

STATE OF WEST VIRGINIA
FY 2024 STATE PLAN FOR TEMPORARY ASSISTANCE FOR NEEDY FAMILIES

This state plan was developed in accordance with section 402 of the Social Security Act, as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193) and reflects the changes in work requirements outlined in the Deficit Reduction Act of 2005. The information submitted below restates the pertinent requirements of section 402, the regulations at 45 CFR Parts 261, 262, 263, and 265, and provides information that outlines the provisions of the State of West Virginia's program in compliance with WV Code §9-9-1 (Attachment C).

STATE PLAN REQUIREMENTS

(a)(1) OUTLINE OF FAMILY ASSISTANCE PROGRAM

(A) GENERAL PROVISIONS - A written document that outlines how the State intends to do the following:

- (i) Conduct a program designed to serve all political subdivisions in the State (not necessarily in a uniform manner), that provides assistance to needy families with (or expecting) children and provides parents with job preparation, work, and support services to enable them to leave the program and become self-sufficient.**

WV WORKS GENERAL INFORMATION

The State of West Virginia's Temporary Assistance for Needy Families (TANF) program, called WV WORKS, is family-focused and based on the two overarching goals of assisting economically dependent and at-risk families in their efforts to become self-supporting and enhancing the well-being of children. It will also assist families near the poverty level to remain self-sufficient. The WV WORKS Program was established pursuant to WV Code §9-9-1 et seq. This program description in this document is effective on October 1, 2023.

WV WORKS is designed to:

- Assist needy families so that children can be cared for in their own homes;
- Reduce the dependency of needy parents by promoting job preparation, work, and marriage;

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- Prevent out-of-wedlock pregnancies; and
- Encourage the formation and maintenance of two-parent families.

The WV WORKS program operates in 54 counties, two counties have been merged, organized into 21 district offices reporting to three Regional Directors. Regional Directors report to the Deputy Commissioner, Bureau for Family Assistance, Department of Human Services (DoHS), hereinafter Department. See Attachment D for Department Management Organizational Chart.

WV WORKS is a multifaceted program that enables at-risk families with eligible children to prepare for employment, become self-supporting, remain employed, and improve their family and community. To achieve this goal, the WV WORKS program is a family-focused work-oriented, performance-based, time-limited program that emphasizes employment and personal responsibility. Work and family are the focal points of WV WORKS.

WV WORKS DEFINITIONS

West Virginia defines a work-eligible individual as an adult (or minor child head-of-household) receiving assistance under TANF or a separate State program or a non-recipient parent living with a child receiving such assistance under the WV WORKS program and who does not meet one of the following categories:

- A minor parent who is not the head of household;
- An SSI recipient on a case-by-case basis; or
- Ineligible alien due to immigration status.

A family is defined as all dependent, blood-related and adoptive siblings and their parent(s), the parent's legal spouse and all blood-related and adopted dependent children of the parent's spouse who are living in the same household.

A two-parent family is defined as:

A two-parent family includes, at a minimum all families with two natural or adoptive parents (of the same minor child) who are work-eligible individuals and living in the home, unless both are minors, and neither is a head-of-household or due to one of the following additional reasons:

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- Ineligible alien due to immigration status;
- SSI recipient; and
- Neither parent is disabled.

A family is considered a single-parent family when it does not meet the criteria outlined above regardless of the number of parents or other adults living in the household.

A caretaker relative is an adult relative other than the natural or adoptive parent, such as a grandparent, aunt, uncle, brother, sister and their legal spouses and those relatives of preceding generations and their legal spouses.

A non-recipient work-eligible individual is a parent or stepparent who must sign the application, complete Orientation, a PRC and SSP, and be participating in a work activity.

Neither these individuals nor caretaker relatives may be included in the WV WORKS benefit:

- Individuals convicted in federal or state court of having made a fraudulent statement or representation about residence to receive TANF, WV WORKS, Medicaid, SNAP benefits or SSI are ineligible for 10 years from the date of the conviction. The conviction must have occurred on or after 8/22/96;
- Individuals who are fleeing to avoid prosecution, or custody/confinement after conviction, for a felony or an attempt to commit a felony;
- An individual convicted of a felony under federal or state law when the offense involves the possession, use or distribution of a controlled substance, as defined in Section 102(6) of the Controlled Substance Act and when the offense occurred on or after 8/22/96. This does not include convictions which have been expunged or reduced to a lesser charge;
- Individuals who are violating a condition of probation or parole which was imposed under federal or state law;
- A parent(s) or other included caretaker who does not report that a child is, or will be, out of his home for at least 30 consecutive days;

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- Any individual who tests positive on a second drug test, during his or her period of ineligibility; or
- Any individual who tests positive for a third drug test.

Cash assistance is defined as all monies received by WV WORKS families for eligible adults and children, including public assistance money and support service payments issued while receiving cash assistance. Cash assistance payments are issued once each month. Support services payments are issued weekly on an as-needed basis when issued to a vendor. When support payments are issued to an individual, they are available the next business day on EBT. Financial eligibility for cash assistance is 100% Standard of Need (SON) and \$2,000 asset limit. Funds for cash assistance are both Federal TANF and Maintenance of Effort (MOE) funded.

Employment Assistance Program (EAP) is a post-employment option for former WV WORKS participants who find employment and are no longer eligible to receive cash assistance or have requested their assistance to stop due to employment but remain under the 150% FPL income limit (Attachment F). These participants may opt to continue to receive the WV WORKS cash assistance check based on a 100% earned income disregard for up to 6 months following WV WORKS case closure. To be eligible for EAP, a single parent with a child under 6 must be employed at least 20 hours per week; all other single parents must be employed at least 30 hours per week. Two-parent households must be employed 35 hours per week or 55 hours per week if federally funded childcare is received.

Non-cash assistance is defined as payments made to eligible families and individuals residing therein for support services who do not receive a monthly assistance payment and who are eligible under the provisions extending support service to families at or below one hundred fifty percent (150%) of the current Federal Poverty Level. The funds used for non-cash assistance are both Federal TANF and Maintenance of Effort (MOE) funded. These individuals must be employed and have an eligible child in the home. Pre-employment and post-employment support services to cash assistance and non-cash assistance recipients will be provided.

WV WORKS PRIMARY ELIGIBILITY REQUIREMENTS

WV WORKS has four primary eligibility requirements. These include an income test, an asset test, attendance at an Orientation session, and the signing of a Personal Responsibility Contract and Self-

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Sufficiency Plan. Due to the passage of drug testing legislation, the completion of a drug use questionnaire was added as an eligibility requirement. Specific criteria are located in the WV Income Maintenance Manual available at the Bureau for Family Assistance website at: <https://dhhr.wv.gov/bcf/Pages/default.aspx>

ELIGIBILITY GROUP

The household must contain an eligible dependent child who is living with a specified relative. The child must be under the age of 18. However, a child over the age of 18 but under the age of 19, who is a full-time student in secondary school, or the equivalent level of vocational or technical training, including summer breaks and meets all other eligibility requirements, may be included.

The eligible child must be living with a specified relative which is defined as a natural or adoptive parent, blood relation, legal step-parent, step-brother or step-sister, or legal spouses of any of these persons.

ASSETS

- The family allowable asset level is \$2,000.
- The value of one (1) vehicle per Work-Eligible Individual in the household is disregarded regardless of the value of the vehicle.

INCOME

All income is counted with the following exceptions:

- Earnings of minor dependent children;
- Tax refunds;
- Earned Income Tax Credit (EITC); or
- Monthly Supplemental Security Income (SSI) payments for children and adults.
- A payment of up to \$100 for families with 1 child or \$200 for families with more than 1 child of child support collected on behalf of a family receiving WV WORKS will be passed through to the family and is excluded as unearned income for WV WORKS.

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- When the employed assistance group member or disqualified person must pay for dependent child or incapacitated adult care to accept or continue employment or training, a deduction from income must be allowed.

ORIENTATION

- Work-Eligible Applicants are required to attend a WV WORKS Orientation session which has been standardized statewide. The Orientation must include: the purpose of WV WORKS; that work is the first priority; a description of the work requirements applicable to the specific family; the purpose and use of the Personal Responsibility Contract (PRC) and the Self-Sufficiency Plan (SSP) and their relationship to the imposition of sanctions; the lifetime limit for receipt of WV WORKS; the time limit for participation in a work activity; the nature and duration of sanctions; a description of sexual harassment, domestic violence, sexual assault and stalking; and the two post-employment options and other services available within the community.
- Families who meet the eligible child, income and asset tests, and attend an Orientation program are required to negotiate and sign a PRC and SSP before initial eligibility can be established.
 - During a natural disaster, state and/or national public health emergency a virtual process may be used.

PERSONAL RESPONSIBILITY CONTRACT (PRC) AND SELF-SUFFICIENCY PLAN (SSP)

A Personal Responsibility Contract (PRC) (Attachment G) is the same for all WV WORKS participants. It states the purpose of the WV WORKS Program and lists the participant's rights and responsibilities. The Self-Sufficiency Plan (SSP) (Attachment H) is developed by each work-eligible individual by working with their case manager. The SSP outlines the activities which must be completed by the participant and the barriers which the Department will help them overcome to become self-sufficient.

Failure to meet the terms of the PRC or SSP will result in the following full family penalties:

- First offense is ineligibility for cash benefits for one month.

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- The second offense is ineligibility for cash benefits for six months.
- Third and subsequent offenses result in ineligibility for cash assistance for twelve months.

Applicants, as well as recipients, are informed at application, redetermination, and case maintenance of the need to report changes and the penalties for failure to do so. The PRC, SSP and the required Orientation further stress the importance of cooperation and point out the penalties associated with not reporting changes on a timely basis.

SUBSTANCE ABUSE TESTING AND REFERRAL

All applicants who would be included in the WV WORKS Assistance Group, AG, or individuals who receive the benefit must complete a drug use questionnaire (Attachment J) or are ineligible for this benefit. This questionnaire must be completed within ten business days of the initial contact showing interest in applying for this benefit in addition to all other eligibility requirements. Any applicant who provides false information on the Drug Use Questionnaire is ineligible for WV WORKS assistance. Any individual who scores one or more points or answers “Yes” to question eleven must be referred for drug testing; all other applicants are treated in the same manner as any other WV WORKS applicant.

The drug screening questionnaire is the only method that may be used to determine reasonable suspicion for drug use. This policy aligns with the federal court ruling in *Lebron v. Sec. of the Fla. Dept. of Children and Families*, 772 F.3d 1352 (11th Cir. 2014). Individuals who have been determined to have reasonable suspicion for drug use must register for drug testing within two business days. When the results of the drug testing are negative, no further action is needed by the participant. He is then treated in the same manner as any other WV WORKS participant. The Case Manager must enroll any individual who answers “Yes” to question eleven and who has a negative drug test as a WV WORKS recipient.

