

**Kansas Department of Social and Rehabilitation Services
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MEMORANDUM

To: EES Program Administrators
Assistant Regional Directors

Date: April 15, 2005

From: Bobbi Mariani

RE: Implementation Memo - KEESM
Revision 22, effective May 1, 2005

This memo contains information for implementing provisions of the Kansas Economic and Employment Support Manual (KEESM) Revision 22 effective May 1, 2005. Previous instructions were issued on March 14, 2005 for Level of Care/Patient Liability for Level VI and Head Injured Rehabilitation Facilities and on March 16, 2005 for Implementation Instructions for Poverty Level Increases.

This memo follows the same general outline as the Summary of Change for Rev. 22 which was issued April 1, 2005.

Implementation issues covered in this memo include the following.

1. FS and Child Care - Averaging Child Support Income
2. Exempt Income - SSI and TAF Support Payments
3. Cash Assistance - Failure to Cooperate
4. FS - ABAWD Changes
5. TAF Support Services
6. Food Stamp Employment and Training
7. Child Care Provider Enrollment Documents for EBT CC

I. MULTIPLE PROGRAMS

A. Averaging Child Support for Food Stamps and Child Care Assistance - See Summary of Changes, Item I, A, 2. and Section 7124.

Effective May 1, 2005, the budgeting of child support for the food stamp and child care assistance programs is changing as noted in the manual material and Summary of Change.

Converting the case to averaging of child support and the counting of arrearages is to be applied to all applications and reviews processed on or after May 1, 2005. For ongoing cases, it shall also be applied at the time of the next review, IR or change involving child support income, whichever comes first.

As noted in the Summary of Change and manual material, another major part of this change is the treatment of arrearage child support. With this revision, child support arrearage payments either received or anticipated to be received will be included as income. This will make the use of the Kansas Pay Center as verification of child support income much easier for staff.

It is important to note that staff are expected to use the KAECSES - CSE system and the Kansas Pay Center as verification of child support income received whenever possible. To further simplify this process, the disbursement date of the child support, as noted on the above systems, will be considered the date the child support was received by the consumer.

A detailed training packet on budgeting of child support income is being sent with this Implementation Memo.

B. Exempt Income - See Summary of Changes, Item I. B. 6. and KEESM Section 6410 (55) and (63).

- Section 6410 (55) is being modified to remove the reference to consideration of an SSI recipient's voluntary contribution toward household expenses. In addition, the instruction in Section 4120 (4) to count the contribution from a non-legally responsible household member in cash assistance plans was removed to parallel the change in Section 6410 (55). Current cash assistance cases where contributions from household members are being counted as income should be modified to reflect this policy clarification the next time a case change is made, but no later than the next eligibility review.
- Section 6410 (63) clarifies that work support payments defined in Section 3410 and paid directly to the client are exempt as income.

The following examples illustrate the policy's intent:

Example 1: A TAF client goes to work and is eligible for a WTA payment [3411.2 (4)] which she receives in July. This WTA payment is exempt as income for all programs.

Example 2: A TAF Work Program client is working with a contracted employment service provider. This provider has placed the client on a Work Assessment to gain more information about the client's skills. While on this Work Assessment, the provider is compensating the client for 30 hours per week at minimum wage. The compensation from the provider is not exempt and is considered earned income to the client.

II. CASH ASSISTANCE

Failure to Cooperate - See Summary of Changes, Item III. A and KEESM Sections 2165(1), 2165.1 (1) (a), 2165.1 (2), and 4113(2).

This revision implements a change when the parent who fails to cooperate with CSE is a minor parent. In these situations, only the minor parent will be ineligible for assistance. The SEPA code for the minor parent is DI.

The following examples illustrate the policy's intent:

Example 1: Anna receives TAF cash assistance for herself and her two children, Alice(17), Joe (9), and Alice's 5 month old baby, Darren. In June, CSE indicates that Alice is not cooperating with them in establishing paternity for Darren. The CSE penalty is established, and only Alice is removed from the case. The case changes to shared living.

Example 2: In the above example, Alice remains off the case. When she turns 18, she applies for TAF for herself and Darren. If she meets other eligibility criteria, her application may be approved and a referral sent to CSE at the time of approval. Penalties accrued by a minor who is unable to act in his/her own behalf do not count as a first or subsequent penalty when the minor becomes an adult recipient. PRAP codes for such an individual must be changed when the minor becomes an adult by removing any personal alerts of 1C and/or 2C.

