TANF programs and the counties they serve.

3. In what respects can Tribal TANF programs differ? With the exception of time limits and prevention of duplicative aid, the Tribal TANF plans are designed by the specific Tribe and can include many differences (see the background section of this letter regarding Tribal flexibility).

4. What is the service area? The service area is the geographic area in which the particular Tribal program will be available. This can be Reservations or Rancherias only, or can include other parts of a county or the entire county.

Funding

5. How is funding determined? Federal funding is based on the county's 1994 Aid to Families with Dependent Children (AFDC) and Greater Avenues for Independence (GAIN) Native American caseload for Native Americans residing in the areas identified by the Indian Tribe in its Tribal TANF Plan. Because reliable data is not always available for various reasons, CDSS has developed a methodology using Census data to estimate the approximate number of Native American families that would have been on aid in the service delivery area in 1994.

6. How much can we anticipate transferring from the county's allocation? Beginning in State Fiscal Year (SFY) 2005/06 the counties' single allocations are no longer adjusted to offset funding provided for Tribal TANF programs.

7. Does the Tribal TANF funding come from each of the sub accounts (Cal Learn, etc.)? If so, is there a formula in this regard? No, the State General Fund and TANF funds provided to Tribes represents a reduction to the overall TANF/ Maintenance of Effort (MOE) funds available for the CalWORKs program.

Caseload Transfers

8. How will cases transition from the county to the Tribal entity? The process is determined between the Tribal TANF provider and the county. The MOU between the county and the Tribe will need to explain each of the parties' responsibilities in this area. The transition can vary from county to county.

9. How will information be shared with regard to grant amounts received from Tribal TANF grants for the Food Stamp and Medi-Cal cases held by the county? The method of sharing information will be determined between the Tribal TANF provider and the county. The MOU between the county and the Tribe will need to explain each of the parties' responsibilities in this area.

10. What responsibility does the county have to provide case documentation to the Tribal entity for those cases that they serve? In the past, the counties have outlined their responsibility for sharing case information with the Tribes in their Tribal TANF MOUs. There are no specific mandates regarding what information the county must give the Tribe. Both parties should consider what information is necessary to assist in determining eligibility, assist in determination of appropriate services, or minimize the reporting burden on the recipients.

11. How will information such as sanctions and overpayments be maintained in the Tribal TANF case? Tribal TANF programs are not required to continue CalWORKs sanctions

or participate in recouping CalWORKs overpayments. If a Tribal TANF program were to work with the county in either of these areas, the responsibilities and procedures and any other information would need to be included in the MOU between the county and the Tribe. The MOU between the county and the Tribe will need to explain each of the parties' responsibilities in this area.

12. Will the county need to discontinue all of these cases and let the clients determine where they wish to apply for services? At the time a Native American family applies for aid in one of the counties that has a Tribal TANF program, the county will begin the CalWORKs application process. Additionally, in accordance with procedures detailed in the county's MOU with the Tribal TANF program, the county shall inform the applicant family of the potential availability of Tribal services and will make a referral to the Tribal TANF program. The county will continue to process the CalWORKs application, including issuing benefits, while the Tribe determines Tribal TANF eligibility. It is important for counties to make these referrals to ensure that all needy families are aware of the assistance to which they may be eligible. If eligibility for Tribal TANF is established, the county will discontinue the family from CalWORKs in accordance with the MOU procedures, in order to avoid duplicate aid. The MOU between the county and the Tribe will need to explain each of the parties' responsibilities in this area. However, if the family does not apply to the Tribal TANF program, the county would continue to provide CalWORKs assistance as it would for any other needy family.

13. What are the criteria used to count someone as Native American? The Tribal TANF program determines eligibility requirements for their recipients, as described in their Tribal TANF Plan to ACF. Generally, the Tribal TANF program requires the client to provide proof that a member of the household is a descendant of a member or a member of a federally recognized Tribe or a descendant of the California Judgment Rolls.

14. Can clients that have self-declared as a different ethnicity now claim to be Native American? The Tribal TANF program will determine eligibility for their program, as described in its Tribal TANF Plan to ACF (See question 13).