NOTE: Question eleven: “Have you been convicted of a drug-related offense within the last three years?” refers to felonies and misdemeanors.

When the results of any drug testing are positive and the individual does not agree with those results, the individual can:

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- Provide a valid prescription by a health care provider authorized to prescribe the controlled substance. Once this occurs, no further action is needed by the Case Manager or the participant. These individuals are then treated in the same manner as any other WV WORKS participant; or
- Request re-testing at an alternative site at his expense. When the results of the drug re-testing are negative, no further action is needed by the participant. These individuals are then treated in the same manner as any other WV WORKS participant.

All other positive drug testing results require the Case Manager to refer the individual to a substance abuse treatment and counseling program and a job skills program. Should unforeseen circumstances prevent the applicant from enrolling in a treatment and counseling program within seven business days, the Case Manager may allow additional time to enroll.

If the individual fails to complete or refuses to participate in the substance abuse treatment and counseling program or job skills program as required, he is ineligible for WV WORKS. This ineligibility will continue until the time the individual enrolls and is successfully attending a substance abuse treatment and counseling program and job skills program. Once he can document successful completion of a substance abuse treatment and counseling program and a job skills program, he may then reapply for benefits six months after the completion of these programs and submit to drug testing. The cost of this drug testing is then the responsibility of the individual being screened. Upon completion of the substance abuse treatment and counseling program and job skills program, the individual is subject to a random post-treatment drug test. These individuals are then treated in the same manner as any other WV WORKS participant.

Any individual who tests positive for a second drug test will be required to participate in a second substance abuse treatment and counseling program and job skills program. These individuals will be ineligible for WV WORKS for 12 months or until they have completed a substance abuse treatment and counseling program and job skills program, whichever is shorter.

If the individual fails to complete or refuses to participate in the substance abuse treatment and counseling program and job skills program as required, he is ineligible for WV WORKS. This ineligibility will continue until the time the individual enrolls and is

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successfully attending a substance abuse treatment and counseling program and job skills program. He may then reapply for benefits six months after the completion of these programs and submit to drug testing. The cost of this drug testing is then the responsibility of the individual being screened. Upon completion of the substance abuse treatment and counseling program and job skills program, the individual is subject to a random post-treatment drug test. During the period of ineligibility due to the second positive drug test, he is considered a non-recipient work-eligible individual and must choose a protective payee for the WV WORKS payment for the other members of the WV WORKS AG; the protective payee must submit to a drug screening questionnaire within seven business days of this choice. The protective payee must satisfactorily complete the drug screening questionnaire and is chosen by the parent. When there are two parents in the home, the second parent may be the payee if the drug screening questionnaire was successfully completed. The designated person shall be an immediate family member, or if an immediate family member is not available or declines the option, another person may be designated. The protective payee must submit a form monthly (Attachment K) documenting how the benefits were spent. Once the period of ineligibility has ended, these individuals are then treated in the same manner as any other WV WORKS participant.

Any individual who tests positive for a third drug test is permanently ineligible for WV WORKS. They are considered a non-recipient work-eligible individual and must choose a protective payee for the WV WORKS payment for the other members of the WV WORKS AG. The protective payee must submit to a drug screening questionnaire within seven business days of this choice. The protective payee must satisfactorily complete the questionnaire and is chosen by the parent. When there are two parents in the home, the second parent may be the payee if the drug screening questionnaire was successfully completed. The designated person shall be an immediate family member, or if an immediate family member is not available or declines the option, another person may be designated. The protective payee must submit a form monthly documenting how the benefits were spent.

The following individuals require a referral to Bureau for Social Services in addition to the above requirements:

- Any individual who fails to complete or refuses to participate in substance abuse treatment and counseling program and job skills program as required; and

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- Any individual who has had their benefits suspended and has not designated a protective payee or whose benefits have been terminated due to a failed drug test.

Job readiness classes in existence throughout the state will be the skills programs these individuals would be required to attend.

During a natural disaster, state and/or national public health emergency a virtual process may be used.

OTHER COMPONENTS OF WV WORKS

- Minor parents are required to live with their parents or in an adult-supervised setting. Teen parents are required to attend school if they do not have a high school diploma or the equivalent.
- Eligible families will receive an earned income disregard of 40%.
- Families who receive child support will receive a child support incentive payment of \$25 for each month the support is received and redirected to the Bureau for Child Support Enforcement.
- A payment of up to \$100 for families with 1 child or \$200 for families with more than 1 child of child support collected on behalf of a family receiving WV WORKS will be passed through to the family and is excluded as unearned income for WV WORKS.
- When the absent parent has no remaining state debt from previous TANF receipt and makes a payment to BCSE that is in excess of the current WV WORKS payment, any amount which exceeds the benefit is distributed to the custodial parent by BCSE.
- A one-time-only diversionary cash payment is available to WV WORKS applicants that allows up to the amount of three months of regular cash assistance payments if (a) the family can demonstrate a need which cannot be met with the current or anticipated family resources and there is verified employment or another specific source of income expected to begin within a two month period; and (b) the family meets the income, asset, and dependent minor child provisions of WV WORKS. Financial eligibility for Diversionary Cash Assistance

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(DCA) is 100% Standard of Need (SON) and \$2,000 asset limit. Funds for DCA are Federal TANF funded.

- All parents and caretaker relatives are required to cooperate with the Bureau for Child Support Enforcement in the identification of parents, the establishment of paternity, and securing child support or they may be sanctioned unless good cause is established.
- Redetermination of financial eligibility is conducted at periodic intervals at a minimum of once every 12 months.
- Lifetime family benefits will not exceed 60 months. The 60-month time limit only applies to cases in which the assistance group includes an adult head of household or spouse of the head of household in the cash assistance payment. Minor heads of households and spouses are also subject to the 60-month time limit. WV state law allows the Department to determine extensions to the 60-month lifetime limit on a case-by-case basis. WV WORKS participants may apply for an extension after their 55th month of benefits and the Department renders a decision before their 60th month of benefit receipt.
- Pre-employment support services to cash assistance recipients will be provided to promote participation in activities that lead to self-sufficiency.
- Post-employment non-cash assistance support services for former TANF families will also be provided up to six months each time an adult household member starts employment and the household's income stays below the eligibility limit of 150% of FPL. Funds for post-employment non-cash assistance support services are both Federal TANF and Maintenance of Effort (MOE) funded. These are considered poverty level support services only.
- The household may opt to participate in the West Virginia Employment Assistance Program (EAP) anytime their WV WORKS case is closed or have requested their assistance to stop due to employment during the 60-month eligibility period. The household would continue to receive an EAP payment equivalent to the monthly cash assistance payment for up to a six-month period while remaining employed. This is considered post-employment cash assistance.

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- The method and process for recovering overpayments and correcting underpayments under WV WORKS are the same as those used under the former AFDC Program.
- A child may be absent from the home for no more than 30 consecutive days to receive assistance. Good cause must exist for the continued receipt of benefits when the child is absent from the home for more than 30 days when the child or parent is receiving medical treatment or is in a special needs school.
- West Virginia does not provide cash assistance to pregnant women who have no other minor children.
- The State has legislation that allows benefits, cash assistance and support services to be given to an individual who is convicted of possession, use or distribution of a controlled substance. Any individual who has been convicted of a drug-related offense immediately prior to an application for WV WORKS benefits whose conviction becomes known as a result of the drug screening questionnaire may submit to drug testing. If the results of this drug testing are negative, then the individual may be included in the benefit. All other non-recipient work-eligible individuals who would otherwise be included in the benefit are required to complete the PRC, SSP, Orientation, and participate in a work activity for their household to be eligible for WV WORKS benefits.
- The State adopts each county's Board of Education or other educational facilities' definition of satisfactory school attendance for teen heads of households who attend secondary school or education directly related to employment. This definition varies by county and by program. When class is not available for 20 hours per week, an additional activity assignment must be made to meet the minimum required hours. Each county Board of Education is responsible for developing and implementing its own definition of satisfactory school attendance. For Vocational Education Training, the institution will determine what is considered full-time enrollment and satisfactory progress. The individual must remain in good academic standing with the institution.
- Only verified excused absences are counted, not to exceed 16 hours per month and not more than 80 hours in any 12-month period.

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- Only Federal holidays are counted towards participation when the participant would normally have been scheduled to work or attend an educational activity on that day.
- Replacement due to Cyber Fraud/Skimming/Cloning/Phishing

When a WV WORKS participant reports unauthorized cash benefit transactions on their EBT card that resulted in stolen benefits due to cyber fraud, the participant must Immediately notify the Office of EBT Banking Services. File a police report, request EBT card replacement, and complete a lost benefit affidavit. The affidavit must be sent to the Office of Inspector General (OIG) for investigation. Once OIG investigates and confirms the theft was from card skimming/cloning/phishing, they will advise the worker of the amount that can be replaced.
- West Virginia subsidizes a Student Service Specialist at each Community & Technical Colleges (CTC) across the state. Based on caseload sizes, some of these locations will have two specialists. These specialists will be responsible for assisting recipients of TANF with the Free Application for Federal Student Aid (FAFSA), connecting the student with appropriate study skills, test-taking strategies, time management, and organizational skills needed to successfully complete their academic program of choice. Also, to help students make a successful transition into the workforce and/or continued post-secondary education. The goal of this program will be to assist and encourage our TANF individuals in our goal to build stronger families, TANF purposes number one and two. This program will be funded using co-mingled Federal TANF and State Maintenance of Effort (MOE) funds. Individuals referred for this program must receive WV WORKS, below \$2,000 asset limit and 100% Standard of Need (SON). West Virginia is exploring additional eligibility criteria to include SNAP eligible families with children.
- West Virginia implemented the West Virginia Healthy Relationship Initiative. These services and activities are designed to promote the formation and maintenance of two parent households. The services are defined as and include marriage education, marriage skills, relationship skills programs, and other relationship education programs. Services will be offered in conjunction with job readiness classes statewide and other family support programs statewide to ensure broad application and accessibility. This program will be funded with Federal TANF funds. Individuals referred for this program must receive WV WORKS, below \$2,000 asset limit and 100% SON. This program supports TANF purposes numbers three and four.

