
**WORK FIRST
Sanctions**

Change 07- 2024

October 1, 2024

120 - SANCTIONS

I. BACKGROUND

The Mutual Responsibility Agreement (MRA-A **DSS-6963 - A**) requires all participants to cooperate with Child Support **Services**, obtain immunizations, have regular Health Checks, and ensure that school-aged children and minor parents, who receive cash assistance, live at home, and attend school according to school attendance policy.

The MRA-A was revised to include the following statement, "I acknowledge if I do not meet the requirements listed on the MRA Core Requirements, my Work First payment will stop without further notice. This agreement serves as my notice of termination." This statement will serve as the family's timely notice. Applicants and/or Participants are required to initial all items listed on the MRA - A. Work First case managers must explain the MRA - A and when applicable, the **Mutual Responsibility Agreement (MRA – B/DSS – 6963 - B/Outcome Plan (OCP))** to both applicant and **participant** households. The MRA - A and/or MRA - B/**OCP** must be signed by the family and maintained in the case record. Provide the family with a copy of the signed form.

The MRA - A (DSS -6963 A) and the MRA-B/**OCP** (DSS - 6963 B), serve as the timely notice for all applicants and participants, including Child Only cases who fail to comply with the MRA - A requirements. The adequate notice (**DSS - 6244**) serves as the notice for the hearings process. Refer to Work First Manual Section 264 regarding the hearing process.

Work First staff must ensure that all Work First applicants and participants are informed and understand that in order to receive a cash assistance payment all aspects of their MRA must be met, unless there is good cause.

Work First participants may be sanctioned for several reasons related to non-compliance with program requirements. The four categories of non-compliance are:

1. Failure to cooperate with Child Support **Services (Section 116)**
2. Non-compliance with the provisions of the MRA-A or MRA-B/**OCP (Section 120)**
3. Failure to participate in required substance use treatment (See Section 104B)
4. Intentional Program Violation (IPV) (See Section 207)

Once a sanction is imposed, the case manager must close the case. While the goal of Work First is not to penalize families, sanctions are used to emphasize and promote the importance of personal responsibility. A family under sanction remains eligible to be **evaluated for** other Work First services such as **Work First services for low-income families at or below 200% of poverty or Emergency Assistance.**

II. SANCTION FOR FAILURE TO COOPERATE WITH CHILD SUPPORT

Parents or caretakers must cooperate with Child Support **Services** to establish paternity, if necessary, and to secure child support for all children **included in the assistance unit and** receiving Work First Cash Assistance (**WFCA**). This includes providing all information known about an absent parent and going to the Child Support Office or court as required.

A. Sanction

Parents or caretakers who, without good cause, do not cooperate with Child Support **Services could result in** the entire family **losing eligibility** for a **WFCA** payment.

NOTE: Apply the sanction for non-cooperation with Child Support **Services** even if the parent/caretaker is not included in the **WFCA** case (such as a parent/caretaker who receives SSI). If the parent who fails to cooperate is exempt from the work requirement as the single parent of a newborn under 12 months, the parent loses this exemption. **Additional guidance is provided in the Job Aid: “Creating or Disregarding an Active Sanction.”**

B. Applying the Sanction

Action to initiate a sanction **should be addressed immediately, but action** must be taken within ten workdays of receiving an ACTS Task notification in NC FAST **and/or when Child Support Services notifies the case manager that a member of the WFCA unit has not cooperated without good cause.** When Child Support Services notifies the case manager that a member of the WFCA unit has not cooperated without good cause, the case manager must issue a DSS-8146A requesting the participant to cooperate with Child Support Services within 30 days to prevent the family from losing eligibility and case termination.

The case manager must enter a “Child Support Non-Compliance – Reduce WFCA Payment by 25%” sanction and NC FAST will issue an automated adequate DSS-6244 notifying the participant the Work First payment will be reduced by 25% until compliance or termination. If at the end of the 30 - day period, the participant is still in noncompliance with Child Support Services, a Child Support non-cooperation sanction must be applied to the WFCA case following the Job Aid: “Creating or Disregarding an Active Sanction” found in FAST Help, and an automated adequate DSS-6244 will be issued to provide notice of termination. The sanction must be effective the first day of the month following the month of the reduction. The participant must be provided a minimum of 30 days to come into compliance but no

more than 60 days. If the participant cooperates after the deadline, but before the maximum 60 - day period, the case manager must cancel the second non-compliance, and the payment will return to the previous amount. The determination of non-cooperation is always made by Child Support Services.