III. FOOD ASSISTANCE

A. ABAWD Labor Surplus County Changes - See Summary of Changes, item VI, A. and Section 2520.

These implementation instructions **apply to all staff**, not just those in the exempt ABAWD counties. In particular, staff in the non-exempt counties need to review the section on inter-county transfers.

Effective May 1, 2005 **residents** of the following **14** counties are exempt from the ABAWD policies of 2520, specifically the three-month time limit:

Anderson; Atchison; Cherokee; Coffey; Cowley; Doniphan; Douglas; Leavenworth; Linn; Sedgwick; Shawnee; Sumner; Woodson; and Wyandotte.

Also effective May 1, 2005 **residents** in the following 11 counties are NO LONGER exempt from the ABAWD provisions:

Allen; Bourbon; Brown; Finney; Geary; Jackson; Jefferson; Kearney; Labette; Montgomery; and Neosho. See the county specific section below for specific actions that must be taken in these counties.

B. General Rules for the Exempt Counties

1. **Exemption from ABAWD Status** - Exemption from the ABAWD provisions applies to the person's county of residence, not the county where the case is managed. For example, a Sedgwick county resident whose case is being managed in Butler county would still be exempt from the ABAWD provisions. Conversely, a Butler county resident whose case is being managed in Sedgwick county would not be exempt from the

ABAWD provisions.

2. **Application and Review Processing in the Exempt Counties** - In the exempt counties, applications and reviews processed that contain persons who would otherwise be an ABAWD, can be certified for 12 months instead of the maximum of 6 for a case containing an ABAWD. These cases will now be required to complete an IR, and an IR due date will need to be set.
3. **Intercounty Transfers** - If a person who would otherwise be an ABAWD in an exempt county moves to a county that is NOT exempt from the ABAWD provisions, the provisions will apply in the receiving county effective with the month following the month the case is received. If the customer has already received their three ABAWD months in the current three year period which started 1/1/03, they will not be eligible for benefits in the non-exempt county. If it is determined that the customer has not already received their three ABAWD months, the notice F845 - FS Important Information - ABAWD, must be sent to the customer about the three month eligibility time limit in the new county. This notice must meet adequate notice requirements The month the case is received in the new county shall not be considered an ABAWD month. In addition, notice F849 FS Information -ABAWD/ICT is available to notify persons moving from a non exempt ABAWD county to one that is exempt.
4. **KAECSES Coding Issues in the Exempt Counties:**
 - **JOPR:** Persons who would otherwise be an ABAWD shall be coded as mandatory (MD) on JOPR. This will apply to new applications and reviews as they are processed. Existing cases shall be changed at the time of the next review. The V106, Mandatory Work Program Participant, should also be sent to the client.
 - **PRAP:** Persons in the exempt counties who would **otherwise be an ABAWD shall be coded on PRAP with the person alert of ?A.** This coding means the person resides in a county that is exempt from the ABAWD provisions (and would be an ABAWD otherwise.) Use of this coding is important for identifying persons that might be subject to the ABAWD provisions should they move to a county that is not exempt from the ABAWD provisions, **or if the county is later determined to be a non- exempt county and ABAWDs must be identified on reports for necessary case actions.** The current PRAP code of AB means the person is an ABAWD in a non-exempt county. AB codes on persons in the newly exempted counties must be changed no later than the time of the next review or when a previously set 3 month alert is generated.

C. County Specific Information

1. **Currently Exempt Counties of Anderson, Atchison, Cherokee, Coffey, Doniphan, Leavenworth, Linn, Shawnee, Sumner, Woodson and**

Wyandotte. No special action is necessary in these counties as they have been exempt from the ABAWD criteria since the original implementation date of July 1, 2004.

- 2. Newly Exempt Counties of Cowley, Douglas and Sedgwick.** In addition to the general rules noted above, persons currently considered an ABAWD in the newly exempt counties are not to be closed or removed from an active FS case due to the three month time limit effective April 30, 2005 or after. If any cases have been copied forward to a future month and closed, they must be identified and the closure removed.

If the case accidentally closes, it shall be reinstated without requiring a new application and given a review period within the review period limitation of 12 months. The original review period of 6 months can be extended to 12, but be sure to set an IR due date if more than 6 months will be left in the review period. Please note that extending the review period to 12 months only applies to cases that are closed in error. Other ongoing cases shall retain the original 6 month review period. A review period of 12 months (with IR due) can be set when the case comes due for review.