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- West Virginia is planning to implement a Fatherhood program designed to increase child and family well-being by empowering parents with the skills and resources that they need to succeed as parents and providers. Provide fatherhood services and other father inclusion initiatives and support holistic approaches that address both the employment and parenting needs of fathers. The participants will be taught healthy marriage/relationship skills, and parenting skills that focus on enhancing the parent-child relationships. Classes will be held throughout the state. This program will support TANF purposes numbers three and four.
- The State may also contract for other services or programs to keep families together and self-sufficient, TANF purpose number two. The financial eligibility criteria for these programs are the individual must be currently receiving WV WORKS or the family is at or below 200% Federal Poverty Level:
 - Job Readiness, Skills Training, and Job Search assistance are provided to recipients using co-mingled Federal TANF and State Maintenance of Effort (MOE) funds. These programs consist of training to enhance the ability of participants to obtain and maintain employment;
 - Our vendor conducts educational, mental health and vocational assessments to WV WORKS customers to assess for appropriate referrals and identify barriers to employment. These assessments are provided to recipients using Federal TANF funds. A referral form based on the findings from all assessment instruments which are interpreted by the vendor is completed on each participant and provided to each WV WORKS case manager for use in their case management. The case manager will then make referrals to available community resources based on these recommendations.
 - Participants will be administered evidence-based assessments that identify additional barriers to employment in the areas of health, mental health, transportation, childcare, and housing that could affect their transition to self-sufficiency.
 - The Employer Incentive Program (EIP) is an on-the-job training program that is provided under TANF purpose number two to recipients using Federal TANF funds. The number of EIP training hours are based upon the starting wage. EIP provides participants with structured skill training,

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the opportunity to improve their skill level, and provides those who are marginally employable with an opportunity to become employed. Individuals referred to this program must be recipients of WV WORKS, below \$2,000 asset limit and 100% SON.

<u>Beginning Hourly Wage</u>	<u>EIP Training Hours</u>
\$8.75 through \$8.99	200
\$9.00 through \$9.99	300
\$10.00 through \$10.99	400
\$11.00 through \$11.99	500
\$12.00 or more	600

- Legal support is provided to eliminate the need for legal services as a barrier to work or self-sufficiency to recipients using Federal TANF funds under TANF purpose number one. This service provides high quality and comprehensive legal services to WV WORKS recipients including child only TANF cases referred by the Department with legal obstacles to work, self-sufficiency or child safety and welfare, stability, and education while promoting client empowerment. Examples of services provided are Domestic Violence; Divorce; Child Support; Child Custody/Visitation; Adoption; Name Change; Paternity; Driver's License Issue(s); Expungement; Housing Eviction; Landlord/Tenant Issue(s); Public Housing; Security Deposit; Unsafe Living Conditions; Utilities; Education/School Issue(s); Supplemental Security Insurance (SSI) /Social; and Security Disability Insurance (SSDI). Individuals referred to this program must be recipients of WV WORKS for themselves or the dependent children in their care. Referrals may also be received for participants in other Division of Family Support programs for needy families. A family with children receiving SNAP, Medicaid, CHIP; or families receiving or determined eligible for childcare subsidy assistance under the Child Care and Development Block Grant (CCDBG) will be deemed to be a needy family for these referrals. The family's income must also be below 300% FPL.
- Pre-employment dental and vision service is a cooperative effort between the WV WORKS program and the Office of Maternal, Child and Family Health (OMCFH). An individual who receives WV WORKS whose barriers to obtaining employment include vision or dental issues may receive a referral for dental work and vision services under TANF purpose number one. This is funded using co-mingled Federal TANF and State Maintenance of Effort (MOE) funds. **This program was authorized solely under prior law through**

the Aid to Families with Dependent Children (AFDC) program. Expenditures for this program are reported under authorized under prior law. Individuals referred for this program must receive WV WORKS must be recipients of WV WORKS, below \$2,000 asset limit and 100% SON for themselves or the dependent children in their care, based on children being below \$2,000 asset limit and 100% SON.

- Volunteer Income Tax Assistance (VITA) sites that will also promote and publicize the Earned Income Tax Credit (EITC) are provided to recipients using Federal TANF funds under TANF purpose number two. This program is to promote the Federal EITC and to help increase the amount of federal tax dollars available to eligible West Virginia individuals and families. Each regional coalition partner establishes VITA sites, provides families with free income tax preparation, and provides financial literacy education to our residents as needed; Financial eligibility is determined by VITA. For the 2023 tax filing season, this is individuals and families with low-to-moderate incomes of \$63,398 or less.
- Transportation assistance is provided through a donated vehicle program under TANF purposes one and two. This program delivers safe and reliable automotive vehicles to eligible participants to assist them in achieving greater economic independence and self-sufficiency by meeting their transportation needs. This program provides donated vehicles for recipients of TANF who have transportation as a challenge to participation. Beginning July 1, 2023, WV added a vehicle for the road test and driver's education. This is funded using co-mingled Federal TANF and State Maintenance of Effort (MOE) funds. Individuals referred for this program must receive WV WORKS for themselves must be recipients of WV WORKS, below \$2,000 asset limit and 100% SON for themselves or the dependent children in their care, based on children being below \$2,000 asset limit and 100% SON.
- Family Support Centers (FSC) target programs and services to families with children. Services are voluntary and available to all interested families. Grantees conduct primary prevention services based on the Strengthening Families Protective Factors Framework and the National Standards of Quality for Family Strengthening and Support. The FSCs are expected to provide a warm and welcoming place in the community where any family with children up to age 18 or pregnant families can go, not only in times of need, but as a regular part of day-to-

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day life. Services are provided using Federal TANF funds, Community Based Child Abuse Prevention (CBCAP) funds, Title IV-B funds, and State Special Revenue funding. Services and supports are cost allocated appropriately to ensure funds are being utilized in accordance with federal guidance and regulations regarding allowability.

All TANF funds will be used appropriately to promote stability and self-sufficiency of two-parent families and reduce poverty. To help eliminate poverty, additional resources are made available through the FSCs in these communities for needy families. These programs help reduce challenges for two-parent families through educational and family-strengthening activities, peer support, assistance with basic needs, and aid in developing community relationships.

FSC services and supports for eligible families designed to provide assistance to needy families so that children can be cared for in their own homes or in the homes of relatives may include, but are not limited to:

- Non-recurrent short-term benefits, such as food, baby, and hygiene pantry items,
- Transportation services,
- Parenting education classes,
- Child development activities,
- Respite services for eligible caregivers,
- Supportive services targeted toward relative caregiver populations,
- Linkage to In Home Family Education (IHFE) programming,
- Linkage to health programs to promote access to primary care, including developmental screenings and information on health care for parents.

FSC services and supports that are designed to end the dependence of needy parents on government benefits by promoting job preparation, work, and marriage may include but are not limited to:

- Self-sufficiency and life skills education, such as budgeting and financial literacy classes,
- Adult education, tutoring and literacy instruction,
- Job and career readiness training and services,
- Cooking and nutrition classes.

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FSC services and supports that are designed to prevent and reduce the incidence of out-of-wedlock pregnancies may include but are not limited to:

- Adolescent pregnancy prevention programming,
- Teen support groups.

FSC services and supports that are designed to encourage the formation and maintenance of two parent families may include but are not limited to:

- Parenting education classes,
- Parent support groups,
- Responsible Fatherhood and paternal engagement programming.

The provision of this type of aid, funded by federal TANF dollars, is consistent with the efforts being made by West Virginia to assist needy families so that children can be cared for in their own homes or the homes of relatives, to end the dependency of needy parents on government benefits, to prevent and reduce the incidence of out-of-wedlock pregnancies, and to promote the formation and maintenance of two-parent families. The various types of non-assistance being provided will help to strengthen and maintain two-parent families through both the alleviation of short-term financial crises as well as the prevention of potential problems that may place undue strain on families and will help to prevent and reduce both out-of-wedlock and teenage pregnancies.

A family receiving WV WORKS, SNAP, Medicaid, or CHIP; or families with children receiving or determined eligible for childcare subsidy assistance under the Child Care and Development Block Grant (CCDBG) will be deemed to be a needy family. The Family's income must also be below 300% FPL.

Services for Eligible Families: Non-assistance expenditures for services including information and referral to needy parents/families such as short-term non-recurrent benefits as discussed in 45 CFR 260.31, referral to local Child Care Resource and Referral agencies (CCR&Rs) for child care assistance, referral to WV WORKS for subsidized employment,

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transportation and work and training services, food distribution network activities and pro-family activities expected to prevent and reduce the incidence of out of wedlock births as well as encourage the formation and maintenance of healthy two parent families, including after school activities for teens, fatherhood and healthy marriage initiatives, mentoring and literacy programs, and domestic violence/drug abuse/prevention/education programs. Additional nonfinancial criteria, if any, are dependent on the grantee statements of work.

Pro-Family Activities for Other Than Eligible Families: Non-assistance in the form of non-federal cash and in-kind qualified expenditures by third parties for individuals and families pursuant to 45 CFR 263.2(a) (4) (ii), as clarified in TANF-ACF-PI-2008-10 (Pro-family Maintenance-of-Effort (MOE) Spending Provision). These benefits and services are provided without regard to financial need or family composition.

The family attests to public benefit receipt and income on the Family Support Center's intake form. When the FSC reports their activities, the unduplicated Number of Low-Income families served (<300% of Federal Poverty Level) and unduplicated number of families who received benefits from any of the following: WV WORKS, SNAP, Medicaid or CHIP, WIC; or families with children receiving or determined eligible for childcare subsidy assistance is included. This can be compared to the total number of families served to ensure that the costs for the activities are provided only to eligible families.

All FSCs shall adhere to all applicable policies as outlined in the Bureau's FSC Programmatic Requirements Manual. This manual includes a provision that the grantee shall be responsible for maintenance of inventory and client records to ensure that TANF Non-Assistance is only being expended on eligible families. All FSC services will be made available to eligible families. A new data system that has been created is identifying eligible, needy families for the Family Support Centers to ensure that activities are provided only to eligible families with TANF funds. The updated West Virginia Family Database began tracking counts of families that meet TANF criteria in July (FY24).

SPECIAL PROJECT

- United Way of Central WV 211 provides Information and Referral (I & R) services to individuals and needy families regarding community-based resources, such as social

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services and charities that provide housing, medical care, human services, financial assistance, and other social services that are available in the area served by a local I & R provider under TANF purpose one. Access is provided, via the 211-dialing arrangement, to a single call center that provides callers with centralized I & R services and is responsible for the operation and management of the statewide 211 system. All I & R staff are mandated reporters regarding child abuse/neglect and human trafficking and are expected to adhere to Bureau for Family Assistance policies. These services are provided using Federal TANF funds.

