

TAFDC

Advocacy Guide

*An Advocate's Guide to the Massachusetts
Welfare Rules for Families*

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Massachusetts Law Reform Institute**

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About MLRI

Massachusetts Law Reform Institute is a statewide legal advocacy and support center. Our mission is to represent low-income people, disabled people and elders in their struggle for basic human needs; to defend against policies and actions that harm and marginalize people living in poverty; and to advocate for systemic reforms that achieve social and economic justice. Our activities include advice, litigation, policy analysis, research, technical assistance and public information.

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Introduction

In 1935, the United States Congress created the Aid to Dependent Children (ADC) program as part of the original Social Security Act. The goal was to help states make it possible for needy children without a parent's support to live at home rather than in an orphanage. The program became Aid to *Families* with Dependent Children (AFDC) when Congress extended coverage to the child's parent or other caretaking relative.

For 61 years, states ran the AFDC program in partnership with the federal government. States had to comply with federal laws and regulations. In particular, states had to provide benefits to everyone who met federal eligibility rules.

The Federal Welfare Block Grant

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (sometimes called the federal welfare reform act) became law on August 22, 1996. The 1996 federal welfare reform act converted AFDC to a block grant – called Temporary Assistance to Needy Families (TANF) – with essentially fixed funding.

The 1996 federal welfare reform act deleted the 61-year guarantee that all children meeting federal eligibility standards will get assistance, and instead allows states to deny aid to any needy family or category of families. The act expressly bars states from using federal funds to provide benefits to many lawful immigrants. With very limited exceptions, a state cannot use federal funds for families who have received assistance for five years, and a state can pick a shorter time limit if it wants. The act also subjects states to fiscal penalties unless a specified percentage of assistance recipients participate in federally defined work activities for a specified number of hours each month.

The Massachusetts TAFDC Program

In Massachusetts, the agency that runs the family cash assistance program is called the Department of Transitional Assistance (DTA). Massachusetts funds cash assistance primarily with state funds; most of the block grant pays for programs and services other than cash assistance.

In February 1995 the Massachusetts legislature enacted a “welfare reform” plan called Chapter 5. Chapter 5 renamed the state’s welfare program Transitional Aid to Families with Dependent Children (TAFDC). Chapter 5 also made sweeping changes to the program, imposing a two-year time limit on benefits and a work requirement for many recipients, a family cap, sanctions for not documenting immunization and for children not attending school, living arrangement requirements for teen parents, and other new restrictions. Massachusetts has also kept a number of rules and benefit restrictions that are no longer required by federal law, including assistance unit rules and rigid child support cooperation requirements.

Thousands of families have lost benefits because of the time limit and sanctions. Before welfare reform, about 95,000 families with children received welfare benefits. Now only about 40,000 families receive benefits.

Recent Welfare Changes

In the past few years, advocates have secured a number of improvements to cash assistance. In April 2019, the Massachusetts legislature repealed the welfare family cap, the rule that barred benefits for children conceived while the parent received TAFDC. The Legislature raised grants by 10 percent beginning January 1, 2021, by an additional 9.1 percent beginning July 1, 2021, and by an additional 10 percent beginning October 1, 2022. In April 2024, grants will go up another 10%. Effective July 1, 2021, the Legislature eliminated the asset test for cash assistance. Despite the grant increases, grants still pay less than 40% of the federal poverty level, about half of what the grants paid in 1988 after adjusting for inflation. Because of these very low grant levels our lowest- income and most vulnerable children suffer from a lack of basic necessities, resulting in health and emotional damage, toxic stress, and impaired school performance.

How to Keep Up with the Law

Look up the regulations. The first thing you need to do is look up the regulations. DTA's regulations covering TAFDC in Massachusetts are printed in Chapter 106 of the Code of Massachusetts Regulations (106 C.M.R.).

In this Guide, we refer to the regulation numbers, but this Guide does not include *all* the rules. And no one can remember all of them – you have to look them up. Also, the rules change faster than we can reissue the Guide. You can find the latest regulations on DTA's website, <https://www.mass.gov/lists/department-of-transitional-assistance-regulations>.

You also need to look at DTA policy materials. DTA posts some policy materials in its Online Guide, available on the DTA website, https://eohhs.ehs.state.ma.us/DTA/PolicyOnline/BEACON5/!SSL!/WebHelp/userguide_test.htm. The TAFDC Advocacy Guide refers to specific pages in the DTA Online Guide. You can find the page by typing the information about the page into the Online Guide search box. Older policy materials we refer to in this Guide are available at masslegalservices.org. In some cases, you also need to look at state statutes. Sometimes you need to look at federal statutes and regulations. If you do not have access to these materials, you should check with someone who does. Legal services programs have most of the state and federal materials and have trained advocates who may be able to answer your questions. A list of these programs is in **Appendix D**.

The online version of this Guide, available at www.masslegalservices.org under Legal Advocacy Guides, provides links to the regulations and older policy materials.

This Guide shows that the TAFDC program is complicated. As a result, DTA denies benefits to many eligible people. In addition, many eligible people don't apply because they don't know they are eligible and because the application process is daunting. You can help by learning the rules, explaining them to people in need, and advocating for their right to the benefits they need for themselves and their children.

Introduction

This Guide also shows that TAFDC rules often hinder the goal of aiding children and families. By joining together, we can change state and federal welfare laws to create programs that meet families' needs and enable them to escape poverty.

Part 1 **General Eligibility Rules**

1 Who can get TAFDC?

TAFDC covers low-income

- families with children and
 - pregnant persons.
-

2 Which families with children can get TAFDC?

A family can get TAFDC if there is a child living with one parent, two parents, or another relative. 106 C.M.R. §§ 703.300, 703.310.

- You do not have to have custody to get TAFDC for a child. You can get TAFDC for a child even if someone else or an agency has custody if the child is living with you. 106 C.M.R. § 703.330(A)(1); DTA Transitions, July 2016, p. 4, Feb. 2012, p. 4.
- If two parents share custody or care of a child, either parent may get TAFDC for the child, but not both. If the parents cannot agree on who will get the benefits, DTA will decide based on the amount of time each parent spends with the child and which responsibilities each parent fulfills. 106 C.M.R. § 703.330(A)(2); DTA Transitions, Feb. 2012, p. 4.

3 Can you get TAFDC if neither parent is in the home?

To get TAFDC, the child has to be *living with a relative*. Besides a natural or adoptive parent, the relative can be

- any other blood or adoptive relative related as closely as first cousins (including aunts, uncles, grandparents, sisters, brothers),
- a stepmother, stepfather, stepbrother or stepsister, step-grandparent, *or*
- a spouse (or former spouse) of one of the blood or adoptive relatives listed above. 106 C.M.R. § 703.310. See also **Appendix E** (DTA Online Guide Links); DTA Transitions, July 2016, p. 4; Apr. 2004, p. 2.

Advocacy Reminders:

- ✓ A non-parent relative does not have to have legal custody or guardianship in order to get TAFDC for a child, see **Question 2**, unless the child has previously lost TAFDC because of the time limit in another family, see **Question 34**.
- ✓ You can verify that you are a relative with a birth certificate or you can use other documents such as school records. You can also use a signed statement from a knowledgeable person. 106 C.M.R. § 703.310(B); DTA Transitions, July 2016, p. 4.
- ✓ The non-parent relative has the choice of being included in the TAFDC grant or just getting benefits for the children. See **Question 32**.
- ✓ A child who is living with someone who is not a relative may be eligible for Emergency Aid to Elders, Disabled and Children (EAEDC) benefits or foster care benefits.
- ✓ If a non-parent relative shares care with a parent and they cannot agree on who will get the benefits, DTA will decide based on the amount of time each caregiver spends with the child and the person's responsibilities. See 106 C.M.R. § 703.330(A); DTA Transitions, July 2016, p. 4.

4 Can you get TAFDC if the child is not in the home?

You can get TAFDC for a child (and yourself) if the child normally lives with you but is temporarily absent. This includes situations where

- the child is visiting the other parent, spends time with the other parent under a shared custody arrangement, or is away at school or is in the hospital, *or*
- you have voluntarily placed the child in the care of the Department of Children and Families (DCF) or some other person or agency but you are still exercising care and control. 106 C.M.R. § 703.330; **Appendix E** (DTA Online Guide Links); DTA Transitions, May 2009, p. 10; July 2006, p. 3.

In general, you cannot get TAFDC for a child who is temporarily absent for more than 120 *consecutive* days, unless you can show good cause for a longer period. You may be able to show that the absence is temporary because it is for fewer than 120 days. You may have good cause for a longer period if the child is hospitalized or in a residential school but comes home for visits or holidays, or there is a temporary family crisis. DTA recognizes that placement of a child with DCF usually involves a serious family crisis. **Appendix E** (DTA Online Guide Links); DTA Transitions, May 2009, p. 10.

5 How young must children be to qualify?

The child must be either

- under 18, *or*
- 18 and attending secondary school (or equivalent) full-time with a reasonable expectation of graduating by her or his 19th birthday. 106 C.M.R. §§ 703.220-703.230; **Appendix E** (DTA Online Guide Links).

Advocacy Reminders:

- ✓ If your child cannot graduate by age 19 because of a disability, ask for a reasonable accommodation. See **Question 24**.
- ✓ A child age 18 who has finished high school but is taking an MCAS remedial course is eligible until the child turns 19, takes the MCAS retest, or six months after finishing high school course work (whichever is soonest). See DTA Transitions, July 2004, p. 3.

6 Can you qualify if you are pregnant and do not have a child living with you?

If you are age 20 or older, you are pregnant, and you have no other children living with you, you can get TAFDC – for yourself only – beginning with your third trimester (week 27 or 120 days before your due date). If you are a teen (under age 20), you are pregnant, you have no other children living with you, and you are meeting the teen school attendance requirements, see **Question 13**, you can get TAFDC – for yourself only –

Part 1 ■ General Eligibility Rules

as soon as the pregnancy is verified. 106 C.M.R. § 703.210; **Appendix E** (DTA Online Guide Links).

If you are living with but not married to the baby's other parent, the other parent's income should *not* be counted until the baby is born. 106 C.M.R. §§ 704.210, 704.235(c).

You should begin the application process several weeks before your eligibility date in order to get benefits as soon as you are eligible.

Example

Carolyn is pregnant and is due on December 16. She can get TAFDC beginning on August 18 (120 days before her due date). She should apply in July.

Advocacy Reminders:

- ✓ A pregnant individual not yet eligible for TAFDC may be eligible for EAEDC cash benefits if the individual has a disability.
- ✓ Pregnant individuals at any stage of pregnancy may also be eligible for MassHealth; SNAP (food stamps); and WIC (Women, Infants and Children) nutrition benefits through the Department of Public Health, 1-800-WIC-1007. Homeless pregnant individuals may also be eligible for emergency shelter for families through the Department of Housing and Community Development.
- ✓ The restrictions on eligibility for pregnant individuals are a holdover from federal law before 1996. Nothing in federal law bars Massachusetts from providing benefits to pregnant individuals at the beginning of their pregnancy.

7 What if you just moved to Massachusetts? What if you are homeless or temporarily not in Massachusetts?

You have to live in Massachusetts to get TAFDC, but

- You do not have to have a permanent or fixed address – you can be homeless. You need to show you live in the area covered by the office where you applied. DTA must accept an oral or written statement from someone who knows about your situation, or your own statement.
- Even if you just arrived in Massachusetts, you can qualify – unless you are currently receiving public assistance in another state – if you intend to live here or you came for a job or to look for work.
- Certain temporary absences from the state are allowed. DTA may require you to justify the reason you are not in Massachusetts and may require you to re-prove you are a Massachusetts resident. 106 C.M.R. §§ 703.340-360; **Appendix E** (DTA Online Guide Links).

Advocacy Reminders:

- ✓ DTA may try to deny you if you came to Massachusetts so you or your child can go to school here or you came for medical care. 106 C.M.R. § 703.340(A). But you should qualify if you intend to live here even if you came to go to school or for medical care. You can show you intend to live here by registering to vote or by making plans to stay after graduation. Special rules for people who came to Massachusetts from another state may also violate the State Plan Massachusetts filed with the federal government. Contact info@masslegalservices.org if DTA denies you because you moved to Massachusetts recently.

- ✓ DTA may try to close your case if you use your EBT card outside Massachusetts for 45 days. You may have to prove you are a Massachusetts resident to keep your benefits. See DTA Transitions, Sept. 2013, p. 5-6. Contact info@masslegalservices.org if DTA asks you to re-prove your residency after you used your benefits in another state.

8 What if you are not a citizen?

Some noncitizens are eligible for TAFDC. If you are a noncitizen who is not eligible for yourself, you can apply for your children if they are eligible. There are four groups of noncitizens who meet noncitizen eligibility rules.

- Refugees and other noncitizens granted special legal status because they are fleeing persecution, including
 - persons who entered the U.S. as *refugees*,
 - persons granted *asylum* after entering the U.S.,
 - persons granted withholding of deportation or removal,
 - certain Vietnamese Amerasians (generally individuals fathered by U.S. military members during the Vietnam conflict),
 - certain Cuban or Haitian nationals who
 - entered the U.S. with parole status,
 - are in removal proceedings but there is no final, enforceable order of removal, including those with an order of supervision,
 - have a pending application for asylum, *or*

Part 1 ■ General Eligibility Rules

- meet other rules for Cuban/Haitian entrants.
- Ukrainians Humanitarian Parolees (UHP), including
 - Ukrainians and non-Ukrainians who last resided in Ukraine who have humanitarian parole status that was granted between February 24, 2022 and September 30, 2023.
 - Spouse or child of a UHP who is paroled into the U.S. after September 30, 2023.
 - Parent, legal guardian or primary caregiver of an unaccompanied refugee minor or UHP child who is paroled into the U.S. after September 30, 2023.
- Afghan evacuees who have humanitarian parole status
- Afghan or Iraqi military interpreters and their families granted Special Immigrant status, *or*
- victims of trafficking in human beings

Persons in this group meet noncitizen rules without any waiting period and whether or not they have become lawful permanent residents.

- Lawful permanent residents (“green card” holders or “LPRs”) or noncitizens granted parole status for at least one year (this is granted for humanitarian reasons) who
 - have had lawful permanent resident or parole status for a minimum of five years, *or*
 - previously were refugees or had another refugee group status (see above), *or*
 - have been continuously present in the U.S. (with no long interruptions) since at least August 21, 1996 (even if lawful permanent resident or parole status was granted within the past five years).
- Veterans of the U.S. military and active duty military personnel who are lawfully residing in the U.S. (even if not LPRs), their spouses, surviving spouses who have not remarried, and their children; and
- Battered noncitizens who meet certain legal status requirements and were abused by a spouse, parent, or member of the spouse’s or

parent's family, such as an in-law (and the children or parents of battered noncitizens). See **Question 9**.

See 106 C.M.R. § 703.430; **Appendix E** (DTA Online Guide Links).

Advocacy Reminders:

- ✓ A child born in the United States is a citizen regardless of the parent's immigration status. Citizens also include most people born abroad to or adopted by a U.S. citizen. See DTA Transitions, May 2006, p. 3. If your child is eligible but you yourself do not meet the noncitizen requirements, you can apply for and receive benefits for your citizen child but not for yourself. See **Question 33**.
- ✓ For details on how DTA verifies noncitizen status, see **Appendix E** (DTA Online Guide Links); DTA Operations Memos 2013-14A (May 2, 2013); 2012-5 (Jan. 23, 2012); DTA Field Operations Memo 2010-36A (Sept. 29, 2010). DTA must give you a reasonable time to provide documentation and should not delay or deny benefits until documentation is provided. St. 2010, c. 131, § 182.
- ✓ Children born to Haitian parents outside of Haiti are Haitian nationals. They can qualify for TAFDC as Cuban/Haitian Entrants on the same basis as other Haitians.
- ✓ If you are an eligible noncitizen parent, but your child does not meet noncitizen rules (for example, if your child is a lawful permanent resident who entered the U.S. within the past five years), you may be eligible for yourself because you have a dependent child in your care even though the child is not eligible for benefits. See DTA Transitions, Nov. 2002, p. 2; May 2007, p. 3.
- ✓ A disabled adult who does not meet TAFDC noncitizen requirements may qualify for EAEDC (Elders, Disabled and Children benefits) if he or she meets all EAEDC requirements. DTA Field Operations Memo 2008-43 (Aug. 15, 2008). The EAEDC Advocacy Guide explains EAEDC disability rules and procedures. See www.masslegalservices.org under Legal Advocacy Guides. DTA has not agreed that disabled noncitizen children can qualify for EAEDC but DTA hearing officers have approved benefits for them.

Part 1 ■ General Eligibility Rules

- ✓ Immigration officials ask some noncitizens applying for a green card or applying for admission to the U.S. questions about use of cash assistance, like TAFDC. The purpose of these questions is to help determine if the person is likely to become a “public charge” (not able to support themselves). If the government determines someone is likely to become a “public charge,” the government can deny admission to the U.S. or deny an application for lawful permanent residency (Green Card). The “public charge” rule does not apply to most noncitizens who are eligible for TAFDC. For more information on public charge, visit [MassLegalServices.org/publiccharge](https://www.mass.gov/info-details/information-about-the-public-charge-rule-and-how-it-may-impact-you), <https://www.mass.gov/info-details/information-about-the-public-charge-rule-and-how-it-may-impact-you>, www.uscis.gov; and protectingimmigrantfamilies.org.
- ✓ There are different noncitizen eligibility rules for Emergency Assistance (shelter and rehousing services for homeless families) and for SNAP (food stamps). See www.masslegalservices.org under Legal Advocacy Guides for these programs.
- ✓ DTA does not count the income of a sponsor unless you actually receive it and does not count sponsor assets at all. DTA Field Operations Memo 2008-65 (Dec. 8, 2008). DTA also does not count sponsor income or assets for SNAP (food stamps) except in a few very special circumstances.
- ✓ DTA cannot report you to immigration authorities unless you apply for benefits for yourself (not just your eligible dependents), you are under a *final order of deportation*, and you show DTA a copy of the final order. 106 C.M.R. § 703.430. You can choose not to provide DTA with information about your noncitizen status. See DTA’s brochure, “What Noncitizens Need to Know,” (Sept. 2009); **Appendix E** (DTA Online Guide Links).

9 What are the special noncitizen eligibility rules for battered immigrants and their families?

Noncitizens abused by a spouse, parent, or member of a spouse's or parent's family that they lived with (and the children or parents of abused noncitizens) may be eligible for TAFDC even if they do not meet the other noncitizen rules in **Question 8**. You may be eligible if you are no longer living with your abuser *and* you meet one of the following:

- Your spouse or parent is a U.S. citizen or lawful permanent resident and filed a petition (usually called a Form I-130) to get you lawful permanent resident status. The petition can be either approved or pending.
- You have a pending or approved self-petition for legal status as a victim of domestic violence. This is called a VAWA (Violence Against Women Act) petition or form I-360. It is available to noncitizens who are married to or the children of U.S. citizens or lawful permanent residents but are no longer living with them. Your petition qualifies as pending when you have a "Notice of Prima Facie Determination" that you appear to meet the criteria.
- You have a pending or approved petition for suspension of deportation or cancellation of removal under VAWA.
- You are the dependent child of someone who qualifies as a battered noncitizen even if you are not listed on the petition. 106 C.M.R. § 703.430(A)(8); see **Appendix E** (DTA Online Guide Links); DTA Field Operations Memo 2005-22 (June 1, 2005); DTA Transitions, June 2007, p. 7.

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Advocacy Reminders:

- ✓ Battered noncitizens who qualify under the above rules do not have to wait five years to get TAFDC.
- ✓ DTA will ask you for proof of your immigration status and copies of any petitions. Tell your DTA worker if you cannot get the documents you need because the abuser has them. Contact your local legal services program, **Appendix D**, if you need help.
- ✓ You do not have to have a police report. You can verify the abuse with a statement from anyone who knew about the abuse.
- ✓ If you filed a self-petition under VAWA, it is likely your children will not be listed on notices from the Department of Homeland Security, but your children have the same protections under the special rules for battered noncitizens.
- ✓ There are a number of codes on immigration documents that may show that a noncitizen meets battered noncitizen criteria. Some of these are listed in DTA Field Operations Memo 2005-22 (June 1,2005). For help, contact your local legal services program, **Appendix D**.
- ✓ You may qualify as a battered noncitizen even if the abuser was not your spouse or parent if the abuser was related to them and your spouse or parent consented to or did not intervene to stop the abuse. 106 C.M.R. § 703.430(A)(8)(a).

1 Do you have to have a Social Security number?

You must provide a Social Security number for every person in your family who is applying for benefits. You can provide the numbers orally or in writing. You do not have to show any Social Security cards. 106 C.M.R. § 701.230. DTA will do a computer check to see if the Social Security numbers you gave match the people in your family.

If you do not have a Social Security number for someone in your family

who is applying for benefits, DTA may require you to apply for a number and provide verification from the Social Security office that you have applied. If you are not sure about a number, DTA may require you to ask Social Security to check the number and provide verification of your request. Your TAFDC cannot be delayed or denied while you are waiting for a number. See **Appendix E** (DTA Online Guide Links).

You do not have to apply for or give DTA a Social Security number if you are not seeking TAFDC for yourself because of your immigration status. You can still get TAFDC for your children if they qualify for Social Security numbers.

Advocacy Reminders:

- ✓ DTA will check your number with Social Security, so it is important to give DTA the correct number. If you are not sure, ask Social Security to check. You can get TAFDC while Social Security is checking.
- ✓ If you are a noncitizen who meets TAFDC or SNAP (food stamp) noncitizen requirements but you are not eligible for a regular SSN, Social Security must issue you a non-work SSN. This may apply to a battered noncitizen who has applied for legal status as a victim of domestic violence or to certain Cuban-Haitian entrants. See **Questions 8- 9**. To get a non-work SSN you will need a letter from DTA saying you otherwise qualify for a benefit.
- ✓ If you are a domestic violence survivor (citizen or noncitizen) who is concerned about safety, you can request that DTA not use your SSN. See DTA Field Operations Memo 2005-42 (Sept. 8, 2005).

1 Do you have to tell DTA anything about your child's other parent?

You have to assign (turn over) to the state any rights you have to child support for any child for whom you are applying for or receiving assistance. There is no exception to the assignment requirement. You have to sign the assignment form even if you do have information about the absent parent and even if you have good cause for not cooperating with

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child support enforcement. DTA Online Guide Transmittal 2022-92 (Child Support) (Nov. 17, 2022) – see **Appendix E**.

Most applicants and recipients (see exceptions below) have to cooperate with (help) the Child Support Enforcement Unit of the Department of Revenue (DOR) get child support from any parent who is not living with the child, prove he is the father (establish paternity) and get a support order. This includes going to court if there is a court proceeding. You can be sanctioned if you do not cooperate. If you are sanctioned, DTA will remove you from the grant and will reduce your grant by your share of the grant or 25% of the payment standard for your family size, whichever is larger. 106 C.M.R. § 703.500. See **Question 31** for more details about the consequences of sanctions. See **Part 8** for information about how to appeal a sanction.

DTA and DOR will ask you for specific information about any parent who is not living with the child. If you do not have specific information, you will have to provide all the information you have and a sworn statement documenting your efforts to get the information. You should not be sanctioned if you have given all the identifying information you have. 106 C.M.R. § 703.500; 830 C.M.R. § 18.18A.1.

If you have been sanctioned for not cooperating and want to remove the sanction, tell DTA you want to cooperate and sign DTA's form saying you will cooperate. DTA should remove the sanction within 70 days or as soon as DOR tells DTA you have cooperated (whichever is earlier). 106 C.M.R. § 703.525; DTA Online Guide Transmittal 2022-78 (Oct. 13, 2022) – see **Appendix E**; DTA Field Operations Memo 2001-22 (Apr. 25, 2001).

The support rules apply to mothers as well as fathers. A mother who does not live with the child can also be ordered to pay child support. Non-parent caretaker relatives must also meet child support cooperation rules for at least one of the child's parents.

Exceptions from having to help DOR get child support from the other parent.

- **Good cause.** You have good cause for not providing child support information or otherwise cooperating with child support enforcement if you are afraid that doing so will cause you or your

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child any physical or emotional harm or if you got pregnant by rape or incest. You can verify good cause with statements from social services agencies or from people who know your situation. 106 C.M.R. §§ 703.500-703.524. DOR may try to seek support from a parent even if you are not required to cooperate. Tell DTA and DOR if pursuing child support may harm you or your child, and contact your local legal services program, **Appendix D**, if DOR insists on pursuing support.

- **You are not the child’s parent.** Nonparent caregivers (grandparents, aunts, uncles, etc.) can check a box to say that going after child support is not in the child’s best interest. DTA Online Guide Transmittal 2022-78 (Oct. 13, 2022). DTA Online Guide Transmittal 2021-87 (Nov. 10, 2021) – see **Appendix E**.
- **You are a Haitian new arrival.** You have good cause for not pursuing child support if you recently arrived in the US, you and your spouse or partner are not living together temporarily, and your family is trying to reunify. DTA Online Guide Transmittal 2023-68 (Oct. 3, 2023) – see **Appendix E**.

Advocacy Reminders:

- ✓ You may have good reasons for not wanting to get a support order against the child’s parent. Email info@masslegalservices.org for more information about your options.
- ✓ Is the other parent of your child in another country? Many countries do not have agreements to allow the U.S. to pursue child support against a parent in their country. For a list of countries that do not allow the U.S. to pursue support, see <https://www.acf.hhs.gov/css/partners/international>. DOR usually does not pursue child support against a parent in another country even if the other country does not prohibit it.
- ✓ If you cannot attend an appointment with DOR or go to court, call the DOR worker right away and ask that the appointment or court date be rescheduled.

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- ✓ DTA may say you have not cooperated or have committed fraud because it thinks you gave inconsistent information about your child's father. DTA Operations Memo 2013-17 (May 1, 2013). For help, contact your local legal services program, **Appendix D**.
- ✓ DTA may tell you to sign a Mother's Affidavit to collect the information DOR needs to get an order for genetic testing to establish paternity. You do not have to sign the Mother's Affidavit. It is DOR's job, not DTA's job, to establish paternity. DTA cannot sanction you for not signing. DTA Field Operations Memos 2003-25 (Oct. 3, 2003) and 2004-13 (Mar. 19, 2004).
- ✓ Some two-parent families may get a notice telling them they have to go to the Department of Revenue (DOR) to establish paternity. Families who do not comply may be sanctioned. DTA Field Operations Memo 2009-47 (Aug. 21, 2009). Since the second parent had to show paternity to receive TAFDC, there should be no need to establish paternity. And there may be no legal authority to sanction two-parent families because their benefits are not paid for with federal funds. For help, contact your local legal services program, **Appendix D**.
- ✓ You do not have to assign child support for a child who receives SSI.
- ✓ If the support that is paid is more than the monthly TAFDC grant plus \$50 for two months, the DTA should terminate the TAFDC and reassign the current support to the family. The Department of Revenue should send current support payments to the family. You will need to set up a payment method with DOR – debit card or direct deposit.
- ✓ Removing you from the grant for noncooperation is not authorized by federal law. Email info@masslegalservices.org for more information.
- ✓ It also may be illegal for DTA to reduce your grant for noncooperation by more than 25 percent. Email info@masslegalservices.org for more information.
- ✓ A child born to a married couple – including a same-sex married couple – is the child of both members of the couple. DTA Transitions, July 2013, p. 5.

1 Can you get TAFDC if you are a teen parent or pregnant teen?

You can get benefits if you are a teen parent or a pregnant teen but you must meet special “living arrangement” and “school attendance” rules. There are different rules for *minor teen parents* and pregnant teens (under age 18) and *adult teen parents* and pregnant teens (18 and 19). 106 C.M.R. §§ 703.180-703.184.

Advocacy Reminder:

- ✓ Pregnant teens are eligible for TAFDC once the pregnancy is verified, if they meet other eligibility requirements. See DTA Operations Memo 2014-59 (Sept. 18, 2014); **Appendix E** (DTA Online Guide Links).

1 What are the school attendance rules for teen parents and pregnant teens?

Unless you already have a high school diploma or HiSET certificate, will turn age 20 within 60 days, or your baby is less than three months old, you must be

- in school (primary, middle or high school) full-time,
- in a special program for teens called the Young Parents Program, *or*
- in a HiSET program combined with other volunteer or educational activities totaling 20 hours per week. 106 C.M.R. §§ 703.181, 703.183; **Appendix E** (DTA Online Guide Links).

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There are *no* exemptions from the school attendance rule except for lack of child care, school vacations or other “good cause.” See **Question 58**.

If you do not meet the school rules and do not have good cause, DTA will remove you from the grant for 30 days. If you still do not meet the requirements, DTA will cut off all TAFDC benefits for you and your child.

You can get free child care. Your parents or other relatives do *not* have to care for your baby unless you want them to. If appropriate child care is not available, you are exempt from the school requirement. You can also get transportation assistance for some of the cost of getting to school. See **Question 97**. If you do not have affordable transportation, you have good cause for not complying. See **Question 58**.

Advocacy Reminders:

- ✓ DTA is responsible for finding you a program if you cannot find one on your own. You should not be sanctioned if there are no educational activities for you to attend. You should not be sanctioned if DTA cannot find you a program that meets any special needs you have, such as a learning disability or other disability.
- ✓ You should not be sanctioned if you do not have child care or affordable transportation.
- ✓ If you are a teen parent or pregnant teen who has finished high school but you failed the MCAS exam, you are exempt from time-limited benefits and Work Program requirements until you retake MCAS or for a period of six months (whichever is sooner). DTA Transitions, July 2004, p. 3, Sept. 2003, p. 2. You may be exempt for other reasons too. See **Question 36**.
- ✓ You should not be sanctioned if you are on a wait list for a program that will open up within 60 days.
- ✓ You should not be sanctioned during summer and other vacations.
- ✓ You should not be sanctioned if you will turn age 20 within the next 60 days.

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- ✓ The Department of Early Education and Care pays for the high school equivalency (HiSET) test. DTA Online Guide Transmittal 2023-74 (Nov. 9, 2023) – see **Appendix E**.

1 What is the living arrangement rule for minor teen parents and pregnant teens?

If you are under 18, DTA may say you have to live in a teen group home (structured setting) *unless* you

- live with one or both of your parents,
- live with an adult age 20 or older who is related to you or your baby – not including the baby’s father if you are not married to him (see **Questions 2 and 3** for a list of relatives),
- live with a legal guardian,
- are 17 and the teen specialist says you can live on your own,
- will turn age 18 within the next 60 days,
- live with your spouse if you are married, *or*
- are a graduate of a Department of Children and Families (DCF) independent living program. 106 C.M.R. §§ 703.182-703.184.

1 What if you are a minor teen parent or pregnant teen and your parent’s home is not safe for you or there is some other reason you cannot live there?

You do not have to live with your parent if someone in your parent’s home is abusive, neglectful, or abuses drugs or alcohol, or if there are other “extraordinary circumstances” why you cannot live there.