Example: A single person ABAWD case in a newly exempt county closes by mistake May 31. The consumer calls in June about not receiving benefits and the case is reinstated. The original review period was April 1 - September 30. When the case is reinstated, the review period can be lengthened to March 31, 2006. Since there will be more than 6 months left in the review period, an IR due date is set for 9/05.

A case file search of recently closed ABAWD cases in the exempt counties is not required. **However, a case file search of ABAWDs coded DI on active food stamp cases in the newly exempt counties will be required.** Affected persons must be reviewed and if determined to be an eligible ABAWD, coded IN on the active food stamp case. A printout of all persons coded DI in the exempt counties will be provided on or around April 21, 2005. The determinations of eligibility should be made within 60 days of May 1, with restored benefits as appropriate provided back to May 1, 2005.

The title of this report is “**Adults Age 18-49 Coded DI on Active Food Stamp Cases**”. To help staff further identify ABAWDs on the report coded DI, the citizenship code from ETRC is listed. (Persons coded DI who are not US citizens or eligible aliens would not be ABAWDs.) The review due date is also listed to allow staff to prioritize cases that are due for review in months other than May or June 2005. The JOPR exemption code is also listed to help staff identify ABAWDs (JOPR code of AB).

- 3. No Longer Exempt Counties of Allen, Bourbon, Brown, Finney, Geary, Jackson, Jefferson, Kearney, Labette, Montgomery and Neosho.** Persons currently considered an ABAWD in the above counties must be identified and closed effective **May 31, 2005**, IF they have already

received their three ABAWD months in the current 36 month period starting January 1, 2003. If the affected person has not received their three months already, then they are to receive those three months before the case is closed or the person removed from the active case. The following examples should help to clarify:

Example 1: Susie resides in Finney county and first applied for food stamps in March of 2004. Her three ABAWD months were April-June 2004. Finney county then became exempt effective July 1, 2004 and her food stamps have continued. Since she has already had her three ABAWD months in the 36 month period starting January 1, 2003, her FS case must be closed effective May 31, 2005, provided she is still subject to the ABAWD criteria (i.e. not currently working 20 hours a week, not mentally or physically unfit for employment or otherwise exempt per 2521.)

Example 2: Billy Bob resides in Montgomery county and first applied for food stamps in November 2004. Since he has not received his three ABAWD months in the current 36 month period, he is entitled to three ABAWD months before his food stamps are terminated. He would be entitled to benefits from May - July 2005, then closed if he does not meet any of the ABAWD exemptions that would allow his food stamp benefits to continue.

To help staff identify ABAWDs that need to be closed due to the loss of the labor surplus exemption status, a report “**ABAWDs age 18-49 Working < 20 Hours Per Week on Active FS Cases**” will be provided on or around April 21, 2005 to the counties noted above. Persons turning 50 prior to May 2005 will not be included, and expedited/initial benefits as of the time the report was run are flagged E or I. Each case will need to be reviewed to determine if the person listed is an ABAWD and needs to be closed or continued for their three months out of 36. The PRAP code will also be listed (here’s where you’ll see the persons coded ?A) as well as any earned income listed on the case to help staff prioritize cases needing action. The closure notice, **F416 FS Closure - ABAWD Requirements Not Met** must be sent providing timely notice of the case closure

NOTE: This report should capture most persons that are ABAWDs, either single person ABAWD cases or ABAWDs that are members of an active food stamp household (with no persons under the age of 18). However, some persons identified on the report may not be ABAWDs. Therefore the actual case status must be evaluated before any action to terminate benefits is processed. In addition, the report may fail to identify some ABAWDs. If this occurs, the person should be evaluated for case action at the time of the next IR, review or case change, whichever comes first.

IV. SUCCESSFUL FAMILIES

A. TAF Support Services - See Summary of Changes, Item VIII. A.(1) and Section 3410.

Current policy allows 12 months of extended Work Program services eligibility when a TAF cash case closes with the following exceptions:

- when the client moves out of state;
- death of the only adult on the case;
- no longer a TAF eligible child in the home; or
- the 60 month TAF time limit.

KEESM Revision #22 implements additional exceptions to eligibility for the 12 months of extended Work Program services to former TAF cash clients. These additional exceptions include:

- the only adult begins to receive SSI ;
- the only adult is incarcerated or institutionalized; and
- loss of contact.