All contracting will be conducted in accordance with the State's rules and regulations.

- West Virginia has joined EmPath's Economic Mobility Exchange. This will expand the resources available for Economic Mobility Coaching. Since WV has adapted their Bridge Model, this will continue the momentum gained from the IIEESS project and enable us to learn from and connect with other organizations. In SFY 2025, the Family Support Centers are required to incorporate the mobility coaching model with families encountered to build the skills and mindsets necessary for moving out of poverty.
- West Virginia was chosen to participate in Families Are Stronger Together: TANF & Child Welfare Partnering for Prevention Learning Community (FAST-LC) in September 2023. The FAST-LC will center on innovative prevention strategies to mitigate and reduce families' involvement with the child welfare system through partnerships between TANF and Child Welfare programs, such as through the provision of supports and services within Family Support Centers. WV will benefit from a robust suite of individualized training, technical assistance, and coaching support as well as regular opportunities for collaborative learning and sharing with peer teams.
- Programs falling under the newly formed Division of Family Support are required to develop meaningful collaborations with other Division funded programs to improve accessibility to services and outcomes for all WV families. These memorandums of Understanding (MOUs) include the programs mentioned above as well as Community Based Child Abuse Prevention (CBCAP) funded grants. The CTC and Job Readiness programs are also participating in the WV

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Family Survey effective July 1, 2024. The WV Family Survey measures protective factors and other indicators of family well-being.

- The State may coordinate with and refer to other employment and training resources such as Workforce Innovation and Opportunity Act (WIOA), vocational education, vocational assessment programs, private non-public schools providing vocational training, and other educational resources.
- A grievance process gives regular employees of employers the ability to resolve complaints concerning the alleged violations of filling vacancies, displacement, hours, and other labor protections. Notification and access to the process are required via a contract with the employer.
- The State will work with non-custodial, non-supporting minor parents to fulfill community work obligations and attend appropriate parenting and training classes to increase the employability of these individuals to provide child and parental support to their children.
- The Income and Eligibility Verification System (IEVS) provides the Department with sources of information for use in determining eligibility and the amount of the benefit for applicants and recipients. Procedures established to assist in the prevention of fraud and abuse in the form of computer matches are utilized. The Social Security number of the applicant or recipient is matched against the files for the State Bureau of Employment Programs, Internal Revenue Service, and the Social Security Administration (SSA). The State Online Query (SOLQ) provides direct access to SSA's databases. Information received includes SSN verification and SSI and RSDI details. Requests can be made only for individuals known to the eligibility system within the previous five years.
- The eligibility system will be used to collect data and track all families receiving WV WORKS cash assistance or non-cash assistance payments. This system tracks WV WORKS supportive payments and payments for other programs operated by the Department. The eligibility system is an integrated mainframe eligibility determination and benefit calculation system which issues benefits for WV WORKS (TANF), Supplemental Nutrition Assistance Program (SNAP), Medicaid (MA), Emergency Assistance (EA), Low Income

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Energy Assistance Program (LIEAP) and the School Clothing Allowance (SCA) Program. The system features automatic notification of changes, automatic generation of periodic report forms and alerts to workers. The system is also designed to interface with Child Support Enforcement, Social Service data systems, and the Medicaid Management Information System, as well as other required state and federal legal agency interfaces.

- A School Clothing Allowance Program is available to help parents and/or caretaker relatives keep children in school. WV WORKS families with school age children will automatically be eligible to receive a clothing benefit for each eligible child. Families whose income is below 130% of the Federal Poverty Level will be eligible to receive a clothing benefit for each eligible school-aged child in the home. The family is not required to apply for or accept a WV WORKS benefit to be eligible for the clothing benefit. This program is offered one time per year and is not considered as WV WORKS cash assistance in West Virginia. Funds for school clothing assistance are both Federal TANF and Maintenance of Effort (MOE) funded.
- Procedures have been established to improve the quality of services being provided to individuals with disabilities and ensure equal treatment. Information on the Americans with Disabilities Act (ADA) has been incorporated into the WV WORKS Orientation process. A more intensive referral program for participants has been adopted that includes a tracking system to follow up on the outcome of the referrals.
- Four regional job developers have been hired to assist with connecting job-ready participants to local employment opportunities. These job developers must work closely with local WV WORKS and SNAP E&T staff, WorkForce WV and job readiness classes throughout the state. These positions are partially funded using Federal TANF funds. Financial eligibility is any individual who is receiving Supplemental Nutrition Assistance Program (SNAP) or WV WORKS benefits.

ADMINISTRATIVE SERVICE ORGANIZATION (ASO) SERVICES

There are no financial eligibility criteria for ASO services.

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Housing/Rent - Payments made as part of a safety plan or to prevent removal of a child. Expenses include rental assistance and deposits for a client's primary residence, and can also include payments for services used to make habitable, i.e. pest control.

Food/Groceries - Payments made as part of a safety plan or to prevent removal of a child. Workers exhaust all other available resources, including food pantries, before generating this payment.

All the ASO services that are for Child Protective Services (CPS), Youth Services (YS), and Foster Care are provided to help stabilize families and reunify children with their families. These services are funded using segregated TANF funds.

- Adult Life Skills - Direct service in which the identified parent is assisted to develop basic home management skills and social/emotional support networks through hands-on implementation and role modeling. This service provides for the acquisition of skills needed to meet adult role expectations and carry out activities of daily living. Adult Life Skills are intended to improve the capacity for solving problems and resolving conflicts. Possible activities include housekeeping, cleaning, food shopping, meal preparation, laundry, budgeting, utilizing community resources, accessing medical and school records, and personal care/hygiene. This service is implemented when there is a lack of skill knowledge not due to a mental health condition and implies that there is not a lack of motivation. The provider works with the client on the needs identified in the service plan.
- Individualized and General Parenting - Direct face-to-face educational services to improve parental competence, performance and knowledge of:
 - Basic child/adolescent care skills
 - Nurturing
 - Discipline strategies
 - Appropriate supervision
 - Encouragement of child/adolescent care, age-appropriate development
 - Realistic expectations and standards of child/adolescent behavior.
- Family Crisis Response - a face-to-face intervention in the family's natural environment to assess and de-escalate a family emergency. This service may target dysfunctional

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family interactions or environmental situations that have escalated to the point that the safety (protection from abuse and/or neglect) of a child or the community may be at risk of imminent danger. This service is available twenty-four hours a day, seven days a week. This service responds to the current family crisis that involves family disorganization and/or emotional upheaval that has resulted in an inability to adequately function, and problem solve.

- Tutoring - Structured individualized or small group setting of three children or fewer in which a child is taught or guided in an academic area to enhance skills to avoid failing a core educational requirement. This service is time-limited, and a child's academic functioning level/ability must be considered. Tutoring is to build upon a targeted academic skill in which the student has a documented deficit. Tutoring is not to be used for regular homework completion. This will be reported as expenditure under services for children and youth.
- Case Management Services - services that assist child welfare recipients to gain access to needed medical, behavioral health, social, educational and other services. Case Management Services are to be provided at a level of intensity required by the recipient. Services must be provided in settings accessible to the recipient. The individual must be given the option of whether to utilize case management services. Within case management, there are several activities that are recognized as components of case management. These components include linkage/referral, advocacy, family crisis response planning, and service plan evaluation.
- Public Transportation - Reimbursement for transportation of children related to visitation with parents, child attending visitation with pre-adoptive parents or adoption-related activities explicitly documented on the DoHS's child case plan, or the provision of transportation on buses, planes, and/or trains. This may be used for local bus passes or long-distance bus tickets. Rental Cars, tolls if a rental car is used, taxi fares and parking are also included in this service. This service can be used for bus passes for a parent attending visitation with his/her child. This service is for transportation to medical services in which non-emergency medical transportation (NEMT) could not be accessed and/or to participate in services/treatment, office visits, Multidisciplinary Treatment Team meetings, reviews, and court hearings

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explicitly documented on the DoHS's service plan. The least costly means available must be utilized. This service covers the fare for the shortest practical route to/from the traveler's destination.

- Private Transportation - to provide reimbursement for foster parents who attend Multidisciplinary Treatment Team meetings, reviews, and court hearings explicitly documented on the DoHS service plan. Private Transportation is also for reimbursement of the biological parent(s) of mileage traveled to participate in visitation with the child, services/treatment, office visits, Multi-Disciplinary Treatment Team meetings, reviews, and court hearings explicitly documented on the DoHS treatment plan. This service can be used for the transportation of a foster child to medical services in which NEMT could not be accessed. NEMT is utilized for medically necessary services. NEMT is accessed through the Office of Family Assistance. It is the primary source for reimbursement for taking foster children to medical and behavioral health appointments.

Reimbursement for transportation of children related to visitation with parents. Those eligible for this service must be documented in the visitation plan completed by the DoHS worker and visitation must be explicitly documented on the DoHS child/family's treatment plan.

Reimbursement for transportation for the purpose of the identified child attending visitation with pre-adoptive parents or adoption-related activities explicitly documented on the DoHS child's case plan. This service covers actual miles traveled using the shortest practical route to the traveler's destination. This rate is intended to cover all operating costs of the vehicle (including fuel, maintenance, depreciation, insurance, etc.).

- Agency Transportation - providers' mileage encumbered when the following services from the Youth Services Foster Care Program Option have been implemented within the child/family's home and the permanency plan is reunification:
 - Adult Life Skills
 - Individualized Parenting
 - CAPS Family Assessment
 - CAPS Case Management
 - Supervised Visitation

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- Family Crisis Response
- Intensive Therapeutic Recreation Experience
- Pre-Reunification Support
- Home study
- Transportation Time
- MDT Attendance
- Tutoring

If a provider is unable to deliver the identified service upon traveling to the home, this may be billed up to three times within the ninety-two (92) day authorization period when the following conditions are met:

- The provider/agency has a policy and procedure regarding the expectations of the families being served. The importance of keeping scheduled appointments, notifying the provider when an appointment needs to be canceled and the means in which the DoHS will be notified if appointments are not kept are reviewed with the client(s).
- The provider/agency has a policy and procedure about notifying the Department regarding youth/family's non-compliance with established scheduled appointments.
- There is documentation of the visit being scheduled within the case record.

Transportation-related to visitation with parents when the child is in the car. Those eligible for this service must be documented in the visitation plan completed by the DoHS worker and visitation must be explicitly documented on the DoHS child/family's service plan. The least costly means available must be utilized. This service covers actual miles traveled using the shortest practical route to the traveler's destination. This rate is intended to cover all operating costs of the vehicle (including fuel, maintenance, depreciation, insurance, etc.).