“Extraordinary circumstances” include situations such as

- your parent lives out of state,
- there is no room in your parent’s home,
- your parent’s housing violates health and sanitary codes,
- living with your parent will violate your parent’s lease and result in eviction,
- your parent refuses to help you buy food and other things your baby needs,
- you are in a special residential program.

If you have a good reason why you cannot live with a parent or other adult relative, a teen specialist will refer your case to the Department of Children and Families (DCF) for an assessment. DCF will make a recommendation about the appropriate placement for you, including whether you can live on your own. In cases of abuse or neglect, DTA will also file a report with DCF. DTA Operations Memo 2012-15 (May 24, 2012).

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DCF may recommend that you live in a home for teen parents. You will have 30 days to move to the teen living program. If you do not go to the program, your TAFDC will be denied or will stop. You have a right to appeal any loss of benefits. See **Part 8**. If there is no place available in a home for teen parents, you will be allowed to live on your own with your baby until a place is available. 106 C.M.R. § 703.183.

In some cases, you may be able to live on your own if you are 17 years old, are in school full-time, have reliable day care, are in a teen parenting program, and the teen specialist determines that your current living arrangement is safe and healthy for your baby. 106 C.M.R. § 703.184. The Commissioner of DTA will make the final decision about whether you can live on your own. You have the right to appeal this decision. See **Part 8**.

1 Are there any living arrangement rules for teen parents and pregnant teens who are 18 or 19?

DTA rules allow you to live on your own if you are an adult teen parent or pregnant teen (ages 18 and 19) *and* you meet the school attendance rules or you have graduated from high school or have a HiSET certificate. 106 C.M.R. § 703.184.

1 Can you get your own grant if you are living with a parent?

There are different rules for minor teen parents and pregnant teens (under 18) and adult teen parents and pregnant teens (18 and 19).

If you are a minor teen parent or pregnant teen (under 18) who lives with a

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parent and your parent is receiving TAFDC, you must be included in your parent's grant.

If you are a minor teen parent or pregnant teen who lives with a parent and your parent is not receiving TAFDC, you can get your own grant but your parent's income above 200% of the federal poverty level may be counted in figuring eligibility for you and your child. See **Question 68**.

If you are a teen parent or pregnant teen living with an adult relative (aunt, uncle, grandparent) who is not your parent and is not receiving TAFDC, the relative's income and assets do not count.

Once you turn age 18, you do not have to be included in your parent's grant and your parent's income does not count.

Note

Even if you get your own TAFDC grant, you may not be able to get separate SNAP (food stamp) benefits if you are under age 22 and you live with one or both of your parents. A parent you live with has to be part of your SNAP household and the parent's income is counted in figuring your eligibility for SNAP. 106 C.M.R. § 361.200(A).

Advocacy Reminder:

- ✓ If you are a minor teen parent receiving TAFDC with other family members, you can choose not to receive TAFDC for your baby. 106 C.M.R. § 704.320(B). You might want to do this if you are getting child support for the baby. DTA Transitions, Aug. 2004, p. 3. See **Question 32**.

1 What are the school requirements for children (“Learnfare”)?

Unless you are disabled, your school age children under age 16 who are on the TAFDC grant must meet DTA's school attendance requirements. If a

child has too many unexcused absences, you will lose that child's portion of the grant. This is called "Learnfare." 106 C.M.R. § 703.170; **Appendix E** (DTA Online Guide Links); DTA Online Guide Transmittal 2022-93 (Restart of Learnfare) (Nov. 17, 2022).

You will be put on TAFDC "probation" if your child had more than eight unexcused absences during the previous school quarter. A quarter is 45 school days.

- During probation, you have to submit a monthly report with your child's school attendance for the previous month.
- If you do not submit the report on time, DTA will close your case. This may not be legal.
- If the child has more than three unexcused absences during any month in the probation period, you will lose the child's share of the grant for that month.
- Probation continues for six months in a row or until the child has no more than ten unexcused absences in the previous six months, whichever is longer. See Appendix E (DTA Online Guide Links).

Advocacy Reminders:

- ✓ Learnfare does not apply to your child if you are disabled. For disability, see **Question 37**.
- ✓ Learnfare does not apply to children who are not on the grant because they get SSI benefits or because of their noncitizen status.
- ✓ Is your child missing school because of a learning disability or other disability? You can get the absence marked as "excused." See **Question 19**. You can also ask for a disability accommodation. See **Questions 24-27**.
- ✓ Is your child in a private, parochial school or home-school program? DTA may ask you to verify your child's school and may close your case if you don't respond. This may not be legal. For help, contact your local legal services program, **Appendix D**.

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- ✓ It may not be lawful for DTA to close your case if it doesn't get the monthly probationary report on time. For help, contact your local legal services program, **Appendix D**.
- ✓ DTA cannot terminate the family grant even if the only child on the grant is under a Learnfare sanction. DTA Transitions, Aug. 2004, p. 3.
- ✓ DTA may consider any child age 6 or older to be subject to the Learnfare requirement. See DTA Online Guide Transmittal 2015-68 (Dec. 21, 2015). **Appendix E** (DTA Online Guide Links). DTA should not consider a six-year old child to be school age if the child has not yet started school and will still be six next September when school starts. See DTA Online Guide Transmittal 2014-48 (Aug. 14, 2014).
- ✓ DTA says children 16 or 17 must be in school full-time or register for the Pathways to Work Program (formerly the Employment Services Program). 106 C.M.R. § 707.000 (C). This may be illegal; contact info@masslegalservices.org if this is a problem for you. Also consider asking for an accommodation on the basis of disability or learning disability. See **Questions 25-27**.

1 How do you verify school attendance and which absences are excused?

DTA verifies school attendance directly with Department of Elementary and Secondary Education (DESE). You do not need to report school attendance unless your child is on probation (see **Question 18**) or your child is in private or parochial school, is home-schooled, or there is another reason DESE does not have a record of your child's school attendance.

Under the rules, an absence is excused if it was caused by

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- the child's illness (you can sign the note if the absence was less than five days; for absences of five days or longer, you need a doctor's note or hospital records),
- religious holidays,
- death of a family member (verified by death certificate or notice in the paper),
- the child's disability, *or*
- a crisis (as determined by the school principal or designee). 106 C.M.R. § 703.170.

Sometimes the school will report an absence as unexcused, even though your child was absent for a good reason. If you get a notice saying you are on probation or losing part of your grant because your child had too many absences, find out what the school reported to DTA and double check the dates to be sure DTA is not using old information. If the school reported some absences as unexcused and there was a good reason your child was absent, give your worker proof of the reasons. You can also appeal any reduction in benefits. See **Part 8**.

Children who are expelled or suspended are not exempt from Learnfare, even if the school provides no alternative education. There may be ways to get the child back into school or an alternative program. For help, contact your local legal services program, **Appendix D**.

Advocacy Reminders:

- ✓ If a child is removed from your grant for Learnfare noncompliance, DTA should reinstate the child on the grant if you provide verification of Learnfare compliance within 30 days of the closing. DTA Transitions, Aug. 2004, p. 3.
- ✓ If your child is in a private or parochial school or is home-schooled, DTA will require you to verify the child is in an approved program and will terminate your entire household if you do not comply. See **Appendix E** (DTA Online Guide Links). DTA can

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require information about a child's school attendance but it may be illegal to close the entire case because of missing school information. For help, contact your local legal services program, **Appendix D**.

- ✓ DTA will not track attendance for July and August, so you will not have to submit an attendance report in August or September even if your child was on probation at the start of the summer. DTA Operations Memo 2014-45 (July 10, 2014) – see Appendix E.
- ✓ DTA will suspend Learnfare sanctions during July and August and will reinstate sanctioned children for those months. DTA will resume the sanction in September. DTA Operations Memo 2014-45 (July 10, 2014) – see **Appendix E**.
- ✓ DTA is supposed to contact you and help you with school attendance issues if you are put on Learnfare probation because your child was absent too much. DTA Online Guide (Learnfare Intervention). You may have a defense to a Learnfare sanction if DTA does not help you address the reasons your child misses school.
- ✓ Did your child miss school because of the effects of a family crisis? The statute says the Commissioner is supposed to define crisis. DTA says the school decides if there was a crisis. 106 C.M.R. § 703.170. That may not be legal. Consult an advocate if your child had a good reason for being absent.

20 What are the immunization rules?

You must show proof of immunization (shots) or an appointment for immunization for every pre- school child in your family who is on the TAFDC grant. Proof includes a note from the doctor (on letterhead), a copy of a bill for a well-child visit, or a DTA form signed by your doctor. You can also meet the immunization rules if DTA pays for licensed child care or you have a statement from a Head Start or licensed child care program that the child is enrolled. 106 C.M.R. § 703.160 Appendix E (DTA Online Guide Links). See **Question 31** on the consequences of sanctions for not meeting the immunization requirements.

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You do not have to have your child immunized if it would violate your religious beliefs, if a doctor determines that your child should not be immunized for medical reasons, or if you decide after consulting with a doctor that you do not want your child immunized for health reasons. If you do not wish to immunize your child for these reasons, you will be asked to provide a written statement from you or your doctor. 106 C.M.R. § 703.160(B).

The state is supposed to make sure you can get your child's shots. Be sure to tell your DTA worker if you are having trouble scheduling an appointment for shots or getting the doctor to verify that your child's shots are up to date.

You do not have to provide proof of immunization for school-age children or for children or for children in licensed child care that DTA pays for. For children in licensed child care or Head Start that DTA does not pay for, you only have to provide verification of enrollment. 106 C.M.R. § 703.160(D).

Advocacy Reminders:

- ✓ The immunization requirement does not apply to children who are not on the grant because they get SSI benefits or because of their immigrant status.
- ✓ You have 60 days from when you are told about the immunization requirement to provide proof of immunization or the reason why your child should not be immunized. 106 C.M.R. § 703.160; DTA Operations Memo 2012-17 (Apr. 25, 2012) – see **Appendix E**.
- ✓ As of December 2021, DTA has not expanded the immunization requirement to include immunization against COVID-19.

21 What if you are on strike?

DTA rules deny TAFDC benefits to the entire family if the parent is on strike. If the striker is not a parent, then the other members of the family are not barred. 106 C.M.R. § 703.151. See DTA Field Operations Memo 2003-20 (Aug. 18, 2003).

Advocacy Reminders:

- ✓ Strikers are not barred from MassHealth or EAEDC.
- ✓ Many strikers are eligible for SNAP (food stamps). See <https://www.masslegalservices.org/FoodStampSNAPAdvocacyGuide>.
- ✓ Denying TAFDC to families where the parent is on strike may be illegal. The DTA rules denying benefits to strikers are not based on a statute. If the TAFDC striker rule is a problem for you, email info@masslegalservices.org for more information.

2 What if you have an outstanding default or arrest warrant?

You are not eligible for TAFDC if you have an outstanding default or arrest warrant issued by any Massachusetts court. 106 C.M.R. § 701.110(C). A default warrant may be issued when you miss a court date or when you do not pay a fine, court costs, restitution or other monies ordered by the court or by state law. For example, a default warrant may be issued when someone fails to pay a speeding ticket or child support.

DTA will give you 30 days to show that you have resolved the default or arrest warrant or show that the court made a mistake in issuing it. If you do not give proofs to DTA within 30 days, you will get a notice reducing your TAFDC by the incremental amount for one person. You have a right

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to appeal this reduction. See **Part 8**. The rest of your family should remain eligible. **Question 31** explains how your income should be counted in figuring your family's eligibility.

If you get a notice from DTA or the Bureau of Special Investigations (see **Question 120**) that you have an outstanding warrant, or you already know that you have one, you should contact your local legal services program, **Appendix D**, for advice on how to clear the warrant. Different courts have different ways of handling warrants. A legal services advocate may be able to help you find out the way your warrant will be handled and if there will be a lawyer at the court to help you. Sometimes, the court will remove the warrant even if you still owe the money but tell you to come back at a later date to pay what they say you owe or show proof you have done community service to work off what they say you owe.

If you get a default warrant removed, be sure to ask the court clerk for a copy so you will have proof for DTA.

2 What if you have a criminal history?

You are not eligible for TAFDC benefits for yourself if

- you are violating a condition of probation or parole imposed after September 25, 1996,
- you are fleeing prosecution for punishment for a felony (or a “high misdemeanor” committed in New Jersey),
- you were convicted of false statements about residency to get benefits in two or more states, *or*
- you were convicted of a drug-related felony for conduct that occurred after August 22, 1996, you were incarcerated for the felony, you were released from prison less than 12 months ago, and you are subject to the time limit (see **Questions 36-42** for exemptions from the time limit) and you were not granted a domestic violence waiver (see **Question 43**). 106 C.M.R. § 701.110(B), (D); DTA Operations Memos 2013-37 (July 26, 2013); 2012-30 (June 20, 2012).

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Other criminal history or activities that do not fall within these dates and conditions should not disqualify you from benefits.

If you get a notice from DTA that your TAFDC has been denied or reduced because of one of these situations, contact your local legal services program, **Appendix D**, immediately. You have a right to appeal the denial or reduction. See **Part 8**.

Advocacy Reminders:

- ✓ You cannot be denied SNAP (food stamps) because of a drug felony conviction.
- ✓ If you are facing drug-related criminal charges, make sure your defense lawyer knows about this rule and how a felony conviction could affect your benefits.
- ✓ The rest of your family should remain eligible for benefits if you are disqualified under these rules. **Question 31** explains how your income should be counted in figuring your family's eligibility.
- ✓ A DTA hearing officer has ruled that a person who left another state to start a new life is not ineligible as a fleeing felon where the person was not trying to avoid punishment or prosecution.

2 What if a disability makes it hard for you to meet DTA rules or use DTA services?

The federal Americans with Disabilities Act (ADA) requires DTA to provide equal access to programs and services to qualified people with disabilities. 42 U.S.C. § 12132; see 106 C.M.R. § 701.390. See also **Appendix E** (DTA Online Guide Links).

Under the ADA you are a person with a qualifying disability if you have a disability that substantially impairs a major life activity, such as learning, understanding, walking, working, breathing, or caring for yourself. Disabilities include physical or mental health impairments, and intellectual

disabilities. A temporary health problem like a broken leg may not be a disability under the ADA. You can be disabled under the ADA even if you are not receiving any benefits on the basis of disability and even if DTA has decided you do not qualify for an exemption because of disability. See **Appendix E** (DTA Online Guide Links).

If a disability makes it hard for you do the things DTA asks you to do to get and keep your benefits, you can ask DTA a **reasonable accommodation**. An accommodation may be appropriate if your disability makes it hard for you to:

- understand DTA's notices and forms,
- meet deadlines,
- give DTA the proofs it asks for,
- go to the DTA office,
- communicate with DTA, *or*
- meet a specific rule or requirement.

DTA must tailor accommodations to what you need because of your disability. Examples of accommodations include

- helping you understand notices and complete forms,
- giving you extra time to meet a deadline,
- changing a requirement or rule,
- handling your case by phone and mail,
- naming someone to talk to DTA for you or get copies of mail DTA sends you, *or*
- providing an auxiliary aid (such as an ASL interpreter)

Example 1

You have severe depression and post-traumatic stress disorder (PTSD).

Part 1 ■ General Eligibility Rules

You need help getting verifications and you cannot go to the DTA office in person because taking public transportation and being in crowded waiting areas trigger your PTSD symptoms. You can ask DTA to help you get verifications and to waive any requirements for in-person appointments.

Example 2

Because of your learning disability, you need help understanding DTA notices and help completing the paperwork that DTA asks you to complete. DTA should accommodate you by explaining notices to you and by filling out the forms with you instead of requiring you to fill forms out by yourself. For more information about protections related to learning disability, see **Question 27**.

Example 3

You have a hearing, vision, or other condition that makes it hard for you to communicate. DTA should ask you what kind of help you prefer to communicate with DTA. This help is usually called an auxiliary aid. DTA should provide your preferred auxiliary aid. If that is not possible, DTA should work with you to find an acceptable alternative. A rule should not be applied to you unless DTA has communicated the rule – such as a deadline – using the appropriate auxiliary aid. See **Appendix E** (DTA Online Guide Links).

Example 4

Because of a disability, your child will not finish high school by age 19. DTA should allow your child to continue to receive TAFDC benefits past the age of 18, the usual cutoff date for children who will not finish school by age 19.

Advocacy Reminders:

- ✓ An accommodation can be requested at any time, including after DTA has issued a notice stopping or lowering benefits.
- ✓ DTA cannot require you to accept a specific accommodation (such as requiring a helper or authorized representative to act for the client).

Instead, DTA should work with you to find an accommodation that you agree to.

- ✓ DTA is not required to provide an accommodation that is a fundamental alteration of its programs. If that issue comes up, contact your local legal services program, **Appendix D**.

2 How do you ask DTA for an accommodation?

DTA is supposed to ask you if you have a disability and need an accommodation. DTA is supposed to ask these questions at application, at reevaluation, and any time you are being interviewed or assessed. You can ask for an accommodation at these times, or at any time that you need one.

You can ask your DTA worker for an accommodation, or you can talk to the Client Assistance Coordinator in your DTA office. Each DTA office has a Client Assistance Coordinator who can help with the accommodation process and other disability related needs. **Appendix E** (DTA Online Guide Links). You or your advocate can also submit a written request for accommodation. It is helpful if the request explains what you need and why.

Once you ask for an accommodation, DTA should work with you to figure out how it can meet your needs. For example, if you ask for something DTA says it cannot do, instead of denying your request, DTA should discuss other options with you.

DTA does not usually ask for medical proof that you need the accommodation. If DTA does ask for medical proof, you can ask the Client Assistance Coordinator to help you get it.

Part 1 ■ General Eligibility Rules

Advocacy Reminder:

- ✓ To contact the Client Assistance Coordinator in your DTA office see **Appendix C**. You can also get a list of Client Assistance Coordinators at <https://www.mass.gov/doc/cac-list-by-dta-office/download>.

2 What are your rights if DTA denies your reasonable accommodation request?

The DTA local office should give you a written decision on your request for reasonable accommodation no later than 30 days from your request. If the local office denies your request or any part of it,

- You can appeal, see **Part 8**, *or*
- You can ask the DTA Central Office Accommodation Appeal Committee to review the local office decision and then appeal if the DTA Central Office Accommodation Appeal Committee denies your request in whole or in part.
 - Request DTA Central Office Review by filling out the back of the form and giving it to your worker. The Committee has 10 days to make a decision on the reconsideration request. (If the local office did not decide your request in 30 days, you can file your request directly with the Committee. **Appendix E** (DTA Online Guide Links).
 - If the DTA Central Office Accommodation Appeal Committee denies your request for accommodation in whole or in part or does not make a decision in 10 days from your request for a decision, you can request a hearing by filling out the back of the form and sending it to the Division of Hearings. See **Part 8** on appeal rights.

Try to get a legal advocate to help you with your request for review and your appeal. See **Appendix D** for a list of legal services offices.

2 Should you ask DTA to screen you for a learning disability?

A person with a learning disability may need a different kind of education or training program or extra help to meet DTA Work Program requirements. This is called an accommodation.

DTA has a set of questions to figure out if you might have a learning disability. This is called a Learning Disability screening. The questions ask about past learning experiences and if you have trouble with things like reading, math, or your memory. DTA must offer to screen you for a learning disability at certain times, but you can ask to be screened at any time.

If your screening shows that you might have a learning disability, DTA will offer you a free assessment by a doctor. The doctor will ask questions to figure out if you have a learning disability. After the assessment, DTA will share the results with you. If you are in an education, training, or job search program, DTA will also share the results with the program so they can give you the accommodations you need.

If you can't meet the TAFDC Work Program requirement while the assessment is being done, DTA should not stop or lower your TAFDC. See **Appendix E** (DTA Online Guide Links); DTA Field Operations Memo 2007-1 (Jan. 10, 2007); 106 C.M.R. § 701.395.

Even if you don't want the screening, talk to DTA if you need extra help because of a disability. See **Questions 24-25**.

Advocacy Reminders:

- ✓ You can also ask for a Learning Disability screening and a disability accommodation if you are a teen parent who has to meet the teen parent school attendance requirement.
- ✓ Children with a learning disability sometimes struggle with school, get discouraged, and are absent or drop out. Ask DTA for a disability accommodation so that your benefits are not cut because of Learnfare

or work rules for children age 16 or 17 who have stopped going to school.

2 What if you are a domestic violence survivor?

A number of special rules and procedures apply to survivors of domestic violence. See **Appendix E** (DTA Online Guide Links); DTA Field Operations Memo 2010-35 (Sept. 20, 2010).

Each DTA office has a Domestic Violence Specialist assigned to it. You can ask to see the Domestic Violence Specialist to help you develop a safety plan, help you get documents like birth certificates or court records, or locate services for your family.

The Domestic Violence Specialist will also help you fill out forms to request a waiver of TAFDC rules because of domestic violence. See **Question 43**.

The Domestic Violence Specialist can also help you verify good cause for not cooperating with child support enforcement or can help you seek child support safely. See **Question 11**.

For more information and phone numbers for Domestic Violence Specialists, ask DTA for DTA’s domestic violence brochure, or go to <http://www.mass.gov/eohhs/gov/departments/dta/help-for-victims-of-domestic-violence-on.html>. The brochure is available in seven languages.

You can ask DTA for special confidentiality protections and block access to DTA Connect. See **Question 106**. You can ask to use an alternate social security number (SSN). See **Question 10**.

You can ask DTA to grant you “good cause” for not meeting a DTA rule, including the time limit, **Question 34**, the Work Program, **Question 35**, and teen parent school attendance requirements. **Question 13**. **Appendix E** (DTA Online Guide Links).

There are special eligibility rules for certain battered noncitizens and their families who do not qualify under other noncitizen rules. See **Question 9**.

Advocacy Reminder:

- ✓ If a DTA staff person thinks that your child has been abused or neglected, DTA may file a report with the Department of Children and Families. Contact your local legal services program, **Appendix D**, if you are worried DTA will file an abuse or neglect report.

Part 2 Assistance Units

2 Who has to be in the assistance unit?

An assistance unit is all the members of a household who are counted in determining the amount of the grant.

Certain people have to be in the assistance unit, whether they want to or not. This is a way of forcing their income to be counted in determining the eligibility of other members of the household. Mandatory assistance unit members are

- a natural or adoptive parent, or parents, living with a dependent child, *and*
- most siblings – including half-siblings but not step-siblings – living with the dependent child. 106 C.M.R. § 704.305.

Example 1

Ms. Ward has two children, Michael and Rachel. The children have different fathers. Rachel's father pays child support. Ms. Ward would like to exclude Rachel from the TAFDC unit, so that the child support would not count against the grant for Michael and so that she could use the child support for Rachel. Under the rule, however, Rachel has to be in the unit with her half-brother Michael. See **Question 65** for who gets the child support.

Example 2

Nina Santiago and her partner Jose Hernandez have one child, Awilda. Ms. Santiago's child, Victor, also lives with them. Jose is not Victor's father, and has no obligation to support him. But under the rule,

Awilda has to be in the assistance unit with Victor, and Mr. Hernandez has to be in the assistance unit with Awilda, his daughter. As a result, Mr. Hernandez's income counts in determining everyone's eligibility.

Advocacy Reminder:

- ✓ The assistance unit rule is not required by statute. DTA could eliminate the assistance unit rule if it wanted to. For more information email info@masslegalservices.org.
-

3 Who cannot be in the assistance unit?

Certain people cannot be included in the assistance unit, even if they live in the same household. These people may or may not have their income counted in determining the family's eligibility.

People who are excluded and whose income does *not* count are

- Supplemental Security Income (SSI) recipients,
- the spouse of a non-parent grantee, and
- children getting foster payments or adoption assistance. 106 C.M.R. §§ 704.305, 704.325. The adoptive parents can get TAFDC for themselves. Foster parents can get TAFDC for themselves if they qualify as a relative. See **Question 3**.

People who are excluded and whose income *does* count if they are otherwise mandatory members of the assistance unit (see **Question 29**) are

- people who are sanctioned (for not cooperating with child support, a Pathways to Work Plan, the Work Program, Learnfare, immunization, teen parent school attendance, third-party medical insurance, or direct deposit requirements, or for an intentional program violation),
- ineligible noncitizens, and

Part 2 ■ Assistance Units

- people who have not met an eligibility rule such as the Social Security number requirement. 106 C.M.R. §§ 701.230, 704.305.

Also, you are excluded if you have an outstanding default or arrest warrant in Massachusetts, you are fleeing prosecution or punishment for a felony, or you are violating a condition of probation or parole. 106 C.M.R. § 701.110. See **Questions 22** and **23**. You may also be excluded if you were convicted of a drug-related felony for conduct that occurred after August 22, 1996, you were released from prison less than 12 months ago, and you do not meet any of the other exceptions listed in **Question 23**. Contact your local legal services program, **Appendix D**, if you need help dealing with any of these problems.

Advocacy Reminders:

- ✓ It may be illegal for DTA to remove you from the grant for not cooperating with child support. Also, if you have income that is being counted in figuring the grant amount, DTA may be reducing your grant for not cooperating with child support by more than the amount permitted by law. For more information, email info@masslegalservices.org.
- ✓ You may have grounds to challenge a sanction or disqualification if you had good cause for not meeting a DTA requirement or DTA did not comply with its obligations before imposing the sanction or disqualification.

3 What happens if you are excluded from the assistance unit?

Effect on grant. If you are excluded from the assistance unit you lose your portion of the grant (usually about \$100). If you are sanctioned for not cooperating with child support, you lose your portion of the grant or 25% of the maximum grant for your family size, whichever is more.

Effect on education, training, child care and transportation. If you are

excluded from the assistance unit because you are not a citizen, but you have work authorization or are an otherwise lawfully present immigrant, you are eligible for education, training, child care and transportation on the same basis as other TAFDC recipients. See DTA Field Operations Memo 2002-18A (Oct. 10, 2002).

If you are excluded from the assistance unit for some other reason – for example, because you get SSI, you are under sanction, or you do not have work authorization – DTA may say you are not eligible to participate in a DTA-funded education or training program, can get child care only for work, for school (if you are a teen parent), or for another work, education or training activity that DTA mandates, and can get transportation assistance only for an education, training or job search activity that DTA requires.

Contact your local legal services program, **Appendix D**, if you are denied services because you are excluded from the assistance unit.

Effect on how income is counted. DTA may try to count gross earnings of someone excluded from the assistance unit against the reduced grant (without any deductions for work expenses, child care, or earned income disregards). You may be able to argue that you should have 20 days to report. Email info@masslegalservices.org if DTA tries to deny you earnings deductions because you are excluded from the assistance unit.

- Because of a lawsuit, DTA no longer denies earnings deductions if you are excluded from the assistance unit because of a drug felony conviction. See **Question 23** for who can be excluded from the assistance unit because of a drug felony conviction.
- See **Question 67** for how DTA counts income if you are excluded from the assistance unit because you are an ineligible noncitizen.
- Income of SSI recipients and non-parents who are not receiving TAFDC does not count. See **Questions 31 and 3**

3 Who has a choice about whether to be in the assistance unit?

Certain people can choose whether to be in the assistance unit:

- A grantee relative who is not a parent, such as a grandparent aunt, or stepparent, does not have to be included in the assistance unit. (The spouse of a grantee relative who is not a parent cannot be included.) 106 C.M.R. §§ 704.305; 704.320(A). The income of the grantee relative does not count unless she or he is included in the unit. Also, grantee relative who is not a parent and who chooses not to be included in the unit is exempt from the time limit and work program. See **Question 36**. A grantee relative can make this choice at any time.
- A caretaker can choose whether to include non-sibling children, such as a niece or nephew, in the assistance unit. A child who is not included but still needs TAFDC can get her own full grant if she can show that being in the unit will cause homelessness or serious hardship because the child will lose the full benefit of her own grant. 106 C.M.R. § 704.305(A)(2).
- A woman who qualifies for benefits for herself on the basis of pregnancy has a choice about whether to include her children in the assistance unit. 106 C.M.R. § 704.305(A)(4). For example, if child support is more than the child's share of the grant (about \$100) plus the \$50 pass through, see **Question 65**, it is probably better for the child not to be in the assistance unit. But once the baby is born, the mother cannot get benefits for herself unless all children are included in the assistance unit.
- A teen parent who is getting TAFDC on her parent's grant can choose whether to get TAFDC for her child. The teen parent might not to get TAFDC for the child if she is getting child support or Social Security benefits for the child. 106 C.M.R. § 704.320(B); DTA Transitions, Aug. 2004, p. 3.

- Noncitizens who do not want to be included in the assistance unit can choose not to provide proof of immigration status. See **Questions 30 and 33**.

Example 1

Jane lives with her aunt and cousins who get TAFDC benefits. Jane has income from child support, so her aunt does not include her in the TAFDC unit and her income does not count in determining the aunt's and cousins' TAFDC eligibility.

Example 2

Reggie lives with his aunt and cousins who get TAFDC benefits. Reggie has no income, so his aunt needs to get TAFDC for him. If Reggie is included in the assistance unit with his aunt and cousins, his aunt will get about \$130 a month for him. His aunt can get a full single person grant for Reggie if she can show that giving him only a \$130 grant would result in his becoming homeless (because she cannot afford to have him continue to live with her) or would otherwise cause Reggie serious hardship.

Example 3

Wretha is taking care of her grandchild, Laurene, who is six years old. Wretha chooses to receive a grant only for Laurene. Wretha does not have to meet the Work Program requirements. Benefits for Laurene will not be subject to the time limit.

3 Can you get TAFDC just for your children if you are not a citizen?

Yes. You have the right to exclude from the TAFDC application any noncitizen family members who do not want to apply. See DTA Field

Part 2 ■ Assistance Units

Operations Memo 2004-34 (Sept. 20, 2004); **Appendix E** (DTA Online Guide Links).

- You can apply just for your U.S. citizen children or for children who meet noncitizen eligibility requirements. See **Questions 8-10**.
- You do not have to give information on your immigration status or an SSN.
- You can opt out for any reason, such as you do not have legal status or an SSN, or you do have legal status but you do not meet TAFDC noncitizen rules. You do not have to give a reason for opting out.
- Even if you opt out, you must still give DTA information on your income, the other parent, and other TAFDC eligibility factors.
- DTA will not report you to immigration authorities unless you tell DTA you are under a final order of deportation and show DTA a copy of the final order. 106 C.M.R. § 704.430. If you are not sure about your status, contact your local legal services program, **Appendix D**.

Advocacy Reminders:

- ✓ Noncitizens can also opt out of the SNAP (food stamp) application. But if you have lawful status in the U.S. you may be eligible for higher benefits if you do not opt out. And even if you opt out of TAFDC and SNAP, your children may be eligible for higher SNAP benefits if you have legal status and show DTA proof of that status. See 106 C.M.R. §§ 362.220, 365.520(B).
- ✓ See **Question 52** on the work rules for noncitizen parents who are not included in the TAFDC assistance unit.