NOTE: See Work First Section 116.IX for examples of failure to cooperate with Child Support Services without good cause.

C. Ending a Child Support Sanction

When ending an existing IV-D sanction, the Work First case manager must verify the non-coop field is coded "Y." The case manager must use the Inquiry into Data Sent from ACTS or OVS to verify that the client cooperation status is Y, or "Yes" prior to lifting an IV-D sanction. Please refer to the Job Aid: "Editing or End Dating a Sanction."

III. SANCTION FOR FAILURE TO MEET PROVISIONS OF THE MUTUAL RESPONSIBILITY AGREEMENT

A. Sanction

Parents or caretakers who, without good cause, do not comply with their MRA -A will make the entire family ineligible for a WFCA payment for one month or until compliance, whichever is later.

Specific examples of non-compliance include, but are not limited to:

- Failure to report changes in situation within ten days of knowing of the change.
- Failure to keep all scheduled appointments with the Work First case manager.
- Failure to obtain immunizations and regular medical exams for children receiving WFCA.
- Failure to ensure that children, including minor parents, are enrolled, and regularly attending school.
- Failure to report information, such as income and family composition, affects the payment.
- Failure to comply with the Minor Parent Rules, which requires the unemancipated Minor Parent to be enrolled in and regularly attend school and live with their parent, legal guardian, or other appropriate adult.

B. Good Cause:

Good cause is defined as:

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- A significant family crisis or change.
- Illness of the caretaker or child, including participation in substance abuse treatment or medical appointment.
- Civil leave, including jury duty, or a required court appearance.
- A significant change in the participant's work schedule by the employer.
- Disruption in childcare arrangements.
- Loss of transportation.

For example, unless there is good cause for not getting children immunized or regular medical check-ups, a sanction is applied. Similarly, unless the parent or caretaker has good cause, apply a sanction when a child does not regularly attend school.

Families are responsible for providing documentation if they believe that good cause exists to avoid a sanction. The goal is to assist the parent or caretaker with ensuring the health, educational and safety needs of their children.

It is also important in determining good cause that the case manager review the participant's case record and MRA-A as well as discussing with the participant their reasons for failure to meet the MRA requirements. If there is an indication that existing or new disabilities are a factor in non-compliance, the **case manager** must conduct a thorough assessment, and/or revise the MRAs.

C. Applying the Sanction

For non-compliance with the MRA, a sanction is applied to the Work First payment even though the caretaker is not included in the payment. A sanction should be applied only after attempts have been made to help the family meet the requirements of their MRA.

When a caretaker fails to comply with their MRA, the case manager will apply the sanction by taking the steps outlined in the "Creating or Disregarding an Active Sanction" Job Aid. The family is expected to comply with their MRA during the sanction period. Compliance during the sanction period will benefit the family should they decide to reapply.

D. Ending an MRA Sanction

If the family reapplies for **WFCA**, the case manager must determine if the family has complied with the MRA-A and/or MRA-B/**OCP** and missed at least one cash assistance payment. If the family reapplies for **WFCA** in the month of termination, eligibility for benefits can be effective no earlier than the first day of the month following the month of the missed payment. Case managers must conduct an

interview with the family. Discuss with the parent/caretaker their reasons for non-compliance and address any barriers. Explain to the parent/caretaker they are still required to comply with their MRA-A and/or MRA-B **OCP** requirements before they can receive a **WFCA** payment.

- When a family complies, the sanction ends, the case manager will follow the guidance provided in the “Editing or End Dating Sanctions” Job Aid.
- When ending a sanction, the Work First **case manager** must evaluate whether the family has been sanctioned and missed at least one payment. If the family has not missed the minimum of one (1) check, then the sanction has not been applied. The sanction must be applied. If the family has missed at least one **payment**, end date the sanction with the correct end date. Make the payment effective the month following the month of the missed payment.
- For an MRA sanction to end, compliance with the MRA must be verified. The parent or caretaker must meet with the **case manager** or provide necessary verification to the **case manager**. At the meeting, discuss the MRA and the necessity of compliance.

IV. CHILDCARE EXCEPTION TO A MRA SANCTION FOR A WORK-RELATED REASON (APPLICABLE ONLY TO SINGLE-PARENT FAMILIES)

While the lack of appropriate childcare is, in general, good cause for a caretaker’s failure to engage in work activities, sanctioning the single parents of children under age six for failure to engage in work activities when appropriate childcare is not available is specifically prohibited.

