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**Colorado State Plan**

**Temporary Assistance for Needy Families (TANF)**

**Effective January 1, 2012**

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## **Introduction and Summary**

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), requires that the following plan be submitted by the Colorado Department of Human Services (CDHS) to the U.S. Secretary of Health and Human Services. The plan outlines how the State of Colorado implements the provisions of the Temporary Assistance for Needy Families (TANF) program, and provides some specific detail regarding work provisions, eligibility criteria and benefit levels, administrative policies and procedures, fiscal information and certifications and assurances.

Colorado's TANF Program is known as Colorado Works and is designed to assist participants to terminate their dependence on government benefits by promoting job preparation, work and marriage, and to develop strategies and policies that focus on ensuring that participants are in work activities as soon as possible so that the State is able to meet or exceed work participation rates specified in the federal law. The Colorado Works program, in its design, also promotes investment into capacity building and prevention work to strengthen families, provide for positive youth development and healthy relationships. The Colorado Works Program operates in all counties in Colorado and is administered locally by the county departments of human/social services. Each county enters into a performance contract with CDHS and has written county policies describing its program. CDHS is responsible for assuring that all counties are complying with the terms of their county policies and that they are in compliance with all federal and state statutes and regulations. County departments of human/social services have flexibility in determining the approaches needed to achieve these goals, including the authority to contract all or part of the program operation to private and/or public providers. Counties develop their program policies to deliver the most appropriate benefits and services to the eligible participants in their communities. These program policies must meet federal and state statutory and regulatory requirements.

In addition to the services and investments made by counties through implementation at the local level, CDHS is committed to providing additional investment opportunities to programs throughout the State of Colorado that serve low-income families and that are designed to meet one of the four purposes of TANF. Statewide efforts that have shown promising return include a subsidized employment program that ended September 30, 2010. CDHS also provides services through the Personal Responsibility and Education Program Grant (PREP), which aims to provide comprehensive and medically accurate sexual health education to teens.

## **Eligibility Criteria, Benefit Levels and Services**

Colorado Works statutes state that no individual is entitled to benefits or services under the Colorado Works Program. Colorado Works provides fair and equitable treatment to all applicants and participants and does not discriminate based on age, disability, race, color or national origin, or any other basis proscribed by law.

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*Basic cash assistance.* Colorado Revised Statutes set uniform statewide basic eligibility and minimum benefit levels for basic cash assistance based on Aid to Families with Dependent Children (AFDC) rules that were in effect on July 16, 1996, with the following exceptions:

- (1) families do not have to include half siblings in the same assistance unit if at least one of the half siblings is receiving child support;
- (2) two-thirds of a participant's income gets disregarded for the first twelve cumulative months of assistance;
- (3) two parents are treated the same as single parent families;
- (4) a family's resources are exempt

Eligibility criteria for cash assistance also include the following:

- (1) Colorado does not impose different eligibility criteria or benefit levels on families moving into Colorado from other States;
- (2) Colorado does not impose a family cap;
- (3) Colorado does require the assignment of child support rights as a condition of eligibility for Colorado Works;
- (4) expectant parents that can prove pregnancy are eligible; and
- (5) all work eligible individuals must sign and comply with an Individual Responsibility Contract (IRC).

The following persons shall be ineligible for all Colorado Works benefits or services:

- (1) fugitive felons and parole and probation violators;
- (2) persons convicted of drug-related felonies after July 1, 1997 unless the county has determined such person has taken action toward rehabilitation; and
- (3) persons who are not lawfully present in the United States.

In addition to the basic cash assistance grant, county departments of human/social services may provide other assistance in the form of additional benefits, services, and incentives to participants above the basic benefit level. County policies describe the types and amounts of other assistance, which may vary from county to county. Counties may provide other assistance in the form of cash assistance, lump sum payments, payments for specific items and vouchers according to their county policies.

Dependent children must live with a specified caretaker, except for children receiving family preservation services or children receiving services as outlined in Colorado's approved Title IV-A State Plan in effect as of September 30, 1995. A specified caretaker is a person who exercises responsibility for the child and may or may not be related to that child. The specified caretaker and/or their children may not be absent from the home for longer than 45 days unless specific circumstances apply to their situation, such as visiting a non-custodial parent, medical treatment or those in active military duty. To receive benefits, an assistance unit may consist of the

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dependent child, siblings of the dependent child, and specified caretaker (such as parents or grandparents etc.). A dependent child is a child under age 18 or between 18 and 19 who is expected to graduate from high school prior to his/her 19<sup>th</sup> birthday.

Cases containing children living with a specified caretaker who does not have financial responsibility under the law to support that child may be considered child only cases. Persons living in the household who are financially responsible for members of the assistance unit, but who are not required to be in the unit, will have their income above the amount required for their needs deemed available to the family unit.