Part 3 Time Limit and Work Program Rules and Exemptions

3 What is the time limit rule and when does your time limit start over?

Certain families are limited to a total of **24 months** of TAFDC benefits in any **five-year period**. You are eligible for a new five-year period and 24 months of additional benefits five years after your last five-year period started. 106 C.M.R. § 703.120.

The 24-month time limit runs only during months the family is not exempt (see **Question 36**) and

- receives a TAFDC cash grant for a full calendar month, *or*
- is considered a TAFDC family, but is not receiving a cash grant because the benefit amount is less than \$10 a month.

The 24-month time limit clock (but not the five-year period) stops running if the family stops receiving TAFDC or becomes exempt from the time limit. See **Question 36**. If the family goes back on TAFDC, the 24-month clock starts running again. DTA will add the new months to the full calendar months already used before the family stopped receiving assistance or became exempt.

Part 3 ■ Time Limit and Work Program Rules and Exemptions

The 24-month time limit clock also runs against the children of a parent who received assistance. But sometimes a child can get a waiver if another relative or parent has custody or guardianship, or the parent who received assistance is dead, incarcerated, institutionalized, or incapacitated.

Extensions, waivers, and exemptions

If you reach the time limit and still need TAFDC benefits, you may be able to get an extension, a domestic violence waiver, or an exemption. See **Questions 36-45**.

Recent changes after the COVID-19 pandemic

The time limit rule was suspended during the pandemic, from March 2020 until August 2023. DTA Online Guide Transmittal, 2020-49 (June 29, 2020) (TAFDC: Temporary Changes for TAFDC Work Program Required Clients); DTA Online Guide Transmittal, 2023-58A, 58B, 58C (Aug. 9, 2023) (TAFDC – Pathways to Work) – see **Appendix E**. See **Questions 49-58** for more details on the Work Program.

Advocacy Reminders:

- ✓ Check to see if you are eligible for an additional 24 months of benefits because your five-year period has started over.
- ✓ A month counts against your 24-month time limit only if you received TAFDC as a nonexempt household for the full calendar month. If your case was closed for part of a month or you were exempt for part of a month, that month does not count.
- ✓ You have the right to challenge DTA’s calculation of your time clock. See **Question 110**.
- ✓ A month counts towards your 24-month time limit if you are a TAFDC participant and you are receiving a very small grant, you are receiving no grant (because of the \$10 minimum rule), or you are receiving a grant only because your child support is assigned to the state. See **Question 65**. You may decide you are better off closing your case so that you do not use up your 24 months. If you close your case, you should still be eligible for MassHealth and SNAP (food stamps). See **Question 96** on eligibility for child care after your case closes.

- ✓ DTA says that in a two-parent family both parents have the same five- year period. 106 C.M.R. § 703.120(A)(8). This is change from prior policy. See DTA Operations Memo 2011-53 (Nov. 22, 2011). Email info@masslegalservices.org if this is a problem.

35 What is the Work Program?

Most parents and other caretakers who are subject to the time limit are also subject to the Work Program.

DTA calls its work program the “Pathways to Work Program.” It includes education, training, and employment programs.

When a family applies for TAFDC, DTA says that all household members over age 18 must register with MassHire JobQuest, a program that offers employment and training services in Massachusetts. You don’t have to register if you don’t have work authorization or are a non-labile relative caregiver.

DTA will also connect you with a Full Engagement Worker (FEW) who should talk with you about your goals, discuss supports, and talk about available work programs. To contact a FEW staff, you can email DTA.EmploymentServices@state.ma.us. Or look on DTA’s website: <https://www.mass.gov/info-details/contact-dtas-employment-staff>.

See **Questions 49-58** for more details on what activities count toward the Work Program.

Even if you are not exempt from the Work Program, you may have good cause not to participate. See **Question 58**.

Recent changes after the COVID-19 pandemic

DTA suspended the Work Program rules during the pandemic, beginning in March 2020. In December 2021, DTA reinstated the Work Program with some changes. In August 2023, DTA began sending out notices to families about the Pathways to Work program and its requirements.

3 Who is exempt from the time limit and Work Program?

You are exempt from the time limit and Work Program if

- you are a disabled parent or a disabled relative caring for a child (see **Question 37**),
- you are needed to care for a disabled family member (see **Questions 39 and 40**,
- you are a parent or other relative caring for a child under age two,
- you are a teen parent under age 20 and you are attending either a full-time high school or a full-time HiSET, training or work program that totals at least 20 hours a week,
- you are a pregnant individual in your third trimester (week 27 or last 120 days) of pregnancy (see **Question 41**),
- you are not the parent of the child you are caring for and you are not receiving TAFDC for yourself (see **Question 29**), *or*
- you are age 60 or older (see **Question 42**). 106 C.M.R. § 703.120.

If you are ineligible for benefits for yourself and cannot work for pay because of your immigration status, you are not subject to the time limit but you can be required to do a work activity other than paid work or job search. 106 C.M.R. § 703.150(A)(3). See **Question 52**.

In a two-parent family, only one parent can claim an exemption based on the need to care for a child under age two or a disabled family member. Also, if one parent claims an exemption based on disability or pregnancy, the other parent cannot claim an exemption based on need to care for a young child unless the disabled or pregnant parent is unable to care for the child for medical reasons. 106 C.M.R. § 703.100(A)(2); **Appendix E** (DTA Online Guide Links).

Advocacy Reminders:

- ✓ If you qualified for any one of these exemptions for even part of the month, the whole month does not count towards your 24-month time limit.
 - ✓ You can ask for an exemption at any time – even if you reached your time limit and lost benefits. Review the exemptions to see if you might qualify for one.
-

3 How do you qualify for a disability exemption?

You qualify for a disability exemption if you have an illness or impairment expected to last for at least 30 days, *and*

- you are an SSI or Social Security disability recipient, or
- the Disability Evaluation Service (DES) determines that you meet the requirements for SSI, *or*
- your condition matches the signs, symptoms and test results in DTA’s list of medical impairments, *or*
- your impairments reduce your ability to work considering your age, education, and work experience. DTA Field Operations Memo 2010-30 (July 1, 2010); DTA Transitions, June 2009, p. 7.

Recent changes after the COVID-19 pandemic

Until further notice, DTA is still accepting self-declarations of disability status. You can verbally self-declare that you cannot work or participate due to your disability and that it is expected to last longer than 3 months.

DTA is changing its process for working with the Disability Evaluation Service (DES) to review medical information and decide whether you meet DTA’s disability rules. **Appendix E** (DTA Online Guide Links).

Part 3 ■ Time Limit and Work Program Rules and Exemptions

Advocacy Reminders:

- ✓ DTA regulations as of 2016 do not say you are eligible if your condition matches DTA's list of medical impairments or your impairments reduce your ability to work. Contact your local legal services program, **Appendix D**, if DTA says you do not qualify for a disability exemption but you meet either of these criteria. See 106 C.M.R. § 703.190.
- ✓ The EAEDC Advocacy Guide explains the current DTA disability rules and procedures in more detail. See www.masslegalservices.org under Legal Advocacy Guides. There are some differences in the procedures for EAEDC and TAFDC disability. For example, for EAEDC, you cannot apply for disability status unless your doctor fills out a medical report form. This is not a requirement for TAFDC under current DTA practice.
- ✓ You are not required to chase down medical records but it may help your case if you can. If you need a specialist to evaluate your condition, be sure to say this on your Disability Supplement. Be sure to describe any pain, unusual fatigue, medicines, treatment and side effects. If DES schedules an examination, it is very important that you go. Be sure to call in advance if you must reschedule.
- ✓ You can appeal a decision that you are not disabled.
- ✓ Even if you are disabled, you can volunteer for education and training services. See **Question 91**. If you need special services because of your disability, DTA is required to provide a "reasonable accommodation." See **Questions 24-27**.
- ✓ DTA will accept medical documents that are scanned, faxed or photocopied from the original unless the document appears questionable. DTA Operations Memo 2012-33 (July 11, 2012).

3 Are you subject to the time limit and work rules while DTA evaluates your disability claim?

You will be considered disabled and eligible for an exemption while DTA and the Disability Evaluation Service evaluate your *first* claim for a disability exemption. 106 C.M.R. § 703.190(F); **Appendix E** (DTA Online Guide Links); DTA Transitions, July 2015, p. 4.

If your claim is denied, you will be considered non-exempt as of the month you claimed disability. Months when your claim of disability was pending will count towards your 24-month time limit.

If your claim is denied, you can apply for a disability exemption later. The second time you will not be considered disabled until a decision is made on your claim, unless you are applying for the exemption in a new five-year eligibility period. 106 C.M.R. § 703.190(F), (G); DTA Transitions, Mar. 2002, p. 7. See **Question 34** for more information on when the five-year period begins and ends.

Even if you do not qualify for a disability exemption while your new claim is evaluated (because you were already denied the exemption during your current five-year eligibility period), you may have “good cause” because of physical or mental health reasons for not meeting work activity, Pathways to Work plan, or time limit extension requirements. 106 C.M.R. § 701.380(B)(7), (8). To show you have good cause, you must

- make a new disability exemption request, and
- have a doctor or psychologist fill out a “Good Cause Medical Statement” form for you. Ask your DTA worker for this form. See DTA Field Operations Memo 2002-13 (May 22, 2002); **Appendix E** (DTA Online Guide Links).

If you do not have a doctor who is familiar with your condition, DTA should grant you “good cause” if you give DTA a letter from a social

Part 3 ■ Time Limit and Work Program Rules and Exemptions

worker or someone who knows you explaining that because of your disabilities you need more time to get a doctor to complete the “Good Cause Medical Statement.” This is called “disability accommodation.” See **Questions 24-26**.

Advocacy Reminders:

- ✓ DTA counts months during which you have “good cause” towards your 24 months of time-limited benefits. If you are later approved for an exemption for those months, be sure DTA has taken those months off your time clock.
- ✓ Not renewing a disability exemption when it expires does not count as a denial. If you request a disability exemption later, you have the right to be considered exempt while your request is being reviewed. You do not have to submit a Good Cause Medical Statement. See **Appendix E** (DTA Online Guide Links).

3

How do you qualify for an exemption as the caregiver for a disabled child?

You qualify for an exemption if you are the caregiver for a disabled child and

- the child’s doctor verifies the disability on a DTA form or the child receives SSI (Supplemental Security Income) benefits, *and*
- the child’s doctor verifies that you are needed to care for the child, and if the child attends school full time or is otherwise out of the home, you show that the child needs your care during the day or night so you cannot work full time. The doctor can explain this on the form, or you can do your own statement and provide support for it from someone else. 106 C.M.R. § 703.100(B)(2).

Ask your DTA worker for the form to bring to your child’s doctor.

Advocacy Reminders:

- ✓ You are eligible for this exemption if you cannot work full time because of your child’s disability. For example, you may not be able to work full time because of your child’s doctor appointments or school crises, or because your child keeps you up at night and you need to sleep during the day.
- ✓ You do not need to be related to the child you are caring for. The child you are caring for does not have to be receiving TAFDC. DTA Transitions, July 2012, p. 5; May 2007, p. 3.
- ✓ DTA says that only one parent in a two-parent household may claim this exemption even if both parents are needed to care for the child or children. 106 C.M.R. § 703.100(A)(3). Contact your local legal services program, **Appendix D**, if this is a problem for you.

DTA may say you have to apply for Social Security benefits for a disabled child if you seek an exemption because you need to care for the child. You can ask DTA to help you apply for Social Security disability benefits. Contact your local legal services program, **Appendix D**, if you have a good reason for not applying. See 106 C.M.R. § 703.100(A)(1)(b).

4 How do you qualify for an exemption as the caregiver for other disabled family members?

You qualify for an exemption as the caregiver for a disabled spouse, sibling, half-sibling, the other parent of your child, or your or your spouse’s parent(s) or grandparent(s) if

- the disabled person receives SSI or Social Security disability benefits, *or*
- the disabled person is a recipient of TAFDC and meets the requirements for TAFDC disability, *or*

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- the disabled person is not a recipient of TAFDC and a medical provider has verified the disability, *and*
- you provide written medical evidence of the severity of the disability, the reason you have to be home to care for the person, and your inability to work full time outside the home because you must be home to care for the person. DTA Transitions, July 2012, p. 5; **Appendix E** (DTA Online Guide Links).

Ask your DTA worker for the form to bring to the doctor.

Advocacy Reminders:

- ✓ DTA regulations do not specifically allow an exemption unless you are caring for a child, spouse, or the child's other parent. Contact your local legal services program, **Appendix D**, if you need an exemption because you are caring for a disabled relative who is not listed. See 106 C.M.R. § 703.100(A)(1)(b).
- ✓ DTA regulations say that to qualify for the exemption based on caring for a disabled child you have to apply for Social Security benefits for the child. DTA regulations also say that to qualify for the exemption based on caring for a disabled adult, the adult has to apply for Social Security benefits. See 106 C.M.R. § 703.100(A)(1)(b). Contact your local legal services program, **Appendix D**, if this is a problem for you.

4 How do you qualify for an exemption as a pregnant woman?

You are exempt from the time limit and the Work Program if you are a pregnant woman in your third trimester (week 27 or last 120 days) of pregnancy and you have verified the pregnancy and your due date. **Appendix E** (DTA Online Guide Links).

DTA requires that the pregnancy be verified by a statement from a “competent medical authority,” which includes a physician, osteopath, nurse practitioner or psychologist. Additionally, for the limited purpose

of diagnosing pregnancy and pregnancy-related incapacity, it includes a nurse-midwife who meets the educational and certification requirements mandated by state law.

Advocacy Reminder:

- ✓ DTA regulations say you are exempt based on pregnancy only if you are in your third trimester (week 27 or last 120 days) of pregnancy, you have verified the pregnancy and your due date and you have a medical statement that your pregnancy prevents you from working, or you are in your 33rd week of pregnancy and you have the verified the pregnancy and your due date. See 106 C.M.R. § 703.100(A)(1)(c).
 - ✓ Contact your local legal services program, Appendix D, if you are pregnant and DTA says you are not exempt from the time limit and the Work Program or if DTA says you have to do job search before you can get benefits. See **Question 102**.
-

4 How do you qualify for an exemption on the basis of age?

You are exempt from the time limit and the Work Program if you are age 60 or older. **Appendix E** (DTA Online Guide Links).

Advocacy Reminder:

- ✓ DTA regulations say you are exempt from the time limit and the Work Program based on age if you are age 66 or older, *or* you are age 60 or older, you are a child's primary caregiver, and you retired before applying for benefits. See 106 C.M.R. 703.100(A)(1)(h). Contact your local legal services program, **Appendix D**, if you are age 60 or older and DTA says you do not qualify for an exemption.

4 Can you get a waiver or good cause exception to TAFDC rules because of domestic violence?

Waiver due to domestic violence

If you (or your child) are a survivor of domestic violence, you may request a waiver of welfare requirements, including the time limit, the Work Program, the drug felon bar, and teen parent and child support requirements. You can also ask to have your Pathways to Work plan (see **Question 91**) changed if you cannot comply with it because of domestic violence.

To get a requirement waived, you will need to show that the requirement will make it harder for you or your child to escape domestic violence or will penalize you or your child for past violence. You can verify your claim for a waiver on the basis of domestic violence with your own statement, plus court or medical records or the statement of at least one other person with knowledge of the circumstances. The statements will have to explain why the welfare rule should be waived. 106 C.M.R. § 703.110.

You can get a domestic violence waiver form from your worker or a DTA Domestic Violence Specialist. If you want, the Domestic Violence Specialist will help you fill out the domestic violence waiver request form and help you get counseling, legal and other services to deal with the violence or the effects of the violence.

DTA may say it will not consider a request to waive the time limit until you reach your 22d month of time limited benefits. Contact your local legal services program, **Appendix D**, if you need to know sooner so you can plan for the future.

Example 1

Katherine Farrell was living with her boyfriend who hit her if she

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would not have sex with him. She moved out with her 4-year-old child Sam and applied for TAFDC benefits. Sam was upset by the beatings and is misbehaving at home and in school. Ms. Farrell takes him to psychologist appointments, goes to frequent meetings at the school, and spends lots of extra time with him. She does not feel she can work or go to education or training right now. She requests a waiver of the time limit and the Work Program, explaining why she cannot meet Work Program requirements. Her child's psychologist writes a statement for her.

Example 2

Susan Moriarty's husband Tom was controlling and physically abusive. He would not let her leave the house without him and would not let her go to school to get her HiSET certificate. She finally left with her daughter and began receiving TAFDC. Ms. Moriarty wants to get a HiSET certificate, but the HiSET program is only 10 hours a week, and DTA says she must participate in a work activity for 30 hours a week. She and her therapist think trying to go do another activity plus school will put too much stress on her. She can ask for a waiver of the Work Program hours requirement because making her comply would penalize her for past domestic violence. She can support her request with a statement from her therapist.

Good cause due to domestic violence

Instead of or in addition to asking for a domestic violence waiver, you can ask DTA to grant you "good cause" for not meeting a DTA rule, including the time limit, **Question 34**, the Work Program, **Question 35**, and teen parent school attendance requirements. **Question 13. Appendix E** (DTA Online Guide Links).

Advocacy Reminders:

- ✓ When you ask for a domestic violence waiver, be sure to explain the connection between the violence and the reason you need a waiver. In the two examples, Ms. Farrell and Ms. Moriarty need more time to deal with the consequences of past violence.
- ✓ Many domestic violence survivors have a disability such as post-

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traumatic stress disorder (PTSD), depression, anxiety, or other physical or mental disability. If you have a disability, you may get better protection from the work requirement and the time limit by asking for a disability exemption, see **Questions 36-38**, in addition to or instead of a domestic violence waiver.

- ✓ You can appeal a denial of a domestic violence waiver. See **Question 110**.
- ✓ The TAFDC rule you are asking to be waived should not be applied while your waiver request is pending. See **Appendix E** (DTA Online Guide Links); DTA Field Operations Memos 2007-35 (July 16, 2007) and 1997-49 (Sept. 1, 1997).

4 What can you do if you are getting close to the end of your time limit?

Your benefits will not end after 24 months if you get an *exemption*, a *waiver*, or an *extension*.

Exemptions include exemptions for disability, caring for a disabled child or certain other family members, caring for a child under age two, the last weeks of pregnancy, non-parent caretaker not on the grant, and other exemptions listed in **Question 36**.

Waivers include domestic violence waivers (see **Question 43**).

Extensions of the time limit are discussed in **Questions 45-48**.

Advocacy Reminders:

- ✓ You can continue to receive benefits if you start a new five-year eligibility period even if you do not have an exemption, an extension or a waiver. See **Question 34**.
- ✓ If you are not the parent of the child you are caring for, you should continue to receive benefits for the child even if you have reached your time limit. See **Question 32**.

4 Can you get an extension of benefits past the time limit?

You can ask for an extension of your benefits. In deciding whether you get an extension, DTA says that it looks at

- what you are doing to find a full-time job,

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- whether you have complied with work requirements and DTA work activities,
- whether you have been sanctioned for not complying with DTA rules,
- whether there are jobs in your area that you could do,
- whether suitable child care is available. See 106 C.M.R. § 703.130(A); DTA Operations Memo 2013-38 (July 26, 2013).

You can also get an extension if

- you are working at least 35 hours a week and you are still financially and otherwise eligible.
- you are in a DTA-approved education or training program and need additional time to complete the program. 106 C.M.R. § 703.130(A).

Advocacy Reminders:

- ✓ You may use informal (unlicensed) child care if you wish, but you have a strong case for an extension if licensed care is not available and you do not want to use informal care.
- ✓ DTA must give you an opportunity to participate in a work activity. You should not be denied an extension if DTA did not refer you to work activities. DTA Transitions, Dec. 2013, p. 3.
- ✓ DTA limits extensions to three months (or less) but you can ask for as many extensions as you need. 106 C.M.R. § 703.130(B)(3); DTA Operations Memo 2013-38 (July 26, 2013). See **Question 47**.
- ✓ DTA says that it can also look at whether you made a good faith effort to meet your economic independence goals. 106 C.M.R. § 703.130(A)(1)(f). This may not be legal. Contact your local legal services program, **Appendix D**, if you are denied for this reason.

46 How do you request an extension of benefits past the time limit?

If you have used 22 months of time-limited benefits, DTA should schedule an interview (by phone or in the DTA office) to discuss whether you want an extension of benefits beyond 24 months. If you do not keep the appointment your case will be closed at the end of month 24. DTA Operations Memo 2013-38 (July 26, 2013). *If you request an extension before the closing date, your benefits should not stop until a decision is made on your extension request.*

You can also ask for an extension after your 24 months of benefits have ended. You will need to file a new application for benefits with the extension request. If five years have passed since your time limit first started to run, you can just reapply for benefits without asking for an extension.

You have a right to request an extension of benefits. You should not tell DTA you do not want an extension unless you are sure you do not want your benefits to continue.

After the interview, the DTA worker makes a recommendation about whether your extension request should be approved or denied. The case worker's supervisor reviews the recommendation and makes a recommendation to the director of the local DTA office. The local DTA office then makes a recommendation to the DTA Commissioner or a person designated by the DTA Commissioner who makes the final decision on your extension request. **Appendix E** (DTA Online Guide Links).

Recent changes after COVID-19 pandemic

DTA suspended the time limit during the COVID-19 pandemic. It was reinstated beginning in August 2023. As of the writing of this guide, new regulations about the time limit, including changes to the extension rules, are still pending and have not yet been finalized.

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Advocacy Reminders:

- ✓ You do not have to wait to request an extension until DTA schedules you for an interview. You can request an extension once you reach the 22nd month. 106 C.M.R. § 703.130.
- ✓ Be sure to tell DTA about everything you have done to get education, training, or a job. Be sure to tell DTA about transportation, child care, health or family issues that have prevented you from getting education, training, or a job.
- ✓ You have a right to have an advocate help you with the interview. You can ask to respond to the interview questions in writing.
- ✓ DTA will ask how you are going to take care of your children when your benefits stop. You should explain to DTA any difficulty you will have taking care of your children and paying your bills. If you expect to get help from family or a job, you should be realistic about whether that help will last or is only short term.
- ✓ Ask DTA for a copy of the Recommendation for Extension form so you can see if the information you gave them was properly recorded and if anything DTA wrote is not correct. Check the sanction history to make sure you are not being denied on the basis of past sanctions that were removed.
- ✓ If your extension request is denied, ask for a copy of the Commissioner's Extension Decision.
- ✓ If you say you do not want an extension, DTA will ask you to sign a TAFDC Extension Refusal Form. Even if you do not want an extension or are sure you will not qualify for an extension, it is better not to sign this form.

47 How long will your extension last?

Extensions are approved for a maximum of three months. 106 C.M.R. § 703.130(B). **Appendix E** (DTA Online Guide Links).

If your extension is approved, you should get a letter saying when your extension will end. You can ask for another extension before the extension ends.

Advocacy Reminders:

- ✓ DTA may say you have to use the extension to find a full-time job. If that is not practical for you, contact your local legal services program, **Appendix D**.
- ✓ Because of a court order, DTA must allow the same income deductions for families applying for or receiving an extension as DTA allows for other families. See **Questions 73 -75**.

4 What if your extension request is denied?

DTA will send you a notice when it makes a decision on your extension request. If your extension request is denied, the notice should give the reasons for the denial. **Appendix E** (DTA Online Guide Links); Operations Memo 2013-38 (July 26, 2013). If DTA denies your request, you can appeal. If you appeal the denial of an extension within 10 days of the date DTA sent notice of the denial, you should continue to receive benefits while you are waiting for a decision on the appeal. See **Question 111**.

Advocacy Reminders:

- ✓ You can appeal the written notice terminating your benefits whether or not you filed an extension request or an appeal from the denial of an extension request. If you file the appeal within 10 days of the date DTA sent the notice, your benefits should continue until the appeal is decided. Contact your local legal services program, **Appendix D**, for help with your appeal.
 - ✓ If you appeal, ask DTA for a copy of the recommendations and the reasons for the recommendations at all four levels – the DTA worker, the supervisor, the local DTA office director, and the DTA Commissioner.
 - ✓ Some DTA staff say they do not recommend extensions because their previous recommendations have been rejected. This may be a ground for challenging an extension denial.
 - ✓ Contact your local legal services program, **Appendix D**, if DTA denies your extension request.
-

4 What activities count towards the Work Program requirement?

Activities that count towards the Work Program requirement include

- DTA’s 60-day “Pathways to Work” planning period to do register with JobQuest, set up supportive services like child care, and find and enroll in a program, **Appendix E** (DTA Online Guide Links),
- a DTA-approved education or training activity, including
 - skills training,
 - adult basic education,
 - English-as-a-Second Language (ESL),

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- a HiSET program,
 - the Young Parents Program,
 - post-secondary education, including programs for an associate’s degree, four-year or bachelor’s degree, or graduate degree that are at least half-time and for which funding is available from non-DTA sources,
- an “employment supports work activity” (supportive work site),
 - paid work, including college work study,
 - unpaid work (DTA calls this “community service”),
 - internships, including internships in the DTA Works Program that pay a stipend that does not count against your grant and other paid or unpaid internships,
 - baby-sitting for your grandchild so a teen daughter who lives with you can go to school,
 - home-schooling your children, see TAFDC Update No. 11 (Jan. 25, 1996),
 - participating in a substance abuse program while in a substance abuse shelter,
 - another program DTA expects will lead to a job,
 - job search, including online job search through JobQuest (register at <https://web.detma.org/jobQuest/Default.aspx>),
 - housing search if you are staying in an emergency shelter, a motel or a temporary housing arrangement provided through the Department of Housing and Community Development. 106 C.M.R. § 703.150(A)(2); DTA Transitions, July 2015, p. 5.

Education or training counts towards the work requirement for 24 months. DTA may allow education and training for more than 24 months if you are making substantial progress towards a degree or certificate. Although education and training can count towards the work requirement for 24

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months, you can be cut off when you reach your time limit unless you are approved for an extension.

See **Question 90** for a list of activities and programs offered by DTA through the Pathways to Work program.

Advocacy Reminders:

- ✓ DTA does not count education or training towards the 24-month limit unless you attend for the full month. A partial month does not count. DTA Transitions, Sept. 2009, p. 6.
- ✓ DTA will approve distance learning offered at publicly funded community colleges. DTA Operations Memo 2011-35 (July 15, 2011). You may be able to get DTA to approve another distance learning program if there is a way to verify attendance. See DTA Transitions, Nov. 2008, p. 5; Massachusetts' Work Verification Plan (Oct. 1, 2007). For help, check with your local legal services program, **Appendix D**.
- ✓ If you are in shelter and meeting your work requirement through housing search, you can volunteer for another activity and get child care and transportation benefits. Be sure DTA treats you as a volunteer for the other activity so DTA can't sanction you if you run into a problem with the other activity.
- ✓ DTA should treat you as meeting the Work Program requirement when you are meeting the preliminary requirements for the activity, such as visiting the site, attending an orientation, getting a medical exam, getting a criminal history report, or arranging child care.
- ✓ Housing search does not count as work if you have a Home BASE rental subsidy. **Appendix E** (DTA Online Guide Links).

5 How many hours a week do you have to do a work activity?

Required hours of work activity depend on the age of your youngest child. You can meet the work requirement by doing one or a combination of activities for the required hours.

Youngest child between age two and school age. If you are not exempt and your youngest child is between the ages of two and age six, you must do 20 hours a week of work activity.

Youngest child school age or older. If you are not exempt and your youngest child is age 6 or older, you must do 30 hours a week of work activity. 106 C.M.R. § 703.150(A)(5); DTA Operations Memo 2011- 42 (Sept. 2, 2011).

Advocacy Reminders:

- ✓ If you are in a homeless shelter and meeting your shelter housing search requirements, you meet the work activities requirement. 106 C.M.R. § 703.150(A)(2)(k). You do not have to show that you are doing housing search for a set number of hours.
- ✓ DTA has a duty to help you locate work activities that meet the hours requirements. For example, if you must do 30 hours of work activities a week and your training program is 20 hours a week, DTA should help you find a program or community service placement for the additional hours. If DTA cannot find an appropriate program or placement for you, you have good cause, see 106 C.M.R. § 701.380(A)(8) and **Question 58**, for not doing the additional hours.
- ✓ If you are in an education or training activity, each hour of participation (or each credit hour, if you are in college) counts as two hours towards the work requirement. In other words, if you are in college and you have 12 credit hours, you are counted as participating for 24 hours a week. If you are in a training program for 15 hours a week, you are counted as participating for 30 hours a week. DTA Field

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Operations Memo 2008-53A (Oct. 24, 2008); DTA Transitions, Aug. 2010, p. 8. You should also be able to get credit for additional study or laboratory time if it is supervised.

- ✓ The federal Fair Labor Standards Act limits the number of hours you can participate in community service to meet the work requirement. See **Question 55**.

5 What are the work rules for two-parent families?

In a two-parent family where neither parent is exempt, each parent must meet the required work activity hours each week based on the age of the youngest child. 106 C.M.R. § 703.150(A)(5); **Appendix E** (DTA Online Guide Links).

5 What are the work rules for noncitizen parents?

Noncitizens who are included in the assistance unit are treated the same as citizens.

Noncitizens who are ineligible for benefits for themselves because of their immigration status but have work authorization or could work for pay are subject to the work rules on the same basis as citizens.

Noncitizens without work authorization

Noncitizens without work authorization cannot be required to look for or take a paid job. DTA requires these noncitizens to do community service unless they are exempt from the work rules for some reason other than lack of work authorization. 106 C.M.R. § 703.150(A)(3). DTA does not allow noncitizens to count education or training on the same basis as

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citizens. This may be illegal. Contact your local legal services program,

Appendix D, if DTA will not let you count education or training.

Noncitizens have the same right as citizens to claim an exemption (for example, because of disability) or get a waiver (for example, because of domestic violence) or claim good cause for not meeting the work requirement (for example, because of lack of child care or transportation).

Advocacy Reminder:

- ✓ Ineligible noncitizens should qualify for child care on the same basis as citizens. Contact your local legal services program, **Appendix D**, if DTA denies you child care because you are an ineligible noncitizen, including if you are a noncitizen who does not have work authorization.

5 When do you have to start a Work Program activity?

You have 60 days to look for and start a work program activity once you begin receiving TAFDC, start a new five-year eligibility period (see **Question 34**), or DTA decides you are subject to the Work Program. 106 C.M.R. § 703.150(A)(1), (2), (4); DTA Operations Memo 2011-53 (Nov. 22, 2011); **Appendix E** (DTA Online Guide Links).

DTA calls this 60-day period the “Pathways to Work Planning Period.” DTA will connect you with a Full Engagement Worker to assist you in finding a work program activity and get supportive services.

If your activity stops or no longer qualifies as “work,” you have 20 days to begin another activity.

If you cannot meet DTA’s deadline for starting a work program activity, you may have good cause to start later. See **Question 58**. For example, you may need more time to arrange child care or a community service site may not be ready for you.

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If you reapply for TAFDC, you have used your 60-day work search period already, and you do not qualify for an exemption or have good cause for not participating in a work activity, you have 10 days to look for and start an activity (unless your case was closed because you did not meet the work activity requirements). See **Appendix E** (DTA Online Guide Links); see **Question 58** for more information on good cause.

