

Colorado Works Handbook

Advocate for Yourself and Your Family

By the

**All Families Deserve a
Chance (AFDC) Coalition**



All Families Deserve a Chance Coalition August 2013

All Families Deserve a Chance Coalition

The All Families Deserve a Chance Coalition (AFDC) was created in 1991 and is an advocacy organization that promotes public policy to improve the lives of all Coloradans living in poverty.

The AFDC Coalition uses networking to educate, strategize, lobby, support and inform all Coalition members of issues impacting low-income families. The AFDC Coalition meets the second Friday of every month from 2:30 p.m. to 4:30 p.m. Email afdccoalition@gmail.com for more information.



*All Families Deserve
Chance Coalition*



Colorado Center on Law and Policy

The Colorado Center on Law and Policy (CCLP) is a leader in the advocacy community. Through its work on health care, welfare reform, fiscal policy and other critical issues, CCLP has gained a strong reputation in providing research, education, advocacy and litigation on behalf of lower-income Coloradans, policymakers, opinion leaders, nonprofit organizations and the general public. The scope of work for CCLP includes research and advocacy on health care and fiscal policy issues, a range of activities promoting family economic security, and strategic litigation to ensure people receive the public benefits to which they are entitled.



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The conclusions and opinions contain within this document do not necessarily reflect the opinions of those listed above.

THE KRESGE FOUNDATION



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INTRODUCTION

The Colorado Works Program is a work-focused public assistance program that started on July 1, 1997. Colorado Works can provide you and your family with temporary assistance, support services including work supports, and education and training.

The assistance and supports that can be provided to you are designed to help you on your journey to become independent of government assistance and ultimately self-sufficient. The program is also designed to give your county department of human services the ability and flexibility to work *with you to meet your needs*.

Your county may refer to the benefits you receive as Temporary Assistance for Needy Families (TANF) benefits. This is because TANF is the federal program that took the place of the Aid to Families with Dependent Children (AFDC) Program. Your county designs and runs the Colorado Works program in your county and when doing so must follow all federal and state laws and rules.

This handbook explains the major parts of the Colorado Works Program. It gives you information to help you get the cash and support services, including child care, that you need to deal with some of the issues that make it hard for you to become independent and self-sufficient. Knowing your rights and responsibilities under Colorado Works will help you make sure your needs are met so that you are able to support your family.

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Colorado Works Program Varies from County to County

This handbook explains only those parts of the Colorado Works Program that are common to everyone no matter where you live in Colorado. Different counties may offer different benefits but all must offer cash assistance if you are eligible, follow program requirements, and want it. Your individual county may use specific forms, may have their own rules and policies, and may offer more or fewer benefits than other counties. Be sure to ask your caseworker if there are any special benefits, any special rules or any special policies in your county. That way you know what benefits you may want to ask for and what you must do to get these benefits.

Since counties vary, you should ask for a copy of the written rules and policies and a written description of the benefits offered in your county if you have questions.

Changes that may occur in the future

This handbook is based on the Colorado Works rules in place as of July 1, 2013. Some of the information in this handbook may change because federal and state laws and rules and policies change from time to time. Ask your caseworker, the All Families Deserve A Chance (AFDC) Coalition, or your local legal aid office to tell you about any changes in the program that might affect you.

This handbook is available online at www.Colorado2019.org for your copy or call 303-573-5669 x 315 to ask for print copies of the Handbook.

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Chapter 1 –COLORADO WORKS PROGRAM

The Colorado Works Program (CW) took the place of the Aid to Families with Dependent Children (AFDC) program in 1997. With this change came different rules, new limitations, new procedures, and new benefits and services.

How Colorado Works differs from AFDC

Because Colorado Works is not an entitlement program like AFDC, you must not only meet the eligibility rules for the program but also fulfill specific requirements set by the state and county in order to receive benefits. The program has work activity requirements for eligible participants. You and your caseworker will meet to discuss a plan that leads to employment or economic security. You may have a good cause reason for not being able to participate in a particular work activity. AFDC had no work requirements. This handbook explains "work activity," "job ready," and "good cause" reasons for not working.

Colorado Works is time limited.

Unlike AFDC you may only receive Colorado Works assistance for a total of **60 months** in your lifetime, not counting aid you may have received as a child under 18. You must go to work or be involved in a work activity as soon as your caseworker determines you are job-ready. This is based on the plan you and your caseworker develop.

This time limit means it is very important you get off of basic cash assistance and services as soon as you do not need them. One important reason for this is to save time on your 60 month clock in case you need assistance in the future. This handbook will explain time limits in more detail.

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Colorado Works allows counties to provide “other assistance” and/or “supportive services”.

In addition to your monthly basic cash assistance grant, counties are allowed to give you what is called “other assistance”. You and your caseworker should look at what other help you might need to comply with your individual responsibility contract and be successful with the plan you created together. Other assistance is sometimes called “supportive services”. These payments can be used for things like car insurance, car repairs, utilities, rent deposits or rent payments. You should ask your caseworker about what “other assistance” that your county may be able to give you, since each county differs. For example, if you are unable to work because you cannot afford car insurance, the county may be able to help you pay for it.



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How Colorado Works is similar to AFDC?

Like AFDC, you may be entitled to receive cash assistance.

