

## **120 - SANCTIONS**

### **I. BACKGROUND**

The Mutual Responsibility Agreement (MRA-A) requires all participants to cooperate with Child Support Enforcement, 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/or the MRA-B to both applicant and recipient households. The MRA-A and/or MRA-B 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-6963A) and the MRA-B (DSS-6963B), 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-8110) 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 Enforcement
2. Non-compliance with the provisions of the MRA-A or MRA-B
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 for Work First services.

### **II. SANCTION FOR FAILURE TO COOPERATE WITH CHILD SUPPORT**

Parents or caretakers must cooperate with Child Support Enforcement to establish paternity, if necessary, and to secure child support for all children in their care receiving

Work First Cash Assistance. 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 Enforcement will cause the entire family to be ineligible for a Work First Cash Assistance payment for one month or until compliance, whichever is later.

**NOTE:** Apply the sanction for non-cooperation with Child Support Enforcement even if the parent/caretaker is not included in the WF cash assistance 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.

**B. Applying the Sanction**

Action to initiate a sanction must be taken within ten workdays of receiving an ACTS Task notification in NC FAST. Upon notification from Child Support Enforcement, the case manager must issue an adequate notice (DSS-8110) and impose the sanction. Sanctions for Child Only cases begin the month following the non-compliance. Sanctions for Work First Employment Services cases begin the month of the non-compliance. Additional guidance is provided in the Job Aid for Creating or Disregarding an Active Sanction, Editing or End Dating Sanctions, or Accepting a Recommended Sanction. Verification of cooperation in ACTS or OVS is the only acceptable verification of compliance.

**C. Ending a Child Support Sanction**

When ending an existing IVD sanction the Work First case manager must verify using the Inquiry into Data Sent from ACTS or using OVS that the client cooperation status is Y, or "Yes."

**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 Work First Family Assistance 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 Work First Cash Assistance.
- Failure to ensure that children, including minor parents, are enrolled and regularly attending school;
- Failure to report information, such as income and family composition, which 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:

- 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 worker 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 Work First Cash Assistance, the case manager must determine if the family has complied with the MRA-A and/or MRA-B and missed at least one cash assistance payment. If the family reapplies for Work First Cash Assistance 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 requirements before they can receive a Work First Cash Assistance 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 worker 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 not missed at least one check, 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 worker or provide necessary verification to the worker. At the meeting, discuss the MRA and the necessity of compliance.

**IV. CHILD CARE 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 a [DSS-8221](#) for this purpose. Give a copy of the form to each applicant/recipient. [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 of its inability to obtain childcare and identify the specific reason(s) why and provide documentation, if necessary.

**A. Inappropriate Child Care**

Appropriate childcare may be regarded as lacking if:

- 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. Child Care 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 Child Care**

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.

**D. Child Care 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 worker should continue to assist in identifying and developing childcare resources.

**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 Work First Cash Assistance payment is reduced due to a sanction. If appropriate, 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.) IVD sanctions will remain in effect for families moving from county to county until cooperation is verified by Child Support Enforcement.

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- C. When a family under a sanction in a standard county moves to an electing county and then receives Work First cash assistance 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:** IVD sanctions will remain in effect for families moving from county to county until cooperation is verified by Child Support Enforcement.

**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.