Advocacy Reminder:

- ✓ The Work Program requirement is separate from and in addition to the applicant job search requirement discussed in **Question 102**. Be sure to tell DTA about any problem you have meeting the job search requirement and also finding a Work Program activity.

5 How should you choose a Work Program activity?

You have the right to choose which Work Program activities you will use to meet the work requirement. You have the right to pick an education or training program or any other countable activity, including community service.

New applicants have 12 weeks called “Employment Planning” to set goals, get child care set up, and learn about and enroll in an activity. See **Appendix E** (DTA Online Guide Links).

Ask your worker about training or education programs that DTA pays for. Also ask about programs that other agencies pay for, such as adult basic education and training programs paid for by other agencies. In general, it is not good to borrow money to pay for an education or training program, except for college programs that qualify for low-interest loans and have a good track record of helping graduates get jobs.

As long as you choose a countable activity, DTA should approve it and put it in your Pathways to Work plan. See **Question 91**.

Advocacy Reminders:

- ✓ DTA is required by law to provide appropriate services for people with disabilities. Contact your local legal services program, **Appendix D**, if you need special training, education, or employment services because you have a physical or mental disability, including a learning disability. See **Questions 24-27**.

- ✓ You can arrange your own community service placement, but DTA reserves the right to disapprove the site you arrange. Under the law, any nonprofit organization may be a community service site, so DTA disapproval may not be legal.

55 What if you can't find an appropriate Work Activity?

The Full Engagement Worker is supposed to meet with you to identify any problems you have meeting the work requirement, determine an appropriate activity for you, and determine what services you need such as child care or transportation. If you prefer to participate in community service rather than any other activity, DTA should refer you to a community service site.

If you have not verified that you are participating in an allowed work activity within 60 days of when you apply, DTA is supposed to refer you to an actually available community service site. If you can't get to the community service site, the community service is not appropriate, or the community service site will not accept you, notify DTA immediately. If DTA thinks you have not participated and do not have good cause for not participating, you may be sanctioned and your benefits may be lowered or stopped. See **Question 57**.

DTA says it can require you to do community service during your child's school hours. DTA says it can reassign you from one placement to another if it wants. 106 C.M.R. § 707.170(A)(2). Contact your local legal services program, **Appendix D**, if you have located a good placement, and DTA is telling you to change.

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Limit on number of hours you can count community service. Under the federal Fair Labor Standards Act, you cannot participate in community service for more hours than your TAFDC grant plus SNAP (food stamp) benefits divided by the minimum wage (\$15.00/hour effective January 1, 2024) divided by 4.333. 106 C.M.R. § 703.150(A)(2)(c); **Appendix E** (DTA Online Guide Links).

- DTA says it can require you to do another activity in addition to or instead of community service if you cannot meet your full work requirement with community service because of the Fair Labor Standards Act. 106 C.M.R. § 703.150(A)(2)(c); DTA Operations Memos 2008-53A (Oct. 24, 2008), 2008-4 (Feb. 1, 2008); **Appendix E** (DTA Online Guide Links); DTA Transitions, June 2012, pp. 4-5. This may be illegal. Contact your local legal services program, **Appendix D**, if this is a problem for you.
- DTA agrees that if there is no activity available for you to supplement your community service hours and no activity for you to do instead of community service, you must be given “good cause.” DTA Operations Memos 2008-53A (Oct. 24, 2008); 2008-4 (Feb. 1, 2008); **Appendix E** (DTA Online Guide Links).

Advocacy Reminders:

- ✓ If DTA does not help you find a community service site, sends you to a site that does not exist, or sends you somewhere that is not appropriate, you should ask your worker to give you good cause for not meeting the Work Program requirement. See **Question 58**.
- ✓ DTA must subtract the value of child support collected and retained by the state in making the Fair Labor Standards Act calculation. DTA Field Operations Memo 2008-53A (Oct. 24, 2008); **Appendix E** (DTA Online Guide Links).
- ✓ DTA can place you in a community service site at DTA if it chooses. See DTA Operations Memo 2012-14 (Apr. 6, 2012). This can be a stepping stone to the DTA Works Program, which pays a stipend that is not counted for TAFDC or SNAP (food stamps). DTA Works Program positions often lead to paid jobs. See **Question 90**.

5 **What if you need child care or transportation to meet the Work Program rules?**

You are eligible for free child care if you need child care to meet Work Program rules. See **Question 93**. If you cannot locate appropriate child care you have good cause for not meeting the rules. See **Question 58**. If you are meeting the Work Program through community service, DTA says it can require you to do community service during your child's school hours so you will not need child care. See DTA Transitions, Feb. 2004, p. 2. Contact your local legal services program, **Appendix D**, if this is a problem for you.

DTA provides limited transportation help to Work Program participants participating in education, training, job search or paid work. See **Question 97**. See **Appendix E** (DTA Online Guide Links). If you cannot meet the Work Program rules because you do not have or cannot afford transportation, you have good cause for not meeting the rules. See **Question 58**; DTA Operations Memo 2011-34 (July 5, 2011); DTA Transitions, July 2015, p. 5.

DTA will authorize child care for up to three months so you can look for an activity plus two weeks if you have used up your three months and you are waiting to start an activity. See **Question 93**. If you already have child care and have an activity scheduled to start within a month, DTA will authorize child care so you do not lose your child care arrangements. 106 C.M.R. § 707.210(A)(2); DTA Transitions, Nov. 2012, p. 4. DTA will authorize child care you need child care to do a work activity so you can get back on benefits after you have been cut off by the time limit or for not complying with work requirements. **Appendix E** (DTA Online Guide Links).

5 What happens if you do not meet the Work Program rules?

The Work Program was suspended during the pandemic. DTA has reinstated the work rules but has not reinstated sanctions.

Unless you are exempt from the “Work Program” requirements, which include having an “Employment Development Plan,” DTA may lower or stop your TAFDC for not meeting the requirements. See 106 C.M.R. § 707.200.

Starting an activity. If you are under the work requirement, you have the right to pick an activity. See **Question 49**.

If you don’t have an activity. DTA is supposed to refer you to an appropriate activity. DTA gives or sends you a form for you to take to the program providing the activity and requires you to get it signed and turned in to DTA. DTA also sends you an Employment Development Plan stating the activity they are saying you must do.

If you don’t agree with the activity DTA picked. If you do not think that the activity DTA picked makes sense for you or will be possible for you to do, contact your worker or the Full Engagement Worker in your DTA office. If you explain that you want to do an appropriate activity and will work with DTA to enroll in one, DTA should allow this. **Appendix E** (DTA Online Guide Links).

If you don’t follow up on the referral from DTA. You must enroll in a Pathways to Work activity or start work before the end of your 60-day Pathway to Work Planning Period. If you haven’t gone to the place DTA referred you within 20 days or contacted your DTA office about getting a different activity, DTA will send you a “warning notice” saying DTA will lower your TAFDC.

Lowering your TAFDC. If you haven’t worked things out with DTA, then 10 days after the warning notice, DTA will send you a notice telling you that your TAFDC will be lowered because you are not meeting the work requirement. DTA will also send another referral to an activity. If

Part 3 ■ Time Limit and Work Program Rules and Exemptions

you contact DTA and agree to do an appropriate activity, DTA should remove the sanction. **Appendix E** (DTA Online Guide Links).

Stopping TAFDC to your whole family. If your TAFDC is being lowered and you don't work things out with DTA, then 20 days after the notice about lowering your TAFDC (and the new referral that came with it), DTA will send another "warning notice." Twenty days after that warning notice, DTA will send a notice saying DTA will stop all TAFDC for your family because you did not comply with your Employment Development Plan. If you contact DTA and agree to start an appropriate activity, DTA should stop the termination of your TAFDC or reinstate it if it already stopped. **Appendix E** (DTA Online Guide Links).

Stopping TAFDC if you have another problem later. DTA's computer is set up so that if your TAFDC was ever lowered for not meeting the work requirement and you are later accused of another instance of not meeting the work requirement, DTA skips the step of lowering your TAFDC. The notice you get will be to stop all TAFDC to your family.

If your family's TAFDC is stopped because of not meeting the work requirement or not complying with your Employment Development Plan, you can get your case reopened if:

- You did an activity while your case was closed, such as work, education, training, or job search),
- You do the job search requirements for new applicants. See **Question 102**, below, DTA Online Guide (Applicant Who Has Used 60 Day Work Search),
- DTA did not find you an appropriate and available community service placement. DTA has a duty to find you an appropriate and available community service placement if you need one. See **Question 55** above. DTA Operations Memo 2011-34 (July 5, 2011). If DTA didn't do this, you have good cause for not complying and should be put back on benefits even if you are not doing an activity. See **Question 58**.

Contact your local legal services program, **Appendix D**, if any of the rights described above are violated.

Part 3 ■ Time Limit and Work Program Rules and Exemptions

Advocacy Reminders:

- ✓ A court has said that it may be illegal to stop TAFDC to the whole family because one person did not meet Work Program rules. If DTA cuts off the whole family, contact your local legal services program, **Appendix D**, for help.
- ✓ DTA should not lower or stop your TAFDC if you have a good cause reason for not starting or for missing the activity. See **Question 58**.
- ✓ If you reapply and you have a good cause reason for not doing an activity, you should be treated as meeting the work program. **Appendix E** (DTA Online Guide Links).
- ✓ You should appeal if you have any disagreements, including if your attendance was not recorded correctly or if DTA does not accept your good cause claim. See **Part 8**.
- ✓ Contact your local legal services program, **Appendix D**, if DTA denies you education, training, child care, transportation benefits or earnings deductions because you did not meet Employment Development Plan or Work Program requirements.
- ✓ Your SNAP (food stamp) benefits will not go up when your TAFDC is lowered for not meeting the work requirement. 106 C.M.R. § 365.130.
- ✓ Your SNAP benefits should go up if DTA stops all of your TAFDC, as long as you are complying with SNAP requirements.
- ✓ DTA should not lower or stop your TAFDC for not meeting the work requirement or complying with your EDP if you are exempt, even if you tried to work or do another activity as a volunteer. See **Questions 89-91**.

5 What if you have a good reason for not meeting Work Program rules?

The Work Program was suspended during the pandemic. DTA has reinstated the Work Program but has not reinstated sanctions. The rules below are the rules before the pandemic.

You should not be sanctioned if you have good cause for not meeting the Work Program rules or your Employment Development Plan. Good cause reasons include

- lack of appropriate child care, see **Question 95**,
- illness or disability (yours or a family member's),
- lack of affordable and reliable transportation,
- lack of an appropriate and available community service site identified by DTA, see **Question 55**,
- a family crisis, emergency, or other compelling circumstances,
- the job does not pay minimum wage, violates health or safety standards or discriminates on the basis of sex, race, religion, ethnic origin or disability,
- the job is available because of a strike or lockout, or
- you are participating in housing search. 106 C.M.R. § 701.380(A); DTA Operations Memo 2011-34 (July 5, 2011); **Appendix E** (DTA Online Guide Links).

If DTA thinks you are not meeting the work requirement, it will send you a form listing the good cause reasons. To stop DTA from reducing or cutting off your benefits, circle the good cause reasons that apply, add any other reasons you think are good cause, and return the form to your worker within 10 days.

Part 3 ■ Time Limit and Work Program Rules and Exemptions

Advocacy Reminders:

- ✓ You may have good cause if no one at the work placement speaks your language or the placement is not appropriate for some other reason. See **Question 55**.
- ✓ If you have just been evicted or you are homeless, you may be able to claim good cause on the basis of family crisis, emergency, or other compelling circumstances.
- ✓ Good cause due to family crisis, emergency or other compelling circumstances includes being in a domestic violence shelter or dealing with domestic violence. **Appendix E** (DTA Online Guide Links). You may also be able to get a domestic violence waiver. See **Question 43**.
- ✓ DTA may say you do not have good cause based on lack of appropriate and available child care if the Child Care Resource and Referral Agency won't say that appropriate child care is not available. **Appendix E** (DTA Online Guide Links); DTA Field Operations Memo 2005-1A (Apr. 15, 2005). But you have a right (and a duty as a parent) to take into account what any reasonable parent would consider in deciding whether child care is appropriate. See **Question 95**. Contact your local legal services program, **Appendix D**, and file an appeal if you have not been referred to child care you think is appropriate and you are denied good cause. See **Part 8**.
- ✓ You should be able to claim good cause if you cannot go to the Work Program activity for any reason beyond your control. You should be able to claim good cause if it is reasonable for you not to go the activity under the circumstances. If your worker will not approve your good cause claim, contact your local legal services program, **Appendix D**, and file an appeal. See **Part 8**.

Part 4 Financial Eligibility

5 What is financial eligibility?

You must be financially eligible to get TAFDC benefits. To be financially eligible, your **countable** income must be within TAFDC eligibility limits. If you are within TAFDC eligibility limits, the amount of your grant is figured by comparing your countable income, after any allowable deductions, with the payment standard for your family size. These rules are discussed in more detail in this Part.

6 What is income?

In general, income is money that “comes in.” 106 C.M.R. § 704.100.

An asset is money or property you already have. TAFDC does not count assets effective July 1, 2021. See **Question 63**.

6 What income is not counted?

DTA looks at total monthly income to decide eligibility, but not all income counts. 106 C.M.R. § 704.250.

The following items **do not count** as income:

Part 4 ■ Financial Eligibility

- income of any SSI recipients in the family, including child support received for a child receiving SSI,
- foster care payments you receive for a foster child,
- adoption assistance payments you receive for an adopted child,
- SNAP benefits (food stamps),
- federal and state earned income and child tax credits and tax refunds,
- higher education (college level) grants, loans and work study, including grants from private organizations, **Appendix E** (DTA Online Guide Links),
- up to \$7,500 in relocation payments received by a tenant to leave a foreclosed property plus additional amounts you can verify are being used for relocation expenses, DTA Transitions, Jan. 2008, p. 7,
- any loan that cannot be used to meet current living expenses,
- payments from a reverse mortgage (loan that allows homeowner to withdraw equity from property), see DTA Transitions, Apr. 2007, pp. 4-5,
- training stipends up to \$130 per month,
- reimbursements for training expenses,
- Youthbuild or AmeriCorps earnings or payments to participants,
- earnings of a child under 16,
- earnings of a child who is a full-time student working part-time), see **Appendix E** (DTA Online Guide Links),
- certain restricted cash gifts from persons who are not financially responsible for anyone in the TAFDC household (see **Question 71**),
- the first \$50 a month in child support,
- housing subsidies received under any Massachusetts or federal housing program,

- assistance from social service or other organizations, and
- payments from a guaranteed income program, depending on the program. **Appendix E** (DTA Online Guide Links).

This is not a complete list of noncountable income. The regulations describe over 30 types of noncountable income. Check the regulations for a more complete list. 106 C.M.R. § 704.250.

Advocacy Reminders:

- ✓ DTA has discretion to make additional types of income noncountable. For example, DTA decided that certain payments to participate in a study were not countable. **Appendix E** (DTA Online Guide Links). Advocates can work with DTA to expand the list of noncountable income sources.
- ✓ DTA sometimes counts the earned income of children under age 18 who are not full-time students working part-time. Contact your local legal services program, **Appendix D**, for help.
- ✓ Some employees get “credits” that can be used to pay for benefits such as health insurance, child care, or life insurance. The “credits” may show up on your pay stub as income, but they are not counted for TAFDC or SNAP (food stamps) unless you have the option of taking the credits as cash. See DTA Transitions, Jan. 2006, p. 7 and Feb. 2006, p. 3.
- ✓ Payments from a publicly supported employment program, such as the federal Workforce Innovation and Opportunity Act, are usually not counted for TAFDC or SNAP. This includes some programs that provide summer employment for youth as well as other programs. Contact your local legal services program, **Appendix D**, if DTA is counting payments from a publicly supported employment program in case the payment should not be counted.

6 What income is counted?

Earned and unearned income is counted unless it is specifically excluded.

Earned income

Countable earned income includes wages, tips, salary and earnings from self-employment. 106 C.M.R. § 704.210(A). Subtract business expenses from self-employment income. There are special rules for business expense deductions if you get income from rent. 106 C.M.R. § 704.210(E).

Unearned income

Countable unearned income includes social security (but not SSI), unemployment compensation, veterans' and other pension benefits, paid family or medical leave, and income from trusts. 106 C.M.R. § 704.210(B); **Appendix E** (DTA Online Guide Links).

6 Does TAFDC count assets?

An asset is money or property you already have. 106 C.M.R. § 704.100.

Effective July 1, 2021, TAFDC does not count assets. Because TAFDC does not count assets, DTA should also not count money or property you spent, gave away, or otherwise transferred before you applied for TAFDC. DTA On Line Guide Transmittal 2021-85 (Nov. 10, 2021) (TAFDC and EAEDC: Asset Eligibility Limits Eliminated) – see **Appendix E**.

However, DTA's regulations at 106 C.M.R. § 704.135 still provide for ineligibility of applicants for TAFDC who transferred benefits within 12 months of application. Email info@masslegalservices.org if the transfer of assets rule is a problem for you.

64 What if you are expecting money from an accident or illness?

If you are expecting money from an accident or illness *and* you need TAFDC because of that accident or illness, you have to assign your right to the money to DTA. This includes money from a lawsuit or Workers' Compensation. DTA can reimburse itself from the accident or illness money for the TAFDC you needed because of the accident or illness. 106 C.M.R. § 702.800. The assignment form also covers money you may get for medical expenses.

If you are receiving TAFDC, DTA will apply the lump sum rule to the balance of money that you get from a settlement or Workers' Compensation award. See **Questions 76-78**. Because TAFDC no longer counts assets, you should be able to keep money you got before you applied. See **Question 63**.

Advocacy Reminder:

- ✓ If child support has been paid to the state for the time period covered by the assignment, DTA should *not* reimburse itself again for TAFDC benefits that were paid back through child support payments. Similarly, DTA should not reimburse itself for TAFDC benefits you repaid to DTA after DTA said you were overpaid. Be sure to tell your lawyer about any payments that reduce DTA's claim before the lawyer turns any money from the lawsuit over to DTA.

6 What happens if your child's father (or mother) pays child support?

When you get TAFDC, you have to assign your child support (and spousal support) rights to the state for any person who will be included in the grant. The Department of Revenue (DOR) then collects the support.

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106 C.M.R. §§ 703.500-703.510. DTA should send you the first \$50 a month in support that DOR collects. This is called a child support “pass through.”

The assignment of child support does not cover back support (arrearages) for the period before you began receiving TAFDC. DOR should send this money directly to you. DTA may then try to count this money as income for TAFDC and may try to apply the lump sum rule. See **Question 76**. Email info@masslegalservices.org if you get a back child support payment from DOR and DTA tries to count it as income for TAFDC.

If the child support DOR collects for a month plus other countable income is *more* than your grant plus \$50, DTA should send you the difference. If this happens for two months in a row, DTA should close your TAFDC case and you should get the child support instead (and the month should not count towards your 24 months if you are subject to the time limit). 106 C.M.R. § 704.230; **Appendix E** (DTA Online Guide Links). Even if the child support is less than your grant plus \$50, you can close your case to keep your 24-month time limit clock from running or for any other reason. If you close your TAFDC case DOR must send the support money directly to you. There may be several weeks’ delay before DOR starts sending you the support.

Advocacy Reminders:

- ✓ Only one \$50 a month child support pass (or less) is allowed for each family even if support is paid for more than one child.
- ✓ Support paid for a child receiving SSI does not count against the TAFDC grant but some of it does count against the SSI benefit. 106 C.M.R. § 704.250(A)(1). See also DTA Transitions, Mar. 2002, p. 7.
- ✓ Massachusetts pays most of the support collected for children receiving TAFDC to the state treasury or the federal government. Federal law gives the state the option to pay the money to the children instead.

6 Does DTA ever count money as income even if you do not get it?

DTA counts the money you don't get that is withheld from your paycheck such as the money withheld for taxes, union dues, health insurance, and retirement accounts. DTA also counts money that is withheld from your paycheck to pay child support, back taxes, or a debt.

DTA may also try to count money that is withheld from social security or other benefits to pay back an overpayment. DTA Transitions, May 2013, p. 8. This may be illegal. Contact your local legal services program, **Appendix D**, if this is a problem for you.

DTA regulations say DTA will count income that you transferred within the year before you applied for TAFDC. 106 C.M.R. § 704.135. This is a very unusual situation. If you have a problem with it, email info@masslegalservices.org.

In some cases, DTA counts money as income to you even if all of it was paid to someone else. This is called "deeming." 106 C.M.R. § 704.210(D).

The following questions deal with deeming from a stepparent or ineligible noncitizen parent, **Question 67**, and grandparent deeming, **Question 68**.

6 How does DTA count income of a stepparent or ineligible noncitizen parent?

Your income is counted in figuring your stepchildren's eligibility if you are a stepparent and the child's natural or adoptive parent is also in the home. This is true even though you have not adopted your stepchildren and do not have a legal responsibility to support them. 106 C.M.R. § 704.210(D)(1)(a).

Your income is also counted in figuring your children's eligibility if you are a parent who is an ineligible noncitizen who cannot be in the

Part 4 ■ Financial Eligibility

assistance unit or has chosen not to apply. See **Questions 8** and **32**. 106 C.M.R. § 704.330. See also DTA Transitions, June 2003, p. 2.

Income of a stepparent or ineligible noncitizen parent who lives with a dependent child is counted after deducting

- \$200 a month from earned income,
- support payments paid to people outside the TAFDC unit, and
- the Need Standard (see **Question 73**) for the stepparent or ineligible parent and any dependents living with him or her who are not included in the TAFDC unit. 106 C.M.R. § 704.235(A)(2).

Example

Sonia Novik is a lawful permanent resident who got her status two years ago and does not meet noncitizen eligibility requirements. She has two children who are citizens. She earns \$800 a month. She pays rent. DTA will subtract \$200 a month for work expenses and the Monthly Need Standard for one person of \$506 a month (with the rent allowance). DTA will count \$94 against a two-person grant for the children.

Advocacy Reminders:

- ✓ There is no stepparent deeming to the *child* of a teen parent. For example, a 16-year-old with a baby who lives with her mom and her mom's husband should not have her mom's husband's income deemed unless her mom is also part of the assistance unit.
- ✓ There is no stepparent deeming where the stepparent is the primary caretaker for the child, the natural or adoptive parent is not in the home, and the stepparent is not on the grant. In this situation, the stepparent is treated like any other non-parent relative who is not receiving assistance for herself. See **Question 32**. See DTA Transitions, Oct. 2004, p. 4.
- ✓ There is no stepparent deeming for MassHealth, but stepparent income is counted if the stepparent is the applicant for her or his spouse or child.

6 How is grandparent income counted towards the baby of a teen parent?

If you are a teen parent under 18 and you live with your child's grandparent (your own parent or the baby's other grandparent) the grandparent's income is counted after deducting 200% of the federal poverty guideline for the grandparent, grandparent's spouse and other dependents who are not receiving assistance. 106 C.M.R. § 704.236.

This is true even though your baby's grandparents have no legal responsibility to support your baby.

Family Size	200% of Poverty Monthly
1	\$2,430
2	3,287
3	4,143
4	5,000
These are the 2023 amounts. They usually go up in January or February each year. See http://www.mass.gov/dta/eligibility .	

Example

Sherry is 17. Sherry and her baby live with Sherry's mother, Grace Ryan, and Sherry's 15-year-old sister. Grace Ryan earns \$42,000 per year before taxes, or \$3,500 per month. Subtract 200% of the federal poverty level for a family of two (\$3,287) from Grace's monthly earnings. The difference, \$213 a month, is counted as unearned income against the grant for Sherry and her baby.

Advocacy Reminders:

- ✓ Only the income of a grandparent counts. Do not count income of the teen's stepparent (grandparent's spouse) or the teen's siblings. 106 C.M.R. § 704.236.
- ✓ There is no grandparent deeming if a teen parent lives with a non-parent relative such as an aunt, uncle, older sibling, or her own grandparents, and the relative is not receiving TAFDC.
- ✓ There is no grandparent deeming if the teen parent is 18 or 19.
- ✓ There is no grandparent deeming if the teen has left the home and the grandparents are caring for the teen's baby. The grandparents can get a one-person grant for the baby excluding their income. See **Question 32**.
- ✓ There is no grandparent deeming for MassHealth unless the grandparent applies for MassHealth as part of the family group.

6 What if a stepparent, parent or grandparent refuses to give income information?

If DTA cannot determine your eligibility because you cannot provide information from a stepparent, parent, or grandparent, your family is not eligible. 106 C.M.R. §§ 704.235, 704.236, 704.315.

70 Does DTA count in-kind income?

In-kind income is something you get free, such as free rent, utilities or food. DTA no longer counts in-kind income. DTA Online Guide Transmittal 2019-63 (Aug. 22, 2019) – see **Appendix E**. This change was effective July 1, 2019.

71 Do gifts count as income?

Gifts from Persons with No Financial Responsibility

A friend, charity or relative (except for a parent of a minor child or a spouse) does not have financial responsibility for people receiving TAFDC. The following gifts from people who do not have financial responsibility do not count as income:

- gifts of less than \$30 in a three-month period,
- cash gifts that are restricted for a specific purpose and do not cover the full cost of rent or mortgage, fuel, utilities or food,
- cash gifts that are paid to a vendor. 106 C.M.R. §§ 704.210, 704.250(N), (AA), 704.510; **Appendix E** (DTA Online Guide Links).
- non-cash (in-kind) gifts. See **Question 70**.

Gifts from Persons with Financial Responsibility

A parent of a minor child or a spouse has financial responsibility for the child or spouse. The following gifts from a parent or spouse do *not* count as income:

- gifts (other than child support) of less than \$30 in a three-month period,
- non-cash gifts to the recipient or money paid directly to a vendor on the recipient's behalf. 106 C.M.R. §§ 704.210, 704.250(N), 704.510.

Example 1

Ms. Padilla and her baby are on TAFDC. Ms. Padilla's sister gives her \$200 specifically to help pay Ms. Padilla's \$500 rent. Ms. Padilla's sister is not legally responsible, so the gift is not countable as income.

Example 2

The father of Ms. Rosen's baby gives \$200 directly to Ms. Rosen's landlord to cover part of the rent. The gift is not countable as income since the money is paid to the landlord and not to Ms. Rosen.

Be aware, however, that if a parent pays money directly to a vendor as part of a child support agreement, DTA may try to count the money as income.

You must tell DTA about any child support paid directly to you for a child who is getting TAFDC. DTA may have you turn over the support. If that happens, you should later get a payment from DTA for the first \$50 a month of current child support you turned over.

Advocacy Reminders:

- ✓ One-time gifts that are countable are also treated as lump sum income. See **Question 76**. Recurring gifts that are countable are treated as income only in the month the gift is received. Gifts that are noncountable should not be counted as lump sum income.
- ✓ To avoid risking a fraud referral, it is better to report changes that may affect eligibility such as receipt of gifts, even though DTA should not count these gifts if they meet the noncountable income rules.

7 How do you figure monthly income?

DTA looks at the income you expect to get in the month. If you get the income on a weekly basis, DTA multiplies the weekly amount by 4.333, which is the average number of weeks in a month. If you get the income every two weeks, DTA multiplies the biweekly income by 2.167. 106 C.M.R. § 704.290. This is called "prospective budgeting."

DTA should use the "best estimate" of the income you expect to receive. 106 C.M.R. § 704.290. If your job stopped or you expect to work fewer hours in the coming month, DTA should count the income you expect to

receive, not the income you received before.

Advocacy Reminder:

- ✓ DTA will average the income of workers who have a contractual annual salary. 106 C.M.R. § 704.290(A)(4); DTA Transitions, Sep. 2010, p. 4. DTA should not average the income of school employees and others who get their income during only part of the year but do not have an annual contract or are paid on an hourly basis. DTA may average the income of a teacher who is paid during the school year but has an annual contract. DTA should not average the income of a school cafeteria worker who is paid during the school year and does not have an annual contract.
- ✓ For more information on how DTA counted terminated and other income during the pandemic, see **Appendix E** (DTA Online Guide Links).

7 How much income can you have and still qualify for TAFDC?

DTA has one set of rules for counting income for *applicants* to determine if they qualify for TAFDC and a different set of rules to calculate the amount of the benefit. **Question 73** deals with *applicant* eligibility, sometimes called *getting in the front door*. **Questions 74** and **75** deal with how DTA calculates benefits once you get in the front door.

Step One. Subtract allowable deductions from gross earned income –

Start with your monthly gross earned income and deduct in the following order

- \$200 for work expenses. This is a flat amount regardless of how much your work expenses really are. 106 C.M.R. § 704.270
- One-half of what is left after the \$200 work expense deduction **if you were a recipient within the four months before you apply**. 106 C.M.R. § 704.280. DTA calls this the 50% disregard.

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- Dependent care costs. Deduct actual dependent care costs (including costs of transportation to and from child care) up to DTA’s maximum dependent based on the age of the dependent and the number of hours you work. 106 C.M.R. § 704.275. Determine the maximum deduction you can take for each dependent using DTA’s table. **Appendix E** (DTA Online Guide Links).

Maximum Dependent Care Deductions			
Hours of Work		Age of Dependent	
Weekly	Monthly	2 or over	Under 2
1-10	1-43	\$44	\$50
11-20	44-87	\$88	\$100
21-30	88-130	\$132	\$150
31+	131+	\$175	\$200

Step Two. Subtract allowable deductions from unearned income –

You can deduct the first \$50 a month in child support for children who are included in the grant. See **Question 61**.

Step Three. Figure your countable income –

Add earned and unearned income after the deductions allowed above. Include deemed income. See **Questions 62-71**.

Step Four. Compare your total monthly countable income with the Need Standard for your family size –

- Use the Standard with the rent allowance if you live in private, unsubsidized housing.
- Use the lower standard without the rent allowance if you do not pay rent, you live in a teen parent living program, or you live in public or subsidized housing and the rent of at least one of the occupants is based on a percentage of income. 106 C.M.R. § 705.910.
- Be sure to use the higher Standard in September when the clothing allowance is paid.

If your total monthly countable income is less than the Need Standard for your family size, you got in the front door. Go to the next two questions to figure your monthly TAFDC grant.