Federal regulations require agencies to inform all families of this exception. Use **the form, What Happens If You Can’t Meet Your Work Requirements Because Appropriate Child Care is Not Available, DSS-8221**, for this purpose. Give a copy of the form to each applicant/**participant**. Review the form with the family and answer any questions they have.

The parent’s ability to obtain childcare is determined only by the parent and the case manager. The family must demonstrate that adequate childcare is not available for one or more of the reasons defined below. The family must immediately inform the Work First ~~worker~~ **case manager** of its inability to obtain childcare and identify the specific reason(s) why and provide documentation, if necessary.

A. Inappropriate Childcare

Appropriate childcare may be regarded as lacking if:

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- Available childcare is not in a regulated or licensed childcare center or family childcare home, or
- Childcare is not available within a reasonable distance from the family’s home or place of employment.
- The childcare options have hours of operation that do not align with the participant’s work schedule and do not meet the special needs of the child(ren).

B. Childcare Is Not Within a Reasonable Distance

In evaluating “reasonable distance,” the county must consider the total time it takes the parent or caretaker to travel one-way from home to the childcare provider then to work or work-related activity. The county will also consider whether the parent or caretaker has a working vehicle or other transportation options. As a guideline, the county must consider that it may not be reasonable to require the parent or caretaker to travel more than 80 minutes one-way to work and childcare.

C. Unsuitable Informal Childcare

The suitability of an informal childcare arrangement is determined on a case-by-case basis. An informal childcare provider may be considered “unsuitable” for the family if:

- The informal childcare arrangement does not meet the health, safety, and criminal record check standards required of informal providers to receive subsidy reimbursements from the State of North Carolina, or
- The parent or caretaker is not comfortable with having the child(ren) cared for by the informal childcare provider, **including but not limited to family members.**

D. Childcare Arrangement is not affordable

If a childcare subsidy is available to a family, the childcare is considered affordable.

E. Impact on Time Limits

Explain to the family that even though the lack of appropriate childcare prevents them from being sanctioned, they continue to be subject to the Federal 60-month time limit. When the parent or caretaker demonstrates, and the county determines, that the parent or caretaker cannot get childcare for one or more of the reasons above, the Work First **case manager** should continue to assist in identifying and developing childcare resources.

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V. HOW SANCTIONS AFFECT TIME LIMITS AND SUPPORTIVE SERVICES

- A. When a family in sanction status does not receive a check, the family is not included in participation rate calculations or federal reporting.
- B. Supportive Services that are provided to families in sanction status must not meet the definition of assistance (See WF 102 Short-Term Services and Benefits). Therefore, any services that have cash value must be designed to address a specific, short-term episode of need and must not extend beyond four months.

VI. MRA Sanction and Food and Nutrition Services (FNS) Benefits

The household's FNS allotment is not increased when the **WFCA** is reduced due to a sanction. Notify FNS staff via the Income Maintenance Transmittal Form, DSS-8194, that a Work First/Cash Assistance sanction is being imposed or ended.

VII. SANCTIONS WHEN A FAMILY MOVES FROM ONE COUNTY TO ANOTHER

- A. When a family moves from a standard county to another standard county, the sanction follows the family.
- B. When a family under a MRA sanction in an electing county relocates to a standard county, and then receives Work First in the standard county, the electing county sanction is not applied in the standard county. (This relieves the new, standard county of having to research the sanction policies of the electing county and of having to find out the specific reason for the sanction.) IV-D sanctions will remain in effect for families moving from county to county until cooperation is verified by Child Support **Services**. **To determine if a county is a standard or an electing county, case managers should refer to the current North Carolina's Temporary Assistance for Needy Families State Plan or reach out to the originating county.**
- C. When a family under a sanction in a standard county moves to an electing county and then receives **WFCA** in the electing county, the electing county determines, based on their electing county policy, whether to apply the sanction originally imposed in a standard county.

NOTE: IV-D sanctions will remain in effect for families moving from county to county until cooperation is verified by Child Support **Services**.

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VIII. RESPONSIBILITY OF WORK FIRST CASE MANAGERS TO FAMILIES UNDER SANCTION

The Work First case manager must continue to assist parents and caretakers with identifying and developing procedures and activities to achieve compliance, which, hopefully, will result in lifting the sanction. This should help the parent or caretaker participate in Work First and keep the family moving toward self-sufficiency.