



Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Transitional Assistance
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Field Operations Memo 2007-35
July 16, 2007

To: Transitional Assistance Office Staff

From:  John Augeri, Assistant Commissioner for Field Operations

Re: Clarification of the TAFDC Family Cap Exemption/Waiver Request Process

Background

Currently, when a client gives birth, the AU Manager contacts and schedules an appointment with the client to review the Family Cap rule and determine if the child is eligible for cash benefits as instructed in the *BEACON User's Guide* page XIII-J-4. The Department allows exceptions and waivers to the Family Cap rule under certain circumstances.

Currently, a client can request that her grant be increased if a child is born after her family cap date by: 1) completing the Family Cap Exception/Waiver Request form (hereafter referred to as the Exception form) and requesting an exception or waiver; or 2) completing the Request for a Waiver of the TAFDC Program Requirement(s) Due to Domestic Violence form (hereafter referred to as the DV Waiver form) to request a domestic violence waiver of the Family Cap rule. The Exception form dated 1/2002 has been revised. The old version of the form directed a client to complete the DV Waiver form "if your child was conceived because you were forced to have sex by someone you were dating, lived with, or were married to." The revised form does not include such a direction.

**Purpose of
Memo**

The purpose of this memo is to:

- clarify that a client who states that her child was conceived as a result of rape or sexual assault by a current or former intimate partner, relative or household member can apply for a waiver or exception to the Family Cap rule by using **either** an Exception form or a DV Waiver form. Therefore, if she is uncomfortable with or unwilling to pursue the DV Family Cap Waiver process, she can simply choose to pursue the Family Cap Exception/Waiver process;
 - make clear that referrals to the Domestic Violence Specialists are always voluntary; no waiver or exception request will be denied on the basis that a referral has not been followed up on by a client;
 - introduce the revised Exception form (Rev. 7/2007). This form includes changes that address the above-mentioned clarifications and lists additional types of verifications that can be used to facilitate the process of approving exception or waiver requests. Because a client may find it extremely difficult to discuss her assault and follow through on obtaining verification, it is important to remember that DV Specialists have extensive training and skills in interviewing and assisting victims of violence and are available as a resource to help make the process easier for her; and
 - clarify that when a client submits a written request explaining the extraordinary circumstances why a waiver should be granted, because none of the exception or waiver reasons apply, the request must be forwarded to Central Office for a decision by a Central Office designee.
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Revised Form

The Exception form (Rev. 7/2007) has been revised to:

- list other examples of documents that may be used for verification that a child has been conceived as a result of rape, sexual assault, or incest;
 - make it clear that a client can apply for an exception to the Family Cap rule using the Exception form if the child was conceived as a result of rape or sexual assault, whether the perpetrator was a stranger, or a boyfriend or spouse of the client;
 - add a signature line for the supervisor; and
 - add a field to identify the name(s) of the child(ren) for whom the client is declining to request an exception/waiver in the Declination of Exception/Waiver Request section of the Exception form (Rev. 7/2007).
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AU Manager Responsibilities

When a client requests to add a child to her grant, the AU Manager must first determine her Family Cap date, and then determine if this child was born after her Family Cap date. If this child was born after her Family Cap date, the AU Manager should:

- check to see whether the child meets the “20/12/10” months exception (even if the client does not make a formal request for that exception). See 106 CMR 203.300(C)(2);
 - help the client complete either the Exception form or DV Waiver form;
 - inform the client that staff from the Department’s Domestic Violence Unit have extensive training and skills in interviewing and assisting victims of violence and are available as a resource to speak with her;
 - make a referral to the Domestic Violence Specialist when appropriate (such referrals are voluntary and do not affect a client’s benefits);
 - give the client a Domestic Violence Waiver Brochure – *Everyone Deserves to Be Safe*; and
 - give an extraordinary circumstances waiver request to the Director to be forwarded to Central Office.
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Obsolete Form The Family Cap Exception/Waiver Request form (EX-WVREQ-1) dated 1/2002 is obsolete.

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