Assistance Unit Size	Effective Oct. 2022 No rent allowance	Effective Oct. 2022 With rent allowance
1	\$513	\$553
2	\$648	\$688
3	\$783	\$823
4	\$912	\$952
5	\$1,045	\$1,085
6	\$1,183	\$1,223
7	\$1,316	\$1,356
8	\$1,448	\$1,488
9	\$1,580	\$1,620
10	\$1,714	\$1,754
Increment	\$139	\$139
<p><i>Important Note:</i> The Need Standards go up in September by the amount of the clothing allowance for each eligible child (\$450 in September 2023) <i>*The state legislature approved a 10% increase to grant amounts to be effective April 2024, but the increases were eliminated in January 2024 by 9C budget cuts issued by the Governor.</i></p>		

Advocacy Reminders:

- ✓ Because the Need Standards are higher in September, a family may qualify in September with income that would have made the family ineligible in previous months.
- ✓ DTA may deny you the \$200 work expense deduction, the 50% or 100% earned income disregards, and the dependent care deduction if you left a job without good cause, did not report your earned income on time, or you are under sanction or otherwise excluded from the assistance unit. 106 C.M.R. §§ 704.270(B), 704.275, 704.280. This may not be legal. For help, contact info@masslegalservices.org, **Appendix D.**

Part 4 ■ Financial Eligibility

- ✓ The assistance unit does not include SSI recipients or foster children. Do not count their income and do not include them in the assistance unit size. See **Question 30**.
 - ✓ DTA should not ask you for verification that you pay for private, unsubsidized housing unless the amount you report raises questions. DTA Operations Memo 2011-21 (June 29, 2011).
 - ✓ Some programs, such as tax credit programs, subsidize owners, not tenants. Unless you are in a teen living program, DTA rules do not consider you to be living in subsidized housing unless the rent is a based in whole or part on a percentage of a tenant's income. See DTA Transitions, Apr. 2001, p. 5; **Appendix E** (DTA Online Guide Links).
 - ✓ You can get the rent allowance if your mortgage is paid off as long as you verify other housing expenses such as property taxes, condo fees or home insurance. **Appendix E** (DTA Online Guide Links).
 - ✓ You can get the rent allowance if you have HomeBASE assistance as long as you pay for private housing. **Appendix E** (DTA Online Guide Links).
-

7

What is the 6-month 100% earned income disregard?

Once you get through the front door and qualify as an applicant, DTA will disregard (not count) any of your earned income for 6 months in figuring the amount of your grant as long as your total family income is not over 200% of the Federal Poverty level. DTA calls this the 100% disregard because DTA is disregarding (not counting) 100% of your earned income. 106 C.M.R. § 704.281.

How are the 6 months calculated?

- DTA counts the 6 months as 12 regular payments (two payments per month). The 12 payments do not have to be consecutive. DTA tracks the 12 payments in its computer system.

- If you got a partial payment before you got a regular payment, the partial payment should not count as one of your 12 regular payments.
- If you start working while you are getting TAFDC, DTA counts the first TAFDC payment you get after DTA updates your case with the new job information.
- In a two-parent household, each parent can get the 100% disregard for up to 12 payments.
- If you stop working while you are on TAFDC and DTA counted payments you got when you did not have earned income, DTA can tell the computer system that those months should not be counted. 106 C.M.R. § 704.281; **Appendix E** (DTA Online Guide Links).

What if your TAFDC case closes and you reapply and get back on TAFDC?

- If your TAFDC case closes and you reapply with the same employer, you are eligible for the 100% disregard only if you haven't used up your 12 100% disregard payments.
- If your case is closed for 30 days or more and you reapply with a new employer, you are eligible for another 6 months (12 payments) with the 100% disregard. 106 C.M.R. § 704.281; **Appendix E** (DTA Online Guide Links).

How does DTA determine if total income is below 200% of the Federal Poverty Level?

- See **Question 68** for a table with 200% of the Federal Poverty Level (FPL) by family size. The amounts will increase in January or February.
- Household size for the 100% disregard does not include SSI recipients or their income. Household size also does not include ineligible noncitizen parents even though their income is counted.
- Deemed income (e.g., stepparent income) counts towards the 200% FPL limit.

- Income of an ineligible noncitizen parent counts.
 - Income of an SSI recipient does not count. 106 C.M.R. § 704.281; **Appendix E** (DTA Online Guide Links).
-

75 How much will you get each month?

This is how DTA figures your grant amount once you qualify as an applicant and get in the front door. See **Question 75**.

Step One: Figure your countable *earned* income –

Start with your **monthly gross earned income** and deduct in the following order –

- The 100% earned income disregard if you are eligible for it, see **Question 74, or**
- The following deductions if you are not eligible for the 100% earned income disregard:
 - \$200 for work expenses. This is a flat amount regardless of how much your work expenses really are.
 - One-half of what is left after the \$200 work expense deduction.
 - Dependent care costs. Deduct actual dependent care costs (including costs of transportation to and from child care) up to DTA’s maximum based on the age of the dependent and the number of hours you work. 106 C.M.R. § 704.275. See **Question 73**.

What is left after these deductions is your countable earned income.

Step Two: Then figure your countable *unearned* income –

- Do not count child support for a child who is included in the grant.

- Add deemed income. See **Questions 62-71**.

What is left after these deductions and additions is your countable unearned income.

Step Three: Then figure your total countable income –

- Add countable earned and unearned income.
- Subtract your total monthly countable income from the Payment Standard for your family size. See below.
 - Use the Standard with the rent allowance if you live in private, unsubsidized housing.
 - Use the lower standard without the rent allowance if you do not pay rent, you live in a teen parent living program, or you live in public or subsidized housing and the rent of at least one of the occupants is based on a percentage of income. 106 C.M.R. § 705.910.
- The result is your monthly grant. See 106 C.M.R. § 704.500.

In September, add \$450 for the clothing allowance for each eligible child to the Payment Standard before subtracting your countable monthly income. Even if the result is less than the clothing allowance, you are still eligible for the full clothing allowance for each child.

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Assistance	Effective Oct. 2022	Effective Oct. 2022
Unit Size	No rent allowance	With rent allowance
1	\$513	\$553
2	\$648	\$688
3	\$783	\$823
4	\$912	\$952
5	\$1,045	\$1,085
6	\$1,183	\$1,223
7	\$1,316	\$1,356
8	\$1,448	\$1,488
9	\$1,580	\$1,620
10	\$1,714	\$1,754
Increment	\$139	\$139

Important Note: *The Need Standards go up in September by the amount of the clothing allowance for each eligible child (\$450 in September 2023)*
**The state legislature approved a 10% increase to grant amounts to be effective April 2024, but the increases were eliminated in January 2024 by 9C budget cuts issued by the Governor.*

Advocacy Reminders:

- ✓ DTA may deny you the \$200 work expense deduction, the 50% or 100% earned income disregards, and the dependent care deduction if you left a job without good cause, did not report your earned income on time, or you are under sanction or otherwise excluded from the assistance unit. 106 C.M.R. §§ 704.270(B), 704.275, 704.281(C). This may not be legal. Email info@masslegalservices.org if DTA denies you the work deductions and disregards for any of these reasons.
- ✓ The assistance unit does not include SSI recipients or foster children. Do not count their income and do not include them in the assistance unit size. See **Question 30**.

- ✓ DTA should not ask you for verification that you pay for private, unsubsidized housing unless the amount you report raises questions. DTA Operations Memo 2011-21 (June 29, 2011).
 - ✓ Some programs, such as tax credit programs, subsidize owners, not tenants. Unless you are in a teen living program, DTA rules do not consider you to be living in subsidized housing unless the rent is based in whole or part on a percentage of a tenant's income. See DTA Transitions, Apr. 2001, p. 5.
 - ✓ You can get the rent allowance if your mortgage is paid off as long as you verify other housing expenses such as property taxes, condo fees or home insurance. **Appendix E** (DTA Online Guide Links).
-

7 What is lump sum income and why is it a problem?

You are about to receive a settlement from an accident.

You finally got back money from unemployment compensation.

Your luck has finally changed – *or has it?*

Lump sum income is money that you do not get regularly, such as a lottery award, an inheritance, a lawsuit award or settlement, or an award for back unemployment compensation. 106 C.M.R. § 704.240.

If you or your children get this money *while you are on TAFDC*, you will be ineligible for TAFDC for a certain number of months. This number of months is equal to the amount of the lump sum divided by the monthly standard of need for your family size. 106 C.M.R. § 704.240(D). You can deduct the first \$600 in lump sum income. 106 C.M.R. § 704.250(B).

Example

Martha and her two children get a TAFDC grant of \$783 a month. Martha gets a check from an accident settlement for \$6,000. She can deduct \$600 from the settlement. The rest, \$5,400, divided by her

Part 4 ■ Financial Eligibility

monthly standard of need, \$783, is 6.9. Martha and her children will be ineligible for TAFDC for seven months, and some of the lump sum will count against her grant when she goes back on TAFDC in the eighth month.

Advocacy Reminders:

- ✓ The lump sum rules only apply to money you get while you are on TAFDC. Money you received before you applied for TAFDC or while your TAFDC case was closed is not subject to the lump sum rules. See DTA Transitions, May 2010, pp. 3-4; DTA Transitions, Jan. 2004, p. 2.
- ✓ There is no lump sum rule for SNAP (food stamps) or MassHealth.
- ✓ Applying the lump sum rule to any money other than inheritances, lottery or other contest winnings, or damage awards may be illegal. For example, the lump sum rule should not apply to back child support. Email info@masslegalservices.org if DTA tries to apply the lump sum rule to back child support.
- ✓ Money in a pension fund is an asset and should therefore not be countable as income when it is withdrawn, but DTA has said that a one-time withdrawal from pension funds may be considered lump sum income. DTA Transitions, Feb. 2014, p. 5. DTA's position may not be correct or legal.
- ✓ Retroactive TAFDC benefits are not countable as income and are therefore not subject to the lump sum rule. 106 C.M.R. § 704.250(DD).

7 Can you exclude any money from the lump sum rule?

You can exclude all money that is non-countable. See **Question 61**. You can exclude the \$600 deduction.

You can exclude money from a lawsuit or settlement that was intended to replace property or to reimburse you for expenses and which you actually used to pay for or replace these items. 106 C.M.R. § 704.240(A)(3), (A)(4), (B)(3), (B)(4); DTA Transitions, May 2010, p. 3.

You can exclude money that someone (like a landlord or a utility company) refunded to you if you originally paid them with your cash assistance benefits. 106 C.M.R. § 704.250(EE).

You can exclude up to \$7,500 in relocation payments you received to get you to leave a foreclosed property plus additional amounts you can verify are being used for relocation expenses. DTA Transitions, Jan. 2008, p. 7.

In addition, you can exclude money you spent for back bills you incurred while you were waiting for the lump sum, but only if you spent the money for

- medical care or health insurance,
- transportation costs (up to \$150 per month),
- purchase, replacement or repair of basic household furniture or specific appliances (does not include television or other electronic equipment) up to \$2,500,
- basic repairs to your home up to \$2,500, provided you own the home,
- court-ordered judgments, including child support or alimony,
- taxes and other debts to the government. 106 C.M.R. § 704.240(B)(4); DTA Transitions, Oct. 2006, p. 4.

If someone else paid for these things for you and you paid the person back after you got the lump sum, you can deduct what you paid. However, you must have written verification that you owed the money and used the lump sum to pay your debt.

Sometimes you can exclude money received because of injury to a legally incompetent person (a child is legally incompetent), if the money is placed in an irrevocable trust for the injured person and is restricted for certain purposes. You will need a lawyer to set up the trust. 106 C.M.R. § 704.240(B)(5).

Advocacy Reminders:

- ✓ Money you received before you applied for TAFDC or while your TAFDC case was closed is not subject to the lump sum rule. DTA Transitions, May 2010, pp. 3-4; DTA Transitions, Jan. 2004, p. 2.
 - ✓ You should be able to exclude money you put into a savings account designated as an “economic independence account.” DTA is required by a 2014 state law to allow you to save money for a specified purpose in an “economic independence account.” See G.L. c. 118, § 16. DTA has not implemented this law. Email info@masslegalservices.org for more information.
-

7 What happens if you run out of money before the lump sum time is up?

You can get your lump sum period of ineligibility recalculated only if

- you had to spend the money or lost it because of a natural disaster,
- because of domestic violence you had to spend the money on daily living expenses or no longer have the money, see DTA Transitions, Feb. 2008, p. 4; **Appendix E** (DTA Online Guide Links),
- you spent the money on the expenses listed in **Question 77**,
- you were not eligible for SNAP (food stamps) and spent the money on food, *or*
- your TAFDC standard of need has increased because your assistance unit is bigger than it was when your period of ineligibility was calculated or for some other reason. 106 C.M.R. § 704.240(E), (F).

Advocacy Reminders:

- ✓ Recalculation does not necessarily mean that you can get back on assistance right away. Because the lump sum rules are so complicated and because the consequences of spending your lump sum on disallowed expenses are so severe, it is important to check the rules *before* you get the money, whenever possible. If a lawyer is representing you in a lawsuit that may bring you money, make sure the lawyer is familiar with the lump sum rules before trial or settlement of the case. *Do not rely on oral information from your case worker about how you can spend a lump sum.*

- ✓ The standard of need increases in September when the clothing allowance is paid. See **Question 73**. If your period of ineligibility includes September, you might be able to get it recalculated using the higher standard of need. Email info@masslegalservices.org for more information.

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7 What are the basic benefits available to TAFDC recipients?

- The basic grant amount depends on the number of people in your TAFDC assistance unit (the number of people your grant is for) and your net countable income. See **Part 2 Assistance Units** and **Question 75** on how much you will get each month.
- The basic grant includes a \$40 per month rent or mortgage allowance if you pay for private, unsubsidized housing. 106 C.M.R. § 705.910.
- Your family automatically qualifies for MassHealth, 106 C.M.R. § 705.100.
- In September, you will receive a clothing allowance for each individual in the assistance unit who is under age 19 (\$450 per child in September 2023). 106 C.M.R. §§ 704.420, www.mass.gov/dta/eligibility. This includes pregnant or parenting teens under age 19.

The minimum grant amount is \$10 a month. If you are eligible for at least \$1 but less than \$10 you will not get a cash payment but you will still be considered a recipient for purposes of MassHealth and other benefits (and you will get the clothing allowance in September). 106 C.M.R. § 704.500.

Advocacy Reminders:

- ✓ If you are not receiving a cash grant because of the \$10 minimum, you

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are still subject to the time limit and Work Program if you are not exempt. You can choose to close your TAFDC case if you do not want to have these rules apply to you. You can apply for MassHealth and SNAP (food stamp) benefits separately and in most cases will continue to be eligible for them. You can reapply in late August or in September to get the clothing allowance in September.

- ✓ The DTA worker has a duty to help identify any benefits you might be eligible for. 106 C.M.R. § 701.220(A); DTA Transitions, Aug. 2007, p. 5.
- ✓ You are eligible for the full \$450 clothing allowance for each child in the assistance unit under age 19. You can apply any time in September and get the full clothing allowance. You can get the full clothing allowance even if you would not be eligible for TAFDC without the September increase in the Need and Payment Standards. **Appendix E** (DTA Online Guide Links).
- ✓ The clothing allowance amount is set in the annual state budget. Advocacy is sometimes needed to keep the clothing allowance from going down and to get it increased.
- ✓ In recent years, DTA has been depositing the clothing allowance at the end of August for children receiving TAFDC in August. Applicants approved for TAFDC in September sometimes have to wait until later in the year to get the clothing allowance.

80 When will you get your TAFDC benefits?

TAFDC benefits are deposited twice a month directly to your bank account or electronic benefits transfer (EBT) account. See **Question 81**. The date of the deposit depends on the last digit of your Social Security number. You get half of the monthly grant at a time. 106 C.M.R. §706.400. The day of the first deposit in the month is the beginning of your cyclical month. The cyclical month ends the day before the first deposit would be due in the following month.

Timetable for Deposit of Cash Benefits		
Last Digit of Social Security Number	Day of the Month	
	First Deposit	Second Deposit
0	1	16
1	2	17
2	4	19
3	5	20
4	7	22
5	8	23
6	10	25
7	11	26
8	13	28

9	14	29
Benefits due on Sunday are deposited on Saturday. Benefits due on a holiday are deposited the day before the holiday. Unless it is a leap year, the second February benefit deposit for Social Security numbers ending in 9 is deposited on the 28 th .		

Advocacy Reminders:

- ✓ The day of the first deposit in the month is the start of the cyclical month. DTA uses the cyclical month (not the calendar month) to calculate benefits.
- ✓ If you are a new applicant, your first deposit may be on a different day of the month than your regular deposit.

8 How will you get your grant—direct deposit or electronic benefits transfer?

Your TAFDC grant will be deposited directly to your bank account if you have an account. Otherwise your TAFDC grant will be paid through electronic benefits transfer (EBT). 106 C.M.R. §§ 706.400-706.420. You cannot get paid by check except in special circumstances.

How to get and use your EBT card

DTA will issue you an EBT card to withdraw money from your cash benefits transfer account and to access your SNAP (food stamp) benefits. 106 C.M.R. §§ 701.450, 706.420.

- A state law requires EBT cards for certain cardholders to include a photo of the cardholder. You may be exempt from this requirement if you are age 18 or younger, age 60 or older, blind, disabled, a victim of domestic violence, have a religious objection to the photo, or you are

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not included in the grant. If the Massachusetts Registry of Motor Vehicles has your photo, DTA may use that photo for your EBT card. Otherwise, you may have to go the local DTA office to have your photo taken. Massachusetts General Laws c. 18, § 2(B)(k); DTA Operations Memos 2014-28 (June 11, 2014), 2013-57A (Nov. 25, 2013), 2013-58A (Nov. 25, 2013).

- You can use your EBT card to get your cash benefits wherever you see the NYCE logo (at bank ATMs). You can also use the card to get your cash benefits and to make purchases wherever you see the QUEST logo. State law bars certain establishments from accepting EBT cards.

This includes liquor stores, casinos, jewelry stores, manicure shops, and others. 106 C.M.R. § 701.225; DTA Operations Memo 2012-49 (Oct. 11, 2012).

- You can make up to two ATM withdrawals a month from your cash benefits transfer account without being charged a fee by the EBT company. After that, the fee is 75 cents for each withdrawal. You can make as many ATM balance inquiries as you want without paying a fee.
- Some banks charge another fee just for using their ATM. If you withdraw cash from an ATM owned by Bank of America, Citizens Bank or Sovereign Bank, you will not be charged a bank fee. Other ATM owners also offer free EBT cash withdrawals. Always check the fee notices at the ATM before making a withdrawal.
- Some stores allow cash back with your EBT purchases. There is no EBT or ATM fee for cash back.
- To use the card you need to have a Personal Identification Number (PIN). The PIN is the key that unlocks your account. DTA will assign you a PIN. You can change your PIN at the local office or by mail or by calling customer service at 1-800-997-2555. DTA Field Operations Memo 2005-31 (July 28, 2005). Choose a PIN that is easy for you to remember but hard for other people to guess.
- Keep your PIN a secret.
- Never write your secret PIN on your card.

- Call customer service at 1-800-997-2555:
 - If you have questions or problems using your card or secret PIN.
 - To find out your cash or SNAP (food stamp) account balance.
 - To find out where you can use your card.
- Call your local DTA office to change your PIN. See DTA Operations Memo 2011-9 (Feb. 25, 2011).
- If you leave more than a month's worth of benefits in your cash benefits transfer account, your worker may call you in for an eligibility review because DTA suspects you do not really need the money. If you want to prevent this from happening, you should withdraw enough from your account so that the balance will be less than your monthly grant, or you can switch to direct deposit.
- If you do not withdraw money from your cash benefits transfer account for 90 days, DTA will put a stop on your card. You have six months to get the stop lifted and get your benefits back. You will have to explain why you did not withdraw benefits for 90 days. 106 C.M.R. § 706.420(D).

Direct Deposit

If you have a bank account, your cash benefits will be deposited directly to your bank account. You will still need to use your EBT card to get your SNAP (food stamp) benefits. You can get your cash benefits through EBT even if you lack transportation to the bank or the co-owner of the account has abused you. Or, you can close your bank account and switch to getting your cash benefits through EBT. **Appendix E** (DTA Online Guide Links).

Account fees and service charges depend on the bank. Most Massachusetts banks have a basic banking service account with no fees or low fees. See www.basicbanking.org. DTA will not review your bank balance to see if you are using your benefits and will not expunge unused benefits from a bank account. See **Question 84**.

What if benefits are missing from your account?

Thieves have been stealing cash and SNAP benefits from EBT accounts. In some cases, the thieves put a “skimming” device on ATMs or POS (Point of Sale) terminals to capture your account information and PIN. With that information they create a fake card and access your benefits.

- Call your worker or your local DTA office right away to report the stolen cash benefits and ask for replacement. You can call DTA’s Stolen Benefits Line at 833-602-9247. If you can’t get through to your local office, call DTA’s Ombuds Unit: 617-348-5354.
- The thieves cannot access your benefits if they don’t have the current PIN. To change your PIN, call 1-800-997-2555.

Advocacy Reminders:

- ✓ If you wish, you can pick someone else to withdraw money from your account or buy food for you with your EBT card, either on a regular basis or in an emergency. This is called an “authorized representative.” If you want, you can have DTA issue two EBT cards – one for you and one for your authorized representative. An authorized representative has access to all your money and SNAP (food stamp) benefits, so be sure you trust the person you pick. 106 C.M.R. § 701.370.
- ✓ If you have problems with your EBT card, for example if the machine tells you the wrong amount of your benefits, call EBT Customer Service at 800-997-2555. Contact your local legal services program, **Appendix D**, if your problems are not fixed.
- ✓ Head coverings worn for religious reasons do not have to be removed for the photo if the face is not covered. If you have a religious reason for not having a photo or for not uncovering your face for the photo, ask to speak to a DTA worker. DTA Operations Memo 2013-58A (Nov. 25, 2013).

8 What should you do if you need to replace or change your EBT card?

Call EBT customer service, 1-800-997-2555, to report a lost or stolen card.

To replace an EBT card:

- Go in person at a DTA office,
- Go to the DTA Connect mobile app and request an EBT card (click “benefit detail” and then “EBT Card Status”),
- Go to DTACConnect.com and go to 'My Info', click “view more” and then click on Request an EBT Card, *or*
- Call your DTA worker or local DTA office or call the DTA Assistance Line at 1-877-382-2363.

See **Question 104** for information about DTA Connect. You can also call or go to your local DTA office.

DTA may deduct a \$5 replacement fee from your next TAFDC semi-monthly grant. If your cash account does not have enough funds to collect the fee, it will be deducted from your SNAP benefits. See DTA Operations Memo 2014-7 (Feb. 6, 2014). You should not be charged a replacement fee if:

- You do not get any cash assistance.
- You need a replacement because of a disability. Ask for an accommodation. See **Questions 24-25**.
- You need a replacement because of domestic violence. Ask for a domestic violence waiver. See **Questions 28 and 43**.
- You have a new SSN or changed your name.

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- Your card was lost or damaged in the mail.
- Your card is defective.
- DTA mailed you a card, but you ask for another card before the one that was mailed arrives or was used.
- You got an emergency card that does not have your name on it and you want a card with your name.
- You applied for benefits and got a card but you were not approved and never used the card.
- Your case was closed for 30 days or more, you reapply, and you no longer have the card that was issued before.
- You lost your card in a disaster or fire or flood.

If DTA plans to charge the \$5 replacement fee, it will give or send you a form notice that says you will be charged. You can request a refund.

If you request four or more replacement cards in a 12-month period, you will have to speak with a DTA worker to get another card. If your worker is not available, you should speak with the worker on duty. See DTA Operations Memos 2014-7 (Feb. 6, 2014); 2013-18 (Apr. 24, 2013); 2013-16 (Apr. 10, 2013).

DTA should issue your replacement card the day you request it or the following day. DTA says it doesn't have to keep to these time frames for certain clients requesting five or more replacement cards in a 12-month period. If you are subject to these special rules, DTA will say you have to come back to the DTA office to meet with a Fraud Investigator before DTA will give you a replacement card. See **Appendix E** (DTA Online Guide Links). This will delay getting you the replacement card may not be legal.

Advocacy Reminders:

- ✓ You will not get notice of your right to appeal the \$5 fee and you will not get notice of the reasons a fee should not be charged. This lack of notice may not be legal. Contact a legal services advocate, **Appendix**

D, if you want to challenge the fee.

- ✓ You may not get notice of denial and notice of appeal rights if a request for refund is denied. This may not be legal. Contact your local legal services program, **Appendix D**, if your refund request is denied.
-

8 What are the rules about what you can buy?

You are not allowed to use TAFDC benefits to pay for:

- alcohol,
- cigarettes or other tobacco products,
- marijuana or marijuana products,
- lottery tickets or other gambling,
- jewelry,
- vacation services,
- court ordered fees, fines, bail or bail bonds,
- tattoos or body piercings,
- firearms and ammunition,
- pornographic material or performances, *or*
- a television, stereo, video game or console at a rent-to-own store.

If DTA finds that you knowingly paid for something in violation of these rules,

- for the first offense, you will have to pay DTA back from your benefits for the amount of the purchase,

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- for the second offense, you will have to pay DTA back and lose your portion of the cash assistance grant for two months,
- for the third offense, you will have to pay DTA back and permanently lose your portion of the cash assistance grant. 106 C.M.R. § 701.225; DTA Operations Memo 2013-56 (Nov. 21, 2013).

Advocacy Reminders:

- ✓ There is also a list of places that are not supposed to accept TAFDC benefits held on an EBT card. These include jewelry stores, rent-to-own stores, manicure shops, cruise ships, tattoo parlors, and marijuana establishments. Massachusetts General Laws c. 18, § 5J. The law does not provide for penalties for recipients whose benefits are accepted by an establishment in violation of this law, but DTA says that the penalties for making prohibited purchases with TAFDC benefits also apply if you use your EBT card at an establishment that is not supposed to accept it. Contact your local legal services program, **Appendix D**, if that is a problem for you.
- ✓ You have a right to use your EBT card to make purchases outside Massachusetts if you wish. DTA may try to close your case if DTA thinks that a pattern of EBT purchases outside Massachusetts shows that you are no longer a resident of Massachusetts. DTA Operations Memo 2013-34 (July 26, 2013). Email info@masslegalservices.org if this is a problem for you.

84 When can DTA take money back?

DTA sometimes takes back benefits that were deposited to your EBT account. DTA calls this “expunging” or “purging” benefits.

- DTA expunges TAFDC benefits in an EBT account that were not accessed for 90 days. You can ask DTA to give you back the benefits

that were expunged, but DTA will only give back the benefits if you can show that there was an emergency or similar reason you could not access the benefits. 106 C.M.R. § 706.420(D). DTA Operations Memos 2014-8 (Feb. 6, 2014), 2014-9 (Feb. 6, 2014).

- If your TAFDC EBT balance goes over \$4,000, DTA will send you a notice to contact DTA. If DTA decides you didn't respond to the notice, DTA will close your TAFDC case but will re-open it if you are eligible. 106 C.M.R. § 706.420(F).

Advocacy Reminder:

- ✓ DTA cannot expunge benefits that are deposited to a bank account.
-

8 What other benefits do TAFDC recipients get?

DTA will pay

- up to \$300 for an infant who is less than six months old. DTA sometimes pays this benefit without your asking for it, but it is a good idea to ask for it. DTA calls this a “crib and layette” payment. You can use it for anything you need for the baby. 106 C.M.R. § 705.600; DTA Transitions, Aug. 2007, p. 5.
 - DTA is supposed to tell you about benefits you may be eligible for. If DTA knew you had a baby less than six months old and didn't suggest you apply for the infant benefit payment, you can ask for the benefit after the baby is six months old.
- a “relocation” benefit up to \$1,000 for expenses related to moving to permanent housing, such as advance rent, security deposit, rent or utility arrears, storage, moving costs, or critical household furniture or equipment for recipients who have been in an emergency shelter, a

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domestic violence shelter or a temporary housing arrangement provided through the Department of Housing and Community Development for 60 days or more and for some older teens who have been in a teen living program for 60 days or more. 106 C.M.R. § 705.350; DTA Operations Memos 2012-19 (Apr. 25, 2012) and 2011-48 (Nov. 3, 2011); **Appendix E** (DTA Online Guide Links); DTA Transitions, May 2008, p. 8, Feb. 2007, p. 4.

- up to \$1,100 for funeral and burial expenses for a TAFDC applicant or recipient and other people who do not have resources to pay for funeral and burial. Total expenses cannot exceed \$3,500. 106 C.M.R. §§ 705.700-705.710; DTA Operations Memo 2012-35 (July 23, 2012); DTA Transitions, Sept. 2012, pp. 5-6.

You are also eligible for education and training services under the Pathways to Work Program and for child care if you are working or in an approved education, training or job search program. You may be eligible for transportation assistance. The Department of Elementary and Secondary Education will pay for HiSET (high school equivalency) tests. See **Questions 89-90, 97**.

After your TAFDC case closes you may be eligible for subsidized child care, see **Question 93**, and for a temporary cash stipend, see **Question 86**.

Homeless families and pregnant individuals may also be eligible for emergency shelter through the Department of Housing and Community Development. Apply by calling 866-584-0653 or at your local DTA office if it is open. See <https://www.mass.gov/how-to/find-emergency-family-shelter>.

8 Can you get Transitional cash benefits after you leave TAFDC?

If your TAFDC case closes because your countable earned income is more than the TAFDC grant, you are eligible for Transitional Support Services (TSS) cash payments.

- TSS stipends begin when a case has been closed for 30 days because of countable earned income. The stipends are paid according to the following schedule:

	Work Expense Stipend	Transportation Stipend
Month 1 (30 days after TAFDC closing)	\$200	\$80
Month 2	\$150	\$60
Month 3	\$100	\$40
Month 4	\$50	\$20

- TSS payments are not paid if the TAFDC case reopens.
- DTA issues TSS stipends once a month based on the last digit of your Social Security Number.
- DTA deposits TSS stipends into your EBT account or your bank account.
- You do not have to apply for TSS. The payments are automatic if DTA says you qualify. DTA Online Guide (Transitional Support Services).

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Advocacy Reminders:

- ✓ If your countable earned income is more than the TAFDC grant and you want to close your case, be sure to tell your DTA worker before you close your case so you don't miss out on TSS.
- ✓ TSS payments do not count for SNAP. DTA Online Guide Transmittal 2016-69 (Dec. 9, 2016). Because the payments are temporary, there is a good argument that they should not count for other benefit programs.
- ✓ In most cases when your TAFDC closes, DTA should recalculate your SNAP without the TAFDC grant and also without any new income in the month of the closing. You will then get a higher SNAP benefit for 5 months and will not have to report any changes to DTA during those 5 months. DTA calls this TBA, which stands for Transitional Benefits Alternative. See **Appendix E** (DTA Online Guide Links). DTA may fail to issue you the higher TBA SNAP benefit. Email info@masslegalservices.org for help.
- ✓ DTA has an unwritten policy of not paying TSS when the grantee is an ineligible noncitizen. Email info@masslegalservices.org for help.

8 What if DTA makes a mistake and owes you money?

DTA has to correct all underpayments. 106 C.M.R. § 706.210. An underpayment is any mistake that makes you get less than you should have gotten. For example, you might be underpaid because

- your worker did not add a new household member to your grant on time,
- DTA counted income against your grant that should not have been counted,
- DTA denied or stopped benefits because of missing proofs even though it had all the proofs it needed, *or*
- DTA sanctioned you even though you complied with a rule or had good cause for not complying.

