

STATE OF WEST VIRGINIA

FY 2009 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 October 1, 2008.

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 two-parent families.

The WV WORKS program operates in 55 counties organized into 30 district offices reporting to four Regional Directors. Regional Directors report to the Deputy Commissioner, Bureau for Children and Families, Department of Health and Human Resources, hereinafter Department. See Attachment D for Department Management Flow Chart. See Attachment E for District Office Directory.

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 system that emphasizes employment and personal responsibility. Work and family are the focal points of WV WORKS.

WV WORKS DEFINITIONS

West Virginia defines 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 do not meet one of the following categories:

- A minor parent who is not the head of household;
- A 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

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and neither is a head-of-household or due to one of the following additional reasons:

- 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.

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 on an as needed basis.

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. These participants may now opt to continue to receive the WV WORKS cash assistance check based on a 100% earned income disregard for the 6 month period 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 child care 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. These individuals must be employed and have an eligible child in the home. Pre-employment and post-employment

support services to cash assistance and to 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. Specific criteria is located in the WV Income Maintenance Manual available at the Bureau for Children and Families website at http://www.wvdhhr.org/bcf/family_assistance/policy.asp.

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 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)
- Monthly Supplemental Security Income (SSI) payments for children and adults

- Attachment F identifies the WV WORKS income limits.

ORIENTATION

- Work-Eligible Applicants are required to attend a WV WORKS orientation session. 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 and its 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; and a description of domestic violence, 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 Personal Responsibility Contract before initial eligibility can be established.

PERSONAL RESPONSIBILITY CONTRACT (PRC)

A Personal Responsibility Contract (PRC) (Attachment G) is developed by each work-eligible individual by working with their case manager. The PRC 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 will result in the following penalties:

- First offense is a one-third reduction in cash benefits for three months.
- Second offense is a two-thirds reduction in cash benefits for three months.
- Third and subsequent offenses require WV WORKS benefit ineligibility for three 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 and the required orientation further stress the importance of cooperation

and point out the penalties associated with not reporting changes on a timely basis.

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 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.
- All parents and caretaker relatives are required to cooperate with the Bureau for Child Support Enforcement in the identification of parents, establishment of paternity, and securement of child support or may be sanctioned unless good cause is established.
- Redetermination of financial eligibility is conducted at periodic intervals at a minimum of once each 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 household 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

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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.
- 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 a six-month period while remaining employed.
- The method and process for recovering overpayments and correcting underpayments under WV WORKS are the same as that used under the former AFDC Program.
- A child may be absent from the home for no more than 30 consecutive days for the purpose of receiving assistance. Good cause must exist for the continued receipt of benefits when the child is absent from the home 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 does not have 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. Therefore, non-recipient work-eligible individuals who would otherwise be included in the benefit are required to complete the PRC, Orientation, and a work activity for their household to be eligible for WV WORKS benefits.

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- The State adopts each county's Board of Educations or other educational facility's 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.
- Only Federal holidays are counted towards participation when the participant would normally have been scheduled to work on that day.
- The State may contract for Job Readiness, Job Search, Employer Incentive Program (EIP), Skills Training, Education including ABE and GED testing, pre-employment dental and vision services, mentoring, transportation and other services or programs to keep families together and self-sufficient.
- All contracting will be conducted in accordance with the State's rules and regulations.
- The State may coordinate with and refer to other employment and training resources such as Workforce Investment Act (WIA), vocational education, private non-public schools providing vocational training, and other educational resources.
- WV WORKS collaborates with the WIA structure including the seven Workforce Investment Boards.
- 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 contract with the employer.