Transportation for the purpose of the identified child attending visitation with pre-adoptive parents or adoption-related activities explicitly documented on the DoHS child's service plan. The least costly means available must be utilized. This service covers actual miles traveled using the shortest practical route to the traveler's destination. This rate is intended to cover all operating costs of the vehicle (including fuel, maintenance, depreciation, insurance, etc.).

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- Pre-Reunification Support - This service is for children who are still placed in foster care settings but are beginning transitional overnight visits to the home from which they were removed. The purpose is to observe the interactions of the family as they adjust to being reunited in their own home and report to the DoHS worker and/or court regarding the family dynamics and give recommendations regarding the children being reunified. These observations are to be scheduled as well as random as determined by the MDT.
- MDT Attendance - Reimbursement for an agency/independent provider participating in the quarterly individual Multi-Disciplinary Team Meeting in person to present written reports of progress, answer questions, and assist in establishing the appropriate plan for the identified child and/or family. The provider must be actively working with the client and submitting monthly summaries to the DoHS worker.
 - For Family Preservation, there must be court involvement with a petition filed and/or it is mandated in Bureau for Social Services (BSS) Policy or WV Statute.
 - For Foster Care the child must be in WV DoHS custody and/or it is mandated in BSS Policy or WV Statute.
 - For the Reunification service category, there must be circuit court involvement with a petition filed and/or it is mandated in BSS Policy or WV Statute.
- Supervised Visitation - Service in which visitation between family members (parent to child or child to child) is observed to ensure general safety and appropriate interaction is maintained during visitation. Visitation provider either looks in on visits between family members periodically (as determined by DoHS visitation plan) or observes the visit while sitting in the room with the family members. Visitation provider will observe to ensure that no abuse, either physical or emotional, takes place during visitation. Service in which visitation between parents and children is observed to evaluate appropriateness and level of interaction. The purpose is to assess and monitor the appropriateness of family interaction and possible reunification. The service must be identified in the service plan. Before each visit the provider will complete the following tasks:
 - Meet with the child's caseworker to learn the child's needs as identified in the CPS/YS Safety plan and to jointly

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develop a specified needs list to be met during the initial visits.

By the end of the first month, the provider will have arranged visitations to continue as documented in the Child's Case Plan by:

- Clarifying what needs must be met during future visits.
- Deciding what special arrangements will be made for visits.
- Identifying the level of support the parent requires during visits and consider who might replace the visitation specialist in the future, such as foster parent, family member, etc.
- Arranging for transportation as necessary, even in those cases when it is determined that continued supervision of visits is unnecessary.
- Maintaining weekly contact with the DoHS caseworker to update placement information.

The provider will perform the following functions for each visit:

- Meet with the parent before the visit to help the parent anticipate his/her own and the child's reactions during the visit and to discuss the needs to be met during the visit.
- Assist the parents as necessary during the visit.
- Meet with the parent after the visit to discuss how the parent met the child's needs and to plan changes for the next visit.
- Help the parent understand the importance of keeping his or her commitment to visit the child.
- Speak with the foster parent/PRTF after the visit to discuss any behaviors or for the child reactions the child may display.
- Prepare notes about the parent's skills in the meeting.

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For providers, whose only service is transporting a DoHS client(s), these providers/transporters are not associated with their own provision of a socially or behavior health medically necessary service. The provider is not engaged in an otherwise billable activity. Mileage encumbered when transporting is billed separately. The service has been documented in the DoHS's child/family's service plan and all other natural supports/options have been explored including DoHS staff and are not available for this event.

The least costly means available must be utilized. This service covers actual time traveled using the shortest practical route to the traveler's destination. Activities:

- Drugs Screens
- Visitations with extenuating circumstances for foster parents
- Not eligible for NEMT

- (ii) **Require a parent or caretaker receiving assistance under the program to engage in work (as defined by the State) once the State determines the parent or caretaker is ready to engage in work, or once the parent or caretaker has received assistance under the program for 24 months (whether or not consecutive), whichever is earlier.**

WV WORKS is a work participation program. In order to promote personal responsibility and as a condition of eligibility, all new WV WORKS applicants must begin their work participation activities no later than the end of the second month of benefit receipt. Only applicants who can demonstrate and verify that they have good cause for not being able to meet participation requirements will be given good cause from this requirement. If it is determined that the individual has good cause for not participating at the time of application, West Virginia will re-evaluate that status each month of benefit receipt.

All WV WORKS customers must be participating in a work activity no later than the 25th month of receipt of benefits whether the months are consecutive or not in order to continue receipt of WV WORKS benefits. For the purpose of meeting the 24-month limit, work is defined as participation in one or more activities for a minimum of 5 hours per week. These activities include, but are not limited to, unsubsidized employment, subsidized public or private sector employment, community service programs, work experience, providing dependent care for another TANF recipient in Community Service, and job readiness programs. Other activities include enrollment in vocational training.

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The State has identified temporary good cause exemptions to determine when an individual may be temporarily excused from the 24-month requirement.

West Virginia has established the WV WORKS Separate State College Program. This program shall provide funding for participants who are enrolled in post-secondary courses leading to a two- or four-year college degree after the 12-month lifetime limit of vocational training has been used. All requirements of WV WORKS shall apply to these participants although they are no longer TANF recipients.

West Virginia has established the WV WORKS Separate State Two-Parent Families Program. The program shall provide funding for participants who are a two-parent family. All requirements and program administration for WV WORKS shall apply to program administration for these two-parent families although they are no longer TANF recipients.

- (iii) **Ensure that parents and caretakers receiving assistance under the program engage in work activities in accordance with section 407.**

WORK ACTIVITIES

Any parent or caretaker relative over the age of 20 is subject to a work requirement unless temporarily excused from the work requirements pursuant to exemptions enumerated in WV state law.

All hours of participation in the following activities must be verified. The Participant Timesheet, DFA-TS-12, is the standard timesheet used to document participation and must be signed by the site supervisor. Documentation is required and must be available from the activity site at least monthly to support what is reported for participation.

The following are considered core work activities for the WV WORKS Program:

- Unsubsidized employment is the ultimate goal for each parent. Unsubsidized employment includes all paid employment that is not subsidized by TANF or any other public program, this includes self-employment.
- Subsidized employment means employment in the private or public sector for which the employer receives a subsidy for TANF or other public funds to offset some or all of the wages

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and costs of employing a recipient. West Virginia implemented the Employment Subsidy Program (ESP). The ESP is a statewide subsidized employment placement program. Eligible WV WORKS participants will be referred by local WV WORKS staff to employers for placement in full-time private or public subsidized employment positions. Priority is to be given to those WV WORKS participants who require necessary work experience and job skills in order to enter unsubsidized employment. ESP placements will be for up to six months with the expectation that the employer will retain the employee at the completion of the contract period. All ESP placements will be at least 30 hours per week. Reimbursement will be 100% of the individual's wage limited to 40 hours weekly. This program will be funded with Federal TANF Funds.

- On-the-Job Training (OJT) means training in the public or private sector that is given to a paid employee while he or she is engaged in productive work that provides knowledge and skills essential to the full and adequate performance on the job. West Virginia currently operates only one type of supported OJT, the Employer Incentive Program (EIP).
- In West Virginia, Job Search and Job Readiness Assistance are limited to six weeks in any 12-month period, no more than four of these may be consecutive. The 4-week limit is converted to hours (80 hours for families with a requirement of 20 hours per week or 120 hours for a family with a requirement of 30 hours per week). The 6-week limit is converted to hours (120 hours for families with a requirement of 20 hrs per week or 180 hours for a family with a requirement of 30 hrs per week).

The limit is 6 weeks for the last 12-month period. For Job Search and Job Readiness, a week of participation may begin any time and ends 20 or 30 hours later, regardless of the number of days the individual participated during those hours. For a single parent with a child under age six, a week is equivalent to 20 hours. For all other work-eligible individuals, a week is equivalent to 30 hours. Each parent in a two-parent household has his own limit. Changes in the hourly requirement due to the child's age or changes in household composition are effective the month after the change occurs. West Virginia does not allow participation in unstructured job search activities.

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West Virginia may qualify to count up to 6 additional weeks for participation credit in Job Search and Job Readiness when declared a needy state by Administration for Children and Families. When this occurs the time limit will be 240 hours for an individual with 20 hours per week work requirement or 360 hours for an individual with 30 hours per week work requirement. The limit will be 12 weeks per the last 12-month period, no more than 4 of which may be consecutive. All other activity requirements and restrictions remain the same. Changes in the hourly requirement due to changes in West Virginia's status as a needy state are effective the month after the change occurs.

This component consists of the following activities:

- Preparing an individual to obtain employment by preparing a resume, applications, training and interviewing skills, and workplace expectations and life skills training; and
 - Structured job search under the guidance of a contracted agency or program representative; and
 - Substance abuse treatment, mental health, or rehabilitation activities.
- Work Experience includes work associated with the refurbishing of publicly assisted housing if sufficient private sector employment is not available, is a work activity performed in return for cash assistance that provides an individual with an opportunity to acquire the general skills, training, knowledge, and work habits necessary to obtain employment. The Fair Labor Standards Act (FLSA) applies to the assignment of these hours of participation. In West Virginia work experience includes:
 - Joint Opportunities for Independence (JOIN) is a work experience and skill acquisition activity operated primarily in the private sector. The work participant continues to receive cash assistance but is participating in a work environment that is much like full-time employment.
 - Community Work Experience Program (CWEP) is a work experience activity operated in the public and not-for-profit sectors. The primary purpose is to provide

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work experience and training to assist a participant who has limited work experience, is under-employed or has no immediate employment opportunities.

- Community Services programs are defined as structured programs with activities in which TANF recipients perform work for the direct benefit of the community under the auspices of public or nonprofit organizations. These programs are designed to improve the employability of recipients not otherwise able to obtain employment. Hours assigned for this activity are governed by the FLSA.
- Vocational Education Training is comprised of educational programs that are directly related to the preparation of individuals for employment in current or emerging occupations requiring training including vocational rehabilitation, job skills training, and associate or baccalaureate degree programs. For distance learning, countable participation hours only include classes that allow for monitoring of the participant while logged in and summarize what is achieved during the time period engaged. Up to one hour of unsupervised homework time for each hour of class time may be counted for participation. No additional study hours are counted for this activity unless the study time is completed in a monitored environment at the vocational site and as long as the sum of all homework time reported does not exceed what is recommended by the institution. Vocational education may be used to meet the participation requirement for no more than 12 months lifetime.
- Providing Child Care Services without payment to an individual who is participating in a Community Service Program is a core activity that allows another TANF recipient to meet their participation requirements in Community Service. Participants in this activity should be working closely with a Child Care Agency to obtain certification to become a certified West Virginia Child Care Provider.

