

Spending TANF/MOE on Child Welfare:

What's allowed and what's not?

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Three paths to spending TANF on child welfare:

- Transfer TANF funds to SSBG and spend with other Title XX monies
- Spend TANF funds on activities previously authorized in the state's Emergency Assistance program
- Spend TANF on activities reasonably calculated to achieve a TANF purpose

Path to spending MOE for child welfare:

- Must meet one of the 4 purposes
- Must be for eligible families, e.g.
 - those where a child resides with his/her parent or other caretaker relative; and
 - those who are “needy”

Appropriations analysis:

- additional analysis when the TANF or MOE funds are used in conjunction with another federal program, e.g. IV-B or IV-E
- where there are no specific statutory prohibitions, the key is to distinguish “supplanting” versus “supplementing”

Existing Guidance: Prohibitions

- may not use TANF or MOE “to supplant or satisfy required State matching requirements in other programs”
- may not use TANF or MOE “to supplant State spending” in IV-D or IV-E
- may not “transfer TANF funds to another federally funded program without specific authority”

Existing Guidance: Allowable Uses

- may “contract for expansions of services in other federally funded programs, unless it would violate Congressional intent”
- may spend TANF or MOE funds “to supplement the services provided by other programs”

Analytical steps re: child welfare

- Determine **who** you want to serve.
- Determine **how** you want to serve them.
- Assess whether the benefit provided constitutes assistance & whether that's OK.

Who: Families without resident child

- TANF assistance is not available, unless previously authorized
- TANF non-assistance is available if it is designed to help the child return home
- MOE funds are not available for either assistance or non-assistance

Who: Non-needy families

- TANF funds are available only if the activities fall within purpose 3 or 4
- MOE funds are not available

How: “kinship care” payments

- Child not living with a parent or other relative
 - TANF is not available, unless the payment is non-assistance or was previously authorized
 - MOE is not available
- Child is living with parent or relative:
 - if child is eligible for IV-E payments, TANF and MOE may not be available
 - if child is not eligible for IV-E payments, TANF and MOE are available

How: Services that could be provided under IV-B

- Supplantation:
 - the state/county is not drawing down its full IV-B allotment, but plans to use TANF funds to do so
 - the state/county plans to count state spending for both MOE and its IV-B match
- Supplementation:
 - the state/county fully utilizes its IV-B allotment and plans to use TANF or MOE to add to existing services
 - the state/county plans to expand currently available services

Example: Substance Abuse & Mental Health Services

- TANF can only be used to provide the “non-medical” services
- These services are also IV-B services, so focus on expanding services
- MOE can be used
- These services are also IV-B services, so focus on expanding services

Example: Domestic Violence Services

- Screening, counseling, referrals & help with relocation are all examples given in the funding guide
- Domestic violence services are also IV-B services, so focus on expanding services

Example: Home Visiting Services

- Listed as an example in the preamble to the regulations
- Not a specifically listed IV-B service, but falls within the definition, so focus on expanding services

Example: Parent Education

- Could be justified under purpose 4 -- promoting two parent families -- and thus provided to non-needy families
- Could be provided under IV-B, so focus on expanding services

Example: multidisciplinary assessment & planning

- Funding guide example: “Collaborate with the child welfare agency to identify and serve children in needy families who are at risk or abuse or neglect”
- Case plan development & collaboration are required under IV-B & IV-E, so focus on expanding services.

Example: Operating Review or Information Systems

- IV-E requires states to operate foster care review system
- IV-B requires states to operate case review and information systems.
- Thus, TANF and MOE funds cannot be used to support these activities.

Example: Independent Living Services

- The Independent Living Program is not a required component of IV-E, supplantation generally should not be an issue.
- TANF/MOE funds couldn't be used to meet the state's matching requirements under the ILP program.

Is the benefit/service “assistance”?

- Remember on-going child care and transportation for non-employed families constitute assistance.
- Think through the consequences of providing assistance.

Consequences of providing assistance:

- Federal time limits apply, unless provided:
 - with segregated state funds;
 - in a separate state program; or
 - to a child-only case
 - the state has “exemptions” under a waiver
- Work participation rates apply, unless provided:
 - in a separate state program; or
 - to a child-only case

Consequences of providing assistance (continued):

- Child support assignment applies, unless provided in a separate state program
- Disaggregated data reporting applies
- Teen living arrangement and school requirements apply if TANF funds are used to provide the assistance

Decision sequence

- Who do you want to serve and how do you want to do it?
- Can TANF or MOE be used for these activities?
 - By transferring TANF funds?
 - Because the activities were previously authorized?
 - Under one of the four purposes?
- Does the spending supplement existing federal child welfare programs?
- Of the available funding sources, what source or combination of sources makes the most sense?

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