As long as funding is available and you are eligible, you will receive a basic cash assistance grant unless you do not want it. Counties distribute these cash benefits through an Electronic Benefits Transfer Card (EBT Card) which can be used at automatic teller machines (ATMs) or at the checkout at many stores.

Basic cash assistance means a monthly cash payment that you can use for ongoing needs such as food, rent, utilities, clothing, and other items that you need for yourself and your family.

Like AFDC, Colorado Works will disregard some of your income.

Upon application, your county will "disregard" \$90 of your earned income when determining whether you are eligible for basic cash assistance. This means that \$90 of your earnings will not count toward your income when the county first determines if you are eligible. Then, for ongoing cases, 2/3 of your income is not counted against your monthly grant. When your remaining income exceeds the "standard of need" for your family size, you are no longer eligible for Colorado Works. See appendix for Need Standard.

For anyone with access to a computer and the internet, Colorado PEAK is the fast and easy way to access benefit information. PEAK is an online service for Coloradoans to screen themselves and apply for medical, food, and cash assistance programs, including Colorado Works / TANF: www.Colorado.gov/PEAK

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Chapter 2: ELIGIBILITY

Who is eligible to participate in the Colorado Works Program?

To be eligible for the Colorado Works Program you must:

1. Be a resident of Colorado and a citizen of the United States. If you are a legal immigrant see Chapter 13 for eligibility rules.
2. Be a member of an assistance unit who meets income requirements and who is:
 - a dependent child under the age of 18, or
 - a dependent child between 18 and 19 who is studying to get a General Equivalency diploma (GED), or who is a full time student in high school or vocational or technical training so long as the child is making “satisfactory progress” and who is expected to graduate before age 19, or
 - a parent or other caregiver, age 18 or older of a dependent child, or
 - a pregnant woman, or
 - a minor parent under age 18 (see following page about special rules for minor parents), or
 - a non-custodial parent (may receive services but not basic cash assistance) or
 - a member of an Indian Tribe unless you are receiving assistance under a Tribal Family Assistance Plan.

Who is NOT eligible for Colorado Works assistance?

You are not eligible to receive assistance if you:

1. Are an inmate of an institution unless you are a patient in a public medical institution.
2. Are admitted to an institution and you are being treated for tuberculosis or mental disease unless you are a child and receiving “under 21 psychiatric care” through Medicaid.

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3. Have been convicted of a felony and are running from the police.
4. Are violating your parole.
5. Are violating your probation.
6. Are taking part in a strike.
7. Were convicted of a drug-related felony as of July 1, 1997. This means that you pled guilty, or that a court of law found you guilty of a felony. If you have been arrested, *but not convicted*, you may be eligible for assistance. If you are or have been in a drug treatment program or are taking other steps toward rehabilitation, you may still be eligible for assistance. (*Ask your caseworker what counts as rehabilitation in your county.*)
8. Misrepresented residence to receive Colorado Works assistance, services, or benefits in two or more states at the same time.
9. Fail to provide proof of citizenship or lawful permanent residence.
10. Are convicted of welfare fraud. The individual excluded from receiving cash payments however may receive non-cash services.
11. Are unable or unwilling to provide your social security number or proof of application for a social security number.
12. failure to cooperate with child support, such as giving information about the other parent.

Note: If you do not have any information about the other parent you will not be sanctioned. The rule only requires that you help to locate the other parent *if* you have information.

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Are Unmarried Minor Parents eligible to receive Colorado Works?

If you are a parent under the age of 18 and are not married, special eligibility rules apply to you in addition to the income rules above. The special rules are:

- Attendance at of high school or your GED or other county approved educational training.
- You must go to school regularly until you get your high school diploma or your GED, or
- You must be participating in an educational activity or a training program approved by your caseworker in order to receive assistance.

Counties varying in how soon after giving birth you must resume activities. Counties must assist you in meeting these requirements. Remember education is a must for getting a job so that you can support you and your child over time.

- Living with an adult-If you are not married, you must live with a parent, an adult relative, a legal guardian, or other specified caretaker *or* you must live in a place approved by your caseworker.

Ask your caseworker if your living arrangement is approved in your county. If your living arrangement is not county-approved, your caseworker *must* help you find a safe and appropriate place to live. While you work toward becoming self-sufficient.

Your eligibility when your children are out of the home

If you are a parent, relative or specified caretaker taking care of and responsible for a child, you must tell your caseworker if you expect or know that your child will be out of your home for longer than 45 days. For example, if you know that your child is going to visit another relative for 3 months, you must tell your caseworker that your child will be out of the home longer than 45 days.

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Good Cause Reasons

After 45 days, your child must have a "good cause" reason for being out of your home that long in order to continue to receive assistance. Your caseworker will determine whether your child has a good cause reason. The good cause reasons for your child to be absent from your home for more than 45 days include:

- Your child is in a school (such as a boarding school) that requires her to live away from home for more than 45 days.
- Your child is getting medical care in a place such as a hospital or rehabilitation center that requires her to live away from home for more than 45 days.
- Your child is visiting her non-custodial parent for a period of no more than 6 months as ordered by the Court or as agreed to by the parties in a signed agreement.
- Your child is in *voluntary* foster care placement for more than 45 days.
(*You must tell your caseworker if your child will be out of your home for more than 45 days, even if you think your child has a good cause reason.*)

Providing Documentation.