Services are also provided to children in out of home placement or in juvenile justice facilities in accordance with the provisions of the approved Emergency Assistance State Plan in effect on September 30, 1995. Non-monetary services may also be provided to a non-custodial parent according to program rules.

*Applications and redeterminations of eligibility.* Applications for Colorado Works benefits must be processed within 45 calendar days. For persons receiving on-going basic cash benefits, a re-determination of eligibility must be completed annually. Specified caretakers are required to notify the agency within ten days if a child has left the home and is expected to be gone for more than 45 calendar days. Assistance will be discontinued for specified caretaker(s) who fails to meet this requirement. Exceptions to this requirement are granted for: (1) children receiving medical care or education, which requires them to live away from home; (2) children visiting a non-custodial parent; and (3) children in temporary foster placement.

*Time limits.* Adult members of the assistance unit are limited to 60 months of TANF assistance during their lifetime. Up to 20% of the caseload may receive an extension of federal TANF assistance beyond the 60-month lifetime limit if their cases meet hardship or domestic violence criteria. No extensions will be formally granted until the adult has received TANF benefits for 60 months. All extensions will be granted by the county department of human/social services based on hardship or domestic violence reasons defined in Colorado Works/TANF rules. Domestic violence extensions and hardship extensions may be granted when domestic violence or hardship problems prevent the adult(s) from participating in work activities or securing employment. Hardship reasons for extensions beyond the 60-month time limitation include the following:

- (1) disability of the caretaker, his/her spouse, the dependent children, or immediate relative for which the caretaker is the primary caregiver;
- (2) involvement in the judicial system by a member of the assistance unit;
- (3) families experiencing current or past domestic violence issues;

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- (4) family instability which may include a caretaker with proven inability to maintain stable employment or inability of the caretaker to care for the children in their own home or in the home of a relative;
- (5) inadequate or unavailable child care services, housing, transportation or employment opportunities; and
- (6) other hardship reasons specified in the county's policies.

County departments may define additional hardship reasons in their county TANF policies.

*Minor parents.* A minor parent is a parent who is under age 18. All unmarried minor parents are considered children for purposes of time limits and budgeting. Unmarried minor parents must live with a parent or adult relative or guardian, or in a supervised setting, with exceptions for good cause. Minor parents who have not completed high school or its equivalent must attend high school, work on a GED, or be in an alternative education training program approved by the State in order to be eligible for assistance unless receiving benefits paid with segregated state/local funds. Teen parents are considered satisfactorily attending an educational program unless they have dropped out. Colorado does not require non-custodial, non-supporting minor parents to fulfill community work obligations or attend appropriate parenting classes after school.

*Indians.* Colorado provides each member of an Indian tribe who lives in the state and is not eligible for assistance under a Tribal Family Assistance plan approved under Section 412 of the Social Security Act with equitable access to assistance. Any month of receipt by an adult while living in Indian Country or a Native Alaskan village where at least 50 percent of the adults were not employed shall not count towards the 60 cumulative months of assistance. The State will determine which Indian reservations either in the state or outside of the state qualify for the Indian disregard time limitations.

*Sanctions.* *Full Family* Sanctions are imposed on individuals for failure to comply with the terms and conditions agreed upon in the Individual Responsibility Contract.

- (1) The first sanction shall be twenty-five percent (25%) of an assistance unit's cash assistance for a period of one month. The first sanction shall remain in effect until cured and served. Sanctions not cured by the end of the sanction period shall progress to the second sanction.
- (2) The second sanction shall be fifty percent (50%) of the cash assistance for one month, and shall remain in effect until cured and served. Second sanctions not cured within the sanction period shall progress to the third sanction.

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- (3) The third sanction shall result in the termination of cash assistance to the assistance unit for a period of three months.
- (4) A full case closure for a period of one month can occur for complete refusal to cooperate and comply with the IRC.

The sanction period is determined by the State Board of Human Services. Once a participant reaches the third sanction, all subsequent sanctions are at the third level.

*Disqualifications.* A person may be disqualified from the Colorado Works/TANF for the following.

- (1) Committing fraud, resulting in the removal of the caretaker from the grant for a 12-month period for the first offense, 24 months for the second offense, and lifetime for the third offense.
- (2) Misrepresenting information in order to receive assistance in two states at the same time, resulting in ineligibility for a period of 10 years.

*Overpayments and recoveries.* All overpayments are promptly established as account receivables unless the household members are without fault in the creation of the overpayment, the change in income and/or resources or other circumstances were reported timely, and the recovery would deprive the household of income required for ordinary and necessary living expenses. A county must deduct the recovery of overpayments from current benefits at an amount of no more than 10 percent of the benefit and not less than five percent of the benefit each month. For overpayments to non-active cases, the county shall establish a repayment plan with the family that shall include at least the minimum amount set above. The State will not pursue collection of overpaid benefits from individuals who are dependent children in the overpaid Colorado Works/TANF case. The county shall correct any underpayments in full by the month following the identification of such underpayments.

