

**DSS ADMINISTRATIVE LETTER NO. ECONOMIC AND FAMILY SERVICES
9-2012**

(Work First)

**TO: COUNTY DIRECTORS OF SOCIAL SERVICES IN CHEROKEE,
GRAHAM, HAYWOOD, JACKSON AND SWAIN COUNTIES**

**ATTENTION: Work First Program Managers and Supervisors in Cherokee,
Graham, Haywood, Jackson and Swain Counties**

DATE: December 19, 2012

SUBJECT: Eastern Band of Cherokee Indians Tribal TANF

EFFECTIVE DATE: Upon receipt

I. GENERAL INFORMATION

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, which created the Temporary Assistance for Needy Families (TANF) block grant, allow Federally-Recognized Indian Tribes to administer their own TANF programs. On October 1, 2012 the Eastern Band of Cherokee Indians (EBCI) received approval from the Administration for Children and Families (ACF) to provide Tribal TANF services to families who reside within the boundaries of the EBCI known as the Cherokee Reservation or the Qualla Boundary.

The counties affected by this change include Cherokee, Graham, Haywood, Jackson and Swain. Zip codes not listed are not impacted by this change. The specific zip codes within these impacted counties are as follows:

Cherokee County: 28901, 28905, and 28906

Graham County: 28771

Haywood County: 28751

Jackson County: 28713, 28719, and 28789

Swain County: 28713, 28719, and 28789

A household within the zip codes listed above must contain an Indian Family member. An eligible Indian Family is composed of all natural children, stepchildren, adopted children or relative children (including non-Indian) under the age of eighteen (18) living with a TANF eligible adult in a setting where at least one member of the family/household must be Indian, which is defined as a member of a federally recognized Indian tribe, or their descendants.

The EBCI Tribal TANF participation rate is separate from the State's and County's participation rate. The EBCI will calculate their participation rate separate from the State. Participation rates and other Federal reporting requirements are the responsibility of the EBCI. Specific State policies may not apply to EBCI Tribal.

II. POLICY PROCEDURES

The Eastern Band of Cherokee Indians (EBCI) will begin administering Tribal TANF effective January 1, 2013. Families currently receiving Work First may choose to receive Tribal TANF or continue to receive Work First. Families cannot receive both Work First and Tribal TANF.

Families may apply for Tribal TANF with the EBCI beginning January 1, 2013. Families applying for Work First and/or TANF funded services must be screened for Tribal TANF. If the screening identifies a family may be eligible for Tribal TANF, Work First staff must inform the family of the Tribal TANF program.

The location to apply for Tribal TANF is:
117 John Crowe Hill Road
Cherokee, NC 28719
Phone: (828) 497-4317

III. IMPLEMENTATION INSTRUCTIONS

The impacted counties should begin conducting reviews of all cases to identify those potentially eligible for Tribal TANF. This includes all applications, on-going cases and cases with pending reviews. After the cases are identified the counties should coordinate with the Tribal TANF program staff to inform the families about their potential eligibility for the Tribal TANF program. The family's request to receive Tribal TANF or Work First must be documented in the case file.

A. On-Going Cases

Current policy does not allow for the transfer of Work First cases. This includes TANF funded services such as child care, transportation, 200% services and Emergency Assistance. If the participant requests to terminate their Work First case and receive Tribal TANF, Work First caseworkers must complete the following steps:

1. Complete all pending actions prior to termination.
2. Process the termination using an adequate [DSS 8110](#); Notice of Benefit Change.
3. Work First Benefits (WFB) cases must submit documentation of program compliance for December 2012 no later than January 5, 2013 to the department of social services. Documentation received after January 5, 2013 must show good cause for the December 2012 cash assistance payment to be released by the department of social services.
4. Cases terminated from Work First must follow the county's procedure for completing an administrative reapplication for Medicaid. Medicaid will continue to be provided by the local county department of social services.

B. Applications

Instructions for applications taken on or before December 31, 2012.

1. Screen all pending applications taken on or before December 31, 2012 for potential Tribal TANF eligibility.
2. Contact identified families to inform them of their potential eligibility for Tribal TANF. Document in the case file the family's decision to receive for either Tribal TANF or Work First Family Assistance.
3. If the family chooses to receive Tribal TANF, process the application to determine eligibility for the month(s) the family requested Work First in the county. If eligible for Work First, process an open/shut approval for the Work First cases. Then, approve an administrative application to open the case in Family and Children's Medicaid (MAF).
4. If the family indicates they do not wish to apply for Tribal TANF continue the Work First application process.

C. Release of Information

Hard copies and electronic copies of the case file cannot be transferred to the EBCI Tribal TANF staff. However, if the family requests copies of birth certificates, or other permanent documents, copies should be provided to the family. If the family requests assistance providing case information to the EBCI, the Consent for Release of Information form [DSS 6969](#) must be completed. Automated matches and inquiries, third party information and any information on persons who are not applying for Tribal TANF must not be released.

D. Tribal TANF and the Federal Time Limit

The federal 60-month time limit is cumulative and applies to any case that includes an adult who received TANF assistance or Tribal TANF in any state. The EBCI will determine according to their Tribal TANF plan how months will be added to a participant's federal time clock while receiving Tribal TANF.

If a Tribal TANF family returns to the local department of social services to apply for Work First, the caseworker must contact the EBCI to verify the number of months the family received assistance under Tribal TANF. These months must be added to the 60 federal month time clock. The caseworker must document the case file with any changes made to the clock. A TANF Federal Time Clock Verification Request form is forthcoming.

E. Changes in Tribal TANF Status

If a family living within the Qualla Boundary does not meet the EBCI Tribal TANF eligibility or if the family moves out of the Qualla Boundary, the family can be served by the Work First program if they meet all eligibility criteria.

If the EBCI decide to end their Tribal TANF program or if the Tribal TANF program depletes its funding, the families affected may apply for Work First at the local department of social services.

County departments of social services will continue to provide Food and Nutrition Services and Medicaid to families enrolled in the EBCI Tribal TANF program.

IV. EFFECTIVE DATE

This policy is effective upon receipt. Apply this policy to all applications, on-going cases and case reviews. Please email any questions regarding this policy to WorkFirst.Support@dhhs.nc.gov.

Sincerely,

A handwritten signature in black ink that reads "Dean Simpson". The signature is fluid and cursive, with the first name "Dean" and last name "Simpson" clearly distinguishable.

Dean Simpson, Chief
Economic and Family Services
Division of Social Services

cc: Sherry S. Bradsher
Jack Rogers
Kathy Sommese
Hank Bowers
Kevin Kelley
Robin Register
Carolyn McClanahan
Carlotta Dixon
Debbie Hawkins
Work First Program Consultants
Local Business Liaisons
Children's Services Program Representatives
EBCI Tribal TANF Coordinator