15. What responsibility does the Tribal TANF program have to inform the county about granting assistance? Tribal TANF providers must provide County Welfare Departments (CWDs) with information to prevent duplication of aid. The MOU must outline the process between the county and the Tribe for sharing information.

16. How can duplicative aid be avoided? The MOU between the county and the Tribe must list responsibilities of each party for insuring that duplication of aid is avoided. CDSS is available to provide technical assistance or you may contact other counties with Tribal TANF MOUs in this regard.

Eligibility

17. How will categorical eligibility be established for Food Stamp and Medi-Cal cases when the county does not hold the cash aid case? Tribal TANF cash assistance is derived from the TANF Block Grant which is considered Public Assistance per Manual of Policies and Procedures (MPP) Section 63-102(p)(.12). Therefore, if all members of the food stamp household receive Tribal TANF cash aid, the household is considered categorically eligible for food stamp benefits per MPP Section 63-301.7. When a recipient is seeking food stamps and/or Medi-Cal benefits and the county does not hold the cash aid case, CWDs must

establish communication with the Tribal TANF provider to determine categorical eligibility for food stamp benefits. For Medi-Cal purposes, the Tribal TANF cash aid should be treated the same as CalWORKs cash aid in determining Medi-Cal categorical eligibility.

18. Currently the county is required to process an immediate need payment within 24 hours of request by applicants and grant the case in 15 working days or 45 days from application. Is there a similar requirement for Tribal entities? The Tribal TANF program requirements are contained in their Tribal TANF Plan which is approved by the federal government. It may vary from program to program.

19.(a) If a client applies for TANF/CalWORKs and he or she voices interest in pursuing the Tribal program, is the county responsible for taking a courtesy application? State law requires the county to take a CalWORKs application. The MOU between the county and the Tribe must explain each of the parties' responsibilities in this area. As noted in ACIN No. I-54-02, at the time a Native American family applies for aid in one of the counties that has a Tribal TANF program, the county will begin the CalWORKs application process. Please refer to response to question 12.

19.(b) If so, does the same apply to the Tribal entity? No. The Tribe is not authorized to take an application on behalf of the county. If a client wants to receive CalWORKs from the county, the Tribal TANF program should refer the client to the county. If the client is currently receiving Tribal TANF and wishes to return to the county, the Tribal TANF program should refer the client to the county and coordinate with the county to avoid duplicate aid and ensure that time on aid is correctly determined.

20. If there is difficulty in information sharing as mandated by law, is there a system in place to mitigate? The responsibilities regarding the dissemination of information must be explained in the MOU between the Tribe and the county. Assistance regarding this process is available through your CDSS Tribal TANF Consultant (see ACIN No. I-28-05).

Welfare to Work

21. How will the participation rates be calculated with regard to the cases held by the Tribal entity? If the individual receives cash aid from the Tribal TANF program, he or she will not be subject to the CalWORKs Welfare-to-Work (WTW) requirements, and will not be counted in the State or county work participation rate. If the individual receives CalWORKs cash aid, he or she will be required to participate in WTW (unless exempt), will be included in the State and county work participation rate, and the county must include the individual in all appropriate CalWORKs data reports.

22. What responsibility does the county have to provide employment services to those clients who choose to be aided with the county rather than the Tribal entity? The county retains the responsibility to provide services to all eligible CalWORKs recipients who choose not to participate in Tribal TANF and provide the full range of CalWORKs services available to all needy families. ACIN No. I-54-02 outlines county responsibilities for serving Native Americans.

23. If a client is a Tribal TANF recipient, who is required to provide employment services? The Tribal TANF program is required to provide services to that client. Those services will be outlined in the Tribal TANF Plan that is approved by the federal government.

Time Limits

24. Does the time a client receives services through a Tribal TANF program count against the client's State clock if the client later transitions back to the CalWORKs program? Yes. The 60-month time limit applies to aid and services defined as TANF "assistance" received under CalWORKs or other TANF programs. Therefore, when an individual applies for the CalWORKs program, the number of countable months of aid/services that the individual received through the federally-funded Tribal TANF program from January 1998 forward shall be counted toward the individual's State CalWORKs 60-month time clock. Clients that receive services from the Tribal TANF program will be treated the same as individuals that receive services from other State TANF programs.

