

Subpart I. OTHER INCOME MAINTENANCE PROGRAMS

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CHAPTER 281. TIME-OUT BENEFITS

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Authority

The provisions of this Chapter 281 issued under sections 201(2), 403(b), 405, 405.1, 405.3, 408 and 432 of the Public Welfare Code (62 P. S. §§ 201(2), 403(b), 405, 405.1, 405.3, 408 and 432); Titles I and III of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Pub. L. No. 104-193) (PRWORA), creating the Temporary Assistance for Needy Families (TANF) Program, and amending 42 U.S.C.A. §§ 601—619, 651—669(b) and 1396u-1; and the Federal TANF regulations in 45 CFR 260.10—265.10.

Source

The provisions of this Chapter 281 adopted September 13, 2002, effective September 14, 2002, 32 Pa.B. 4435, unless otherwise noted.

Cross References

This chapter cited in 55 Pa. Code 141.41 (relating to policy); and 55 Pa. Code § 141.53 (relating to eligibility based on domestic violence).

§ 281.1. Policy.

To the extent State funding is available, and consistent with State and Federal law, families otherwise eligible for TANF benefits under Chapter 141 (relating to general eligibility provisions) are eligible to receive time-out benefits. The receipt of these benefits does not count towards the 60-month TANF time limit in § 141.41(d) (relating to policy).

§ 281.2. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Kinship caregiver—A nonparental specified relative, as defined in § 151.42 (relating to definitions).

MPP—Maximizing Participation Project—A program to assist individuals to remedy medical conditions, functional limitations and good cause situations that preclude the individual from complying with RESET requirements.

RESET—Road to Economic Self-Sufficiency Through Employment and Training Program—As defined in § 165.2 (relating to definitions).

Time-out—Cash assistance provided to a family under this chapter.

Victim of domestic violence—An individual who has been subjected to domestic violence, as defined in § 187.22 (relating to definitions).

Cross References

This section cited in 55 Pa. Code § 281.3 (relating to eligibility requirements).

§ 281.3. Eligibility requirements.

(a) A family is eligible to receive time-out benefits if the head of household or spouse of head of household is one of the following:

(1) *A working individual.* An individual who is participating in work and work-related activities for at least the number of hours specified in subparagraphs (i)—(iv), or who is meeting the Federal definition of “engaged in work” as specified in section 407 of the Social Security Act (42 U.S.C.A. § 607(c)), whichever provides for the greater number of hours of work.

(i) Working in paid employment 30 hours per week.

(ii) Working in self-employment 30 hours per week.

(iii) Working in paid employment at least 20 hours per week and engaging in additional hours of approved work-related activity so that the total hours of work plus approved work-related activity equals or exceeds 30.

(iv) For a two-parent family, working in paid employment a combined total of 55 hours per week.

(2) *An early engager.* An individual who completed the job search required under § 165.31(b) (relating to RESET participation requirements) and who meets one of the following conditions:

(i) Began an approved employment and training activity for at least 30 hours per week during the first 12 months of receiving cash assistance, and continues to participate in the activity for at least 30 hours per week.

(ii) Enrolled in a postsecondary educational activity defined as full time by the institution during the first 12 months of receiving cash assistance, and is maintaining satisfactory progress, as defined by the institution.

(3) *An exempt volunteer.* An individual who is exempt from RESET participation requirements due to a verified physical or mental disability under § 165.21(c)(1) (relating to exemptions from RESET participation require-

ments), and voluntarily participates in MPP, as defined in § 281.2 (relating to definitions). For continued eligibility for time-out, an exempt volunteer shall comply with MPP.

(4) *A kinship caregiver.* A kinship caregiver, as defined in § 281.2, who meets the following conditions:

(i) Has received at least 24 months of cash assistance for the caretaker and a related minor dependent child or has care and control of a related minor dependent child as a result of a court-ordered placement by county children and youth social services, as defined in § 3130.5 (relating to definitions).

(ii) Is not receiving TANF for the kinship caregiver's own children.

(iii) Is meeting RESET participation requirements, as specified in § 165.31, unless the individual is exempt or has good cause for not meeting those requirements.

(b) A family is eligible to receive time-out if a family member is a victim of domestic violence, as defined in § 281.2.

Cross References

This section cited in 55 Pa. Code § 281.4 (relating to limitations).

§ 281.4. Limitations.

(a) *Twelve-month time limit.* The family's time-out under § 281.3(a)(1)—(3) (relating to eligibility requirements) is limited to 12 months in the lifetime of the head of household or spouse of head of household.

(b) *Combined periods.* A family may receive time-out under more than one paragraph in § 281.3(a)(1)—(3). The months need not be sequential. The combined periods of § 281.3(a)(1)—(3) may not exceed 12 months in the lifetime of the head of household or spouse of head of household.

(c) *Victims of domestic violence.* Time-out received under § 281.3(b) is limited to 12 months in the lifetime of the head of household or spouse of head of household. The family may receive an additional 12 months of time-out under § 281.3(a)(1)—(3) if the head of household or spouse of head of household meets the requirements of § 281.3(a)(1), (2) or (3).

(d) *Special exemption from time limits for kinship caregivers.* A kinship caregiver may continue to receive time-out as long as the eligibility requirements of § 281.3(a)(4) are met.

(e) *Sunset date.* This chapter will sunset on July 1, 2004.

Cross References

This section cited in 55 Pa. Code § 281.5 (relating to ineligibility for time-out).

§ 281.5. Ineligibility for time-out.

(a) *Appeal rights.* An individual may appeal the denial or termination of time-out benefits under Chapter 275 (relating to appeal and fair hearing and administrative disqualification hearings).

(b) *Ending time-out.* If the individual fails, without good cause, to comply with requirements for time-out, or no longer qualifies for time-out under § 281.4 (relating to limitations), time-out benefits for the family will end. In that event, and to the extent the family otherwise qualifies for TANF, TANF assistance will resume.

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