You should give your caseworker copies of documents or paperwork that show that your child has one of the good cause reasons to be absent from your home. This will make it easier for your caseworker to determine whether your child is still eligible for assistance.

Failure to Report.

If you do not tell your caseworker that you expect your child or children to be absent from your home for more than 45 days, you will not *receive assistance for 90 days from the day you should have told your caseworker.*

Good Cause Reasons for Adult Failing to Report Child's Absence

A good cause reason for failing to report your child's absence is different than your child's good cause reason for being out of your home for more than 45 days. Your caseworker will determine whether you have a good cause reason for failing to report your child's absence.

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Family Structure Rules

Two-parent families may receive Colorado Works assistance. The same rules that apply to single-parent families apply to two-parent families. Rules regarding work requirements are different for two-parent families. Ask your caseworker about the rules that apply to you.

Family members typically make up an assistance unit - this means that parents, siblings, and half siblings of the child on assistance are all in the same case. Other people in the household who are not required to be in the case can choose whether or not to apply separately. Being part of your assistance unit counts against any other adult's 60 month time limit.

Redetermination of Eligibility

Once you are determined to qualify for a grant, the amount will generally be the same for the next 6 months. You will need to report by the 10th of the following month if you have a new source of income, if you change your address, if someone leaves or comes into your household and their information, or if you have a big change in income.



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Every year, your caseworker will review your case to make sure that you are still eligible for Colorado Works. If you meet the eligibility rules and if you follow your county's program requirements, your county *must* give you a basic cash assistance grant so long as funding is available. If you believe that you have been wrongly denied Colorado Works assistance, you should consider appealing your denial. See

Appeals

Disqualified Household Members

State law requires that the 60 month time limit for basic cash assistance applies to households in which there is a disqualified adult. This would include adults who have been disqualified because they were convicted in a court for misrepresenting their residence or committing fraud, are fleeing felons, parole violators, or probation violators, are people convicted of drug related felonies who have not worked toward rehabilitation, are individuals who do not have or have not applied for a social security number, or are immigrants but are not in an eligible group. Although they are not eligible for assistance, their income counts as part of the assistance unit's income to determine eligibility.



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Chapter 3—COLORADO WORKS & OTHER BENEFITS

Medicaid.

If you are eligible for Colorado Works you can automatically get Medicaid. This type of Medicaid is referred to as “Family Medical”. Medicaid workers are required to figure out whether families whose Colorado Works benefits are being cut off may fit into any other Medicaid category before denying or terminating Medicaid.

Old Age Pension-(OAP) or Supplemental Security Income (SSI).

Depending on your age or health, you might be eligible for Colorado Works assistance or OAP, or SSI. Ask your caseworker to tell you about the benefits and drawbacks under each of these programs. You may ask your caseworker to have your eligibility determined under all three programs.

Remember (1) You may only receive benefits from one of these programs (OAP-A or SSI)at any one time; (2)you may choose which program you want to be in *and* (3) you can change your mind if it turns out that it would be better for you to be in a different program.

Supplemental Nutrition Assistance Program or SNAP (previously Food Stamps)

SNAP enables families to purchase food items only, and is in addition to your TANF benefit. If you are eligible for Colorado Works you can automatically get SNAP benefits. If you are receiving Colorado Works and you are complying with Colorado Works requirements you are exempt from SNAP work requirements.



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How do Sanctions affect your other benefits?

Your county *may not* sanction your Medicaid or SNAP benefits even if you did not follow Colorado Works rules. You can however be penalized if you do not follow Medicaid or SNAP rules as those programs require. If you feel that your Medicaid or SNAP benefits are being or have been wrongly reduced or stopped because of a sanction on your Colorado Works assistance, tell your caseworker and appeal immediately if the issue is not resolved.

Chapter 11 of this Handbook explains Colorado Works Sanctions and your right to appeal sanctions.



Contact your Legal Services office for assistance with Appeals.

Does accepting a diversion grant affect your other benefits?

Your county may offer you short term assistance for a specific need which is called a "diversion" grant. Your diversion grant should not affect your other benefits such as SNAP and Medicaid because the diversion grant is from TANF and is not counted as income for other programs.

See Chapter 9 for more information about diversion grants and be sure to ask your caseworker how accepting a diversion grant will affect your Colorado Works eligibility.

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Chapter 4—UNDERSTANDING TIME LIMITS OR “TIME CLOCK”

It is very important for you to know about the time limits for receiving Colorado Works program assistance. Your County Department of Human Services may call these time limits your "time clock".

Ask your caseworker about how your time clock is affected:

- every time you see your caseworker,
- every time your situation changes,
- every time the assistance or services you receive change,
- every time your county offers you new or different assistance or services, and
- every time you have a question.

The time limit for receiving assistance can be very confusing. This handbook provides a *very general* explanation of your time limit. Be sure to ask your caseworker how your choices or what you are doing affect your time clock *before* you make any decisions.

Your 60 Month or 5 Year Time Clock

After you have received basic cash assistance for 60 months, you are not only ineligible for life, but everyone you live with is ineligible as well if they were also receiving benefits as part of your assistance unit. The time limit does not apply to children. So your children may continue to be eligible after you have received assistance for 60 months, *but only* if they are living with someone who has not yet received assistance for 60 months.