*Non-recurrent, short-term benefits.* Colorado offers non-recurrent, short-term benefits and services to its Colorado Works participants in two forms – state diversion and county diversion.

- (1) State diversion is intended for those participants who qualify for basic cash assistance, but do not need ongoing cash assistance. Participation for these types of benefits is voluntary, and participants must have a demonstrable need for a specific item or type of assistance. The participant also must enter into a written IRC and agree not to apply for future assistance for a period established in accordance with the county's policies.

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- (2) County diversion is intended to provide benefits and services to a broader population than those eligible for basic cash assistance. These benefits and services must support the purposes of TANF and the receipt of any benefit or service is subject to county policy and the availability of funds. Eligibility for Colorado Works county optional benefits and services requires:
- a. a family consisting of children living with a specified caretaker or parent(s) with unborn child(ren); and
  - b. the family's gross income is within the county limit, up to \$75,000 per year.

Notwithstanding the above eligibility requirements, all Colorado residents are eligible to receive services intended to reduce out-of-wedlock pregnancies and/or encourage the formation and maintenance of two-parent families if paid exclusively with federal TANF funds. In providing these services, it is the State's goal to achieve a two percent annual reduction in out-of-wedlock pregnancies.

The State intends to achieve this goal by providing policy direction to counties to identify out-of-wedlock birth rate reduction as a priority, with special emphasis on teenage pregnancies. The State will provide counties with resource information regarding national evidence-based strategies and promising practices implemented by other counties in Colorado, including sharing evidence-based practices designed to reduce the incidence of teenage pregnancies. As such, an emphasis on developing after-school programs that engage middle and high school age children (both boys and girls) in positive youth development activities will be encouraged at the local level. The State will assist counties in developing collaborations with their local health departments, schools, family and resource centers, and other partners. The State will work toward improved coordination with other state agencies including the Governor's Office, the Department of Health Care Policy and Finance's teen pregnancy prevention program, and the Colorado Department of Public Health and Environment's abstinence education efforts. The state will also work with community and faith-based organizations to promote the use of comprehensive, evidence-based practices in communities across Colorado to combat teen pregnancy. The State will continue to seek statewide opportunities to fund initiatives designed to reduce out-of-wedlock pregnancies in general, and teenage pregnancies in particular. The State will also emphasize that teenage pregnancy prevention programs be designed for both males and females.

Additionally, local law enforcement personnel, counseling services and the education systems in the communities deliver training related to statutory rape and the unintended consequence of teenage pregnancies that often result. Such training shall be expanded to include men. In addition, the State intends to continue its strict enforcement of child support. Colorado's nationally recognized Child Support Enforcement program has helped to reduce the number of children born out-of-wedlock in the state by its aggressive pursuit of support. Potential single

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fathers are more cognizant of the fact they will be required to provide for their children and potential single mothers are more aware of the cost of raising a child with, or without, child support.

*Additional Colorado Works Benefits and Services.* Other benefits and services include, but are not limited to, the following:

- (1) Colorado offers participants individual development accounts;
- (2) Colorado allows county departments to use Colorado Works funds to provide vouchers for state approved job placement agencies;
- (3) Colorado provides family planning services not available through Medicaid;
- (4) Colorado provides Colorado Works funds for home heating and cooling costs through the Colorado Low Income Energy Assistance Program (LEAP);
- (5) Colorado provides employment incentives to participants or employers as determined necessary by county policy; and
- (6) Colorado screens for domestic violence as a part of the assessment process but will not exempt domestic violence victims from time limits and other requirements for work participation unless indicated by the assessment. Colorado refers domestic violence victims for needed services. Colorado is meeting the requirements for the federally approved domestic violence waiver.
- (7) Colorado meets the needs of the refugee population through the Colorado Refugee Assistance Program (CRSP) utilizing TANF/Colorado Works funding.
- (8) Colorado promotes responsible fatherhood through evidence-based responsible parenting and relationship education programs.
- (9) Subsidized employment programs for both the custodial and non-custodial parents that are TANF eligible.

*Non-citizens.* Colorado assists qualified non-citizens entering the country before August 22, 1996 in the same manner as citizens. Colorado assists non-citizens who entered qualified non-citizen status on or after August 22, 1996 and have been in the country for five or more years with TANF funds in accordance with Section 402 (b) of the Act. Colorado pays TANF assistance to excepted qualified non-citizens as required by Title IV of PRWORA. Victims of severe forms of trafficking are eligible for federally funded TANF benefits to the same extent as refugees. Counties may assist 1) unexcepted qualified aliens who arrived on or after August 22, 1996 and have been in this country less than five years and 2) aliens lawfully present who would be eligible for TANF but for Title IV of PRWORA with segregated state/local funds.

*Refugees.* Refugees are qualified aliens exempt from the five-year bar. Those refugees eligible for assistance through TANF/Colorado Works submit an application to their county of residence.