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- 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 are in the form of computer matches. The Social Security number of the applicant or recipient is matched against the files for the State Bureau of Employment Programs, Workers' Compensation, Internal Revenue Service, and the Social Security Administration. Information for two new matches has been included to the files for the Social Security Administration. First is 40 Qualifying Quarters of Coverage. This includes aliens who are lawfully admitted to the United States for permanent residence and who has worked or can be credited with 40 Qualifying Quarters. Second, a Prisoner Match that involves obtaining the match for prison information by social security number only is included. The State On-line 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 RAPIDS within the previous five years.
- The Recipient Automated Payment and Information Data System (RAPIDS) will be used to collect data and track all families receiving WV WORKS cash assistance or non-cash assistance payments. RAPIDS tracks WV WORKS supportive payments and payments for other programs operated by the Department. RAPIDS is an integrated mainframe eligibility determination and benefit calculation system which issues benefits for WV WORKS (TANF), Supplemental Nutrition Assistance Program (SNAP), Medicaid (MA), Non-Emergency Medical Transportation (NEMT), Emergency Assistance (EA), Low Income 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 OSCAR (Child Support Enforcement), FACTS, (Social Service data systems) the Medicaid Management Information System, as well as other required state and federal agency interfaces.

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- A School Clothing Allowance Program is available to help parents and/or caretaker relatives keep children in school. WV WORKS school children will automatically be eligible to receive a clothing voucher for each eligible child. Families whose income is below 100% of the Federal Poverty Level and assets are below \$2,000 will be eligible to receive a clothing voucher for each eligible school-aged child in the home. The family is not required to apply for or accept a WV WORKS check to be eligible for the clothing vouchers. This program is offered one time per year and is not considered as WV WORKS cash assistance in West Virginia.
 - The Quality Assurance (QA) process is utilized. The QA Unit monitors progress based upon performance measures and standards developed for the WV WORKS Program.
 - Applicants/recipients will be screened for substance abuse and physical or emotional disorders using the Emotional Health Inventory (EHI) administered by individuals contracted through the West Virginia Department of Education. Upon identification, referrals will be made to the appropriate programs for further evaluation and counseling and outcomes will be tracked. Case managers will screen for domestic violence disclosure and make appropriate referrals.
 - 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.
- (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. As of January 1, 2008, in order to promote personal responsibility and as a condition of eligibility, all new WV WORKS applicants must begin their work

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participation activities within 5 days after their assignment is scheduled. Only applicants who can demonstrate and verify that they have good cause for not being able to meet participation requirements will be temporarily exempt 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.

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

As of October 1, 2007, 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.

As of October 1, 2007, 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

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requirements pursuant to exemptions enumerated in WV State Law.

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 and costs of employing a recipient.
- 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. Reporting any hours of this activity in a week triggers the counting of one of the time-limit weeks for the 4 week limit. 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. All time in this activity will return to zero hours beginning Oct 1, 2008. 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. This component consists of the following activities:

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- Preparing an individual to obtain employment by preparing a resume, applications, training and interviewing skills, and work place expectations and life skills training;
 - 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 case 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 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 a check 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 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.

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- 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 which 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 which 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 non-core activities. For distance learning, countable participation hours only include classes which 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 onsite 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.

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- 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 General Education Development (GED) or high school equivalency diploma.
- Satisfactory Attendance at Secondary School or GED 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 GED 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 who obtaining a GED is a prerequisite for employment.

SUPPORT SERVICES AND ACHIEVEMENT BONUSES

Support services are provided to individuals in eligible 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. They will be provided in pre-employment and post-employment situations for employed participants. With the exception of vehicle repair, support services are not available to employed participant who choose the West Virginia Employment Assistance Program (EAP).

As of January 1, 2008, 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, relocation allowance, DUI classes
- Driver's license, chauffeur's license, commercial driver's license

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- Professional license
- Adult pre-employment vision services
- Adult pre-employment dental care
- Relocation payments
- GED Achievement Bonus
- High School Graduation Achievement Bonus
- Six Month Self-Sufficiency Bonus
- Vocational Training and Employment Achievement Bonus

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 and the family income must be at or below the 150% FPL limit. The household may opt to receive these benefits for 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 a six-month period. Families choosing this option would be eligible for up to \$1500 in car repairs during the six-month period.

Participants in either option may be eligible for the Job Retention Self-Sufficiency Bonus, Vocational Training Bonus, GED Bonus, or the High School Graduation Bonus.

WEST VIRGINIA HEALTHY FAMILIES INITIATIVE

The West Virginia Department of Health and Human Resources is working with the West Virginia University Extension Department and the West Virginia State University Extension Department to provide marriage and relationship training to married couples and couples interested in marriage. The goal is to provide skills for married couples to maintain a healthy and stable marriage and improve the quality of lives for West Virginia families and their children.