25. We understand that if a client receives Tribal TANF, his/her time on aid will count toward the TANF 60-month clock. Yes. The federal government treats Tribal TANF the same as other TANF programs in regards to the 60-month time limit. As these individuals are receiving assistance through a federal TANF program, they are subject to the TANF 60-month time limit requirements. Therefore, the number of countable months of assistance provided by the Tribal TANF program shall be counted toward the individual's TANF 60-month time clock. (See response below regarding TANF exemption.)

26. If this is correct, does the 50 percent unemployment rate exemption still apply? Yes. Any month of aid in which an individual lived in Indian country, in which at least 50 percent of the adults in the Indian country are unemployed, shall not count toward the TANF and CalWORKs 60-month time limits.

CalWORKs/Tribal TANF Interface

27. If a client is sanctioned from CalWORKs due to not cooperating with employment services, when the case is transferred to Tribal TANF, would the sanction still stand? If a CalWORKs recipient is sanctioned for failing or refusing to cooperate in the CalWORKs WTW program, then leaves CalWORKs and enters the Tribal TANF program, the sanction does not follow the individual to the Tribal TANF program unless the Tribal TANF provider opts to apply sanctions imposed by the CalWORKs program. The requirements for imposing WTW sanctions, contained in MPP Section 42-721, do not apply to the Tribal TANF program.

However, the CalWORKs WTW sanction will impact the former recipient if he or she reapplies for aid under CalWORKs, as follows:

- 1) If the individual's sanction was already imposed (his or her portion of the family's cash aid was removed for a month or more) before his or her family was discontinued from CalWORKs, the individual may not have aid restored until he or she cures the sanction, in accordance with instructions in All-County Letter (ACL) 06-27. Also refer to ACL 03-59 and ACL 04-07
- 2) If the individual was discontinued from CalWORKs before the sanction was imposed, the sanction must be imposed after he or she reapplies for CalWORKs aid and aid is granted to the family. Once the sanction is imposed, aid cannot be restored to the individual until he or she cures the sanction, in accordance with instructions in ACL 06-27. Also refer to ACL 03-59 and ACL 04-47.

28. If the Tribal TANF program and the county do not apply sanctions imposed by the other program, can the county and the Tribal TANF provider agree not to serve a client or refuse to let a client transfer back and forth between programs to avoid sanctions?
No. The county cannot refuse to give any person an application. MPP Section 40-109.1 states in part, "...any person has the right to apply for aid either on his/her own behalf or on behalf of another. An applicant who appears ineligible must still be allowed to exercise his/her right to make an application." If a client comes to CalWORKs and is otherwise eligible, the client should not be denied on the basis that they are sanctioned in the Tribal TANF program. MPP regulations do not apply to Tribal TANF programs; therefore a Tribal TANF program may deny an application or transfer and refer the client back to CalWORKs.

29. How is Tribal TANF tracked in Welfare Data Tracking and Implementation System (WDTIP)? Months on Tribal TANF programs are not "tracked" in WDTIP. Tribal TANF programs are assigned a code much the same as other states and WDTIP only shows months on aid received in the Tribal TANF program if a client received Tribal TANF. The county must contact the Tribal TANF provider for that information when someone comes in to apply or transfers to CalWORKs.

30. The Assistance Unit (AU) consists of mom and two kids. Mom is also caretaker relative to her two nieces. Mom and her children are CalWORKs recipients but the two nieces are receiving Tribal TANF. Can two AUs exist with only one caretaker relative? The CalWORKs children are not eligible for Tribal TANF so only the nieces are in the Tribal TANF AU. As long as the mother of the two children (if eligible) is in the CalWORKs AU, the nieces can receive Tribal TANF with the aunt (CalWORKs mom) as payee. Mandatory inclusion rules state that any parent of the aided child(ren) when living in the same home and eligible, must be included in the CalWORKs AU (MPP Section 82-820.3). The aunt is not obligated to apply for aid for the nieces because she is not their parent and the nieces are not siblings to the CalWORKs children (MPP Section 82-828.22).