In addition, clarification is included that it is no longer necessary to open a Work Program KsCares case when the TAF cash case closes and the client was not receiving Work Program services at the time of closure. Although it is not necessary to open a Work Program KsCares case in these situations, the client is eligible for Work Program services if requested during the 12 month period, unless the cash case is closed for one of the exceptions in Section 3410. Since the client is eligible for Work Program services, the client is categorically eligible for Food Stamps.

This new policy should be applied to TAF Work Program cases whose corresponding TAF cash case closes May 31, 2005 or later. Existing TAF Work Program cases open for the 12 months of extended services that do not meet the new policy guidelines should be closed when identified by the EES worker, but no later than the 12th month of the extended period.

The following examples illustrate the policy intent:

Example 1: A TAF client is exempt from work related requirements because she has a child under age one. In June she requests that her TAF cash case be closed June 30, 2005. It is no longer necessary to open a KsCares Work Program case in this situation because the client was not receiving Work Program services at the time of TAF cash closure. In August 2005, this former client contacts the agency and indicates she needs a car repair to continue her employment. A KsCares Work Program case may be opened and payment authorized since this request is within the 12-month extended eligibility period.

Example 2: Ongoing TAF case for a client who has already incurred a first time Work Program penalty that has been resolved. In July when it is determined that the client is again not cooperating with Work Program requirements, a 2nd work penalty is established, and the TAF cash case is closed effective July 31, 2005. The 12 month extended services for this case would be from August 1, 2005 thru July 31, 2006.

Example 3: A TAF cash assistance is closed July 31, 2005 at the client's request. The TAF client was receiving Work Program services and had an open Work Program KsCares case at the time the TAF cash assistance case closed. The KsCares Work Program case should remain open in JO TR status from 8/1/05-7/31/06 in this situation.

KsCares JO TR cases are categorically eligible for Food Stamps. In addition, there is categorical eligibility for food stamps if the individual would be eligible for the 12 months of extended services but the JO TR KsCares case is not open. An alert needs to be set on KAECSES to determine continued eligibility for food stamps at the end of the 12 months of extended services.

Example: TAF cash case closes July 31, 2005 at client's request. The KsCares Work Program case remains open and the client also continues to receive Food Stamps. In September the client requests closure of the WP case. Since this client is eligible for WP services even though she requested WP case closure, FS categorical eligibility continues through July 2006.

B. FS Employment and Training - See Summary of Changes, Item VIII. A. 2. and Sections 3420, 3423, 3424, 3425, and 3428.

This revision implements changes that bring FS E & T services more in line with TAF Work Program services and allows more flexibility. The following specific limitations are being removed from FS E & T payments:

- \$1500 education/training per 12 months;
- \$300 vocational assessment per participant; and
- \$1500 contracted employment services for 12 months.

In addition, FS E & T clients may now utilize Special Services Allowances.

Total FS E & T expenditures must be within the parameters established by the annual FS E & T State Plan.

NOTE: A Food Stamp E & T client may also be a former TAF client who is eligible for 12 months of extended services. If this client requests a service during the 12 month extended service eligibility period, the payment should be made as JO TR, rather than MO OP, in order to preserve the limited FS E & T funding.

Example: A TAF client's cash case closed 1/31/05 because she is receiving Unemployment Insurance. She continues to receive Food Stamps and lives in a Food Stamp E & T county. FS E & T staff are working with her to help her get a job. In May 2005 she requests a car repair. Although we could now pay for this type of barrier removal using FS E & T funding, we should make this payment under JO TR since this client is within the 12 months extended eligibility period.

- V. **Appendix** - The following documents have been revised to reflect provider enrollment practices under EBT-CC:

In-Home Child Care Handbook - Appendix Item **C-9**;

The Parent-Provider Partnership Handbook - Appendix Item **C-11**;

Regulated Provider Enrollment - Appendix Item C-12;

Unregulated Provider Enrollment - Appendix Item **C-13**;

In-Home Provider Request - Appendix Item **C-14**; and

Out-of-Home Relative Enrollment - Appendix Item **C-15**.