Through training sessions on relationship skills, parenting skills, marriage retreats, public service advertisements and other outreach activities, The West Virginia's Healthy Families Initiative will focus on developing a "marriage friendly environment" by providing training sessions for families on topics such as relationship skills and parenting skills and providing special couples training at marriage retreats. Public service messages have been developed and will continue to be used, along with other outreach activities, to educate the community on the importance of healthy marriages for children's well-being. Some educational programs being offered are "Within My Reach", "PREP relationship training" and "How Not to Marry a Jerk".

The Initiative operated in seven counties in 2005 and continues to expand each year. In early 2009, 13 counties will offer services through the Healthy Families Initiative.

CHILD CARE

The West Virginia Department of Health and Human Resources provides child care 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 child care services are currently administered by the Bureau for Children and Families, Division of Early Care and Education. The agency operates a child care certificate system which 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.

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TANF funds are not used for non-TANF families who are unemployed or families attending college. (See Attachment H)

The Department certifies that child care 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 child care 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 Federal Poverty Level (See Attachment 1). Care is available for families who are working, attending school or looking for work. TANF funds will not be used for non-TANF families who are unemployed or families attending college.

Families who meet eligibility guidelines may apply for financial assistance to cover the cost of child care services and will have the choice of enrolling their child(ren) in a child care center, family child care home, group child care home, legally exempt school-age child care program, or (on a limited basis) with an in-home child care 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 management of the child care certificate system, consumer education and provider training and technical assistance efforts. DHHR State-level staff develops policies and procedures and provide technical assistance to grantees, while State Licensing and local regulatory staff focus on regulation and monitoring of facilities to ensure compliance with health and safety requirements.

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

- Travel to access child care is in excess of thirty minutes one way.
- Regulated or certified child care is unsuitable for children with special needs.
- Child care is not available during the scheduled hours of participation.

- Determinations of unavailable or unsuitable child care 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 was in effect on September 30, 1995, prior to passage. The Program is funded with segregated federal TANF funds.

For purposes of this Program, needy children must be under the age of twenty-one (21) years. Emergency assistance and services are limited to six (6) months as necessary to alleviate the 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.

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, emergency medical care requiring transportation to medical facilities, 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

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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, supervision, transportation for children or parents, transportation for transients, temporary child care, emergency medical care and pharmacy, and transportation to the medical facility.

- 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. 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.

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The West Virginia Department of Health and Human Resources, 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. The West Virginia Family Planning Program (FPP) provides comprehensive reproductive health care for low-income women, men, and adolescents to prevent unintended pregnancies. The Family Planning Program administers the Title X Program in West Virginia, under the auspices of the U.S. Department of Health and Human Services, Office of Population Affairs. Family Planning Program services are available statewide through a community-based provider network of 148 locations. Sites include county health departments, primary care centers, hospital outpatient centers, private providers, free clinics, and university health sites. FPP services include contraceptives, health histories, gynecological exams, pregnancy testing, screening for cervical and breast cancer, screening for high blood pressure, anemia, diabetes, screening for Sexual Transmitted Diseases (STDs), basic infertility services, health education and counseling, and referrals for other health and social services. Free pregnancy testing is offered to enable early identification of pregnancy and timely referral into prenatal care.

Every WV WORKS recipient of childbearing age needs to know the benefits of family planning, specifically that family planning enables them to have children when they are psychologically, physically, and financially ready to have them. Information on family planning and an opportunity to request a referral to a family planning program are included in each WV WORKS orientation session and application interview.

The Adolescent Pregnancy Prevention Initiative (APPI) provides development, oversight, and coordination of adolescent pregnancy prevention activities. As a focus area of the FPP, the goal of the APPI is to reduce the number of pregnancies among adolescents through improved decision-making skills, abstinence, and/or access to contraceptives services. Four APP Specialists work to increase public awareness of problems associated with early sexual activity and childbearing and collaborate with existing community organizations to promote local activities for adolescent pregnancy prevention.