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The state of Colorado provides its Refugee-TANF (Colorado Works) population assistance and services by utilizing both its county departments and the CRSP program. The county departments are charged with the responsibility of TANF/ Colorado Works eligibility determination, and CRSP with case management and service provision responsibilities, which may include workforce development. The model implemented by the state of Colorado helps ensure all services for refugees are culturally and linguistically appropriate. Through a joint assessment process the counties and CRSP determine the most appropriate way to serve families. Consistent with all families accessing Colorado Works benefits, the assessment is used to determine if either a monthly grant (also known as Basic Cash Assistance) or a non-recurrent short term benefit (also known as a Diversion) is most appropriate based upon a families circumstances.

*Family preservation.* The Family Preservation Program replaced the IV-A Emergency Assistance Program that was administered by the child welfare program. This program utilizes segregated federal TANF funds to provide services to families where the children are at risk of out-of-home placement. These services are designed to ensure that children can be cared for in their own homes or in the homes of caretaker relatives, and include case planning, case management, counseling, family support programs intensive family therapy, day treatment, home-based services, non-medical drug and alcohol treatment, and crisis intervention services. Eligibility for Family Preservation requires the following:

- (1) the family's gross income is under \$75,000 per year;
- (2) a family consisting of child(ren) living with a specified caretaker or parent(s) with unborn child(ren);
- (3) the children in foster care or juvenile justice facilities meet the criteria in effect on September 30, 1995;
- (4) the family qualifies for family preservation services as were determined under the standards in effect on September 30, 1995; and
- (5) the family has signed a Family Service Plan (FSP).

## **Work Provisions**

*Assessment and Individual Responsibility Contracts (IRC).* All applicants for Colorado Works are assessed no later than 30 days after the application date. The assessment focuses on identifying what services and assistance the family needs to achieve self-sufficiency. This assessment is individualized and includes formal and informal evaluations to determine strengths and barriers to self-sufficiency, such as recent work history, education level, literacy and barriers, such as mental and physical disabilities, Limited English Proficiency (LEP), and other populations protected by Federal civil rights laws. Reasonable accommodations to address these barriers will be included in the IRC that is developed as a result of this assessment. A contract between the work eligible individual(s) in the family and the county agency focuses on each party's responsibilities. The provision of services or other benefits will be based on the

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individual needs of the family as outlined in the IRC or treatment plan. Some families will receive one-time payments, some will receive only family preservation services, some will receive monthly cash payments, and others will receive a combination of services and monthly cash payments. CDHS consults regularly with the Colorado Department of Labor and Employment (CDLE), as well as the Community College and Dept. of Higher Education in Colorado to carry out all employment and training programs for TANF/Colorado Works programs and participants.

*Work Eligible Individuals:* Work eligible individuals are identified through current logic in the Colorado Benefits Management System (CBMS), which is the state's TANF payment and work program tracking system for TANF/Colorado Works participants. Colorado has never employed any separate state programs under TANF and has executed full family sanctions since PRWORA was signed into law in 1996. Non-recipient parents are not considered work eligible individuals in Colorado for reasons outlined in the TANF Final Rule, such as non-citizen status and minor parent who is not head of household. Colorado will not include SSI/SSDI recipients in the work participation rate calculations. Disability coding logic exists in the CBMS that allows county department staff to code those cases where a parent is caring for a disabled family member and should not be categorized as a work eligible individual. The county departments will be trained and formally advised of the need to document medical verifications in the case file for this purpose. Medical verification will be updated at each re-determination of TANF eligibility, or before, if it is determined warranted by the case manager of record. A family member for the purpose of this coding is considered any person living in the household that is dependent on the work eligible individual(s) for care and is related to the TANF recipient within the 5<sup>th</sup> degree of relationship.

*Work participation.* All work eligible individuals are required to participate in a state or county defined work activity except those with a domestic violence waiver or those single parents with a child under age six for whom childcare is unavailable. Single custodial parents with a child under age one is not exempt unless specified by county policy.

Failure to participate in work activities without good cause results in a sanction as noted in the section of this plan on "sanctions and disqualifications." Caretaker relatives, who are the single adults in a family with a child under age six, are not sanctioned if their lack of participation is due to unavailability of childcare; however, the time limits still apply. Colorado considers childcare unavailable if childcare is inaccessible, unaffordable, or unsuitable as defined in each county plan. All participants will be notified in writing of the criteria for this exemption, how to apply for the exemption, and the effect of this exemption on time limits.

*Work activities, good cause for failure to participate and definition of ready to work.* County departments of human/social services determine the good cause reasons for failure to participate in work activities. County departments will determine in accordance with a family's individual assessment if the adult(s) is required to participate in some aspect of the program at application or immediately thereafter e.g. universal engagement... The definition of "Ready to Work" and good cause reasons for failure to participate in work activities are described in each county's policies.