It is possible to get an *Extension* of the 60 month time limit because of **hardship** or **domestic violence**. It is also possible to get more than one extension. And in some unusual situations it is even possible to get a much longer extension due to hardship or domestic violence. Each extension granted can last for a period of up to 6 months or longer if the county decides you need it.

Define Hardship- Hardship means one or more of the following:

- You are disabled or your spouse, your child, or an immediate relative for whom you are the primary caregiver is disabled.
- You or a member of your assistance unit are involved in the judicial system, meaning there is an open court case.
- Your family is not economically stable and you do not have the ability to be employed on an ongoing basis.
- You do not have available or adequate child care, housing, transportation, or employment.

Counties may add to this list of hardship extensions, so be sure to ask your county if there are any other hardship extensions it allows.

What is Domestic Violence? If you or someone in your family is dealing with domestic violence, you may be exempt from the 60-month time limit. See the section on domestic violence for more information.

When can you ask for an extension of the basic cash grant? You may ask for an extension **before** you reach your 60 month limit. If you are granted an extension and you believe you will need another extension, you must ask for the second extension **before** the first extension ends. If you do not ask for an extension **before** you reach your 60 month limit, counties may still grant an extension if you have a good reason for not requesting an extension before you reach your 60 month limit.

How can you ask for an extension? Counties must send you a notice that you are reaching your 60 month time limit. When you receive this notice, you should ask for an extension in writing. The county has 30 days after the receipt of your request to grant or deny your request and must send you a notice telling you about their decision to grant or deny your request. If you disagree with the county's decision, you may appeal the decision.



When does your clock begin running? Your 60 month time clock starts running when you receive a Colorado Works basic cash assistance grant for the first time as an adult. If you received a TANF grant in another state as an adult, that time also counts against your clock. It stops running when you are not receiving Colorado Works basic cash assistance. And it begins running again any time you begin receiving basic cash assistance again.

Your county may design separate services or benefits that do not count toward the 60 month time clock. Be sure to ask your county worker if you are getting "assistance" that counts against your clock.

Does your 60-month clock run if you are only receiving Medicaid-and/or Food Stamps?

No. If you are only receiving Medicaid and/or Supplemental Nutritional Assistance Program (SNAP or Food Stamps), your time clock does not run.

Does your 60-month clock stop if you are sanctioned?

Your clock does NOT stop when your assistance has been reduced because of a first or second sanction. Your clock only stops if your assistance is stopped completely because of a third sanction or because your case was closed.

What happens to your 60-month clock if you accept a diversion grant? If you are eligible for Colorado Works assistance but choose a diversion grant instead, you will not use any of your 60 months. Ask your caseworker for any special rules regarding this limit.

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Chapter 5—YOUR ASSESSMENT

Your caseworker will complete an assessment of your needs and abilities under the Colorado Works Program. You will also be assessed if you are being offered diversion assistance. Anyone who is 18 or older, or who is between 16-18 and not in high school or a GED program, will be assessed as well.

What is an assessment?

An assessment is a set of questions that will help determine whether you are job-ready. The assessment will include questions about basic skills, past employment and internships, and educational level. Your answers to the questions will tell your caseworker about your skills and about any problems or barriers that might stop you from working. The assessment will also tell your caseworker what services or special resources you may need in order to support yourself and your family as you look for a job or participate in a work activity. You may also be required to complete other tests as part of the assessment process.

Your assessment is very important to help in meeting your needs. Because you can only receive assistance for a limited time, you want your assessment to identify your needs. It is very important that your caseworker has as much information about you as possible so that he or she understands any problems you might have in being able to work. Your answers will also be used to decide what kind of assistance you may need to support your work activities.

When will you have your assessment?

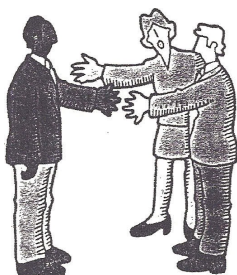
If you are applying for basic cash assistance your county will probably assess you at the time you apply. If they do not, they must assess you within 30 days (1 month) of the day you apply. Call your caseworker if you cannot come in on the day of your assessment. If you do not show up for your assessment or if you do not return your assessment in the mail if you are given that opportunity, your case may be closed.

Reassessing Your Needs

Your county may reassess you at any time to determine whether you are job ready or whether your needs have changed. Your county might re-assess you at the same time that they re-determine your eligibility, which happens every six months. You may also request another assessment if your needs, living situation, skills, or interests have changed.

Can you bring someone with you to the assessment?

Yes. You can bring anyone you want with you to the assessment. You may bring your parent, a friend, an interpreter, a lawyer, or anyone else you feel is looking out for your best interests.



Tell your caseworker if you want someone to be with you during your assessment.

For anyone with access to a computer and the internet, Colorado PEAK is the fast and easy way to access benefit information. PEAK is an online service for Coloradoans to screen themselves and apply for medical, food, and cash assistance programs, including Colorado Works / TANF: www.Colorado.gov/PEAK

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What kind of questions can you expect in the assessment?