If you are underpaid, you should ask DTA in writing to correct the underpayment. If DTA will not make the correction, you can appeal. See **Part 8**.

Advocacy Reminders:

- ✓ DTA regulations say that you can only get an underpayment corrected if you are a current recipient or would be a current recipient if the mistake causing the underpayment had not occurred. 106 C.M.R. § 706.210. These limits on underpayment correction may not be legal. Email info@masslegalservices.org if DTA refuses to correct an underpayment because you are not a current recipient.
- ✓ DTA uses a calculator to figure the amount of back benefits. See **Appendix E** (DTA Online Guide Links). Make sure you agree with the dates and amounts DTA puts into the calculator.

8 When does DTA pay your benefits directly to your landlord or utility company?

A payment directly to a landlord, a mortgage company or a utility company is called a “vendor payment.” Vendor payments can be voluntary or involuntary.

Voluntary Vendor Payments

You can ask DTA to pay all or part of your benefits directly to your landlord, mortgage company or utility company.

Agreeing to a vendor payment for rent can sometimes help prevent eviction. If you want a vendor payment and are having trouble getting DTA to set it up quickly enough, contact your local legal services program, **Appendix D**, for help.

For rent vendor payments, DTA may request verification that the housing meets health and safety standards.

You can cancel voluntary vendor payments in writing and get the benefits yourself. 106 C.M.R. § 706.630. DTA usually gives the vendor one month’s notice before it stops a vendor payment. 106 C.M.R. §§ 706.680-706.690. **Appendix E** (DTA Online Guide Links).

Involuntary Vendor Payments

If you are behind on your bills, DTA may decide you have “mismanaged” your benefits and send all or part of your benefits to a landlord or utility company. DTA may presume that you have mismanaged your benefits whenever your housing expenses have not been regularly paid for three or more months without reasonable cause. DTA should not presume you have mismanaged your benefits and should not put you on vendor payments if

- Your income does not meet your basic needs.

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- Putting you on vendor payments would increase your risk of domestic violence.
- Putting you on vendor payments would increase your risk of becoming homeless, for example if you are doubled up, don't have a lease, or would be at risk of eviction if DTA paid your landlord directly.

If DTA decides that you should go on vendor payments for rent, it will require you to get a health and safety inspection report for your address. If your property passes inspection, DTA will put you on vendor payments. If it does not pass inspection, DTA may refer your case to the Department of Children and Families. 106 C.M.R. §§ 706.620-706.680; DTA Operations Memo 2013-48 (Sept. 12, 2013); DTA Transitions, Oct. 2013, p. 4-5.

DTA can also put you on vendor payments if you lose your part of the grant because you do not meet the child support requirements, if you do not meet the Work Program requirements or the terms of an Employment Development Plan, or if you do not meet certain other program requirements. 106 C.M.R. § 706.610.

Advocacy Reminders:

- ✓ DTA has to give you advance notice and an opportunity to appeal before it starts sending your benefits to a landlord or utility company.
- ✓ A vendor payment for housing must be the amount of the monthly payment. A vendor payment for fuel or utilities must be the average monthly cost. DTA can pay your entire grant to your landlord or your utility company even if you are left without any money for other expenses. 106 C.M.R. § 706.650.
- ✓ Contact your local legal services program, **Appendix D**, if DTA wants to put you on vendor payments and you are having difficulty getting a health and safety inspection report. DTA says that it may refer your case to the Department of Children and Families if you are unable to get a health and safety inspection report. To the best of our knowledge, the Department of Children and Families does not have procedures for doing an investigation of families who are referred to it because they could not get a health and safety inspection report.

- ✓ Contact your local legal services program, **Appendix D**, if you are on vendor payments and DTA does not make payments to the vendor on time even though the funds were withheld from your TAFDC benefits.
-

8 What is the Pathways to Work Program?

DTA's Pathways to Work Program (formerly the Employment Services Program or ESP) covers employment, education, and training services for TAFDC recipients and some former TAFDC recipients. Pathways to Work includes community service, job search, education, and training. Pathways to Work also provides child care for TAFDC recipients who are working or participating in a DTA-approved education or training program and provides some transportation assistance for TAFDC recipients in approved education or training programs. 106 C.M.R. §§ 707.000, 707.100.

Pathways to Work is voluntary unless you are subject to the time limit and the Work Program. DTA regulations provide for sanctions for failure to comply with an Employment Development Plan, 106 C.M.R. § 707.200, but these regulations do not apply to volunteers. See DTA Field Operations Memo 2001-9 (Feb. 20, 2001).

Advocacy Reminder:

- ✓ DTA is required by law to provide appropriate services for people with disabilities. Contact your local legal services program, **Appendix D**, if you need special training, education, or employment services because you have a physical or mental disability, including a learning disability. See **Questions 24-27**.

9 What are your Pathways to Work choices?

Choices for work program activities offered through DTA's Pathways to Work include

- **Young Parents Program.** This program provides education and life skills training to pregnant and parenting TAFDC recipients ages 14 through 23 who do not have a high school diploma or equivalent, those who have a high school diploma but are interested in post-secondary training or education, and those who would like English as Second Language help. 106 C.M.R. §707.140; DTA Operations Memo 2011-46 (Sept. 21, 2011); DTA Field Operations Memo 2009-52A (Oct. 6, 2009).
- **Post-secondary education (college).** You can get approval to go to college or even graduate school. See **Question 92** on the special rules for college. DTA does not pay for college. You have to pay for college with grants and loans. But if DTA approves you to go to college, DTA will pay for child care and will help with transportation. 106 C.M.R. §§ 707.140(D); 707.210; DTA Operations Memo 2011-46 (Sept. 21, 2011); DTA Field Operations Memos 2009-52A (Oct. 6, 2009) and 2009-45 (July 31, 2009).
- **Employment (skills) training.** DTA pays for some skills training. DTA call this "CIES." Some DTA programs are offered through community colleges and some through other organizations. Most DTA-funded skills training programs are short-term (4-12 weeks, or sometimes 16 weeks for some of the community college programs). Examples include programs in business skills, certified nurse aide, child care, customer service, dental assistant, electronics assembly, food service and home health aide. Some of these programs include some basic education and some include English education. 106 C.M.R. § 707.150; DTA Operations Memo 2011-46 (Sept. 21, 2011); DTA Field Operations Memo 2009- 52A (Oct. 6, 2009).
- **DTA Works Program.** This program places recipients in 30-hour per week jobs at DTA for up to 6 months. DTA pays a stipend for

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TAFDC or SNAP. Graduates of this program have gotten jobs at DTA or other state agencies. You may be eligible if you are a current TAFDC recipient and can pass a criminal history check. You can apply by e-mailing your resume to DTAWorks@state.ma.us. Ask your DTA Full Employment Worker (Appendix C) for more details. **Appendix E** (DTA Online Guide Links); DTA Operations Memos 2011-37 (July 27, 2011), 2010- 20 (March 29, 2010).

- High School Equivalency Credential. You can enroll in a basic education program paid for by a school district, nonprofit or charity. DTA will pay for child care and will help with transportation. The Department of Elementary and Secondary Education will pay the fee for you to take the HiSET test.
- Empowering to Employ program for TAFDC recipients with a disability. This program provides streamlined enrollment in the Massachusetts Rehabilitation Commission (MRC) and access to MRC services including individualized coaching, skills training, and job placement.
- Work Participant Program through your local career center. This program provides counseling, a career readiness assessment, workshops, access to some certificate programs, and job search assistance.
- Job Search/Job Readiness. Many of the DTA-funded programs include job search and job readiness activities. You can also do job search at a local career center or online through JobQuest (register at <https://web.detma.org/jobQuest/Default.aspx>).
- Community Service. You can volunteer for or be required to participate in unpaid community service. 106 C.M.R. § 707.170; DTA Field Operations Memo 2009-52A (Oct. 6, 2009). You may be able to do community service (up to 16 weeks) at the local DTA office. DTA Operations Memo 2012-14 (Apr. 6, 2012). See **Question 55** for more information on community service.
- Services for homeless families and families at risk of homelessness. This program, called “Secure Jobs,” serves homeless and at risk families receiving services from the Department of Housing and

Community Development. In addition to employment services, it has funds to help with expenses that are a barrier to employment such as license fees, transportation, and uniforms.

- Services for refugees and immigrants. The Massachusetts Office of Refugees and Immigrants provides employment services for TAFDC recipients whose primary language is not English. DTA Operations Memo 2011-46 (Sept. 21, 2011); DTA Field Operations Memo 2009-52A (Oct. 6, 2009).

See <https://www.mass.gov/info-details/choose-a-tafdc-pathways-to-work-program>. You can get information about DTA employment programs and services from a DTA employment staff person listed at <https://www.mass.gov/info-details/contact-dtas-employment-staff>.

DTA guidelines for referring TAFDC recipients to Pathways to Work activities may be found in the DTA Online Guide – see **Appendix E** (DTA Online Guide Links) – and in DTA Operations Memo 2011-46 (Sept. 21, 2011) and DTA Field Operations Memos 2009-52A (Oct. 6, 2009) and 2009-45 (July 31, 2009).

Advocacy Reminders:

- ✓ It is usually not a good idea to borrow money for skills training. Programs do not always deliver on the promise of a job. You can be stuck with very high debt for the rest of your life. DTA should not pressure you to enroll in an activity that you have to pay for and should discuss no-cost options with you before approving an activity you have to pay for. DTA Operations Memo 2011-46 (Sept. 21, 2011).
- ✓ A program that sounds good on paper may not offer the services you need. If you are subject to the work requirement, DTA may try to sanction you if you stop participating. You should also be sure to choose carefully so you do not use up the limited time you have to participate in education or training.

9 What is a Pathways to Work Plan?

The Pathways to Work plan is a written plan for recipients who are subject to the Work Program or who volunteer for Pathways to Work. The plan is supposed to list your job and life goals and the services and supports you need to get to those goals, including child care and transportation help. See 106 C.M.R. § 707.110; **Appendix E** (DTA Online Guide Links).

- Make sure the Pathways to Work plan does not set an unrealistic timetable or subject you to costs you do not want to pay.
- Ask DTA to change your plan if it is not working out.

Contact your local legal services program, **Appendix D**, if DTA will not approve your plan for what you want to do, if DTA wants you to do an activity you do not want to do, or if DTA will not change your plan. You can also appeal any of these DTA decisions. See **Part 8**.

9 Will DTA approve college attendance?

DTA will approve college attendance as long as

- the activities are can be credited toward a certificate, associate's degree or a four-year degree,
- the program is expected to lead to a job,
- you are making satisfactory progress. 106 C.M.R. § 707.140(D); **Appendix E** (DTA Online Guide Links).

DTA will also approve graduate degree programs that are expected to lead to employment. But if you are subject to the work requirement, you can only count a graduate degree program as your only work activity if you have not used college or graduate school as your work activity for 12 months. After 12 months, you can only count a graduate degree program if you combine it with another approved employment activity. **Appendix E** (DTA Online Guide Links).

9 Who is eligible for child care through DTA?

There are special child care rules for TAFDC recipients, former TAFDC recipients, and teen parents. Unlike other low-income families, these families do not have to go on a wait list for a subsidy. Eligible current TAFDC recipients and teen parents referred for child care by DTA do not have to pay a fee.

Child care for TAFDC recipients

Parents or other caregivers receiving TAFDC for themselves and parents receiving SSI receiving TAFDC for children. You are eligible for free child care as long as you have a child in your care who is under age 13 (or under age 16 if the child has special needs), and

- you are doing paid work (including self-employment) or participating in an approved education, training, or work-related activity (including job search or community service),
- you are subject to the work requirement and need child care to develop a plan and choose an education, training or work-related activity (can get 12 weeks of child care while you look), *or*
- you are scheduled to start an activity. See 106 C.M.R. § 707.210(A); DTA Transitions, June 2012, p. 4; Sept. 2011, p. 5; DTA Transitions, Nov. 2007, p. 4. **Appendix E** (DTA Online Guide Links).

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Non-parent caregivers applying for or receiving TAFDC only for children. You are eligible for free child care as long as

- you have a child in your care child care who is under age 13 (or under age 16 if the child has a disability), *and*
- you are doing paid work (including self-employment). **Appendix E** (DTA Online Guide Links).

DTA will authorize child care for 12 months for any approved activity. The authorization is valid for 12 months even if your activity stops or your TAFDC closes. **Appendix E** (DTA Online Guide). At the end of 12 months, you can renew the child care authorization if you are in the same or another approved activity.

If you are not getting TAFDC for yourself because of your immigration status, but you are receiving TAFDC for a child and you are documented, you are eligible for child care on the same basis as TAFDC recipients. DTA Transitions, Feb. 2009, pp. 7-8, June 2005, p. 4; DTA Field Operations Memo 2002-18A (Oct. 10, 2002). If you are an undocumented noncitizen and you are subject to the TAFDC work requirement, DTA will authorize child care so you can do community service but not for other activities.

DTA may say you cannot get child care if you are undocumented and need child care for another activity such as an English language program. DTA may also say you cannot get child care if you have been sanctioned for not cooperating with child support. Email info@masslegalservices.org for advice.

Child care for teen parents

You are eligible for a DTA authorization for child care if you are a teen parent (currently under age 20, but may be raised to under age 24) who is in school or another DTA-approved education, training, or work-related activity, *and*

- receiving TAFDC, *or*
- receiving SSI or foster care for yourself and TAFDC for your child, 106 C.M.R. § 707.210(A)(1)(c), *or*

- receiving SSI, under the age of 18, living with your child and your parent, and household income is below 200% of the poverty level or you cannot get verification of your parent's income. 106 C.M.R. § 707.230.

You are also eligible for child care through the Department of Early Education and Care whether or not you are receiving TAFDC if you are a young parent (under age 20 at application as of early December 2022), you have a child in your care, you meet certain income eligibility requirements and you are

- participating in a full time high school or HiSET program and participating in social service support and child care activities, *or*
- participating in the Young Parents Program, which provides parenting classes and other services in addition to HiSET classes.

For this category of care, you can get a referral from DTA (whether or not you receive TAFDC) or you can apply directly at the Child Care Resource and Referral Agency (CCR&RA), See **Question 95**.

Once you qualify for child care as a young parent, you may be eligible for this category of care until you reach your 24th birthday. See 606 C.M.R. § 10.07; Department of Early Education and Care, *Financial Assistance Policy Guide*, <https://www.mass.gov/info-details/hub-for-child-care-financial-assistance-programs-changes>

Child care for former TAFDC recipients

After your TAFDC case closes, your voucher will continue until it expires. If you don't have a voucher or your voucher expires, there are several ways you can get child care after your TAFDC case closes without having to go on a wait list.

Transitional Child Care. You are eligible for Transitional Child Care during the first 24 months after your TAFDC case closes if you are working or participating in an education or training activity. You can ask for child care at any time during the 24 months. 106 C.M.R. § 707.210(A)(1)(f); Department of Early Education and Care, *Interim Income Eligible Child Care Financial Assistance Program Policies – October 1, 2023*, <https://www.mass.gov/doc/interim-income-eligible-child-care-financial-assistance-program-policies-october-1-2023/download>.

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To get Transitional Child Care after your DTA child care voucher expires you must

- send DTA proof of your activity hours and add a note requesting a child care referral (upload to the DTACONnect app or DTA Connect.com or fax to 617-997-8765),
- check that the Full Engagement Worker in your local DTA office has sent the child care referral electronically to the [Child Care Resource and Referral Agency](#). See Appendix C for the list of Full Engagement Workers,
- contact the Child Care Resource and Referral Agency to complete the paperwork and get a child care authorization, *and*
- pay a fee based on your income beginning 12 months after your TAFDC case closed. 106 C.M.R. § 707.210(A)(1)(d), (f); see DTA Transitions, Apr. 2013, p. 6; **Appendix E** (DTA Online Guide) (Transitional Child Care). See Interim DTA-Related Financial Assistance Policies (Oct. 1, 2023), <https://www.mass.gov/collections/child-care-financial-assistance-policy-guidance-and-resources?title=>. To calculate your fee, see <https://c2acr388.caspio.com/dp/6a9e900054d4669ad2284f75b613>

Continuity of care. You should be able to keep getting subsidized child care when DTA or Transitional child care ends, as long as you have a child care need recognized by the Department of Early Education and Care (EEC) at the time of the child care authorization and your income is below the maximum for subsidized child care (\$8,657 a month for a family of three beginning Oct. 1, 2023).

Child care needs recognized by EEC include

- you need child care because you have a documented health issue,
- you are working,
- you are looking for work,
- you are participating in education or training,
- you are homeless, including staying in a homeless or domestic violence shelter or doubled up because you don't have enough money for rent,

- you are experiencing domestic violence or dealing with the consequences of past violence,
- you are on parenting leave from your job plus any time left on your 12-month authorization, *or*
- your child has a documented special need or disability and a health professional verifies that the child would benefit from child care (parent must separately establish at least a part-time service need on some other basis).

Department of Early Education and Care, Interim Income Eligible Child Care Financial Assistance Program Policies – October 1, 2023, <https://www.mass.gov/doc/interim-income-eligible-child-care-financial-assistance-program-policies-october-1-2023/download>

Advocacy Reminders:

- ✓ If you are not eligible for Transitional or other DTA-approved child care, you can apply for child care at the Child Care Resource and Referral Agency, at an agency that has contracts to provide child care, or by calling Mass 211 (dial 2-1-1 from your landline or 877-211-6277 from your cell phone). You will have to go on a wait list unless you are homeless or have another priority for immediate access. If you had subsidized child care within the previous three months that was suspended temporarily (for example, because of travel out-of-state), you may have a priority for continuing to receive child care through EEC.
- ✓ Former TAFDC recipients are eligible for Transitional child care even if they received assistance for a very short time. If you lose your job and expect to get unemployment insurance benefits, you may want to apply for TAFDC before your unemployment benefits begin. Although you may not be eligible for TAFDC once unemployment benefits start, you will be eligible for child care as a former TAFDC recipient once you start working again.
- ✓ DTA or EEC may say you have to be working or in education or training a minimum number of hours to qualify for Transitional Child Care. Contact your local legal services program, **Appendix D**, if this is a problem for you.

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- ✓ You may be able to get a DTA referral for child care after your TAFDC case closes if you are receiving unemployment insurance benefits, and you are participating in a “Section 30” training program approved by the Division of Unemployment Assistance. Contact your local legal services program, **Appendix D**, to find out more about how to get into a Section 30 program.
- ✓ If you are homeless, you do not need to be working or in another work activity. If you are told there is no slot available for you, you can find a child care provider who accepts vouchers and ask for a voucher. You can also call 211 (or 877-211- 6277) to get on the child care waitlist; be sure to say you are homeless. Then call the Child Care Resource and Referral Agency and explain you are homeless. You will need proof you are homeless such as a letter from the shelter or a social service provider or your own statement. You should get child care right away since homeless families get priority. Contact your local legal services program, **Appendix D**, if you need help.
- ✓ Families with an active case with the Department of Children and Families (DCF) or during a transitional period after case closure, may be able to get a child care referral from DCF for subsidized child care. There is no parent fee while the DCF case is active or for 12 months after the DCF case closes. Contact DCF for a referral.
- ✓ SNAP recipients who are not receiving TAFDC are eligible for subsidized child care if they are enrolled in a SNAP “Path to Work” activity. **Appendix E** (DTA Online Guide) (Pathways to Work, Eligibility for Child Care).

94 Which children can get child care?

You can get child care authorized by DTA for

- a child under age 13, *or*
- a child age 13 or under age 16 if the child has special needs, has a disability, or is under court supervision.

The child must be

- receiving TAFDC or foster care benefits,
- under court supervision,
- receiving SSI but otherwise eligible for TAFDC, *or*
- in a family headed by a parent eligible for child care for teen parents. See **Question 93**. See 106 C.M.R. §§ 707.210(A)(2), (3), 707.230.

Advocacy Reminders:

- ✓ Sometimes it is not safe to leave a teenager unsupervised after school or during school vacations. Contact your local legal services program, **Appendix D**, if you need out of school time care for a teenager who does not have special needs or a disability. You may have good cause for not meeting TAFDC work rules.

9 How do you get child care? How should you choose a child care provider?

Subsidized child care is provided through vouchers that can be used to pay for care with a provider who accepts vouchers. Subsidized care is also provided by programs that contract with the Department of Early Education and Care (EEC) for child care spots. DTA only provides child care through vouchers. But many programs that have contracts also accept vouchers.

To get a child care voucher based on current or former receipt of TAFDC, you must

- get a child care authorization from DTA,
- find a child care provider who accepts child care subsidies and has an opening for the child, *and*
- contact your Child Care Resource and Referral Agency to get a voucher to pay for the child care.

You can get names of local child care providers at https://eelead.force.com/EEC_ChildCareSearch. Sometimes the Child Care Resource and Referral Agency will refer you to a program that has an open contracted spot. You do not have to accept that spot if you want voucher you can use at a different child care provider of your choice.

How to choose a child care provider

Licensed care or informal (unlicensed care)

- The child care license shows the provider meets rules for health, safety, and education. Licensed care may be center-based child care or family child care (provider is licensed to care for a group of children in the provider's home).
- Informal (unlicensed) care is child care you arrange yourself. An

informal child care provider can be

- any adult person you choose providing care in your home (must pass criminal history check), *Or*
- an adult relative providing care in the child's home or the relative's home.

Informal child care pays \$23.06 per day per child for six or more hours for care provided in a relative's home and \$13.85 per day per child for fewer than six hours. The rates are lower for care provided in the child's home. <https://www.mass.gov/doc/fy23-daily-reimbursement-rates/download>.

An informal child care provider must attend a CCR&RA orientation session and must complete a health and safety check list. Non-relatives must pass a criminal history check.

What to look for

- Visit the program. Watch how teachers relate to the children. If the provider is very busy but you like what you see, go back when there is time to talk.
- Trust your instincts.
- Always ask questions.
- Take care to make sure your child is safe and happy.
 - The child care provider should have experience and education working with young children.
 - The facility should be safe and clean.
 - The program should offer educational and fun activities, have plenty of safe toys and learning materials, encourage creative play, and plan quiet time both indoors and out.

For more information on what to look for, see www.masslegalservices.org/content/eec-child-care-tips. You can find the most recent inspection report for the provider by searching the provider's name at https://eeclead.force.com/EEC_ChildCareSearch.

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Advocacy Reminders:

- ✓ Does your child need transportation to and from child care? Ask if the program provides transportation. If it does, and there is space for your child in the van, ask the Child Care Resource and Referral Agency to add transportation to the subsidy authorization.
 - ✓ If you are not fluent in English, the Child Care Resource and Referral Agency has a duty to speak with you and provide you with materials in your language or provide an interpreter who speaks your language.
-

96 Can you get full-time care?

TAFDC recipients and applicants. If you qualify for a subsidy as a TAFDC recipient or applicant, DTA will approve you for full-time care.

Families not receiving or applying for TAFDC. You qualify for full-time child care if the CCR&RA or contracted provider determines you need child care 25 or more hours a week. You qualify for part-time child care (up to 6 hours a day) if the CCR&RA or contracted provider determines you need child care for fewer than 25 hours a week.

The CCR&RA or contracted provider should

- add the time for transportation you provide between the child care provider and your work or other activity provided you otherwise have a service need of at least 20 hours a week. This can increase your service need from part-time to full-time,
- determine you have a full-time service need if you have 12 credit hours of college courses,
- count 2.5 hours of service need for each hour of class in an education or training program or each college credit if less than 12, in order to allow for homework and study time. Department of Early Education and Care, Interim Income Eligible Child Care Financial Assistance Program Policies – October 1, 2023, <https://www.mass.gov/doc/interim-income-eligible-child-care-financial-assistance-program-policies-october-1-2023/download>.

Advocacy Reminder:

- ✓ If the CCR&RA does not approve you for the hours you need, you can file a request for review with the Department of Early Education and Care (EEC). You can appeal if EEC denies your request for review.
-

9 Can you get money for transportation?

DTA provides \$80 a month for transportation to cover some of the costs of getting to and from some DTA-approved activities and the costs of taking children to and from child care so you can participate in the activity. DTA provides transportation assistance to

- current recipients participating in a DTA-approved Pathways to Work activity,
- current recipients who are doing paid work, *and*
- former recipients participating in a DTA-approved education or training program that began before the closing. DTA Online Guide (Transportation Overview). 106 C.M.R. § 207.210.

DTA should make the transportation payment without your having to request it if you have an approved Pathways to Work plan or verify you are participating in or will be starting an approved activity. You do not have to verify the costs of transportation. **Appendix E** (DTA Online Guide Links).

Advocacy Reminders:

- ✓ The **MBTA Youth Pass Program** provides low-income youth and young adults in participating cities and towns the option of either a reduced price LinkPass for \$30 a month or a 50% reduced fare rate for

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all MBTA subway and bus lines. Youth Pass also provides a 50% reduced rate for commuter rail.

<https://www.mbta.com/fares/reduced/youth-pass>

- ✓ DTA does not provide transportation to community service. If you do not have reliable and affordable transportation to community service, you should have good cause for not meeting the Work Program. See **Question 58**. You have good cause for not meeting the Work Program if you are undocumented, cannot work for pay, and do not have reliable and affordable transportation to community service.

Part 6 Applications and Proofs

98 How do you apply for TAFDC?

Apply online at DTACConnect.com

- The application is very short. You can do it on a smartphone or a computer. After you submit it, DTA will interview you by phone.
- You can get the application in English, Spanish, Portuguese, Chinese, and Vietnamese.
- If you do not already get SNAP, your application counts as a SNAP application also.
- If you are approved, your benefits will start effective the day you submitted the online application or the next business day if you submitted the application after 5:00 PM or on a weekend or holiday. **Appendix E** (DTA Online Guide Links).

Apply by telephone

- Call your local DTA office. Find the phone number at <https://www.mass.gov/orgs/department-of-transitional-assistance/locations>
- If you are approved, your benefits will start effective the day DTA did the telephone application. **Appendix E** (DTA Online Guide Links).
- If you can't get through to your local office, call DTA's Ombuds Unit: 617-348-5354

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Apply in person

- Go to your local DTA office. <https://www.mass.gov/orgs/department-of-transitional-assistance/locations>
- Be sure to sign a Request for Assistance or use a DTA self-service kiosk to apply online the first time you go to the DTA office. You can do this even if there is no worker there to take your application. You have a right to sign a Request for Assistance even if the worker thinks you are not eligible. 106 C.M.R. §§ 702.115, 702.150. If DTA doesn't give you a Request for Assistance form and you are unable to apply online, write a request for TAFDC (and SNAP) on a piece of paper and sign the paper.

Language Access:

- ✓ DTA must provide a bilingual worker or assistant or a professional interpreter if you want one and you use American Sign Language or your primary language is not English, regardless of language, national origin or noncitizen status. There are no magic words you have to say to request an interpreter. A professional interpreter may be provided in-person or by telephone. 106 C.M.R. § 701.360; **Appendix E** (DTA Online Guide Links); DTA Operations Memos 2013-64 (Dec. 19, 2013), 2013-11 (Mar. 19, 2013); DTA Field Operations Memo 2008-16 (Apr. 1, 2008).
- ✓ You can use your own interpreter if you want, but this can be risky if the person is not a professional interpreter. You cannot use a child to interpret for you except to schedule an appointment. Children under age 12 cannot be asked to interpret for any purpose. 106 C.M.R. § 701.360. DTA Operations Memo 2013-11 (Mar. 19, 2013); DTA Field Operations Memo 2008-16 (Apr. 1, 2008).
- ✓ You have the right to refuse a particular interpreter if you are uncomfortable with the interpreter for personal or other reasons. You don't have to give a reason. DTA must then provide a professional telephone interpreter. DTA Operations Memo 2013-11 (Mar. 19, 2013).

Advocacy Reminders:

- ✓ You can also submit an application by fax or mail. DTA Online Guide (Application (RFA)). Say you want to apply for TAFDC and SNAP, put the date, sign our name, and say how to contact you.
- ✓ If you have a vision, hearing or communication impairment, DTA should ask you what will help you communicate with DTA. See **Question 24; Appendix E** (DTA Online Guide Links); DTA Operations Memo 2013-64 (Dec. 19, 2013). If DTA doesn't give you the help you need, ask for the Client Assistance Coordinator. See **Question 25**.
- ✓ You have a right to a private space for discussions with DTA staff. DTA Operations Bulletins 2018-1, 2017-9.
- ✓ DTA is required to tell SNAP applicants about TAFDC benefits if the SNAP applicant is caring for a child and is a parent with little or no income or a non-parent caring for a child regardless of income. The DTA SNAP worker is supposed to explain that you can apply online or you can have a DTA worker call you to take your application by telephone. DTA Online Guide (Informing Clients about Possible TAFDC and EAEDC benefits). See **Question 11** if the child support rules for TAFDC are a problem for you.
- ✓ DTA sometimes issues a "No Trespass Order" barring certain people from the DTA office. See **Appendix E** (DTA Online Guide Links) (No Trespass Indicator and Page). This may not be legal. If it is a problem for you, call the Ombuds Office, 617-348-5354, which should make sure that you can apply and get your benefits on time.

99 What proofs do you need?

A DTA intake worker will interview you and is supposed to help you with your application. In most cases, the interview will be by telephone. You can request that the interview be held using Zoom. **Appendix E** (DTA Online Guide Links). You can insist on an in-person interview if that is better for you.

Your worker will give you a list of what you need to prove. 106 C.M.R. §§ 702.120, 702.125. You may have to do job search and provide proof of job search to get approved for benefits. See **Question 102**.

If you do not have everything, give what you have. In many cases, you can sign a sworn statement to prove something. You can also sign a form letting your worker contact someone else to get the proof. 106 C.M.R. § 702.340; **Appendix E** (DTA Online Guide Links).

Some information is available to DTA in a database that DTA can access. If DTA can get the information from a database, it should not require you to provide the proof. DTA Operations Memo 2013-47 (Sept. 5, 2013). For example, DTA can get wage information for some jobs through a service called “The Work Number.” **Appendix E** (DTA Online Guide Links) (The Work Number); DTA Operations Memo 2013-33 (July 19, 2013). If the Work Number information is not correct, you can ask DTA to contact your employer.

Things you might be asked to give DTA are

- proof of who you are (for example, your driver’s license, birth certificate, voter registration verification),
- social security numbers for everyone in your family (except for ineligible noncitizens) or proof that you have applied for their social security numbers,
- proof that your children are related to you and how old they are (for example, birth certificates, school records, a statement from someone who knows you and them),

- proof of your immigration status if you are not a citizen and you are requesting benefits (see **Question 8**),
- proof of who lives in your household,
- proof of your income (for example, pay stubs or a government benefit award letter)
- proof you applied for unemployment compensation (you can apply online and DTA can confirm you applied by checking the unemployment computer system),
- proof you applied for Paid Family and Medical Leave if you stopped working because of your own health condition, to care for a relative, or because of the birth, foster care placement or adoption of a child,
- proof of where you live (for example, a landlord's statement or utility records) unless you are homeless (see **Question 7**), and
- proof you have housing expenses – to qualify for the rent or mortgage allowance (a statement from you or another person or a lease, rent receipt, mortgage or statement from a landlord).