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**Work activities** are defined by their federal regulatory definition and include the following additional definitions for Colorado. These are also outlined in Colorado's work verification plan:

- (1) *unsubsidized employment* includes all paid employment that is not subsidized by TANF or any other public program and includes self-employment.
- (2) *subsidized private sector employment* includes work supplementation, third party contractor as employer of record and supported work for individuals with disabilities. The goal of subsidized work is to support employers in employing TANF recipients where they may not otherwise be able to do so and the outcome should be full-time paid employment by the employer or another employer after the subsidized period ends. No time limitation is established for this activity, only a mandate for a review and substantiation for continuation at least every six (6) months. The primary benefit of this subsidy shall be to the employee, not the employer, so not to displace workers as in section 407(f) of the Act and existing regulatory provision at Sec. 261.70.
- (3) *subsidized public sector employment* includes work supplementation, third party contractor as employer of record and supported work for individuals with disabilities. The goal of subsidized work is to support employers in employing TANF recipients where they may not otherwise be able to do so and the outcome should be full-time paid employment by the employer or another employer after the subsidized period ends. No time limitation is established for this activity, only a mandate for a review and substantiation for continuation at least every six (6) months. The primary benefit of this subsidy shall be to the employee, not the employer, so not to displace workers as in section 407(f) of the Act and existing regulatory provision at Sec. 261.70.
- (4) *work experience* placements occur in bona fide businesses, including private-for-profit and non-profit/community-based organizations, as well as public agencies. Prior to placement, potential work experience providers are evaluated with the participant and the participant assessment to ensure placement is related to the participant's employment goals and relevant interests and aptitudes, where feasible. Work experience examples include work in social service and other government community agencies, and non-profit businesses. Work experience can also include unpaid internships/externships and field placements related to a formal training experience. As a part of work experience, short-term instruction on workplace expectations and soft skills guidance is acceptable. Examples include safety direction; informal job coaching; and any efforts that enhance general workplace skills needed to augment a participants' ability to retain paid employment. This instruction is allowable as long as it is specifically related to the work experience. No time limitation is established for work experience or the associated workplace guidance/short-term instruction. There is, however, a mandate for a review and substantiation for continuation at least every six (6) months. The primary benefit of this work experience shall be to the employee, not

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the employer, so not to displace workers as in section 407(f) of the Act and existing regulatory provision at Sec. 261.70.

- (5) *on- the- job training (OJT)* differs from subsidized employment in Colorado as OJT has provisions that are guided contractually with regard to job specific competency attainment through the life of the OJT experience. The **OJT goal** is to support participants through training for job specific skills and this can include supported employment for those with disabilities. Paid training whether provided on-site or off-site is considered OJT. Employers providing training are expected to provide training, guidance and direction to help employees obtain unsubsidized employment, whether with the employer providing training or with another employer. No time limitation is established for this activity, only a mandate for a review and substantiation for continuation at least every six (6) months. The primary benefit of this training shall be to the employee, not the employer, so not to displace workers as in section 407(f) of the Act and existing regulatory provision at Sec. 261.70.
- (6) *job search and job readiness assistance.* Colorado will offer three types of job search/job readiness activities. The first is **Job Readiness I** and involves participation in supervised activities that involved direct development of job seeking skills, such as development of cover letters, applications, thank you letters, development of cold call and other call scripts, informational interviewing, identification and listing job references, labor market research, business culture workshops, video interviewing, and physical/other evaluation tests related to specific types of employment readiness. The second is **Job Readiness II** and involves substance abuse treatment, mental health treatment or rehabilitation activities. Such treatment or therapy must be determined and documented as necessary by a qualified medical or mental health professional or other licensed professional in the State of Colorado, such as certified addiction counselors under Colorado law. Initial determination of substance abuse and or mental health and rehabilitation need is identified through various assessment instruments, self-identifying need, worksite/work activity observation of this barrier and other community-based assessments and interventions. Barrier removal activities related to domestic violence will also be acknowledged as job readiness activities. These activities include development of safety plans, restraining order acquisition, counseling and other activities that increase the safety and well-being of victims and survivors of domestic violence and their children once they become employed. Lastly, **Direct Job search** activities will be allowed that include cold calling employers, interviewing, making employer contact via Internet applications, supervised job search labs/job club, reviewing referrals and outcomes with Colorado Workforce Center staff, submitting applications and cover letters. Travel time between interviews can be counted as a part of a job search and job readiness assistance, but not the travel time to the first job search interview/contact or time spent returning home after the last interview/contact. Estimated hours of participation will not be reported based on the number of job search contacts.