Your county has its own assessment process, but you probably will be asked questions about the following:

Your family

Your caseworker needs to know how many children you have and whether you are a single or two-parent family so that you receive the correct amount of cash assistance. But you should also tell your caseworker if your family members have special needs, if your children have disabilities or need medical care, or if you are caring for another relative. This will help him or her know what special services you need. Ask him or her how your county can help you with your family's needs.

Your housing situation

Tell your caseworker if you are homeless. If you have no place to receive mail, you might not be able to get a job, so you might be exempt from the work requirements until you find housing. Ask your caseworker for housing referrals. Under the Colorado Works Program, your caseworker must give you referrals to help you find housing.

Your work experience

Tell your caseworker what jobs you have had, if you have had an internship or volunteered somewhere, if what you earned while you worked was NOT enough to support your family and whether anything prevents you from working.

It is most important that you tell your caseworker if anything in your life prevents you from working. For example, if you have basic needs such as housing, food, or medical care, or if you are dealing with a crisis such as domestic violence, be sure to tell your caseworker. This will help him or her get an accurate picture of the assistance and services you need to support your family on your own.

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Your education

You are more likely to get a job that will support you and your family if you have the skills or education necessary for higher paying jobs. It is very important that you tell your caseworker if you want to get your GED, to get training in a special skill, or to begin a college program.

Your interests

Tell your caseworker what kind of activities and work you are interested in. This may help your caseworker point you toward work that matches your goals and skills.

Your transportation needs

Under the Colorado Works Program, car ownership does not affect your eligibility, no matter what their value. Ask your caseworker how your county can help you with transportation to your job, your school, and/or your place of child-care.

Your childcare needs

It is very important to tell your caseworker if you have special child care needs. For example, if you need evening childcare, if you have very young children, or if your children need special attention because of disability or illness, tell your caseworker.

Your health needs

Some questions about your health or lifestyle may seem very personal. The purpose of asking these questions is to find out whether you need any special services like mental health or substance abuse counseling. Your caseworker should provide you with referrals to mental health or substance abuse services if you need them. He or she also needs to know if you have a health condition that interferes with a work activity or prevents you from going to work so that you are not sanctioned or cut off from your assistance. Your answers to these questions should not hurt your ability to get benefits.

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Whether you have ever had any legal trouble.

Some questions about whether you have ever been convicted of a crime may seem very personal. The purpose of asking these questions is to make sure you are eligible for Colorado Works assistance. Remember, if you have been convicted of a drug-related felony and are not in rehabilitation, are a fugitive felon, or are violating your probation or parole, you are not eligible for assistance.

Your caseworker needs to know if you need special services such as rehabilitation for a drug-related felony so that you can receive assistance. Also, your caseworker needs to know if you cannot go to work because you have to go to court.

If you are unsure how to answer questions about legal trouble, ask your caseworker what will happen if you answer the question.

Your other needs

It is very important that you tell your caseworker what your needs are so that you can get the support necessary to help you finish school, get training, or find and keep a job. Your needs might range from school supplies to diapers. If your county cannot help you meet those needs, it may be able to refer you to someone who can.

Your county's assessment may contain questions about things that are not on this list. If you do not understand a question or the purpose for the question, ask your caseworker. However, everything in your assessment must somehow be related to making sure you get training, education, or work.



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Do you have to answer all the questions?

It is important that you answer as many as possible.

Confidentiality.

The information you give is confidential within the limits of the law. There are some situations your caseworker must report to other agencies. Ask your caseworker about the information they must report.

Ask your caseworker why the question is being asked.

If you are uncomfortable about answering a question on the assessment, the best thing to do is to ask your caseworker why the question is being asked. A question that seems very personal to you might help your caseworker better understand your needs or your ability or inability to work. If you still feel uncomfortable about answering the question, explain to your caseworker that you would rather not answer the question. Ask your caseworker what will happen if you do not.

Your county may not use your answers to the questions against you. You may not be denied assistance because of your health history or your needs. You may only be denied assistance if you are not eligible under the Colorado Works rules or if you do not comply with the pro-gram requirements.

If you feel that your caseworker treats you disrespectfully during your assessment or is discriminating against you because of your answers to the assessment questions, you can:

- notify your caseworker's supervisor immediately,
- appeal or make an official complaint about your caseworker's decision. See the section on Appeals.
- call your local Legal Services office.

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Chapter 6 –INDIVIDUAL RESPONSIBILITY CONTRACT (IRC)

Based on your answers to the questions in your assessment, you and your caseworker will develop an Individual Responsibility Contract (IRC). This is your plan that will lead to employment or greater family economic stability.

An **Individual Responsibility Contract (IRC)** is an agreement between you and your county department of human services on how you plan to move towards economic self-sufficiency. Your IRC will generally have your assignment including the training, education, work activity, or job you are required to do and for how many hours every week. Your IRC also should tell you what your county will do to help you get the assistance you need.

Make Sure Your Contract Meets Your Needs

You should actively work with your caseworker to develop your IRC and make sure your IRC meets your needs and contains goals that you can and want to achieve. State law requires the county involve you when making your IRC. It is also important that your IRC contain as much information as possible about your own and the county's responsibilities in case you disagree with your caseworker's decision and choose to appeal it. See the section on Appeals for more information.

What will your IRC say?

Your county will have its own IRC form. No matter what county you live in, however, your IRC will have provisions like the following: Everything in your IRC must somehow be related to making sure you get training, education, or work.