There are many other proofs that DTA can ask for in a particular case. Do the best you can to get them, but if you cannot get them, ask for help from the worker and ask if you can verify the information by signing a statement. Your worker is supposed to help you get required proof when your worker has been told or is otherwise aware that you need help. See 106 C.M.R. § 702.310(B); DTA Operations Memos 2013-47 (Sept. 5, 2013); 2010-55 (Nov. 23, 2010).

If you need more time to get proofs, you can get an extension. If you have trouble, contact your local legal services program, **Appendix D**, for help.

Advocacy Reminders:

- ✓ If DTA schedules your appointment for a time that is bad for you, you can reschedule.
- ✓ DTA may ask you to provide proof of citizenship for all citizen members of your household. Proof of citizenship is not required for TAFDC unless it is questionable, but it may be required for

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MassHealth so you should provide it to DTA if you can. Your TAFDC application should not be delayed or denied pending DTA's receipt of proof of citizenship. DTA Field Operations Memo 2007-10 (Feb. 20, 2007).

- ✓ Some information does not change and only needs to be verified once, unless there is reason to think that it was wrong originally or has changed. For example, you should not need to re-verify your date of birth or your relationship to your children if you verified this information before. DTA Operations Memo 2010-55 (Nov. 23, 2010).
- ✓ If DTA thinks you might be eligible for Paid Family and Medical Leave, DTA will require proof you applied. See **Appendix E** (DTA Online Guide Links). Contact your local legal services office, **Appendix D**, if this is a problem for you.
- ✓ A single document can sometimes prove more than one eligibility factor. For example, a rent receipt can prove where you live and that you have rent expenses. DTA Operations Memo 2012-8 (Feb. 6, 2012).
- ✓ DTA will accept documents that are scanned, faxed or photocopied from the original unless the document appears questionable. DTA Operations Memo 2012-33 (July 11, 2012).
- ✓ DTA should send you a list of any proofs you are missing. DTA should give you time to provide the proofs. Operations Memo 2012-17 (Apr. 25, 2012).

100 How should you send your proofs?

You can fax or mail your proofs to the Document Processing Center (DPC), or you can bring the proofs to the local DTA office. If you already have a case (open, pending or recently closed) at DTA you can use DTA Connect to send documents from your smartphone or online.

Be sure to write your DTA number or the last four digits of your social security number on every page.

- DTA Connect app if you have a smartphone or tablet and your DTA case is open, pending, or closed for less than 90 days. See **Question 104**. Messages and attachments you send go directly to your case record so your worker can look at them right away.
 - You can take pictures of documents and upload them directly to your case record (if the document is two-sided, be sure to photograph both sides).
 - You can update your address, phone number and email.
- DTA Connect.com from a smart phone or computer. **Question 104** explains how to create an account.
- Fax. This is fast and you get a fax receipt. The document goes to a Document Processing Center and may not get posted to your case for a few days. Fax to **617-887-8765**.
 - If your document is two-sided, be sure to fax both sides.
 - Keep your fax receipt and the original of the documents.
 - Social service agencies may let you use their fax machine free of charge.
- Mail. Mail documents to the Document Processing Center at

**Department of Transitional Assistance
P.O. Box 4406
Taunton, MA 02780-0420**

- Try to make a copy of the document and mail the copy, not the original.

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- Keep a record of the date you mailed the document.
 - You can ask DTA to mail you pre-stamped envelopes addressed to DTA or get them at the local DTA office. DTA Online Guide Transmittal 2021-90 (Nov. 24, 2021) – see **Appendix E**.
- Bring proofs to the local DTA office.
- DTA staff may ask you to submit documents through DTA Connect on a self-service kiosk at the office. Ask a worker if you have questions about the proofs you need or you need help with the kiosk.

Advocacy Reminders:

- ✓ Don't send or give originals to DTA.
- ✓ Be sure to write your name, and either your DTA Agency ID number (if you know it) or the last four digits of your social security number on every page. This is especially important if you are mailing or faxing a document.
- ✓ Do the best you can to keep a record of the date you sent or gave the document to DTA.

101 How long does it take to decide whether you are eligible?

DTA must decide on your application within 30 days and either pay benefits or deny your application. The 30-day time limit can be extended if you ask for more time to get proof of eligibility. 106 C.M.R. § 702.160. If you get a notice saying you did not supply enough proof, you have 30 days from the date of the notice to give DTA more proof.

If you are required to do job search to get benefits and DTA thinks you did not meet the job search requirements by day 30, DTA may grant benefits only for your children by the 30th day and in some cases may deny benefits altogether. See **Question 102**.

102 Do you have to meet job search requirements before you can get benefits?

You may have to meet a job search requirement during the 60 days after you apply. DTA calls this “PATH” or Pathways to Self-Sufficiency. 106 C.M.R. § 702.125(G).

To meet the job search requirement for applicants, you must

- attend a TAFDC group orientation and verify at least two job contacts within 30 days of application, and
- make three additional job contacts within the next 30 days.

You do not have to meet the job search requirements if

- you are exempt from the Work Program or you are a noncitizen who cannot legally work for pay, see **Question 36**,

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- you have requested an exemption on the basis of disability (and you have not requested a disability exemption before), see **Question 38**,
- you have another pending request for an exemption, see **Questions 39-43**,
- you have good cause for not doing job search, see **Question 58**,
- you are enrolled in an education or training activity or a substance abuse treatment program, *or*
- you have requested a domestic violence waiver. See **Question 43**;

What is the TAFDC pre-benefit orientation? The pre-benefit orientation provides information about DTA rules, Pathways to Work activities, and support services like child care and transportation.

What happens if you don't meet all the job search requirements? The consequences of not meeting the job search requirement are harsher if DTA says you are "Work Ready." DTA will say you are "Work Ready" if you worked in the past 12 months and either have a high school diploma or equivalency plus English proficiency or have some college or a specialized certificate such as CNA training.

If you are subject to the job search requirement and DTA thinks you are "Work Ready," DTA will

- deny benefits for you and your children if you do not attend a DTA group orientation and verify at least two job contacts during the 30 days after application,
- terminate your benefits 60 days after application if you have not verified three more job contacts.

In a two-parent case where both parents are subject to the job search requirement, the entire family is ineligible at day 30 if a parent DTA thinks is "Work Ready" does not meet the job search requirements.

If you are subject to the job search requirement and DTA does not think you are "Work Ready," DTA will

- approve benefits for you and your children within 30 days of application only if you attend a TAFDC group orientation and verify at

least two job contacts during that time,

- approve benefits by day 30 only for your children if you do not attend the TAFDC group orientation and verify at least two job contacts during the 30 days after application,
- approve ongoing benefits for you and your children 60 days after application only if you have attended the TAFDC group orientation and verified a total of five job contacts,
- terminate benefits for you and pay benefits only for your children 60 days after application if you have not attended the TAFDC group orientation and verified a total of five job contacts.

For TAFDC households that have two parents, each will be assessed for whether they must meet the work rules. TAFDC households where at least one or both parents are subject to work rules the case is also subject to time limits. **Appendix E** (DTA Online Guide Links).

Advocacy Reminders:

- ✓ Applicants requesting an exemption because they are disabled, caring for a disabled family member or pregnant should not be subject to the applicant job search requirement.
- ✓ Be sure to tell DTA if you need help because you have difficulty doing job search or writing down job search contacts because of language or other issues.
- ✓ You should not have to borrow money or spend the little money you have to meet the job search requirement. Be sure to tell DTA if you have difficulty doing job search because you do not have a phone, cannot afford to put minutes on your phone, do not have access to the internet, do not have money for transportation, or do not have child care for your children. See **Appendix E** (DTA Online Guide Links).
- ✓ DTA will send you an appointment notice for the TAFDC group orientation on a specific date. If you can't attend that session, you can go to another session (see above for the days and times of the sessions). If there is a good reason you cannot attend a group session

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when they are scheduled, you can ask DTA to meet with you at a different time. Sometimes DTA will do the orientation over the phone. Be sure to tell DTA if you cannot get to the DTA office for the TAFDC group orientation because you do not have money for transportation or do not have child care for your children. Also be sure to tell DTA if you can't go to the orientation because you are working. **Appendix E** (DTA Online Guide Links).

- ✓ If you get to the orientation late, DTA may say you have to come back another day. See DTA Online Guide Transmittal 2016-53 (Sep. 30, 2016; **Appendix E** (DTA Online Guide Links)). If that is a problem for you, explain the problem and ask if you can join the orientation late and catch up later on what you missed, or ask to meet separately with the DTA worker or Full Engagement Worker.
- ✓ If you were looking for a job before you applied and can give DTA a list of the contacts you made, there is good argument you should not have to prove additional job search to get approved for benefits.
- ✓ DTA sometimes says you don't have to do job search if you are working.
- ✓ There is no job search requirement for SNAP or MassHealth. DTA should approve you for SNAP and MassHealth whether or not you meet DTA's job search requirements.

103 What if you need help right away?

You can get help with *immediate needs* for housing expenses, food, or health insurance within 24 hours of your application. 106 C.M.R. § 702.125(F). Be sure to tell the worker if you need help with immediate needs. DTA is supposed to screen you to determine if you qualify for an immediate needs payment. DTA Operations Memo 2013-35 (July 26, 2013).

Rent, Utilities or Fuel

If you need help right away with rent, utilities or fuel *and you appear to be eligible*, you can get an advance on your TAFDC benefits to pay for these things. The advance will be paid as a voucher to the landlord, utility or fuel company.

Food

You may qualify for emergency or “expedited” SNAP (food stamp) benefits. If not, you can get an advance on your TAFDC benefits to pay for food.

MassHealth

DTA can give you a temporary MassHealth card.

104 How can you find out what is happening with your case?

Talk to your worker, a supervisor, an Assistant Director or even a Director.

- You can call your DTA worker to ask about your case. Your worker's name and phone number should be on any notices you get from DTA. You can get the worker's name and get connected to the worker by calling the DTA Assistance Line at 1-877-382-2363.
- If you cannot reach your worker you can call your worker's supervisor, an Assistant Director, or even the Director (see **Appendix B** to get names and telephone numbers).
- You have a right to a copy of anything that is in your file. 106 C.M.R. § 701.330; DTA Transitions, Nov. 2012, p. 4.

Use your smartphone or tablet -- DTA Connect app.

- DTA Connect is a free mobile app. Download DTA Connect for iPhones and iPads at the App store; download DTA Connect for Androids at Google Play.
- You need to make an account to log-in to the DTA Connect app. You will need to enter an email address and make a password.
- You can see your case information on the DTA Connect app if your case is active (open), pending, or is closed but was open in the past 12 months. Domestic violence survivors with Heightened Level of Security or who have a block on their DTA online or telephone services, see **Question 106**, cannot see case information on DTA Connect.
- Information you can get using the DTA Connect app includes
 - case status, monthly benefit amount, next benefit issue

date, and EBT card balance,

- alerts about appointments or deadlines,
- copies of notices sent in the past 12 months,
- whether documents you sent in the past 12 months have been processed.

- You can also use the DTA Connect app to send information to DTA or request an EBT card. See **Questions 82 and 100**.

Create a DTA Connect account online. Go to DTACConnect.com on a computer, smartphone or tablet. Create a log in ID. You will need an email address.

- In addition to the information you can get through the DTA Connect app, with a DTA Connect online account you can get your deposit history. You can also complete a SNAP Interim Report or Recertification.

Interactive Voice Response (IVR) system. You can get some information about your case by calling the IVR. This is an automated system, not a live person. It is available round the clock, every day of the week. To reach the IVR, call the DTA Assistance Line at 1-877-382-2363. You will need to enter your social security number, DTA Agency ID or EBT card number, and your year of birth to get information about your case.

- The IVR can tell you
 - if your case is open, closed, or denied,
 - the amount of benefits you will receive and your next payment date, *and*
 - your EBT card balance.

DTA Ombuds Office. If you need more information or you are not satisfied with the information you get, call the DTA Ombuds Office, 617-348-5354. The Ombuds Office was created to help applicants and recipients fix problems they may have with their DTA case. You can also file a complaint with the Ombuds Office.

Advocacy Reminder:

- ✓ Wait times on DTA's Assistance Line can be a problem, especially for people with limited cell phone minutes. Social service agencies can help by offering use of their phones. If you prefer, you can go to the DTA office.
-

105 Is your information kept confidential?

DTA must not release information about you without your written permission. 106 C.M.R. § 701.320, 950 C.M.R. Ch. 33; DTA Operations Memo 2010-50 (Nov. 1, 2010). If you want DTA to share information about you with an advocate or anyone else, you will need to sign a written release that says DTA can share your information.

You may want to block access to DTA Connect and the IVR if you fear someone may try to access your information without your permission. You can do this by checking a box at application or re-evaluation. You can also ask your worker for the block at any time. **Appendix E** (DTA Online Guide Links).

Advocacy Reminders:

- ✓ DTA staff are authorized to discuss your case with your advocate if you or your advocate have sent a release to DTA. You or your advocate can fax the release to 617-887-8765 or you can send the release through DTA Connect. The release does not have to be in a specific form. It can be a handwritten note.
- ✓ An advocate may be able to talk to the Ombuds Office, see **Question 116**, or the worker or supervisor without a release by setting up a three-way call with you, DTA and your advocate.
- ✓ DTA does not need your permission to release information about you in connection with a criminal investigation or similar purposes.

106 Can domestic violence survivors and others get extra confidentiality protections?

You can ask DTA for an online services “block.” This will prevent anyone including you from having access to your DTA Connect or automated information on the DTA Assistance Line. See **Appendix E** (DTA Online Guide Links).

For more protection (and more inconvenience), you can ask DTA for a Heightened Level of Security indicator because of domestic violence or any other reason, such as fear of gang violence. DTA Operations Memo 2010-50 (Nov. 1, 2010); **Appendix E** (DTA Online Guide Links). This will flag your case so that

- DTA will not discuss your case with you on the phone.
- You will have to conduct all business by going in person to DTA.
- You will not be able to talk to a Domestic Violence Specialist or the Ombuds Office by phone.
- You will not be able to view your information on DTA Connect.
- DTA will be able to discuss your case with your lawyer or advocate only if you put the name of your lawyer or advocate on the form requesting the Heightened Level of Security.

Advocacy Reminders:

- ✓ The Heightened Level of Security restrictions can sometimes be dangerous or very inconvenient because you have to go to the DTA

office to conduct your business with DTA. Think carefully about your own situation before asking for the special protection.

- ✓ You can cancel the special protection at any time by signing a form saying you no longer want it.
- ✓ You can ask the Domestic Violence Specialist in the DTA office for different arrangements that will work better for you. For example, you can ask to have your case handled in a different office where you will be safer. You can ask for a password so that DTA will talk to you on the phone but will not talk to anyone who does not have the password. You can request that DTA use a number instead of your SSN. See **Question 10**.
- ✓ Domestic Violence Specialists are available to help domestic violence survivors request waivers from DTA rules, see **Questions 28** and **43**, and help you make a safety plan.
- ✓ Massachusetts also has an Address Confidentiality Program (ACP) to give you a substitute mailing address if you do not want to give DTA your real address. The program will retrieve your mail from the substitute address and forward it to your actual address. To qualify for the program you need to show that disclosure of your address would threaten you or your children's safety and that the abuser does not know your address. See <http://www.sec.state.ma.us/acp/acpidx.htm>; **Appendix E** (DTA Online Guide Links).

Part 7 Proving Continuing Eligibility

107 How often will DTA review your eligibility?

DTA reviews (“reevaluate”) eligibility for most TAFDC recipients every six months. DTA reviews households once a year if the adults are on SSI or the adult is a grandparent or other relative who is not and does not have to be in the assistance unit. See **Questions 30-32. Appendix E** (DTA Online Guide Links).

- DTA will schedule a telephone interview at least 30 days before the deadline for your review. You can reschedule the date and time if you need to. You can ask for a virtual Zoom meeting if that is better for you. See **Question 99**. If a telephone or Zoom meeting doesn’t work for you or you have a Heightened Level of Security, see **Question 106**, go to the local DTA office and ask for an in-person interview. If you miss the interview, DTA will send you a notice of missed interview.
- As part of the review, you may need to give DTA proofs to show you are eligible for TAFDC. If the DTA worker thinks DTA needs more proofs, the worker is supposed to send you a checklist (VC-1) listing the proofs that are needed. If the worker does not send you a checklist, the DTA computer will automatically send you a checklist. DTA should not ask for proof of things that it already has and that probably did not change. 106 C.M.R. § 702.230; **Appendix E** (DTA Online Guide Links).

Part 7 ■ Proving Continuing Eligibility

- DTA will stop your benefits if
 - the interview is not completed by the end of reevaluation period, *or*
 - DTA has not received and processed the required proofs before the end of the reevaluation period.
- DTA should not stop your benefits if it is DTA's fault the reevaluation was not completed or DTA has agreed you had good cause to reschedule your interview.
- You can appeal DTA's decision to stop your benefits. If you appeal within 10 days of the notice saying your benefits will be stopped or before your next benefits are due, you can keep your benefits while you are waiting for a hearing decision. See **Part 8 Appeal Rights**.
- DTA will reinstate your case if you complete your reevaluation within 30 days of the closing. 106 C.M.R. § 702.240. See **Appendix E** (DTA Online Guide Links); DTA Operations Memo 2012-39 (Aug. 27, 2012).

DTA can review your case sooner if it thinks your eligibility may have changed. 106 C.M.R. § 702.210. Also, if you are getting close to the time limit, DTA may review your eligibility when you go to the office for meetings on how you are preparing for the time limit.

Your case may also be selected for a quality control (QC) review. 106 C.M.R. §§ 701.430, 706.700-706.710. This is a special review to make sure the local welfare office is following the rules. Being selected for QC review does not mean you have done anything wrong. You must cooperate with the QC review or your case will be closed.

Advocacy Reminders:

- ✓ Tell your DTA worker if you need an interview at a special time because of work, child care, a medical problem, or other reason. If DTA schedules an interview for a time that is bad for you, call your worker before the interview to reschedule. If you cannot reach your worker or your worker will not reschedule, call the supervisor,

Assistant Director, Director, or the DTA Ombuds Office, 617-348-5354. See **Appendix B** for Assistant Director and Director names and phone numbers.

- ✓ Each time you go to the DTA office, ask to sign a log if there is one. If you are dropping off proof, ask to have a copy made and date-stamped. Write down the name of the DTA staff you talk to. You can use this as proof later if DTA cannot find the proof or says you missed your appointment.
- ✓ It may be easier to keep a record of what you sent to DTA if you are able to fax the information and get a fax receipt or you use DTA Connect, see **Question 100**.
- ✓ If you are sending proof by mail, use the DTA postage-paid envelope if you have one. Try to keep a copy of anything you mail and make a note on the copy of the date that you mailed it. See **Question 100**.
- ✓ DTA may combine your TAFDC with your SNAP review. Even if DTA does not complete the SNAP review on time and closes the SNAP benefits, it must send you at least 10 days' advance notice of termination or reduction in your TAFDC benefits. See **Appendix E** (DTA Online Guide Links); DTA Operations Memo 2012-42 (Sept. 21, 2012).

108 Does DTA send texts or leave voicemail?

Text Messages. DTA texts important messages, including general information and information specific to your case. You can opt out by replying to the text. You will continue to get all paper notices and forms by regular mail in addition to text messages.

Voicemail. You can authorize DTA to leave detailed messages about your case on your phone. You will continue to get all paper notices and forms by regular mail in addition to the voice mail messages. You can opt out at any time.

109 When do you have to report changes?

DTA regulations say for TAFDC you have to report changes that could make you ineligible or decrease your benefits within 10 days. You do not have to report changes in earned income of less than \$100 a month. 106 C.M.R. § 701.420.

DTA may send you a notice telling you to provide proof of the change. You should have 20 days to respond to the notice. **Appendix E** (DTA Online Guide Links).

Report changes that will increase your benefits, such as a drop in income, at any time.

Because it is hard to know what changes you have to report, it is good to report other changes promptly, too. For example, you should report a change of address even if it will not affect your eligibility so that DTA notices will not be mailed to the wrong address.

Advocacy Reminders:

- ✓ Although the regulations and DTA notices say you have to report a change in 10 days, DTA policy says you have 20 days to report a change for TAFDC. **Appendix E** (DTA Online Guide Links). If everyone in your household also gets SNAP, you have 10 days to report for SNAP. So it is safer to report in 10 days if you can. Contact your local legal services office, **Appendix D**, if the reporting times are a problem for you.
- ✓ What if you can't reach your worker to report a change? If possible, send a picture with DTA Connect or fax or mail information about the change to the Document Processing Center and keep a copy. See **Questions 100** and **104**. Also keep a record of any phone calls you make to report a change (or to try to report a change). You may need this record later to prove that you tried to report a change.

- ✓ You can report a change of address or a new phone number to the Interactive Voice Response (IVR) system or on DTA Connect. See **Question 104**.
- ✓ Be sure to report a change of address and tell the post office about the change. If DTA mail is returned to you without a forwarding address, DTA will send you a request for verification of address and will close your case if you do not respond within 10 days (30 days for applications). DTA Operations Memo 2013-13A (March 28, 2013).
- ✓ If DTA has information that your address has changed, it should send notices to the new address whether or not you reported the change. **Appendix E** (DTA Online Guide Links); DTA Transitions, Feb. 2012, p. 3; DTA Field Operations Memo 2008- 22 (Apr. 30, 2008).
- ✓ If you move to an address covered by a different DTA office, your case should be transferred to the new office unless you are doubled up with a host family. If there is a problem, ask to speak with the Transfer Specialist in the new office. DTA Operations Memo 2012-39 (Aug. 27, 2012).
- ✓ DTA may get a report that says you may have wages you didn't report. DTA may then send you a notice requiring you to verify your wages. If you don't respond to the notice, DTA will close your case. Be sure to tell DTA if you are having a problem getting the information DTA says it needs. **Appendix E** (DTA Online Guide Links). Email info@masslegalservices.org if DTA asks you to verify wages for a job you didn't work at or if you don't understand this notice.

Part 8 Appeal Rights

110 What are your rights if DTA will not give you benefits or reduces or stops your benefits?

If DTA denies benefits or stops or lowers your benefits, you can ask for a “fair hearing.” A fair hearing is a formal meeting at the local welfare office or a formal telephone or video conference. A hearing officer (referee) runs the hearing and decides who is right. 106 C.M.R. § 343.110. You can ask for a fair hearing to challenge any DTA decision or action you disagree with. 106 C.M.R. § 343.230.

Denials

You can ask for a fair hearing if your application is denied, or if any other request is denied, such as a request to correct an underpayment, a request for child care, a request for a domestic violence waiver, a request to correct your time clock, a request for a time limit extension, or a request to accommodate a disability. You can ask for a hearing if the worker says you have been denied, but never sends you written notice. You can also ask for a hearing if the worker just ignores your request.

Cuts or Terminations

In most situations, DTA must give you at least 10 days advance notice before your benefits are stopped or reduced. You can ask for a hearing if your benefits are stopped or reduced. See **Question 111** on whether you can keep your benefits while you are waiting for a hearing decision. You can also reapply while you are waiting for a hearing.

Worker Bad Conduct

You can ask for a hearing if your worker threatens you, makes unreasonable demands that do not follow the rules, violates your privacy, or does not treat you with dignity and respect. 106 C.M.R. § 343.235.

Note

You can ask for a DTA fair hearing to appeal DTA's determination that you are not eligible for child care. Other child care issues must be raised with the agency that is providing the child care, usually the Department of Early Education and Care.

111 How much time do you have to ask for a fair hearing?

You usually have 90 days to get your fair hearing request to the Division of Hearings. You have 120 days in worker bad conduct cases and cases where DTA fails to act on a request. 106 C.M.R. § 343.140.

What happens to your benefits while you are waiting for a decision on your appeal?

- In most situations, if your benefits are being cut off or reduced, you can keep your benefits while you are waiting for a hearing decision by making sure that the Division of Hearings gets your fair hearing request no later than 10 days after it sent notice of the cut-off or reduction, or before the effective date of the action, whichever is later. 106 C.M.R. § 343.250. DTA can recover benefits you got while you were waiting for a hearing if you lose. 106 C.M.R. § 706.260. See **Questions 117-123** for limits on recovering overpayments.

Advocacy Reminders:

- ✓ **It is almost always a good idea to appeal any denial, termination, or reduction in benefits promptly.** The appeal form may ask if you

do not want your benefits to continue while you wait for a hearing decision. It is almost always a good idea not to choose this option.

- ✓ Save any notices you get from DTA and the envelopes the notices come in. You may need the postmark on the envelope to show when the notice was sent.
- ✓ SNAP benefits may close automatically if the SNAP benefits are not recertified before the end of the SNAP recertification period. However, even if DTA is closing your SNAP benefits, it must send you at least 10 days' advance notice of termination or reduction in your TAFDC benefits. See **Appendix E** (DTA Online Guide Links); DTA Operations Memo 2012-42 (Sept. 21, 2012).

112 How do you ask for a fair hearing?

You can ask for a hearing by

- calling the Division of Hearings, 617-348-5321, *or*
- sending a fax to Division of Hearings, fax 617-348-5311, *or*
- writing to DTA Hearings, P.O. Box 4017, Taunton MA 02780- 0314

Fax is better because it gets there right away and you can get a fax receipt showing the Division of Hearings got the appeal.

Call 617-348-5321 or 800-882-2017 to see if DTA got your hearing request.

DTA has forms you can use to ask for a hearing. If you got written notice of DTA's decision, you can ask for a hearing by filling out the hearing form that came with the notice. You can also just write your own letter. 106 C.M.R. § 343.240; **Appendix E** (DTA Online Guide Links).

You can also ask on your appeal form for:

- a telephone hearing,

- the hearing to be held in your home if you have a disability that makes it hard for you to go to DTA,
- a “virtual hearing” held via video;
- an interpreter who is fluent in your primary language,
- a sign language interpreter or auxiliary aids if you are deaf or hard of hearing, and
- an “expedited” (quickly scheduled) appeal, if your family does not have benefits. 106 C.M.R. §§ 343.310, 343.450, 343.300(A). If you are appealing a termination or a reduction in benefits and you are getting benefits while you are waiting for the hearing, it is usually better not to ask for an expedited appeal.

Be sure to send your hearing request to the Division of Hearings, *not* your local DTA office.

How to reschedule your hearing

Call the Division of Hearings before the scheduled hearing date and ask for a new date. 106 C.M.R. § 343.320(A)(2). If you need to postpone more than once, you may need to show a good reason to reschedule.

If you miss the hearing without calling in advance, DTA will reschedule the hearing but the first issue at the hearing will be whether you had a good reason for missing the first hearing. Good reasons include an unexpected emergency. 106 C.M.R. § 343.320(D). Otherwise the Division of Hearings will dismiss your appeal. 106 C.M.R. § 343.320(B)(1).

113 If you have the proof your worker wanted, should you still ask for a hearing?

You should always ask for a hearing, even if you now have the proof your worker wanted. If your worker approves your case while you are waiting for the hearing, you can withdraw (cancel) your fair hearing request so you do not have to go to the hearing. You can mail or fax your withdrawal to the Division of Hearings, see **Question 112**. If DTA approved your case or agreed to some or all of what you were asking for, it is a good idea to say so in the withdrawal.

If you can supply the proof within 30 days of the notice denying or cutting your benefits, your benefits should be approved or reinstated. You may also be able to get your worker to approve your case if you supply the proof after 30 days. 106 C.M.R. §§ 702.240, 343.350(B).

114 How should you present your case at the hearing?

The hearing is your last chance to make sure DTA has the facts supporting your position, including any documents.

- Try to get a legal advocate to represent you at the hearing or give you advice about representing yourself. 106 C.M.R. § 343.150. See **Appendix D** for a list of legal services offices. You can also bring a friend or relative for support. 106 C.M.R. § 701.350.
- DTA will schedule a telephone hearing. For many people, a telephone hearing is more convenient but a face-to-face hearing may be better. It is easier to understand what is happening at a face-to-face hearing, easier to handle documents, and easier for the hearing officer to determine who is telling the truth.
- If you need an interpreter, you should ask for one when you make your

hearing request and at the hearing. 106 C.M.R. § 343.410.

- You should send bring any proof you have. This includes proof you did not have before. 106 C.M.R. §§ 343.410, 343.500(A). You or your advocate can ask DTA to send you papers and information from your file. 106 C.M.R. § 343.340. If your hearing is being conducted by telephone, you should insist on an opportunity to send documents to the hearing officer. Send the documents to your DTA Connect and ask the DTA hearing division or the hearing officer to them from your case record.
- You can bring witnesses. You can also get a paper ordering a witness to come to your hearing; this paper is called a “subpoena.” 106 C.M.R. § 343.360. Talk with a legal advocate about how to do this.

Face-to face hearings at your local DTA office take place in a separate room. Only the people who need to be there are allowed in – the DTA worker(s), you, your representative (if any), any witnesses, and the hearing officer. Everyone must testify under “oath or affirmation.” The hearing is tape-recorded. 106 C.M.R. §§ 343.450, 343.500, 343.550.

If you believe that DTA is using evidence that is unfair or unreliable – for example, an accusation from an unidentified person – tell the hearing officer that you “object.” Objecting may make the hearing officer think twice about relying on this information. Also, if you lose the hearing and appeal to court, the court can consider whether the hearing officer made a mistake by admitting the evidence you objected to.

If you are not receiving benefits, you can ask the hearing officer to decide your case right away with an “interim” (not final) decision.

Advocacy Reminders:

- ✓ DTA regulations allow it to schedule your hearing by telephone or video, 106 C.M.R. § 343.120, but DTA does not routinely offer video hearings. If DTA schedules you for a telephone hearing and you want a face-to-face hearing, call the Division of Hearings right away (617-348-5321 or 800-882-2017) and say you want a face-to-face hearing. If DTA won’t give you a face-to-face hearing, be sure to say on the record of the hearing that you want a face-to-face hearing. You can also ask DTA for a video hearing if you prefer. **Appendix E** (DTA Online Guide Links).

Part 8 ■ Appeal Rights

- ✓ The hearing officer must take evidence and decide the issues “de novo” (anew) based on what is presented at the hearing. The eligibility date is the date all eligibility conditions were met regardless of when the evidence was submitted.
- ✓ If you think the interpreter is not interpreting correctly, object to the hearing and ask for a different interpreter. DTA Field Operations Memo 2008-16 (Apr. 1, 2008).

115 When will you get a decision and what should you do if you lose?

If you asked for a hearing because your application was denied, the hearing officer must decide your case within 45 days after you appeal. In all other cases, the hearing officer must decide within 90 days of your appeal. 106 C.M.R. § 343.140. If you win, you should get any benefits DTA owes you within 30 days of the decision.

