



Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Transitional Assistance
600 Washington Street . Boston MA 02111

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Secretary

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Commissioner

Field Operations Memo 99-26 C
June 5, 2000

To: Transitional Assistance Office Staff

From: Joyce Sampson, Assistant Commissioner for Field Operations

Re: *Minnefield v. McIntire* Lawsuit

Background

Field Operations Memo 99-26 A informed Transitional Assistance Office Staff about a preliminary injunction granted in the *Minnefield v. McIntire* lawsuit, stating the Department must use comparable standards when determining a TAFDC exemption request made by either a person claiming to be essential to the care of a disabled child or a person claiming to be essential to the care of a disabled adult.

Effective **August 27, 1999**, TAFDC policy was changed so that grantees requesting an exemption who claimed to be essential to the care of a disabled child no longer needed to show that the disabled child was receiving SSI.

Settlement Agreement

On April 13, the Department settled the lawsuit. According to the settlement agreement, the Department will:

1. reinstate all months counted against the 24-month time limit for recipients who were:
 - a. exempt on **April 13, 2000**, on the basis of caring for a disabled child; and
 - b. determined exempt on that basis between **April 1, 1999 and April 13, 2000**.
 2. pay a fixed amount to recipients who were:
 - a. exempt on **April 13, 2000**, on the basis of caring for a disabled child; and
 - b. determined exempt on that basis between **September 2, 1999 and April 13, 2000**.
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**Settlement
Agreement
(continued)**

The Department must take these actions by July 12, 2000. Local Office Quality Control (LOQC) and Systems will be responsible for most case activities, with the Transitional Assistance Worker responsible for answering questions from any recipient impacted by this action.

**Local Office
Quality Control
(LOQC)
Responsibilities**

LOQC will take the following actions to implement the settlement agreement:

For a recipient coded Action Reason 15 (whom LOQC determined to be exempt on the basis of caring for a disabled child) on **April 13, 2000** who was determined exempt on that basis between **April 1, 1999 and April 13, 2000**:

- review the PRISM II State Clock Tab to determine how many months of the 24 months were used during that time;
- have Systems subtract all months counted against the recipient's 24-Month clock; and

NOTE: A new reason for adjusting the 24-month clock on PRISM II will be added to the list: "Minnefield Lawsuit." Once this project is complete, the Months Used field on the State Clock Tab on the Client Detail Screen of PRISM II will read "0." The Months Remaining field will read "24."

- send the notice to the recipient and the appropriate Transitional Assistance Office of the clock adjustment made.

For a recipient coded Action Reason 15 (whom LOQC determined to be exempt on the basis of caring for a disabled child) on **April 13, 2000** who was determined exempt on that basis between **September 2, 1999 and April 13, 2000**:

- follow the steps above to adjust the recipient's 24-Month clock;
 - calculate the "Q" Payment to be paid to the recipient based on the chart on the next page; and
 - send the notice to the recipient and the appropriate Transitional Assistance Office of the clock adjustment and "Q" payment made.
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**“Q” Payment
Calculation**

The calculation for the “Q” Payment is made using the following formula:

| <u>Assistance Unit</u> | <u>Payment</u> |
|------------------------|---|
| 1 | \$84 plus \$90/month for any work sanction. |
| 2 | \$108 plus \$90/month for any work sanction. |
| 3 | \$120 plus \$90/month for any work sanction. |
| 4 | \$144 plus \$90/month for any work sanction. |
| 5 | \$168 plus \$90/month for any work sanction. |
| 6 | \$180 plus \$90/month for any work sanction. |
| 7 + | Difference between exempt and nonexempt grant times 12 months, less the food stamp differential, plus \$90/month for any Work Sanction. |

**Transitional
Assistance
Worker
Responsibilities**

The Transitional Assistance Worker must:

- review the notice to determine case action taken by LOQC;
- review the State Clock Tab of the Client Detail screen on PRISM II;
- be familiar with the results of the settlement agreement and be able to answer questions recipients may have about the notice and/or case action; and
- file the notice in the case record.

Questions

If you have any questions, please have your Hotline designee call the Policy Hotline at (617) 348-8478.