Employment Goal.

Your IRC will include the kind of job you plan to find or move into. Your IRC should also tell you how much time you have to get that job. If you do not see the amount of time you have to get a job in your IRC, *insist that your caseworker put in how long you have to get the job.*

Colorado Works Handbook

Family Needs

Your IRC should say what needs your family has. They might include SNAP benefits, childcare, medical insurance, transportation, housing, household supplies, school supplies, or counseling. This section is very important because it tells the county what it needs to do to make sure you have the support you need to be able to work.

Work Activity

Your IRC should tell you what specific work related activities you must do in order to get the job you and your caseworker have set as your goal. For example, your IRC might say that you need to attend resume writing classes, contact employers, or complete your GED. Your IRC might say that you need to do a combination of activities. Your IRC could say that you need to find a job right away. Make sure you understand exactly what activities you must do. Tell your caseworker if you do not think you can do an activity s/he suggests and why.

Plan

Your IRC should include a plan to help you complete your work activities. This means your IRC should tell you exactly what steps you should take to complete the work activities. Also, your IRC should tell you exactly what steps your county will take to make sure you get the help you need to be able to work. For example, your county might provide you with child care or referrals for housing or counseling. *Be sure this section of your IRC is completed. Tell your caseworker if you need your county's help.*

Completion Date

Your IRC should tell you how long you have to complete your work activities. The completion date is especially important because it tells you how much of your 60-month clock you will use.

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What does it mean when you sign your IRC?

When you sign your IRC, you are agreeing to do what your contract says you must do. If you do not follow through, your county may sanction you. You may even lose your cash assistance.

Do you have to sign your IRC?

Under the Colorado Works Program, you must sign an IRC at some point after your assessment. If you refuse to sign your IRC, your county may sanction you. If you refuse to sign your IRC because you refuse to participate in training, go to school, or work, your county has the right to deny you the whole basic cash assistance grant or may terminate you from the program.

Waiting to sign your IRC.

Your county might not require that you sign your IRC right away. If you feel that you need time to think about the work activity in your IRC or to consider other options, ask your case-worker if you may wait to sign your IRC.

If you don't agree with your IRC.

If you do not agree with your IRC or if you do not understand it, tell your case-worker. He or she can make changes or explain what you must do. If you cannot reach an agreement, you have the option to sign your IRC saying that you either agree or disagree with the contract. If you sign you disagree, then you will be able to appeal the decision.

The county should set up a dispute resolution conference if you disagree with your IRC. The person you will talk with should not have been directly involved in helping to create your IRC. At this conference, you will have the chance to explain why you disagree with the IRC. You may bring anyone you like to the appeal, including an advocate or lawyer from Colorado Legal Services, a friend, and/or relative. Chapter 11 explains more about the appeal process.

Colorado Works Handbook

Can you change your IRC?

You have the right to ask to change your IRC. You should ask to change your IRC if:

- You disagree with your IRC,
- Your circumstances have changed since you signed your IRC,
- You have tried but are unable to complete the work activity assignment in your IRC, *and/or*
- You are not getting the assistance and services you need in order to complete the work activity assignment in your IRC and support your family.

If your caseworker says you may not change your IRC, you should try to change your IRC through the appeals process.

The county is required to ask for your ideas when they work with you on your IRC. All the things you must do must be listed in the IRC.

Drug and Alcohol Treatment

Through your assessment or from telling your caseworker you need drug or alcohol treatment, you may have rehabilitation requirements in your IRC. Your requirements could include random drug and alcohol testing or drug treatment. Different counties use different programs for substance treatment. A certified drug or alcohol treatment provider should do the assessment and develop the rehab plan. You may be charged a fee.

You can be sanctioned (have your benefits reduced or cut off) if you do not follow the rehab plan, test positive on a random test, or refuse to participate in testing.

You cannot be sanctioned if:

Transportation or childcare are not available,

Services required are not available, or

Cost of services is too high.

(The county decides what “too high” means.)

Colorado Works Handbook

Chapter 7—WORK ACTIVITIES

The law requires you to be in a work activity when you are "job ready"- *which is determined by your caseworker*. There are certain activities that can be required. Your county may also *allow* other activities in addition to those described below. These are called "*allowable work activities*" and they can be *anything* that your county approves to help you become stable and work towards supporting your family.

Kinds of Work Activities

If you are participating in one of these activities you may be required to complete a certain number of hours. Ask your caseworker what the requirements are:

Unsubsidized Employment.

This is part-time or full-time work with wages paid by the employer.

Subsidized Private Sector Employment

This is part-time or full-time work with any company or business in which wages are paid by the employer, but the employer also receives a subsidy (money from the county).

Subsidized Public Sector Employment

This is part-time or full-time work with any public sector employer (such as a county department or government agency) for which wages are paid by the employer, but the employer also receives a subsidy (money from the county).

Work Experience

This is paid or unpaid work experience in any nonprofit, public or for-profit organization. To be included in work activities, the activity must be related to exploring a new career, getting a better work history, or increasing your skills.

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Job Search and Job Readiness.

Job search includes making job contacts either independently or as part of a program that will help you look for a job. Job readiness may include things like learning how to write a resume, learning basic job skills, and building self-esteem

On-the-Job Training (OJT).