If you lose your fair hearing, don't give up! Reapply for benefits. Also get in touch with your local legal services office right away. See **Appendix D**. You have 14 days from the date of the decision to ask for a remand and 30 days after receipt of the decision to file in court to challenge the hearing officer's decision. 106 C.M.R. §§ 343.710, 343.720. Be sure to allow time to get the remand or court papers ready.

Advocacy Reminder:

- ✓ You can fax your remand request to the Commissioner, fax 617-348-8575.

116 Can you fix problems without going to a hearing?

You can try to fix problems by talking with your worker, your worker's supervisor, the Assistant Director or the Director. See **Appendix B** for Assistant Director and Director names and phone numbers.

You can also ask the Ombuds Office, 617-348-5354, but the Ombuds Office often will tell you to talk to your worker.

When the issue is missing verification and the verification has been provided, DTA is required to take action to adjust the benefits. 106 C.M.R. §§ 702.240, 343.350(B).

Even if you are trying to fix the problem, you should be sure to ask for a hearing right away. You can always cancel the hearing if you settle your case. 106 C.M.R. § 343.350. For legal help, call the nearest legal services office. See **Appendix D**.

Advocacy Reminders:

- ✓ Advocates may need a signed release from the client to discuss a client's case with a DTA worker, supervisor or the Ombuds Office. You can fax the release to the Document Processing Center (DPC), fax 617-887-8765. A worker is authorized to discuss the case with you if you have sent a release to the DPC.
- ✓ An advocate may be able to talk to the Ombuds Office or the worker or supervisor without a release by setting up a three-way call with the client, DTA and the advocate.

Part 9 Overpayments and Fraud

117 What if you are overpaid?

If you get more benefits than you are eligible for, DTA can recover the overpayment. An overpayment can happen because of a DTA mistake, your mistake, or because you got benefits while you were waiting for a hearing and lost the hearing. 106 C.M.R. § 706.220. If DTA thinks the overpayment happened because of your mistake or because you committed fraud, it may refer your case to the Bureau of Special Investigations (BSI). 106 C.M.R. § 706.240.

DTA can also try to recover cash benefits you “knowingly” used to buy alcohol, tobacco products, lottery tickets, or other prohibited items. See **Question 83**. 106 C.M.R. § 706.250(D).

DTA has different policies for collecting overpayments if the overpayment happened because

- DTA made a mistake (called “Agency Error”),
- You made a mistake (called “Unintentional Program Violation”), *or*
- You purposely gave incorrect information or didn’t provide information to get more benefits (called “Intentional Program Violation). **Questions 118-121** cover Intentional Program Violations in more detail.

Part 9 ■ Overpayments and Fraud

Will DTA Collect the Overpayment?			
	How far back will DTA go?	What is DTA's threshold for recovery?	Will DTA compromise or suspend recovery?
Agency Error	Recovery period begins no earlier than the 12 months before DTA discovered the overpayment	No recovery if the claim is less than \$600	Claim reduced by 50% for active TAFDC households
Unintentional Program Violation	Recovery period begins no earlier than the 12 months before DTA discovered the overpayment	No recovery if claim is less than \$125	No
Client Misrepresentation (Intentional Program Violation-IPV)	Recovery period begins no earlier than 6 years before DTA discovered the overpayment	No recovery if claim is less than \$125	No

Date of discovery of overpayment

The date of discovery is the date the overpayment is verified or the date the household fails to respond to or verify an overpayment inquiry. DTA Operations Memo 2014-35 (May 15, 2015).

Source of overpayment information

- DTA considers information it gets from a match with the original source of the information to be verified when DTA receives it. Examples are unemployment benefits reported by the Division of Unemployment Assistance and Social Security benefits reported by the Social Security Administration. In these cases, the day DTA receives

the match is the date the overpayment is considered verified.

- DTA does not consider wage information it gets from the Department of Revenue to be “verified” when DTA receives it. Such information is considered verified when the household provides paystubs or when the household fails to respond to a notice to verify wage information.

Advocacy Reminders:

- ✓ An overpayment is a payment made in error. When does the overpayment begin if you don’t report on time? DTA says there was an overpayment in the month you did not report. But since you have 10 or 20 days to report a change for TAFDC, see **Question 109**, the benefit that was paid before you had to report was not paid as a result of DTA error or recipient error, see 106 C.M.R. §§ 706.200, 706.220(C), and therefore should not be considered an overpayment.
- ✓ Calculating the amount of an overpayment is complicated and DTA makes mistakes. Try to get a legal services advocate to help you figure out whether DTA’s claim is correct before you agree to pay it and before you sign a hearing waiver. See **Appendix D** for a list of legal services programs that may be able to help you.
- ✓ DTA has the option to “compromise” a claim by reducing the overpayment amount in some circumstances, lowering the amount you have to repay. For help, contact your local legal services office, **Appendix D**.

118 What is an intentional program violation? What is welfare fraud?

An intentional program violation (IPV) is purposely giving false or misleading information, hiding information in order to get benefits you are not eligible for, or not reporting a change that would reduce your grant. 106 C.M.R. § 706.300. Purposely giving false or misleading information or hiding information in order to get benefits is also welfare fraud.

119 Can DTA stop your benefits for an intentional program violation?

DTA rules say it can stop your TAFDC benefits if you are found to have committed an intentional program violation (IPV). These rules may not be legal. Email info@masslegalservices.org if DTA says you are not or will not be eligible for TAFDC because of an IPV.

According to DTA rules, if you are found guilty of an IPV by a court of law or by a DTA hearing officer or you waived your right to an IPV hearing or signed a consent agreement in court, you will not be eligible for TAFDC benefits *for yourself* for

- six months for the first violation,
- 12 months for the second violation, and
- forever for the third violation. 106 C.M.R. §§ 706.305, 706.340.

In addition to disqualifying you from benefits for an IPV, DTA will recover the overpayment by taking money out of your children's future benefits. See **Question 122**. See **Question 31** on other possible effects of an IPV sanction.

There are separate but similar IPV rules for SNAP (food stamps). 106 C.M.R. §§ 367.500-367.800. The SNAP IPV rules may be legal even if the TAFDC IPV rules are not legal.

Administrative Disqualification Hearing (ADH) process

DTA has to follow special notice and hearing rules if it has charged you with an IPV. 106 C.M.R. § 706.320-706.345.

DTA will schedule a hearing, called an Administrative Disqualification Hearing (ADH). DTA will send you a notice of the hearing date at least 30 days ahead of time. You can seek legal help by contacting your local legal services office, **Appendix D**.

Part 9 ■ Overpayments and Fraud

DTA's notice of the ADH will also include a waiver form. If you sign the waiver form, you are giving up your right to a hearing to contest what DTA says led to the IPV and you are agreeing to repay what DTA says you owe. It is important to try to talk to a legal services advocate before signing a waiver form.

Advocacy Reminders:

- ✓ Although DTA can recover the overpayment by cutting benefits for children or other people who were on the same grant with the person who committed the IPV, DTA rules say it can only stop benefits for the person who committed the intentional program violation.
- ✓ DTA has agreed not to bring an IPV case against you if DTA did not provide you with written warnings about IPV penalties in a language in which you are fluent.
- ✓ The period of disqualification must begin with the first possible month after written notice of the decision. 106 C.M.R. § 706.305. If DTA misses that date, you should not be disqualified.
- ✓ An IPV is a very serious matter. Contact legal services right away if you get notice of an IPV. See **Appendix D**.

Note

Under DTA rules, you can also lose TAFDC benefits forever if a court convicts you of fraud of \$1,000 or more (a felony), even if this is the first conviction. You can lose your benefits for ten years if a court convicts you of intentionally trying to get benefits from two states at the same time. 106 C.M.R. § 706.305.

120 What should you do if you are told to go to a Bureau of Special Investigations (BSI) interview?

Part 9 ■ Overpayments and Fraud

If DTA thinks you were overpaid because of your mistake or because you committed fraud, it may refer your case to the Bureau of Special Investigations (BSI). 106 C.M.R. § 706.240. DTA may also refer applications to BSI if the worker thinks you are lying about something.

BSI does not usually reach out to families directly. But, if you get a letter from BSI, it is important to take it seriously and call Legal Services right away.

In a letter BSI, may tell you they think you have committed fraud and ask you to meet with them for an interview. Sometimes this letter is titled “Opportunity to Interview for Civil Recovery Disposition.” You do not have to go to the interview. The interview can be in person or by Zoom. It may not be helpful to go to a BSI interview. However, if you do not cooperate with BSI, it is *possible* BSI could ask a criminal prosecutor to bring a fraud case against you in court.

If you do go to a BSI interview, **you have the right to remain silent. Anything you say can be used against you.**

It is important to consult with an advocate at your local legal services program, **Appendix D**, before you say anything. It may be best to remain silent even if you have not done anything wrong. You do not have to give BSI names of people to talk to.

An investigation from BSI does not impact your DTA benefits unless there is a finding of fraud (from a court) *or* you voluntarily sign what is called a “civil recovery agreement.” It may not be a good idea to sign one of these agreements. Contact legal services if you hear from BSI. Do not sign anything unless you are willing to disqualify yourself from benefits. And do not sign anything unless BSI has shown you how it calculated the overpayment, you are sure that all the calculations are correct, and you agree with everything in the statement you are signing. Do not agree to a repayment schedule that you will not be able to keep or that will cause your family hardship. If you are unsure, contact your local legal services program, **Appendix D**, for advice.

121 Can you go to jail? Will you have a criminal record?

If BSI decides that you committed welfare fraud and that the overpayment was not just a mistake, you can be prosecuted. If you get notice of a criminal complaint, you should plead “not guilty” and ask the court to appoint a lawyer for you. Legal services programs do not represent people in criminal matters but they may help you and your lawyer figure out whether BSI has correctly computed what you owe.

If you plead guilty or you are found guilty, you will probably not have to go to jail, but the criminal record may make it harder for you to get a job, get credit, or get housing. A criminal record may also cause immigration problems. You may have to pay back the money the court decides you owe. If the court finds that you committed an IPV, your benefits can be stopped. If you are convicted of or plead guilty to fraud of \$1,000 or more, you (and the other parent, in a two-parent household) may be permanently ineligible for TAFDC. Your children are still eligible. 106 C.M.R. § 706.305.

122 Can DTA cut your benefits to pay itself back?

If you are a current recipient, DTA can recover both fraud and non-fraud overpayments by reducing your benefits. 106 C.M.R. § 706.250. This includes overpayments that happen because of a DTA mistake, your mistake or because you got benefits while you were waiting for a hearing *and* you lost the hearing. 106 C.M.R. § 706.220.

DTA will reduce your TAFDC by 10 percent of the Payment Standard for your family size. 106 C.M.R. § 706.290(B). For example, if you get a two-person grant for which the Payment Standard \$648 a month, DTA will cut your grant by 10%, or \$64.80 a month, to pay an overpayment.

DTA has said that it will not reduce TAFDC benefits to recover an overpayment if the only recipients are children, but it has not yet put this policy in writing.

BSI or DTA may try to get you to agree to a bigger reduction. You can refuse. 106 C.M.R. § 706.290(B). Be careful not to agree to repay so much that you do not have enough for your expenses.

You have the right to advance notice and an opportunity for a hearing before your benefits are reduced. 106 C.M.R. §§ 706.210, 343.225. DTA may say you cannot challenge the overpayment at this point, so if you think the overpayment did not happen or the amount is not correct, you should request a hearing when you first get notice of the overpayment and should not wait to receive notice of the reduction before asking for a hearing.

DTA can also recover the overpayment by not paying you for an underpayment you are owed. See **Question 87**. This is called “offsetting.”

123 How does DTA collect overpayments if you are not receiving benefits?

DTA has several ways of collecting overpayments from former recipients.

DTA will send a repayment plan notice and monthly payment notices. If you don't comply with a repayment plan, DTA will try to intercept your state tax refund and may try to use one of the other collection methods below.

You can ask DTA to reduce the monthly payment amount if your income is below 300% of the Federal Poverty Level. Call the Recoveries Unit, 1-800-462-2607, to ask about this.

Tax intercept. The Department of Revenue (DOR) may intercept your *state* tax refund to pay back an overpayment. Before your state tax refund is intercepted, you should get notice from DTA. You can ask for a DTA hearing to show that you were not overpaid or that the amount of the overpayment is wrong. See **Part 8**. You will also get notice after the intercept, but DTA says you cannot challenge the overpayment after the intercept, so try not to wait for the intercept to ask for a hearing.

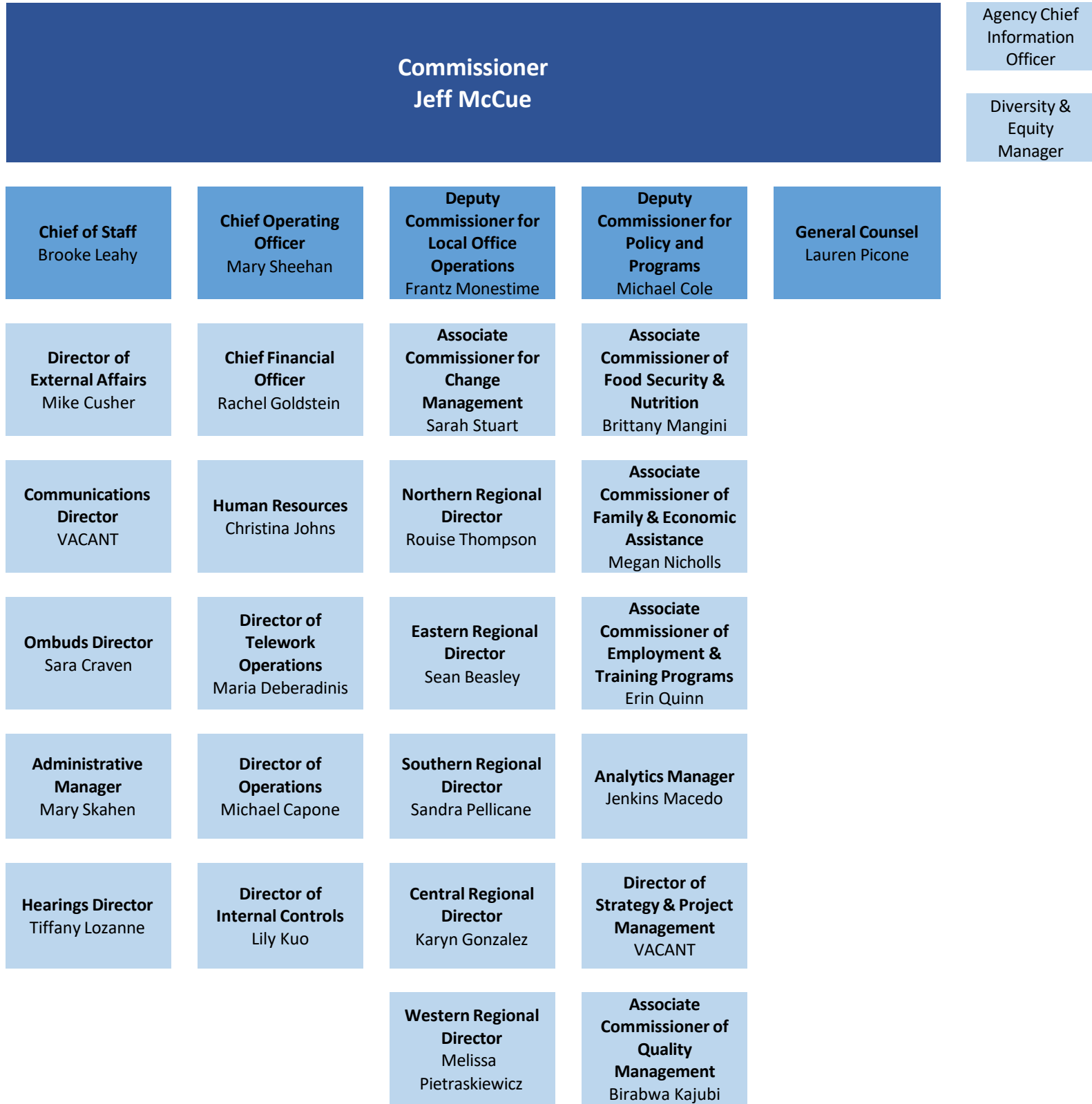
Wage attachment. DTA regulations allow DTA to attach your wages to collect overpayments established by a court order, DTA hearing, or voluntary repayment agreement. 106 C.M.R. § 706.295. Unless you agree to wage attachment, there are strict limits on how much DTA can attach. G.L. c. 18, § 30; G.L. c. 235, § 34. In most cases, you should not agree to a wage attachment.

Offsetting a payment from another agency. DTA can collect an overpayment by stopping a payment owed to you by another state agency, such as a transportation reimbursement. G.L. c. 7A, § 3; 815 C.M.R. § 9.00.

Other collection methods. DTA can turn over the debt to a collection agency. A collection agency is not permitted to harass you, cannot threaten to take the first \$500 a week in gross wages, and can only take amounts in excess of \$2,500 from a bank account. G.L. c. 235, § 34; 940 C.M.R. § 7.07(18).

**Appendix A:
Department of Transitional Assistance
Executive Staff 2021**

DTA ORGANIZATIONAL CHART



TRANSITIONAL ASSISTANCE OFFICE LEADERSHIP CHART

Central Region	Eastern Region	Northern Region	Southern Region	Western Region
Fitchburg Center Jennifer Tait	Brockton Sarah Maloney	Chelsea Center Lucia Tramontozzi	Fall River Melissa Zeitz	Greenfield Zoy Soulis
Framingham Brian LaFleche	Nubian Square Kristen Webster	Lawrence Elaine DeVito	Hyannis Wendy Buttrick	Holyoke Joanne Lacour
Southbridge Joyce Clemence	Quincy Lise McKenzie	Lowell George Castro	New Bedford Nelson Abreu	Pittsfield Deni Evans
Worcester Carlos Resto		Malden Martine Cesar	Taunton Erin Donnelly	Springfield Linda Krok
		North Shore Sylvia Hosman		

Appendix B:
Department of Transitional Assistance Offices
Listing with Addresses and Telephone Numbers

Department of Transitional Assistance
TAO Regional Listings

CENTRAL REGION

Karyn Gonzalez Regional Director DTA Cell: (617) 869-0724

TAO	OFFICE	MAIN TELEPHONE	FAX	DIRECTOR	DTA CELL	ASSISTANT DIRECTOR	DTA CELL	ADDRESS
099	FITCHBURG	(978) 665-8700	(617) 887-8765	JENNIFER TAIT	(617) 504-3061	CHRISTINE RAYNOR	(857) 274-9751	49 NURSERY LANE, SUITE 101 FITCHBURG, MA 01420
102	FRAMINGHAM	(508) 661-6600	(617) 887-8765	BRIAN LAFLECHE	(857) 291-4307	TBD		300 HOWARD STREET FRAMINGHAM, MA 01702
282	SOUTHBRIDGE	(508) 765-2400	(617) 887-8765	JOYCE CLEMENCE	(508) 765-2440	CARMEN LOPEZ	(508) 765-2471	80 OPTICAL DRIVE SOUTHBRIDGE, MA 01550
352	WORCESTER	(508) 767-3100	(617) 887-8765	LORI JACQUES-BASINER	(617) 869-7013	KELLIE SENSKE CARLOS RESTO ELIZABETH RUIZ	(857) 274-9292 (857) 256-4565 (617) 447-5847	50 SOUTH WEST CUTOFF, SUITE 1A WORCESTER, MA 01604

Department of Transitional Assistance
TAO Regional Listings

EASTERN REGION

Sean Beasley

Regional Director DTA Cell: (617) 869-1328

TAO	OFFICE	MAIN TELEPHONE	FAX	DIRECTOR	DTA CELL	ASSISTANT DIRECTOR	DTA CELL	ADDRESS
044	BROCKTON	(508) 895-7000	(617) 887-8765	SARAH MALONEY	(857) 283-2738	BRYAN RODRIGUEZ JILLIAN MATHURIN	(857) 276-6006 (857) 283-2313	60 MAIN STREET BROCKTON, MA 02301
490	NUBIAN SQUARE	(617) 989-6000	(617) 887-8765	KRISTEN WEBSTER	(857) 283-2644	JENNY CAMPOS (Acting Training Unit AD) ELIZABETH CZOLPINSKI PATRIA ESPINAL IHAN SANTOS MELISSA RICHARDS ELIZABETH HINDS-FERRICK (Acting AD) VICTORIA MISHCHENKO (Acting AD)	(857) 291-8749 (857) 291-8137 (857) 408-0625 (857) 274-9726 (857) 291-2668 (857) 291-2857 (857) 291-2474	2201 WASHINGTON STREET ROXBURY, MA 02119
247	QUINCY	(617) 249-8200	(617) 887-8765	TBD		LEAH SHIELDS TARSHIMA WASHINGTON	(857) 291-8687 (857) 408-1362	1515 HANCOCK STREET Suite 105 QUINCY, MA 02169

Department of Transitional Assistance
TAO Regional Listings

NORTHERN REGION

Leonard (James) Boyle Regional Director DTA Cell: (617) 799-3155

TAO	OFFICE	MAIN TELEPHONE	FAX	DIRECTOR	DTA CELL	ASSISTANT DIRECTOR	DTA CELL	ADDRESS
252	CHELSEA CENTER	(617) 551-1700	(617) 887-8765	LUCIA TRAMONTOZZI	(857) 274-5782	AT PRAK THOMAS MALCOM (Acting AD)	(617) 660-1846 (857) 292-0312	80 EVERETT AVENUE CHELSEA, MA 02150
152	LAWRENCE	(978) 725-7100	(617) 887-8765	ELAINE DEVITO	(617) 459-8403	STEPHANIE DEADY TDB	(857) 408-2679	280 MERRIMACK STREET, SUITE 202 LAWRENCE, MA 01843
163	LOWELL	(978) 446-2400	(617) 887-8765	GEORGE FITZGERALD CASTRO	(857) 274-9202	MARY RODRIGUEZ TBD	(857) 408-2478	131 DAVIDSON STREET LOWELL, MA 01852
168	MALDEN	(781) 388-7300	(617) 887-8765	MARTINE CÉSAR	(617) 304-7190	SAMUEL VALENTIN	(857) 291-6850	245 COMMERCIAL STREET MALDEN, MA 02148
262	NORTH SHORE	(978) 825-7300	(617) 887-8765	SYLVIA HOSMAN	(617) 869-0178	LISA FISCHER SCOTT WYNNE	(857) 274-9222 (857) 274-8534	45 CONGRESS STREET, SUITE 4120 SALEM, MA 01970

Department of Transitional Assistance
TAO Regional Listings

SOUTHERN REGION

Sandra Pellicane Regional Director DTA Cell: (617) 869-0808

TAO	OFFICE	MAIN TELEPHONE	FAX	DIRECTOR	DTA CELL	ASSISTANT DIRECTOR	DTA CELL	ADDRESS
097	FALL RIVER	(508) 646-6200	(617) 887-8765	MELISSA ZEITZ	(617) 447-4850	STEPHANIE MARSHALL JAMES BECK (Acting AD)	(857) 274-9351 (857) 283-6395	1567 NORTH MAIN SREET FALL RIVER, MA 02720
020	HYANNIS	(508) 862-6600	(617) 887-8765	WENDY BUTTRICK	(857) 283-6662	GHISLAIN BEAUPLANT	(857) 772-1460	181 NORTH STREET HYANNIS, MA 02601
204	NEW BEDFORD	(508) 961-2000	(617) 887-8765	NELSON ABREU (temporary leave)	(617) 869-4416	DAVID BUREK (Acting Director) TYRANNIE BAPTISTE Acting AD TBD	(857) 283-2714 (857) 291-7203	OCEANSIDE PLAZA 160 WEST RODNEY FRENCH BOULEVARD NEW BEDFORD, MA 02744-1300
297	TAUNTON	(508) 884-5300	(617) 887-8765	ERIN DONNELLY	(857) 291-9831	PATRICK TAVARES NANCY AMARAL	(857) 274-9079 (857) 283-6662	21 SPRING STREET TAUNTON, MA 02780

Department of Transitional Assistance
TAO Regional Listings

WESTERN REGION

MELISSA PIETRASZKIEWICZ Regional Director DTA Cell: (617) 869-6334

TAO	OFFICE	MAIN TELEPHONE	FAX	DIRECTOR	DTA CELL	ASSISTANT DIRECTOR	DTA CELL	ADDRESS
116	GREENFIELD	(413) 772-3400	(617) 887-8765	ZOY SOULIS	(617) 504-0675	KATHRYN GUILLEMETTE	(857) 408-2465	298 FEDERAL STREET GREENFIELD, MA 01301
140	HOLYOKE	(413) 552-5400	(617) 887-8765	JOANNE LACOUR	(617) 869-4311	JOSE (JOE) BRANCO	(857) 319-2476	72-100 FRONT STREET HOLYOKE, MA 01040
620	HOLYOKE SENIOR UNIT	(833) 712-8027				MILDRED (MILLIE) SANTANA	(857) 319-2342	
						ROBERT LAUWERS (Senior Unit)	(857) 408-2580	
239	PITTSFIELD	(413) 236-2000	(617) 887-8765	DENI EVANS	(617) 304-2498	KIMBERLY MESSECK	(857) 408-1392	160 NORTH STREET, SUITE 201 PITTSFIELD, MA 01201
343	SPRINGFIELD CENTER	(413) 858-1000	(413) 858-1070	LINDA KROK	(857) 275-0366	JOEL ACKER	(857) 319-5405	243 COTTAGE STREET SPRINGFIELD, MA 01104
						MARTHA ALMANZA	(857) 337-4140	
						ALEXANDER ATTIGAH	(857) 343-2416	
						BRADLEY JONES	(857) 260-1388	
						JESMARIE BURGOS	(857) 291-9466	

Appendix C:
Client Assistance Coordinators

**CAC Contact List
as of April 26, 2022**

TAO	CAC	TAO Number	Cell Number	Email
Brockton	Kerri Calhoun	(508) 895-7125	(857) 278-7149	kerri.calhoun@mass.gov
	Joanne Lobaton	(508) 895-7127	(857) 283-2121	joanne.lobaton@mass.gov
Chelsea Center	Kathryn Ashe	(617) 551-1810	(857) 408-2099	kathryn.ashe@mass.gov
Fall River	Kerri Pessoa	(508) 235-0812.	(857) 283-4096	kerri.pessoa@mass.gov
Fitchburg Center	Sheri Fleck	(978) 665-8724	(857) 408-2272	sheri.fleck@mass.gov
Framingham	Mary Thompson	(508) 661-6651	(857) 291-4241	mary.thompson@mass.gov
Greenfield	Shelby Liebenow	(413) 772-3422	(857) 291-4517	shelby.liebenow@mass.gov
Holyoke	Sarah McGahan	(413) 552-5445	(857) 408-2258	Sarah.McGahan@mass.gov
SAO, Holyoke	Kristina Beauchemin	(413) 552-4516	(857) 291-4585	kristina.beauchemin@mass.gov
Hyannis	Tracy Sheehan	(508) 862-6609	(857) 408-2648	tracy.sheehan@mass.gov
Lawrence	Diana Pereira-Velez	(978) 725-7123	(857) 408-2681	diana.pereira@mass.gov
Lowell	Dilena Matta-Belliard	(978) 446-2514	(857) 291-6265	Dilena.Matta-Belliard@mass.gov
Malden	Ardyth Hulse	(781) 388-7441	(857) 291-6267	ardyth.hulse@mass.gov
New Bedford	Kelly Oliver	(508) 961-2097	(857) 283-2586	kelly.oliver@mass.gov
Nubian Square	Meghan Stewart	(617) 989-2378	(857) 291-8166	Meghan.A.Stewart@mass.gov
	Valerie Coleman	(617) 989-2207	(857) 291-8168	valerie.coleman@mass.gov
	Nichelle Tarver	(617) 989-2380	(857) 291 8482	nichelle.tarver@mass.gov
	Melissa Lambright	(617) 989-6082	(857) 291-2682	melissa.lambright@mass.gov
North Shore	Julie Charette	(978) 825-7461	(857) 274-9781	julie.charette@mass.gov
	Kristen Lukach	(978) 825-7354	(857) 274-9702	kristen.lukach@mass.gov
Pittsfield	Juan Quinones	(413) 236-2054	(857) 291-9517	juan.quinones@mass.gov
Quincy	Melory Layne	(617) 249-8199	(857) 291-9943	melory.layne@mass.gov
Southbridge	Allison Hennequin	(508) 765-2404	(857) 408-0585	allison.hennequin@mass.gov
Springfield Center	Arlin Gonzalez	(413) 452-5525	(857) 337-5013	arlin.gonzalez@mass.gov
	Elizabeth Doherty	(413) 858-1005	(857) 337-4354	elizabeth.m.doherty@mass.gov
	Georgina Nunez	(413) 858-1035	(857) 293-3712	georgina.nunez@mass.gov
Taunton	Debbie Ann Hibbert	(508) 884-5322	(857) 488-7049	DebbieAnn.Hibbert@mass.gov
Worcester	Elizabeth Jones	(508) 767-3147	(857) 256-4468	elizabeth.l.jones@mass.gov
	Courtney Ward	(508) 767-3301	(857) 303-2845	courtney.ward@mass.gov
	Kristin Britton, Director of Disability Access		(857) 214-0397	Kristin.Britton2@mass.gov
	Sula Conchinha, Policy Analyst of Disability Access		(857) 505-0016	sula.conchinha@mass.gov

Appendix D:
Massachusetts Legal Services Offices

Massachusetts Legal Services Offices

Regional Legal Services Offices

Community Legal Aid/Central West Justice Center	855-252-5342
De Novo Center for Justice and Healing	617-661-1010
Greater Boston Legal Services, Boston	617 371-1234
MetroWest Legal Services, Framingham	508 620-1830; 800-696-1501
Northeast Legal Aid.....	978 458-1465; 800-336-2262
South Coastal Counties LS / Justice Center of Southeastern Mass	800-244-9023
Volunteer Lawyers Project, Boston.....	617-423-0648

Law School Clinics

Boston College Legal Services LAB.....	617-552-0248
Harvard Legal Aid Bureau	617-495-4408
Legal Services Center	617-522-3003

Statewide Legal Services and Support Centers

Center for Law and Education	617-451-0855
Center for Public Representation.....	413-586-6024
Children’s Law Center of Mass.....	781-581-1977
Disability Law Center.....	617 723-8455; 800-872-9992
Health Law Advocates	617-338-5241
Justice at Work	857-350-3873
Mass. Advocates for Children	617-357-8431
Massachusetts Law Reform Institute	617-357-0700
Mental Health Legal Advisors Committee	617 338-2345; 800-342-9092
National Consumer Law Center	617-542-8010
Political Asylum/Immigration Representation (PAIR) Project	617-742-9296
Prisoners’ Legal Services	617-482-2773
Rian Immigrant Center	617-542-7654
Veterans Legal Services	857-317-4474
Victim’s Rights Law Center.....	617-399-6720

Legal Resource Finder – Online Resource

Please visit www.MassLRF.org (Legal Resource Finder) for a listing of legal services programs in Massachusetts and for referrals to additional sources of legal help.