These documents have been revised to reflect provider enrollment practices under EBT CC. These documents are being revised now so they will be readily available when needed. They will be translated into Spanish with Spanish versions available online only at this point. The pilot for EBT CC will begin June 1, 2005 in the following counties: Barton, Cheyenne, Decatur, Ellis, Gove, Graham, Logan, Norton, Osborne, Pawnee, Phillips, Rawlins, Rooks, Rush, Russell, Sheridan, Sherman, Smith, Thomas, Trego, Wallace, Wyandotte. EBT CC will be brought up statewide on September 1, 2005. Pilot counties should begin use of these documents for any provider enrollment/renewal on or after June 1, 2005. Statewide counties should begin use of these documents for any provider enrollment/renewal on or after September 1, 2005. Between now and then, staff should continue to use the existing supply of provider enrollment documents. An EBT CC provider stuffer is attached to this memo. This stuffer can be used to alert new providers of the upcoming changes.

Attachment: Provider Stuffer

Training Material for Child Support Income Training available at:

http://srsks/commissions/ees/Trainers/topic_training.htm

by clicking on "Budgeting Child Support Income (pdf)" and "Budgeting Child Support Income Activity Answers (pdf)" Attention Providers Child Care changes coming !!!!!

Who and When:

SRS will start putting child care assistance benefits on the EBT Vision card June 1, 2005 for the following counties: Barton, Cheyenne, Decatur, Ellis, Gove, Graham, Logan, Norton, Osborne, Pawnee, Phillips, Rawlins, Rooks, Rush, Russell, Sheridan, Sherman, Smith, Thomas, Trego, Wallace, Wyandotte. Providers located in these counties and parents living in these counties will be affected. There might be a short time when some providers have 2 different billing systems (SRS time sheets and EBT) depending on your location and your parents' location. This pilot is only expected to last 3 months. The entire state is expected to be using EBT starting September 1, 2005. If you are a provider NOT located in the above counties and do not serve parents from these counties, September 1, 2005 will be your start date for EBT.

What:

EBT stands for Electronic Benefit Transfer. If your parents get cash or food assistance then child care benefits will be put on their same Vision card. If parents do not have a Vision card, SRS will issue one when they need it.

How:

SRS will not pay providers directly when this change is made. Child care benefits will be put on the parent's EBT Vision card. SRS will give child care benefits at the beginning of the month. Parents will use those benefits to pay for child care during the current month. The money will be deposited by the state's EBT contractor eFunds Corp. directly into your bank account (checking, savings, or pay card). This is like a debit card purchase or a food assistance purchase. Since parents will have benefits on the first of the month, you will be able to get paid faster and with less hassle than from SRS. No cash or checks are involved in the process. Parents can ONLY use child care benefits to buy child care. You must be able to receive payment electronically.

There are two ways parents can pay using the EBT Vision card. Providers choose one way that is best for their business.

1. **A Point of Sale (POS) machine is located at the provider.** This POS machine is like what you see at grocery stores to buy food with a debit/credit card. Parents swipe the Vision card, put in the amount and their PIN to pay. Receipts are produced. Money is put into the provider's bank account by eFunds Corp. electronically. Providers lease the POS machine from eFunds Corp. for \$18 per month.
2. **The Audio Response Unit (ARU) is used by parents.** This is a toll-free telephone number. Parents can use any touch-tone telephone. Parents call this number and are told what to do to make payment. When they are done, they will give you a number you can use to prove they paid. Money is put into the provider's bank account by eFunds Corp. electronically.

What will NOT change with EBT for Child Care:

- Eligibility - applications, personal need, income limits
- SRS Provider - only SRS enrolled providers can participate
- Child Care Plans - set up with monthly hours
- Report changes - parents still have to tell workers about changes
- SRS rates - there will still be a limit on what SRS can give

More Information: There are different ways you can get information.

1. Call your local SRS office. If you do not know that number you can dial 1-888-369-4777 to be connected.
2. Call eFunds Corp. When you get your eFunds papers there will be a toll-free telephone number to call if you have questions.
3. Call your local Child Care Resource and Referral Agency (R&R). They are helping SRS with this change.

4. Check the internet. SRS will try to keep up to date information on the internet. Some links are as follows:

http://content.srs.ks.gov/ees/ISD/ees/EBT_CC_index.html

<http://content.srs.ks.gov/ees/KEESM/KEESM.htm>

<http://content.srs.ks.gov/ees/>

We are hoping this change will allow parents and providers to have more control over the purchase of child care. SRS thanks you for your commitment to child care.

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