West Virginia allows three activities to be counted as non-core activities in which participation hours are allowed as long as the minimum hours of participation are met in one or more of the core activities. Under West Virginia State law, those who are not mandatory under federal law for participation in educational activities may select other educational options that do not meet federal work participation requirements. Any WV WORKS participant may elect to participate in any educational activity, regardless of any federal

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restrictions. For distance learning, countable participation hours only include classes that allow for monitoring of the participant while logged in and summarize what is achieved during the time period engaged. Up to one hour of unsupervised homework time for each hour of class time may be counted for participation. Any additional study time counted for these activities must be monitored on-site and the sum of all homework time reported must not exceed what is recommended by the institution.

- Job Skills Training Directly Related to Employment are education and training for job skills required by an employer to provide an individual with the opportunity to obtain employment or to advance or adapt to the changing demands of the workplace.
- Education Directly Related to Employment includes training courses designed to provide the knowledge and skills for specific occupations or work settings and may also include Adult Basic Education (ABE) and English as a Second Language (ESL). Literacy skills and tutoring fall under this activity. When required by an employer, it may also lead to a high school equivalency diploma.
- Satisfactory Attendance at Secondary School or Program that will lead to a certificate of general equivalence, in the case of a recipient who has not completed secondary school or received such a certificate means regular attendance, according to the requirements of the secondary school or equivalent program. Attendance in secondary school is primarily aimed at minor parents still in high school. Unlike Education Directly Related to Employment, this activity is not restricted to those for whom obtaining a certificate of general equivalence is a prerequisite for employment.

West Virginia allows the Other Work Activities component to be used to track time spent on tasks leading to self-sufficiency which do not meet the definition of one of the countable work activities. Individuals placed in this component may still be considered in the federal participation rate calculation. This component will document the extent to which individuals are involved in other work-related activities that do not count toward the federal participation rates but lead to self-sufficiency. Allowable activities include all of the following, but may include other documented PRC or SSP activities, agreed upon by the Customer and the Case Manager:

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- Appointments with local resources that may be assisting with barrier removal activities;
- Arranging for child care;
- Arranging for housing;
- Arranging for transportation or working with donated vehicles program;
- Child Support meetings or hearings;
- Development of the Personal Responsibility Contract;
- Assessments required by DFS;
- Legal Aid appointments;
- Orientation;
- Self-Sufficiency Evaluations with Case Manager;
- Time spent with Case Manager during a home visit;
- Working with Child Protective Services (MDT meetings); and
- Working with Local Agencies.

All activities must be reviewed monthly. The Case Manager must update the case comments with the information on the status of the participant. Hours of participation may be documented using a Participation Time Sheet, DFA-TS-12, or from the Worker's notes. The maximum amount of time a participant may be placed in the Other Work Activities component is 60 days. Placement beyond the 60-day time limit will require DFA approval. Transportation, vehicle repair, and vehicle insurance will be the only allowable support payments associated with this component.

SUPPORT SERVICES AND ACHIEVEMENT BONUSES

Support services are provided to eligible individuals in families on a need demonstrated basis at the lowest cost identified up to a predetermined maximum. These services are intended to assist individuals and families to become or remain self-sufficient. Supportive services are also available to caretakers for assistance with the children in their care. They will also be provided in pre-

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employment and post-employment situations for employed participants. Support services and achievement bonuses are Federal TANF and Maintenance of Effort (MOE) funded.

West Virginia will offer the following Support Services for eligible individuals receiving WV WORKS cash assistance:

- Transportation for participation in required activities
- Driver education courses
- Collateral expenses
- Clothing, tools, vehicle repair, vehicle insurance, DUI classes
- Driver's license, chauffeur's license, commercial driver's license
- Professional license
- Adult pre-employment vision services
- Adult pre-employment dental care
- Relocation payments
- High School Equivalency Diploma Achievement Bonus
- High School Graduation Achievement Bonus
- Six Month Self-Sufficiency Achievement Bonus (200% FPL)
- Twelve Month Self-Sufficiency Achievement Bonus (200% FPL)
- Vocational Training and Employment Achievement Bonus
- Participation Achievement Bonus
- Attendance and Grade Achievement Bonus for children included in the TANF benefit to be added in the future.
- Assistance with fines related to traffic, moving and parking violations

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West Virginia will offer the following Support Services for eligible Caretaker Relatives receiving WV WORKS cash assistance for dependent children.

- Clothing
- Collateral, items such as grooming expenses, testing fees, etc.
- Child Care Subsidy
- Driver's License or Photo ID
- Vehicle Repair and Insurance

West Virginia offers former TANF recipients two post-employment options. When the client accepts employment and is no longer income-eligible to receive WV WORKS, the Case Worker advises the client regarding the benefits of each option and the participant chooses the one best suited to the needs of his family. These options include:

- The Support Service Option allows TANF recipients to receive continued Support Service payments for the items listed above. To receive these services they must be employed, continue to reside with TANF eligible children, be asset eligible and the family income must be at or below the 150% FPL limit. The household may opt to receive these benefits for up to a six-month period at any case closure due to employment.
- The West Virginia Employment Assistance Program (EAP) allows the employed former TANF recipient the option of continuing to receive the TANF payment they received before becoming employed through a 100% earned income disregard for up to a six-month period. Families choosing this option would also be eligible for transportation payments and other supportive services during the six-month period.
 - During the COVID Pandemic, three additional months of support were given. During a natural disaster, state and/or national public health emergency this process may again be used.

Participants in either option may be eligible for the bonuses.

CHILD CARE

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The West Virginia Department of Human Services provides childcare services in accordance with the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, the Deficit Reduction Act of 2005 and with the provisions of West Virginia's State Plan for WV WORKS and the State Child Care and Development Fund Plan. Child Care services are made available to WV WORKS customers as a necessary support to assist them to participate in approved work activities.

All childcare services are currently administered by the Bureau for Family Assistance, Division of Early Care and Education. The agency operates a childcare certificate system that utilizes all major state and federal funds, including TANF, Social Services Block Grant and Child Care & Development Fund monies in a seamless single service delivery system. Families are not aware of the funding source to pay for their care. Care is available for families who are working, attending school, or looking for work. TANF funds are not used for non-TANF families who are unemployed or families attending college.

The Department certifies that childcare will be provided to families who are WV WORKS participants, who are transitioning to work from dependence on WV WORKS cash assistance, or who are at risk of becoming dependent on WV WORKS cash assistance if childcare services were not provided. Families with incomes under 150% of the current Federal Poverty Income Level will receive services on a sliding fee scale basis. Once in the system, services will continue until income exceeds 185% of the Federal Poverty Level. Care is available for families who are working, attending school or looking for work.

Families who meet eligibility guidelines may apply for financial assistance to cover the cost of childcare services and will have the choice of enrolling their child(ren) in a childcare center, family childcare home, group childcare home, legally exempt school-age childcare program, or (on a limited basis) with an in-home childcare provider. Care may be provided by a relative or non-relative, and payment rates will provide equal access to care. All providers must meet CCDF health and safety guidelines.

Child Care Resource and Referral agencies are responsible for the management of the childcare certificate system, consumer education and provider training and technical assistance efforts. DoHS state-level staff develops policies and procedures and provide technical assistance to grantees, while state licensing and local regulatory

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staff focus on regulation and monitoring of facilities to ensure compliance with health and safety requirements.

The Division of Early Care and Education and Bureau for Family Assistance have agreed upon the following guidelines to determine whether available childcare is either inappropriate or unavailable for parents of children under age six:

- Travel to access childcare is in excess of thirty minutes one way.
- Regulated or certified childcare is unsuitable for children with special needs.
- Childcare is not available during the scheduled hours of participation.
- Determinations of unavailable or unsuitable childcare will be made on a case-by-case basis.

EMERGENCY ASSISTANCE FOR NEEDY FAMILIES WITH CHILDREN

The passage of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193) created a block grant program to help move recipients into work and turn welfare into a program of temporary assistance. Under the welfare reform legislation of 1996, Temporary Assistance for Needy Families (TANF) replaced the former welfare programs known as Aid to Families with Dependent Children (AFDC), the Job Opportunities and Basic Skills Training (JOBS) program and the Emergency Assistance (EA) program. The Department operates the Emergency Assistance for Needy Families with Children (Program) as provided for under Section 404(a) (2) of the Social Security Act. The program for the Bureau for Social Services (BSS) was in effect on September 30, 1995. **This program was authorized solely under prior law.**

The Bureau for Family Assistance Program is funded with segregated Federal TANF funds as non-recurrent short-term benefits. The income limit is determined by adding \$10 to the Supplemental Security Income (SSI) maximum payment for one and two persons, then \$50 is added for each additional person, as long as funds are available. For the purposes of this Program, needy children must be under the age of twenty-one (21) years. Emergency assistance and services are limited to as necessary to alleviate the

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emergency condition and must be authorized within a single thirty (30) day period of eligibility no less than twelve (12) months after the beginning of the benefit group's last Emergency Assistance period of eligibility. After the Worker determines that the applicant or any other AG member owns countable assets as listed in the Income Maintenance Manual, he must evaluate whether such assets can be used in time to eliminate or prevent the emergency. Provisions of the Emergency Assistance for Needy Families and Children are as follows:

- Kinds of Emergencies Covered
 - Emergency financial assistance can be used for crisis situations covering homelessness, home fuel and utility needs, needs arising as a result of fires, natural and man-made disasters, civil disorders, and the needs of battered spouses.
 - Emergencies for removal of a child from the home where legal custody and responsibility for placement has been given to the Department. This only applies to children who have not been found eligible for Title IV-E benefits.
 - Emergencies, where a child is considered at risk of removal from the home, and legal custody has been given to the Department.
 - Emergencies where a child is the victim of abuse, reported neglected, or abandoned.

- Kinds of Assistance Provided to Meet Emergency Situations

Emergency financial assistance is provided in the form of a vendor payment or cash to pay for shelter which includes rent, mortgage payments, overnight lodging, utilities, food, household supplies or furnishings and clothing, transportation for transients. Payments can also include services to make a residence habitable.

- Kinds of Service Provided to Meet the Emergency Situations

Provide emergency financial assistance funds and referral of the applicant to other agencies or individuals in the community to provide available resources to meet the emergent situation.

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Referral will also be made for Social Service Programs when indicated.