OJT offers a chance to learn a new skill while at a work site. Usually you would not receive wages, but you may have your training paid for through different programs.

Vocational Training.

Short-term educational activity is intended to prepare you for work. The maximum time you can participate in this activity is one year unless your county permits more time.

Community Service.

You can work in a community service job.

Provision of Child Care

You can provide child care to other parents who are in a community service program like AmeriCorps, VISTA, or Job Corps or in other activities that your county permits.

Caretakers Under 20 years old.

You can be in high school or doing an approved GED or job preparation program for 20 hours per week.

Job Skills Training Directly Related to Employment

You can receive training and education for job skills required by an employer or to advance or adapt to the changing demands of the workplace including basic remediation, English as a Second Language, and/or short term training directly related to local labor market demands.

Education Directly Related to Employment

Education is permitted in the case of a participant who does not have a high school diploma or GED.

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Allowable Activities

In addition to the “core“ activities listed on the previous page, the county may permit you to participate in an "allowable" activity to help fulfill your IRC. This means that you may have other choices of activities for some of your activity hour requirements. The decision about what kind of activity you must be involved in will be based on your assessment.

For example, if you are not ready for work because of a housing crisis or because you or your children are having health problems that require attention, or because you are a victim of domestic violence and are taking steps to address it, such activities could be treated as work activities.

These might include a variety of activities like applying for disability benefits, participating in training or education, or finding stable housing.

Rules that Apply

What if you do not agree with the activity the caseworker wants you to do?

Your caseworker will work with you to develop an Individual Responsibility Contract (IRC) that describes what activity you will do. See Chapter 6 for ideas about changing your contract or appealing your contract.

What worker protections do you have?

If you are doing paid work while you are in the Colorado Works program, you will have the same protections all other workers have. These include a minimum wage, worker safety laws, workers' compensation, and unemployment insurance. You are also entitled to be paid the same wages as any other employee with similar training or experience who is doing the same kind of work at your workplace.

If you think you are not being provided these protections, you should contact your local Legal Services Office and ask for a referral for help.

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Chapter 8—BASIC CASH ASSISTANCE

What is a basic cash assistance grant?

Your "basic cash assistance grant" is the amount of cash you will get on a regular basis to meet your immediate and long-term needs.

How much will your basic cash assistance grant be?

Under Colorado Works, your basic cash assistance grant will be determined by a formula your caseworker must follow. Your caseworker will determine the amount of financial assistance you are eligible to receive.

Basic Cash Assistance Grants Based on Zero Other Income

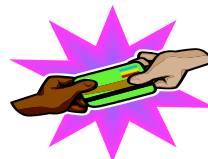
Rule 3.614.21

# of parents or Caregivers on grant	1 child	2 children	3 children	4 children	5 children	6 children
NONE	\$128/mon	\$269/mon	\$404/mon	\$539/mon	\$646/mon	\$746/mon
ONE	\$364	\$462	\$561	\$665	\$767	\$847
TWO	\$483	\$586	\$691	\$787	\$865	\$947

How will you get your basic cash assistance grant?

You may get your basic cash assistance grant in one of the following ways:

1. Electronic Benefits Transfer (EBT) Payments
 - **Monthly payment**-Your cash assistance will be transferred into your EBT account on a monthly basis.



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2. Payments to Vendors

Your county may pay part or all of your payment to vendors such as your landlord, phone company, or electric company to pay your bills for one of the following two reasons:

- As a protective payment: This means that your county pays the vendors without your permission. Your county may only do this as part of a sanction or if your county determines that you are unable to manage your money so that your child's health or safety is in danger.
- As voluntary payments: Your county may pay all or part of your grant to vendors if you ask them to do so. For example, you might ask your county to pay certain bills (rent, utilities) directly if you know that you sometimes have a hard time managing your money. *Your caseworker must get your permission before this is done.*

3. Direct Deposit

Some counties can set up direct deposit into your bank account. You can ask your caseworker if this is an option in your county.

How does basic cash assistance affect your time clock?

Any month in which you receive basic cash assistance as part of Colorado Works counts as time against your 60-month time clock.

Remember, ask questions! No matter how or in what form you receive your assistance, always ask your caseworker how your time clock is affected.

TIP: If you are only getting a very small basic cash assistance grant and you only need a specific item (such as a tuition payment) or service (such as counseling) in order to support yourself and your family, you may be able to save time on your 60 month clock by accepting a diversion grant instead of basic cash assistance. For example, if you are only receiving \$30.00 per month in cash assistance, but you would be able to support your family if you could repair your car and buy clothes for work, then ask your caseworker for a diversion grant.

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Chapter 9—DIVERSION GRANTS

Your county may offer you a form of assistance called a state diversion payment instead of basic cash assistance payments.

Ask your caseworker about your county's policies on diversion and ask how accepting a diversion payment will affect your ability to get basic cash assistance.

State Diversion

What is a state diversion payment?

A state diversion payment is a one-time or short-term payment to address specific needs over no more than a 4 month period. You would be given diversion payments instead of ongoing basic cash assistance. The payment must be for some item or service that you need in order to support yourself and your family for a limited period of time. Diversion may be given to you in the form of cash, vendor payments or in-kind services.

