


## Hardship extensions and participation waivers

An overview



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## I. Hardship extension

- Up to 20% of the population of TANF/NMW mandatory participants who have reached the maximum 60 months of TANF cash assistance may be granted an extension beyond the 60 month term limit based on specific criteria.



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## Rules on Hardship Extension

The NMAC defines:

1. what is the criteria for establishing hardship
2. who determines eligibility for an extension
3. participation requirements for those who have been granted an extension
4. case management responsibilities

 (NMAC 8.102.410.17) 

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# 1. What is the criteria?

In order to establish hardship an individual must demonstrate at minimum one of the following:



1. Temporary or complete disability
2. Sole provider of home care to an ill or disabled family member
3. Affected by Domestic Violence
4. Battered or subjected to extreme cruelty
5. An SSI application pending or in appeal and:
  - He is currently fully waived from NNTW because of reason 3 above or
  - Was granted a waiver because of reason 1 above in the previous twenty-four months
6. Has reached the age 60 by the end of the last month of his/her term limit

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# 2. Who determines eligibility?

- The Incapacity Review Unit (IRU) approves or denies a hardship extension
- The IRU may impose conditions to an extension



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# 3. Participation requirements

Conditions to the extension may include:



- Counseling
- Substance abuse treatment
- Speech or physical therapy
- Continuing or follow up medical treatment
- Keeping doctor's appointments
- Family counseling
- Engaging in programs or activities to address the hardship type



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## Participation Requirements – cont'd

- A benefit group receiving cash assistance based on a hardship extension **may be sanctioned** when failing to comply with any contingency for eligibility as determined by the IRU.
- CDS initiates request to ISD with DWP 009.



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## 4. Case Management

- An individual granted a hardship extension is **required** to meet with the NMW CDS.
- Referrals by ISD to NMW **must be made** in a **timely** manner in accordance with 8.102.410.18 (C) (1) NMAC.



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## Case Management – cont'd

- *The NMW Contractor must provide in-depth case management to participants who are approaching the 60 month term limit or have been granted an extension.*



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## Case Management – cont'd

### Case Management may include:

- Assist the participant to apply for a hardship extension (if approaching the 60 month term limit)
- Assist participants to meet contingencies defined by the IRU
- Conduct an in-depth assessment to identify barriers (limited work ability, limited English proficiency, child care, etc.)
- Make referrals to appropriate agencies and provide any follow up necessary
- Identify support services
- Place individuals in appropriate and realistic work activities and follow up on work activity progress



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## Hardship Review

- Conducted by the IRU to determine continued hardship extension status
  - Evaluate compliance with prescribed activity requirements
  - Evaluate continued circumstances



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## II. Participation waiver



- Based on a request and verification of existing conditions, a TANF/NMW recipient may be qualified for a **permanent or temporary waiver from the work requirement.**



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## Qualifications for waivers

- The ISD Case Worker can approve the following waivers at the county level:
  1. **Age 60 or older**
  2. **Single parent caring for a child under 12 months old**
  3. **Third trimester pregnancy**
  4. **Good cause personal circumstances not to exceed 30 days**
- All other waiver requests are sent to the **Incapacitated Review Unit (IRU)** for determination.  
8.102.460.11 NMAC



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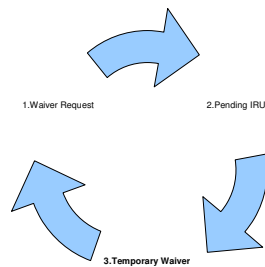
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## Temporary Waiver



- An individual who has requested a waiver and is providing all information necessary, **will be temporarily granted a waiver** pending final determination by the IRU.
- **Note:** An IRP and assessment but no WPA requirement while in pending status.



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## Waiver Classifications

1. Waiver based on disability
2. Modified work participation
3. Temporary exemption
4. Limited participation



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## Waiver Classifications in Detail



The IRU may **deny** a participation waiver request **or**:

- A. Determine the participant to be completely disabled and waived from meeting work program participation (**complete disability**)
1. Has a physical or mental impairment that is expected to last at least 30 days; and
  2. Cannot reasonably be expected to participate in any of the approved work program activities due to the severity of the physical or mental impairment; and
  3. Cannot be expected to meet applicable work program participation standards

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## Classifications – cont'd

- B. Determine that the participant is capable of engaging in work activities, **with limitations (modified work participation)**
1. **Participation requirements: minimum 20 hours of core activities + non-core activities designed to enhance the individual's capacity to fully participate**
    - may include additional assessments, referrals to treatment, counseling, physical therapy, substance abuse treatment, doctor's appointments, etc.
  2. **Participant must complete IRP and WPA**



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## Classifications – cont'd

C. Exempt the individual from work activities (**temporary exemption**)



1. **Participant is considered a volunteer for purposes of work registration**
2. **Participant is required to work with the CDS to develop an IRP for modified work participation**



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## Classifications – cont'd

D. Establish work participation requirements specific to the participant's situation (**limited participation**)

1. **No core activity requirement**
2. **Participant is required to work with the CDS to develop an IRP for modified work participation**
3. **Engagement in any of the following activities or programs which are meant to enhance the participant's ability to work and fully participate.**
  - Substance abuse services
  - Mental health services
  - Pursuit of disability benefits
  - Job readiness or education directly related to employment
  - ESL courses
  - Residence in a domestic violence shelter or receiving counseling or treatment or participating in a criminal justice activity directed at prosecution of the domestic violence perpetrator for **no longer than 24 weeks.**



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## Waiver Review

- Conducted by the IRU to determine continued waiver status
  - Evaluate compliance with prescribed activity requirements
  - Evaluate continued circumstances



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## In conclusion...

- A participant may be entitled to a hardship extension or participation waiver.
- The IRU, the ISD caseworker and the NMW CDS working as a team can identify a TANF/NMW participant's specific circumstances and establish appropriate barriers which may assist him/her to overcome barriers to self-sufficiency.



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