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- (7) *community service programs.* Colorado determines prior training, experience, and skills of a recipient through state guided assessment strategies. The results of these assessments are used in developing appropriate community service assignments for participants. Allowable structured activities can be utilized that provide both a community service and also improve the employability of participants. Community service programs will be limited to projects that serve a useful community purpose in fields such as health, social service, environmental protection, education, urban and rural redevelopment, welfare, recreation, public facilities, public safety, and childcare. Community service can also include unpaid internships/externships and field placements related to a formal training experience. Colorado will allow training activities as a part of community service, such as computer training when the employer of record/work-site supervisor, case manager and participant agree that such short-term training is needed to make the participant more employable. The training shall not exceed 6-months. All Colorado community service activities are subject to FLSA. For both self initiated and county initiated community service, a sponsor agreement will be used with the community service agency sponsor who will attest that the work performed has a direct benefit to the community-at-large. County departments will be directed to ensure through site visits and/or community service site representative attestation form that it 1) is a safe environment for a participant; 2) work conducted at the site is related to the participant assessment information and that information used to determine if it will improve the individual's employability; 3) worker's compensation coverage is paid for through the site or through the county's worker's compensation plan; and, 4) the site provides an opportunity that directly benefits the community.
- (8) *vocational educational training.* Colorado recognizes organized educational programs/activities that are directly related to the preparation of individuals for employment in current or emerging occupations requiring training that may include a baccalaureate or advanced degree. Accredited and/or credentialed programs provided through education/training organizations, such as vocational/technical schools, community colleges, post-secondary institutions and proprietary schools. Vocational education can also include paid or unpaid internships/externships and field placements related to a formal training experience. Basic/remedial education and English as a Second Language (ESL) may be counted under this work activity as long as they are a necessary or regular part of the vocational education/training. If ESL and basic remediation are assigned as stand alone activities prior to vocational education commencing, such as stand alone prerequisites or other stand alone basic education/ESL, they will be reported under job skills training directly related to employment or education directly related to employment. No more than 25 percent of the participant's total scheduled hours in vocational education will be dedicated to basic skills or ESL or those hours will be reported under job skills training directly related to employment or education directly related to employment. For example, if total scheduled class hours are 12 per week, no more than 3 hours will be dedicated toward basic remediation or ESL under this vocational education training activity. Distant learning will also be allowed under this work activity.

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- (9) *job skills training directly related to employment includes* basic remediation, ESL, and other training explicitly focused on skills needed for employment or combined in a unified whole with job training. Colorado will allow all degree programs related to a specific job or occupation. These degree programs are allowed so long as substantiation exists in the case file that the field has a local labor market demand as determined by the Colorado Department of Labor and Employment. Job skills training can also include unpaid internships/externships and field placements related to a formal training experience. Distant learning will also be allowed under this work activity.
- (10) *education directly related to employment.* Basic remediation, ESL, and short-term training directly related to local labor market demands will all be included in this definition, but differs from job skills training directly related to employment because the work eligible individual does not have high school diploma or GED. Satisfactory progress will be considered a grade point average of 2.0 or better and/or what is considered “passing” by the educational institution or other organization providing training. Satisfactory progress is determined through monthly timesheets, not quarterly or otherwise. Other standards for satisfactory progress will include an analysis of individuals’ particular circumstances and include appropriate accommodations for individuals with disabilities.
- (11) *satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalence.* This work activity will be used for high school and GED programs and satisfactory progress will be considered for both by the educational institution providing the instruction and/or county department providing pre/post testing with an approved pre-GED/literacy test. Progress will be monitored through periodic testing to ensure that realistic goals outlined in the participant’s Individual Responsibility Contract are being met. If they are not being met, renegotiation and further testing will be completed to determine if possible learning disabilities exist. The work activity WILL NOT include other educational activities, such as adult basic education or language instruction unless they are linked to attending a secondary school or a GED program. Satisfactory progress will be considered a grade point average of 2.0 or better and/or what is considered “passing” by the educational institution or other organization providing training. Satisfactory progress is determined through monthly timesheets, not quarterly or otherwise. Other standards for satisfactory progress will include an analysis of individuals’ particular circumstances and include appropriate accommodations for individuals with disabilities.
- (12) *provision of child care services to a participant in a community service program.* As of 10/1/2008, Colorado will no longer use this work activity.

"Work Activities" also means maintenance of satisfactory attendance at a secondary school or the equivalent or participation in education directly related to employment for at least the minimum average number of hours per week specified by the county department for a participant who is the head of a household and has not attained 20 years of age.

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Participants shall be considered to be engaged in work if they are participating in other work activities including, but not limited to, substance abuse treatment, post secondary education, work study employment and volunteer activities, as defined in county policies and specified in the individual's IRC.

**Provisions of the Patient Protection and Affordable Care Act (PPACA):**

**Other Specialized Training:** Colorado intends to assist individuals to train for, seek and maintain employment to provide direct care in a long-term care facility and in other occupations related to elder care determined appropriate by the State of Colorado for which Colorado identifies an unmet need for service personnel,

To help communities address this growing need, Colorado will assess whether local communities will face a labor shortage in the eldercare field. There are a number of industries that encompass eldercare, ranging from home, health, and community care to long-term care facilities for the elderly and they each face an increased demand. For example, according to the Bureau of Labor Statistics, healthcare services will generate 3.2 million new jobs between 2008 and 2018, mostly in response to rapid growth in the elderly population and longer life expectancies. In addition, projected retirements for current healthcare workers will also necessitate additional skilled individuals ready to enter these occupations. This wide array of jobs includes a number of job opportunities that individuals in TANF can train for and seek.