Because the nieces are under the care and control of the aunt (living in a parental type relationship) there would be one food stamp household (MPP Section 63-402.141) and both the CalWORKs cash aid and the Tribal TANF cash aid would be used in the food stamp budget. The Tribal TANF cash aid is not considered income for the purposes of the CalWORKs cash aid budget.

In a situation such as this, the county and the Tribal TANF provider should work closely together to ensure that there is no duplicate aid at any time.

31. When the county discontinues a CalWORKs case because the client wants Tribal TANF, will the Food Stamps still be considered Public Assistance Food Stamps (PAFS) or Non Assistance Food Stamps (NAFS)? The household would be considered a PAFS household according to MPP Section 63-301.7. All categorically eligible households are considered PAFS cases.

32. Are the discontinued CalWORKs cases that are going to Tribal TANF eligible for Transitional Food Stamps (TFS)? No. The county will continue to carry the food stamp case. TFS was designed for households who have been discontinued from public assistance. Although the county will technically "discontinue" the CalWORKs case, the household will still

be receiving public assistance from the Tribal TANF program and considered to be categorically eligible (MPP Section 63-301.7).

33. Are cases that are discontinued from Tribal TANF eligible for TFS? Yes. Tribal TANF cash assistance is derived from the TANF Block Grant which is considered public assistance per MPP Section 63-102(p).

34. If a CalWORKs AU has a Maximum Family Grant (MFG) child, can the Tribal TANF program aid the MFG child while the rest of the family continues to receive CalWORKs? Since the MFG child's needs are already counted in the CalWORKs budget, how would the county treat the Tribal TANF cash aid? An MFG child in the CalWORKs AU is considered an eligible and aided child (MPP Section 44-314.6). If the Tribal TANF program aids a child that is an MFG child in a CalWORKs AU, it would create a duplicate aid situation. Any cash assistance from a Tribal TANF program for an MFG child in a CalWORKs AU is treated as unearned income. When a Tribal TANF program requests information on whether or not applicants are receiving CalWORKs, the county should inform the Tribal TANF program if there is an MFG child in the CalWORKs AU and that the child is considered to be aided.

Tribal TANF Providers

California Tribal TANF Partnership (CTTP)
Hoopa Valley Tribe
Morongo Band of Mission Indians
North Fork Rancheria
Owens Valley Career Development Center (OVCDC)
Soboba Band of San Luiseno Indians
Southern California Tribal Chairmen's Association (SCTCA)
Torres Martinez Tribal TANF (TMTT)
Washoe Tribe of Nevada and California (WTNC)
Yurok Tribe
*Karuk Tribe

Counties with Tribal TANF Programs

Alameda (WTNC)	Modoc (CTTP)
Alpine (WTNC)	Napa (CTTP)
Amador (CTTP)	Nevada (WTNC)
Butte (CTTP)	Placer (WTNC)
Colusa (CTTP)	Plumas (CTTP)
Del Norte (CTTP, *Yurok)	Riverside (TMTT, Soboba and Morongo)
El Dorado (WTNC)	Sacramento (WTNC)
Fresno (OVCDC)	Solano (CTTP)
Glenn (CTTP)	Sutter (CTTP)
Humboldt (CTTP, Hoopa, *Karuk, *Yurok)	San Diego (SCTCA)
Inyo (OVCDC)	San Francisco (WTNC)
Kern (OVCDC)	San Joaquin (WTNC and CTTP)
Kings (OVCDC)	San Mateo (WTNC)
Lake (CTTP)	Santa Barbara (SCTCA)
Lassen (CTTP)	Santa Clara (WTNC)
Los Angeles (TMTT)	Santa Cruz (WTNC)
Madera (North Fork)	*Siskiyou (Karuk)
Mariposa (North Fork)	Trinity (CTTP)
Merced (North Fork)	Tulare (OVCDC)
	Yuba (CTTP)

*Not yet in operation

Tribal TANF Timeline