- (iv) **Take such reasonable steps as the State deems necessary to restrict the use and disclosure of information about individuals and families receiving assistance under the program attributable to funds provided by the Federal Government.**

West Virginia restricts the use and disclosure of confidential information on families receiving WV WORKS assistance consistent with state and federal law. West Virginia state law specifically provides confidentiality provisions for WV WORKS confidential information.

- (v) **Establish goals and take action to prevent and reduce the incidences of out-of-wedlock pregnancies, with special emphasis on teenage pregnancies, and establish numerical goals for reducing the illegitimacy ratio of the State.**

The West Virginia Department of Health, Bureau for Public Health, Office of Maternal, Child and Family Health (OMCFH), is responsible for developing, coordinating, and operating health prevention programs for women and children, including family planning and adolescent pregnancy prevention.

The Adolescent Pregnancy Prevention Initiative (APPI) is a focus area of the West Virginia Family Planning Program funded in part by Title X. The individual's marital status is not considered when addressing contraception or prevention methods. The Family Planning Program serves all individuals of reproductive age seeking to prevent or achieve pregnancy. Goals are set to align with Community Outreach and Education requirements. Priorities for the prevention of teen and unplanned pregnancies are set based on statistical data regarding teen births in the State.

APPI Specialists research behaviors and determinants that drive teen pregnancy rates. This data is derived from WV Kids Count, Vital Statistics, Youth Risk Behavior Surveillance (YRBS), Center for Disease Control (CDC), Guttmacher Institute, Administration for Children and Families, and the Office of Adolescent Health (OAH).

APPI team members contact local stakeholders and organizations to attend committee meetings focused on prevention to help assess the needs of the communities served and develop a strategic plan to prevent adolescent and unintended pregnancies.

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Training of Educators (TOE) on “Teen Speak”, a series to help parents confidently connect with their teens on common risk behaviors like substance use, sex, and mental health concerns will be completed by APPI Specialists. This course helps to create a trusting relationship that supports positive decision making and reduces interaction with the Bureau for Social Services. This training will be provided to the Family Support Centers in addition to other entities to teach communication skills that can be used to overcome the most common challenges of parenting a teen.

Services will be offered in a variety of settings, including but not limited to public schools, healthcare settings, and Family Support Centers.

This course will help families to learn more about what to expect during the teen years, including:

- how your teen thinks;
- why they may be experimenting with new behaviors; and
- how adults can support them as they become young adults through techniques and strategies that have been scientifically proven to be effective.

- (vi) **Conduct a program, designed to reach State and local law enforcement officials, the education system, and relevant counseling services, that provides education and training on the problem of statutory rape so that teenage pregnancy prevention programs may be expanded in scope to include men.**

It is documented that at least half of the babies born to mothers who are minors are fathered by adult men and that the sexual partners of those women are often men 3-6 years older, prompting policymakers to conclude that intensified prosecution of statutory rape could significantly reduce high rates of adolescent pregnancy, childbearing and lower welfare costs as well. In January 1999 Congress passed legislation requiring that any entity receiving Title X, Family Planning Program funding under the Public Health Service Act be in compliance with State reporting laws as follows:

Notwithstanding any other provision of law, no provider of services under Title X of the Public Health Service Act shall be exempt from any State law requiring notification, or reporting of child abuse, child molestation, sexual abuse, rape, or incest. Family Planning Providers are mandated

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reporters and are trained regarding their responsibility to notify and report.

In addition, the 1998 Appropriations Act for the Departments of Labor, HHS, and Education (Public Law 105-78), contained new language governing the use of funds under Title X of the Public Health Service Act as follows:

None of the funds appropriated in the Act may be made available to any entity under Title X of the Public Health Service Act unless the applicant for the award certifies to the Secretary that it encourages family participation in the decision of minors to seek family planning services and that it provides counseling to minors on how to resist attempts to coerce minors into engaging in sexual activities. Family participation regarding family planning services for adolescents is strongly encouraged and counseling is provided to minors receiving services.

In response, the Family Planning Program requires 157 contracted provider agencies to adhere to these federal grant requirements and monitors their compliance. During annual site visits, Family Planning Program Specialists conduct evaluation and training on the following grant requirements for providers to:

- i. Comply with state reporting laws pertaining to child abuse, child molestation, sexual abuse, rape or incest;
- ii. Encourage family participation in the decision of minors to seek family planning services;
- iii. Counsel minors on how to resist coercive attempts to engage in sexual activities.

Training is provided to all program participants in the above requirements.

The Family Planning Program/Adolescent Pregnancy Prevention Initiative (APPI) coordinates and facilitates training programs to include adolescent males in the shared responsibility in preventing teenage pregnancies and reducing dating violence, including statutory rape.

Title X requirements mandate that all staff at FPP service sites be trained to address circumstances that deal with abuse. Partnerships with the education system and connections with community partners

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provide opportunities for training and education regarding specific laws and information about mandated reporting.

APPI Specialists are required to attend professional development each year and the Family Planning program offers, through the Reproductive Health National Training Center, a multitude of educational opportunities for staff.

The training that APPI provides to teachers, counselors and community partners includes information about consent and coercion. APPI programming focuses on reaching teens with messages about healthy relationships, contraceptive options, and access to services. Additionally, when teaching parents, teachers, and community leaders the goal is to help them effectively communicate with teens about healthy sexual decisions and behaviors.

(B) SPECIAL PROVISIONS

- (i) The document shall indicate whether the State intends to treat families moving into the State from another State differently than other families under the program, and if so, how the State intends to treat such families under the program.**

Families moving into the State are treated in the same manner as families who are current residents of the State. These families are not eligible for WV WORKS benefits during any month in which they have received TANF funds from another state. Any months of TANF benefits received from other states are tracked and recorded in the eligibility system and WV WORKS case record.

- (ii) The document shall indicate whether the State intends to provide assistance under the program to individuals who are not citizens of the United States, and if so, shall include an overview of such assistance.**

West Virginia provides assistance deemed appropriate in accordance with Title IV of The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, and amendments and the Deficit Reduction Act of 2005. Non-citizens must be qualified noncitizens who arrived before 1996 or have been in the United States for at least 5 years or qualify under a special immigrant status. The term “qualified noncitizen” includes noncitizens who are lawfully admitted for permanent residence in the United States. under the Immigration and Nationality Act, and certain refugees; asylees; individuals whose deportation has been withheld; Cuban or Haitian

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Entrants; and Amerasian immigrants. It also includes certain noncitizens who have been paroled into the U.S. or who have been granted conditional entry, and battered persons. These benefits and services are the same as regular cash assistance.

All legally admitted refugees having permanent resident status are eligible to participate in the Refugee Cash Assistance program, as long as they have been in the United States less than 8 months. These benefits and services are the same as regular cash assistance.

- (iii) **The document shall set forth objective criteria for the delivery of benefits and the determinations of eligibility and for fair and equitable treatment, including an explanation of how the State will provide opportunities for recipients who have been adversely affected to be heard in a State administrative or appeal process.**

The Department provides for fair and equitable treatment through a fair hearing process that is available to all WV WORKS recipients.

West Virginia certifies that the State Board of Review is designated by state law as the body through which an applicant or recipient of services may present his/her case to a higher authority. The Board is composed of the Chairman and as many state hearing officers as needed to conduct prompt hearings throughout the state. The Chairman and Board of Review members are appointed by the Secretary, Department of Health.

As a member of the Board of Review, each state fair hearing officer is authorized to conduct hearings and make decisions on behalf of the board. The Chairman of the Board has the responsibility to supervise the state fair hearing officers.

The state fair hearing officer shall be an impartial official who has not been directly involved in any determination of the action in question. A copy of the hearing procedures will be made available to all interested parties.

- (iv) **Not later than one year after the date of enactment of this Act, unless the chief executive officer of the State opts out of this provision by notifying the Secretary, a State shall, consistent with the exception provided in Section 407(e)(2), require a parent or caretaker receiving assistance under the program who, after receiving such assistance for two months is not exempt from work requirements and is not engaged in work, as**

determined under section 407 (c), to participate in community services employment, with minimum hours per week and tasks to be determined by the State.

Under West Virginia's policy, a Work-Eligible Individual who has received two months of TANF benefits is required to be participating for the appropriate number of hours in one of the approved work activities as a condition of eligibility. The participant may only be temporarily exempt from this requirement if it is determined by the State that the individual has good cause for not meeting participation requirements at that time. The client's situation will be re-evaluated monthly to ensure that the participant continues to meet the requirements to be temporarily excused from meeting the program participation requirements.

- (v) **The document shall indicate whether the State intends to assist individuals to train for, seek, and maintain employment as covered by Title VI, Subtitle H, Sections 6701-6703 of the Patient Protection and Affordable Care Act of 2010 (PPACA) contains the "Elder Justice Act of 2009." Section 6703(a)(2) of the PPACA amends section 402(a)(1)(B) of the Social Security Act (42 U.S.C. 602(a)(1)(B)) to add the following new clause to the state plan requirements:**

**(I) providing direct care in a long-term care facility (as such terms are defined under section 1397j of this title);
or**

(II) in other occupations related to elder care determined appropriate by the State for which the State identifies an unmet need for service personnel, and, if so, shall include an overview of such assistance.

The State TANF agency will work with the various state agencies, such as the West Virginia Bureau of Senior Services (WV BOSS) and the seven statewide Workforce Development Boards to provide referrals of TANF participants to meet the increasing demand of the healthcare field to assist individuals in gaining and retaining employment in the eldercare workforce. Also, TANF supportive services will assist these individuals with the necessary skills to enter these fields by providing training contracts to assist with the cost of such training.

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- (a)(2) CERTIFICATION THAT THE STATE WILL OPERATE A CHILD SUPPORT ENFORCEMENT PROGRAM - A certification by the chief executive officer of the State that, during the fiscal year, the State will operate a child support enforcement program under the State plan under part D.**

The State certifies that it will operate a child support enforcement program under Title IV-D.

- (a)(3) CERTIFICATION THAT THE STATE WILL OPERATE A FOSTER CARE AND ADOPTION ASSISTANCE PROGRAM - A certification by the chief executive officer of the State that, during the fiscal year, the State will operate a foster care and adoption assistance program under the State plan approved under part E, and that the State will take such actions as are necessary to ensure that children receiving assistance under such part are eligible for medical assistance under the State plan under title XIX.**

The Governor of West Virginia certifies that the State will operate a Foster Care and Adoption Assistance Program under Part E of the State Plan.