## **Administrative Policies and Procedures**

*Confidentiality.* All information regarding families will remain confidential and available only for the purposes of the effective administration of the program and will be made available to federal or state agencies as appropriate. All employees are trained to maintain the confidentiality of information and are notified that failure to comply will result in dismissal. All parties acting on behalf of the county department must be employees or contractual agents. County departments of human/social services contracting for program administration or services are required to include confidentiality requirements in their contracts. County departments of human/social services administering the program are required in their county policies to include their procedures to ensure confidentiality.

*Appeals.* All programs and services under the Colorado Works program shall be implemented in a fair and equitable manner. This includes adverse actions towards applicants and participants of Colorado Works whose basic cash assistance benefits have been denied, reduced or discontinued. An applicant and/or participants may appeal such decisions through the appeals process established by CDHS.

All disputes and complaints begin at the county level. All participants are informed of their appeal rights. Individuals who believe that an agency decision regarding the receipt of benefits or services is incorrect may appeal these adverse actions as consistent with the administrative procedures. A Colorado Works participant receiving basic cash assistance shall have benefits

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continued if an appeal is filed timely and in accordance with the rules and regulations as set forth by CDHS. If a recipient requests a local dispute resolution conference or state level fair hearing within the noticing period, financial assistance, or the basic cash assistance payment under the Colorado Works program, shall continue during the dispute resolution process or state level appeal period until the final agency decision is entered unless the recipient voluntarily agrees to the reduction/discontinuation of benefits or abandons the appeal.

An applicant or recipient who disagrees with a proposed action has the right to a local level dispute resolution conference, which must be requested prior to the effective date of the proposed action. If the individual does not wish to utilize the local/county conference to resolve the dispute, they may request a state level fair hearing before an Administrative Law Judge. If the individual is dissatisfied with the outcome of the local dispute resolution conference, a state level fair hearing before an Administrative Law Judge can take place if a request is received no later than 90 calendar days after the date the notice of proposed action was mailed by the county department/ agency.

Finally, judicial review of the final agency decision in the appropriate state district court, after exhausting the administrative appeals rights, may be granted. If the appellant is receiving financial assistance, medical assistance, social services, or basic cash assistance under the Colorado Works Program at any time a conference or hearing is requested, all benefits shall continue pending the outcome of the state level fair hearing and final agency decision, only if the request for local conference and or state level fair hearing is made prior to the effective date of the proposed action being appealed or the 10 day period for appealing a county dispute resolution decision to the state department. Continued benefits shall be authorized unless the recipient states in writing that the continued benefits are being waived.

Employee complaints regarding the filling of vacant positions with Colorado Works participants are handled by the Colorado Department of Labor and Employment.

*Fraud.* Colorado reviews reports from our benefit payment system, interfaces with other systems, and fraud investigations to limit the amount of fraud and abuse in the program. Questionable cases will be reviewed through a county investigation to certify the accuracy of the information and determine if the applicant and/or participant committed an Intentional Program Violation (IPV) or fraud. IPV's are processed by the county and are resolved by either obtaining a "Waiver of Intentional Program Violation" through an administrative disqualification hearing or through referral for civil or criminal action in a state or federal court. An IPV is committed when an individual makes a false or misleading statement or fails to disclose any action intending to mislead or conceal any eligibility factor on any application or other written communication. Fraud is subject to criminal action and must be proven beyond a reasonable doubt.

Cases in which a person is shown to have willfully given false or misleading information that was designed to or did in fact result in that party receiving benefits for which they were not eligible are given an administrative hearing. If a person is found to have committed an intentional program violation, they are disqualified from the program in accordance with the



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section on sanctions and disqualifications. All persons found to have committed an intentional program violation are tracked through the automated system to assure penalties are correctly applied. Persons may also be charged in state court with criminal charges for welfare fraud.

Colorado continues to review and implement standards and procedures to enforce program regulations and combat program fraud and abuse. Each county eligibility worker is required to complete eight hours of fraud prevention training annually. All counties are required to create and comply with a county fraud prevention policy, which includes 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.

## **Fiscal**

Counties not only have primary programmatic flexibility for implementation of the TANF program, but they also make fiscal and policy decisions based on the amount of funds available to them each year through their county block grants. The Colorado General Assembly annually appropriates a total county block grant of state/local and federal funds for Colorado Works program administration, which is then allocated to individual counties through a statutorily authorized committee. CDHS monitors and reports expenditures through its Accounting Division and uses its Field Audits Division to audit county operations. CDHS segregates some of its state/local maintenance of efforts (MOE) funds from its federal TANF funds to increase program flexibility.