The goals of the APP program will be accomplished through community education and outreach activities, exhibits at local health fairs, distribution of resource materials about adolescent pregnancy prevention, and providing comprehensive sex education

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as requested, to include family planning information as well as developing refusal skills and delaying tactics.

The APPI will continue to design and conduct community education and outreach activities to increase public awareness of adolescent pregnancy preventions and related issues for community groups, schools, health care professionals, parent groups, or business. Adolescent pregnancy prevention will be addressed on a statewide level which impacts access to or quality of adolescent pregnancy prevention services, confidentiality, transportation, and financial or other barriers, and local availability of pregnancy prevention services. Maintaining existing and establishing new partnerships and initiating referral patterns with entities servicing populations of adolescents will ensure ongoing growth of the initiative.

The West Virginia Healthy Families Initiative discussed above will continue to educate and inform communities regarding the importance of establishing and maintaining two parent families.

Formal work with the Adolescent Health Initiative (AHI) began in 1988. Introduction of the developmental asset principles of SEARCH Institute brought about a change in the mission in 1993. Search Institute has identified 40 positive experiences and qualities everyone can bring into the lives of children and youth, called the developmental assets. A dedicated network of eight regional Adolescent Health Coordinators introduce, develop, train, and provide needed technical assistance to youth, parents, teachers, and health care professionals with focused attention on improving adolescent health indicators while building asset-rich communities.

The West Virginia Abstinence Education Project (AEP) administers the Title V, Section 510 Abstinence Education Block Grant program. Since the inception of the federal abstinence education funding, West Virginia has been at the forefront of administering these grant dollars by providing long-term, intensive programs in an asset development framework in public schools and community organizations, Abstinence education is primary health prevention that teaches youth the physical, emotional, social, intellectual, spiritual and financial benefits of abstaining from sexual activity.

The majority of our abstinence education programs provide in-school services that include but are not limited to alcohol, drug and tobacco prevention, violence prevention, pregnancy and STD prevention, life skills and character development. Many programs provide parent seminars on how to effectively communicate with their teen about making healthy choices as well as provide them with the most current information regarding teenage behavior

trends. Programs are also required to educate teens about the laws regarding sexual activity consent. Despite popular belief, the West Virginia abstinence education programs are required to provide in-depth information about sexually transmitted diseases and educate youth about the realistic expectations of contraception. If a program participant requests contraceptive services or needs STD testing, they are referred to the public health department, community health center or other family planning (Title X) participating provider. Youth are not denied access to these services because they are involved in an abstinence education program.

In response to requests from local grantees for a quick reference, the AEP developed a Resource Guide which provided a list of books, videos, pamphlets, and curricula. When new materials are added, the guide is updated and available electronically to grantees. The website is continually updated as new data becomes available and can be viewed at <http://www.wvdhhr.org/mcfh/adohealthprofile>.

- (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.

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:

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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.

In response, the Family Planning Program requires 150 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:

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

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. The “Wise Guys: Male Responsibility Curriculum”, adopted by APPI, is designed to prevent adolescent pregnancy by teaching young males self-responsibility in several areas, primarily in the area of sexual development. One chapter of the curriculum specifically addresses dating violence, including statutory rape and sexual assault. In this component of the training, young men become aware of the issues of dating violence and learn the components of a healthy relationship. The chapter focuses on:

- How to identify qualities of healthy and unhealthy relationships
- How to increase the awareness of students to the issue of dating violence and abuse
- Ways to prevent dating violence

(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 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.

- (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 and Human Resources.

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.

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The state 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 revised 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 on a monthly basis to ensure that the participant continues to meet the requirements to be temporarily excused from meeting the program participation requirements.

- (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 Health and Human Resources website at http://www.wvdhhr.org/bcf/family_assistance/wvworks.asp for a 45-day public comment period. The State Plan was posted to the website on November 14th and the comment period closed on December 30th.

(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 Human Resources programs. The State Ethics Act, a code of conduct for public servants enforced by the Ethics Commission, as well as the Department of Health and Human Resources 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; and**
- (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.**

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.wvdhhr.org/bcf/family_assistance/wvworks.asp. A news release was sent to various media informing the public of the availability of the State Plan.