- (a)(4) CERTIFICATION OF THE ADMINISTRATION OF THE PROGRAM - A certification by the chief executive officer of the State specifying which State agency or agencies will administer and supervise the program referred to in paragraph (1) for the fiscal year, which shall include assurance that local governments and private sector organizations:**

- (A) Have been consulted regarding the plan and design of welfare service in the State so that services are provided in a manner appropriate to local populations; and**
- (B) Have had at least 45 days to submit comments on the plan and the design of such services.**

This proposed State Plan was available at the Department of Human Services website at <http://www.dhhr.wv.gov/Pages/default.aspx> for a 45-day public comment period. The State Plan was posted to the website on February 2, 2024, and ended March 18, 2024

- (a)(5) CERTIFICATION THAT THE STATE WILL PROVIDE INDIANS WITH EQUITABLE ACCESS TO ASSISTANCE - A certification by the chief executive officer of the State that, during the fiscal year, the State will provide each member of an Indian tribe, who is domiciled in the State and is not eligible for assistance under a tribal family assistance plan approved under section 412, with equitable access to assistance under the State program funded under this part attributable to funds provided by the Federal Government.**

Certification by the Governor is provided in Attachment B of this document.

- (a)(6) CERTIFICATION OF STANDARDS AND PROCEDURES TO ENSURE AGAINST PROGRAM FRAUD AND ABUSE - A certification by the chief executive officer of the State that the State has established and is enforcing standards and procedures to ensure against program fraud and abuse, including standards and procedures concerning nepotism, conflicts of interest among individuals responsible for the administration and supervision of the State program, kickbacks, and the use of political patronage.**

The Office of Inspector General, through its Investigations and Fraud Management Unit, has established and is enforcing standards and procedures to ensure against program fraud and abuse in all Department of Health and Department of Human Services programs. The State Ethics Act, a code of conduct for public servants enforced by the Ethics Commission, as well as the Department of Human Services and State Division of Personnel have established standards and procedures concerning nepotism, conflicts of interest among individuals responsible for the administration and supervision of the state programs, kickbacks and the use of political patronage.

- (a)(7) OPTIONAL CERTIFICATION OF STANDARDS AND PROCEDURES TO ENSURE THAT THE STATE WILL SCREEN FOR AND IDENTIFY DOMESTIC VIOLENCE --**

- (A) IN GENERAL - At the option of the State, a certification by the chief executive officer of the State that the State has established and is enforcing standards and procedures to –**
- (i) Screen and identify individuals receiving assistance under this part with a history of domestic violence while maintaining the confidentiality of such individuals;**
 - (ii) Refer such individuals to counseling and supportive services;**
 - (iii) Waive, pursuant to a determination of good cause, other program requirements such as time limits (for so long as necessary) for individuals receiving assistance, residency requirements, child support cooperation requirements, and family cap provisions, in cases where compliance with such requirements would make it more difficult for individuals receiving assistance under this part to escape domestic violence or unfairly penalize such individuals who are or have been victimized by such violence, or individuals who are at risk of further domestic violence; and**

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- (iv) **Include provisions authorized under the Violence Against Women Act (VAWA)**

DOMESTIC VIOLENCE DEFINED - For purposes of this paragraph, the term 'domestic violence' has the same meaning as the term 'battered or subjected to extreme cruelty' as defined in section 408(a) (7)(C)(iii).

Certification by the Governor is provided in Attachment B of this document.

(b) PUBLIC AVAILABILITY OF STATE PLAN SUMMARY

The TANF State Plan for the WV WORKS Program was available for viewing in each of the district offices, as well as being on file in the West Virginia Secretary of State's Office.

It was available to the public on the Department's website at <http://www.dhhr.wv.gov/Pages/default.aspx>. A news release was sent to various media informing the public of the availability of the State Plan.

(B) TANF EBT Requirements

Set forth in Section 4004 of the Middle Class Tax Relief and Job Creation Act of 2012 (P.L. 112-96).

- 1) The following policies and practices to prevent assistance funded with TANF and maintenance-of-effort (MOE) funds from being used in any Electronic Benefit Transfer (EBT) transaction in any liquor store; any casino, gambling casino, or gaming establishment; or any retail establishment which provides adult-oriented entertainment in which performers disrobe or perform in an unclothed state for entertainment were implemented:
 - a. A statement regarding these restrictions was added to the Rights and Responsibilities which are completed at each application and review.
 - b. The EBT informational brochure that is mailed to the client with the card states: "You are not allowed to use your EBT card at ATM's located in gambling casinos, gaming establishments, liquor stores or adult information establishments".
 - c. The Income Maintenance Manual, maintained by WV Bureau for Family Assistance – WV WORKS/TANF, includes these restrictions.
 - d. West Virginia has reached an agreement with casino operators to prohibit ATMs and point of sale equipment from accepting the WV EBT card from processing transactions. ATM owners and/or their processors have

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verified that they have removed the WV EBT card BIN from their system thereby preventing EBT cardholders from using their cards to withdraw TANF funds. POS testing has verified this at random casino establishments.

Gambling establishments have ATMs located in areas separate from the gaming machines; ATM transactions are conducted in a separate room. Additionally, West Virginia's EBT Card is Quest compliant, and the West Virginia EBT processor is a member of the Electronic Payments Council. Both entities were asked to voluntarily not accept the TANF transactions. The WV EBT card vendor can provide cash transactions reports to further assess compliance.

- e. The Alcohol and Beverage Control Commission (ABCC) is working to craft language to obtain compliance with the restrictions for TANF transactions by licensed wholesale and retail establishments that sell distilled spirits at wholesale and enforce the laws and regulations governing alcoholic beverages in the state of West Virginia. WV has sent letters to those establishments which are prohibited from accepting TANF EBT transactions advising them of the TANF restrictions. These restrictions can be enforced without additional legislation.
- f. The ABCC also licenses the adult entertainment venues in which performers disrobe or perform in an unclothed state for entertainment. The state has identified these specifically prohibited categories with ABCC and monitors all restricted locations for EBT cash transactions by performing a database match between the ABCC listed business names and the ones identified within the EBT processor's cash transactions report. WV has sent letters to those establishments which are prohibited from accepting TANF EBT transactions advising them of the TANF restrictions.
- g. Fidelity National Information Services, Inc. (FIS), the state EBT processing vendor at the State's request, runs a program that targets the Merchant Category Classification (MCC) which is a four-digit number assigned to a business by payment card processors when a business first begins to accept commercial cards as payment.

MCC is used to classify the business by the types of goods and services provided. Many businesses engage in selling a variety of goods; MCC blocking will not catch all transaction types listed as part of the TANF restriction legislation. As an example, many supermarkets sell liquor, so their primary classification is not a package/liquor store but, they will be classified as a supermarket as their primary business is selling groceries. The law does not restrict TANF at supermarkets. The MCCs that are restricted are as follows:

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5921	Package/liquor stores – beer, wine
5813	Drinking places (alcoholic beverages) bars, taverns, disco
7922	Theatrical productions (except motion pictures) may include strip clubs or other X rated locations
7273	Dating, escort service, may include strip clubs or other X rated locations
7955	Gambling Transactions
7995	Betting Places- casino gaming chips, off track betting and wages

The reports from the former EBT processor, JPMorgan, and the current EBT processor, FIS received to date, have not revealed a TANF transaction at any of the restricted MCC locations. Random checks are conducted to match the names of the restricted locations against transaction history in the EBT system data warehouse. The FIS data warehouse will continue to provide a transaction history that can be assessed. With no compliance issues discovered, no additional controls are planned for implementation.

- h. To strengthen the ability to prevent the restricted locations from accepting TANF funds via EBT card transactions, no terminal located on the premises of a business that is prohibited from disbursing cash benefits under the TANF program may complete Cash Transactions. Terminals located on the premises of any of the following are prohibited from completing Cash Transactions: (i) liquor stores, (ii) casinos, (iii) gambling casinos, (iv) gaming establishments, and (v) retail establishments which provide adult-oriented entertainment in which performers disrobe or perform in an unclothed state for entertainment. Each of the terms used in clauses (i) – (v) shall have the meanings assigned in Section 4004 of the Middle-Class Tax Relief and Job Creation Act of 2012 (P.L. 112-96) and the regulations promulgated thereunder, as the same may be amended; and
 - i. West Virginia has added a statement to the Personal Responsibility Contract (PRC) regarding these restrictions. If it is found that a recipient uses or accesses their TANF EBT funds for a restricted purpose, it is a sanctionable offense.
2. The following policies and practices are in place to ensure recipients have adequate access to using or withdrawing assistance with minimal fees or charges, including opportunities to access assistance with no fee or charges.

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In West Virginia, more than 3,000 retailers accept the EBT card for SNAP and TANF purchases. Some stores will provide cash back on purchases; however, not all store policies are the same and some may choose not to offer cash back.

To accommodate school clothing allowance (SCA) cash benefit use with the Mountain State EBT Card, retailers who cannot be certified to accept EBT through FNS work with their credit card processors to enable EBT cash transactions. This does not require FNS certification since these merchants are only accepting the cash benefits for the purchase of clothing, not associated with the SNAP benefit on the card.

ATM providers are required to disclose fees and service charged (should be charges) before and during the transaction. For example:

- (a) Surcharges – fees for use of EBT cards must be posted; to not pay the fee, cancel the transaction.
- (b) Transaction fees – the first three transactions each month are at no fee to the cardholder; additional transactions will cost \$.38 per transaction to the cardholder. QUEST logo ATM transactions will not incur fees.

Additionally, our cardholder training materials, and the West Virginia Office of EBT Banking Services website: www.dhhr.wv.gov/ebt provides information about the use of cash benefits and charges to cardholders. The Office of EBT Banking Services website has client training resources at this link: <https://dhhr.wv.gov/ebt/dhhrstaff/Pages/Client-Training-Resources.aspx> The brochure that local office workers are to use with clients as well as the information sheet that is sent to clients with their card are on this page. Cardholders can also contact the Customer Service line at 877.716.1212 or the Office of EBT Banking Services Main line at 304.558.4126 for additional assistance.

West Virginia EBT cardholders can use any QUEST trademarked ATM or JPMorgan Chase ATM with no surcharge. The QUEST network provides West Virginia EBT Cardholders with access to ATMs throughout the state. When the Cardholder uses this service, it will significantly reduce the cost of accessing cash benefits as well as the cost of using valuable benefit dollars to cover unnecessary transaction fees. Cardholders can locate QUEST and JPMorgan Chase ATMs through online resources such as: ATM locator site, ATM maps, etc. Additionally, some stores will provide cash back on purchases providing another option for accessing cash without fees. Since there are multiple QUEST ATM locations, cardholders find cash access flexible.