*Maintenance of effort.* Colorado will continue its maintenance of effort based on FFY 1994 expenditures at the level of at least 80 percent unless federal work participation rates are met, in which case Colorado will reduce its MOE expenditures to 75 percent. In order to meet its annual MOE obligation, Colorado may count any qualifying expenditures that are allowed under federal statute and regulation. Qualifying MOE expenditures are any expenditure made on behalf of TANF-eligible families with household gross income up to \$75,000 per year. The primary sources of qualifying expenditures include:

- (1) *Colorado Works/TANF.* This includes expenditures made at the county and state level on benefits and services as well as program administration costs directly related to the provision of these benefits and services.
- (2) *Emergency Assistance to Families with Children.* This includes case planning services, case management services, counseling, family support programs intensive family therapy, day treatment, home-based services, non-medical drug and alcohol treatment, and crisis intervention services.
- (3) *Colorado Child Care Assistance Program (CCCAP).* This program serves families consisting of caretaker relatives caring for children up to 225 percent of the federal poverty level through assistance with payments for child care services. Families receiving services are employed, in training, or looking for a job.

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- (4) *Low-income Energy Assistance Program (LEAP)*. LEAP provides benefits and services to TANF-eligible households for help with winter heating costs. Colorado is aware that it may not count toward their TANF MOE requirement any expenditure used to receive Federal LIHEAP Leveraging Incentive Funds.
- (5) *Refundable Tax Credits*. The Earned Income Tax Credit, the Child Care Tax Credit and the Per Child Tax Credit.
- (6) *Education Expenditures from the Colorado Preschool Program*. This program provides funding to Colorado schools in an effort to establish quality early childhood education programs, strengthen families, and support them as participants in their child's education. School districts conduct an individualized educational program for the child with family involvement.
- (7) *Nurse Home Visitor Program*. This program consists of nurse home visitors who work with women and their families in their homes during pregnancy and through the first two years of the child's life. The program provides regular visits with new at-risk mothers to improve parenting skills and child well being and to link mothers to needed social services. This is accomplished through regular home visiting sessions through the child's second birthday.
- (8) *Pro-family healthy marriage and responsible fatherhood activities* enumerated in part IV-A of the Act. Colorado is aware that the pro-family MOE spending provision pertains only to the allowable non-assistance healthy marriage and responsible fatherhood activities enumerated in sections 403(a)(2)(A)(iii) and section 403(a)(2)(C)(ii) of the Act, and listed in TANF-ACF-PI-2008-10, e.g., not public education activities.

*Transfer of funds*. In accordance with federal law, Colorado reserves the right to transfer up to the federal maximum levels of the State Financial Assistance Grant (SFAG) to the childcare block grant and to Title XX. These transfers are made primarily at the county level through their block grants, but may also be made at the state level as appropriate.

## **Certifications and Assurances**

Pursuant to PRWORA, Colorado's chief executive officer makes the following certifications:

- (1) Colorado operates a child support enforcement program;
- (2) Colorado operates a foster care and adoption assistance program;
- (3) The Colorado Department of Human Services supervises the county departments of social/human services who administer the Colorado Works program;
- (4) Colorado provides each member of an Indian tribe who is domiciled in the State and not eligible for assistance under a tribal family assistance plan

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approved under section 412 with equitable access to assistance under the state program;

- (5) Colorado has established and is enforcing standards and procedures to assure 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. Colorado operates a SAVE System and an IEVS system in accordance with federal requirements; and
- (6) Colorado has established and is enforcing standards and procedures to (a) screen and identify individuals receiving assistance with a history of domestic violence while maintaining the confidentiality of such individuals; (b) refer such individuals to counseling and supportive services; and (c) waive, pursuant to a determination of good cause, other program requirements in cases where compliance with such requirements would make it more difficult for individuals receiving assistance to escape domestic violence or would unfairly penalize such individuals who are or have been victimized by such violence, or individuals who are at risk of further domestic violence.

Pursuant to PRWORA, Colorado's chief executive officer makes the following assurances:

- (1) Local law enforcement personnel, representatives of counseling services in the counties, and the education system provide training regarding statutory rape education to males and females alike. Efforts are made to get law enforcement personnel and judicial personnel to impose stricter enforcement of the statutory rape laws;
- (2) Colorado has established goals and taken action to prevent and reduce the incidence of out-of-wedlock pregnancies, with special emphasis on teenage pregnancies, and established numerical goals for reducing the illegitimacy ratio. Colorado works with county departments of human/social services and educational and health agencies to reduce the out of wedlock birth rate, with a special emphasis on teenage pregnancies;
- (3) Local governments and private sector organizations have been consulted regarding the plan and design of welfare services in the state so that services are provided in a manner appropriate to local populations; and
- (4) Local governments and private sector organizations have had at least 45 days to submit comments on the plan and the design of such services.