For example, if you lose your job and have been promised a job in two months, your county might pay your bills until you begin your new job.

Your caseworker should:

- Determine and show through your assessment that you do not need regular monthly basic cash assistance for your ongoing needs.
- Determine that you need a specific item or kind of assistance instead of basic cash assistance. For example, you might need cash for a specific purpose like rent or a car repair, or you might need housing or mental health counseling. If you have a specific need *and* you need basic cash assistance, your county should not offer you diversion.
- Be sure that your Individual Responsibility Contract states the amount of assistance you will receive, the reason for the diversion, the impact on other benefits and the time period the diversion payments cover, so that you know when you can apply for more assistance under Colorado Works.

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How will you get state diversion payments?

Your county may give you diversion payments in two ways:

- Your county might pay a vendor like your landlord or the electric company directly for you.
- In certain situations, your county might provide you with, or pay for, the specific services that you need.

What is the down-side to accepting state diversion payments?

In order to get diversion payments, you must agree in an IRC not to apply for any more Colorado Works assistance for a set length of time. Your county determines how long this period of time will be. The number of months you may not apply for more Colorado Works assistance may be longer than the number of months' worth of basic cash assistance you might otherwise have received. For example, your county might agree to pay your rent for three months if you agree not to apply for any more Colorado Works assistance for six months. This means that you would not be able to receive basic cash assistance for *six* months after you received your diversion payments.

If you have an emergency, can you apply for more assistance?

Yes. If you have an emergency or something happens that is beyond your control, you may apply for basic cash assistance or diversion payments before the set period of time is over. For example, if you are laid off from your job during the period of time your diversion payments cover, you may apply for basic cash assistance or additional diversion payments in the event of an emergency. If you quit your job, however, your county probably will not let you apply for either until the set period of time is over.

If you feel you have an emergency, or a situation is out of control, you should talk to your caseworker immediately.

If you accept state diversion payments, what affect will that have on your other benefits?

Accepting diversion payments should not affect your Medicaid benefits. It will impact the fee you must pay for childcare. It does affect SNAP benefits if you go from having a diversion payment to receiving Basic Cash Assistance with no break in benefits.



What is County Diversion?

A county may create a separate and optional diversion program for people who are not eligible or are no longer eligible for basic cash assistance. Working families would typically fall into this category. You should ask your county about whether it has a county diversion program and what benefits you might be able to receive.

Do you have to accept diversion payments?

NO. Accepting diversion is voluntary. Your caseworker must get your permission before your county gives you diversion payments. If you feel that you need basic cash assistance, tell your caseworker that you do not want diversion. *You may not be penalized for refusing to accept diversion.*

What is the up-side to accepting diversion payments?

- **Time Clocks Do Not Run.** One good thing about accepting diversion payments is that your time clocks do not run during the period of time covered by your diversion payments. For example, if you get a diversion payment that covers 3 months, your 60-month clock will *not* run during those 3 months.
- There is no requirement to assign child support. If you receive diversion you do not have to sign over your right to receive child support to the county.

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Chapter 10—OTHER ASSISTANCE

What is “other assistance” or “supportive services”?

Under the Colorado Works program, your county may choose to offer you *other assistance* in addition to your basic cash assistance grant. Your county determines what *other assistance* it will provide, if any. The purpose of this assistance is to help you find and keep a job that will support you and your family.

Other assistance might include referrals for things such as housing or substance abuse counseling. It might include bus passes, school supplies, work clothes, diapers, and assistance with rent or car insurance. It might include extra cash assistance on top of your basic cash assistance grant.

Ask for a copy of your county's policies that describe what kinds of “*other assistance*” it will offer so you know what is available.

How does “other assistance” affect your time clock?

Because any “other assistance” you receive will be in addition to your cash grant amount, it will not add any additional months to your time clock.

For example, if you receive a basic cash assistance grant *and* a bus pass for one month, you should count only one month against your clock.

What “other assistance” can your caseworker offer you?

- Referrals for Housing.

If you are homeless, your caseworker must provide you with referrals for housing opportunities or shelters in your community.

- Referrals for Counseling Services.

Mental health services.

If you or a family member need help, your caseworker must provide you with a list of counselors or other mental health opportunities in your community.

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Substance abuse counseling or services.

Your caseworker must provide you with a list of counselors, organizations, and/or centers in your community that can help you or a family member with substance abuse issues.

Domestic violence services.

Your caseworker must provide you with a list of counselors, organizations, and/or shelters in your community that can help you or your family with past or present domestic violence issues.



Earned Income Tax Credit.

Under the Colorado Works program, your caseworker must provide assistance to help you apply for the federal Earned Income Tax Credit (EITC). EITC is a tax benefit you can get if you are working. It is a refund of any federal taxes you have paid. Even if you do not owe any taxes, you may be able to get the tax credit. To receive the credit refund, you must file federal tax forms.

You may also be eligible for the state earned income tax credit but that credit is not always available. You should ask your caseworker about it.

You can also get free help in filling out your tax forms. You will need to file federal tax forms in order to get your EITC refund. You may also be eligible for a refund from the state. Ask your caseworker where to get help with filling out federal and state tax forms.

Chapter 11–SANCTIONS AND APPEALS

I. Sanctions

Under the Colorado Works Program, your benefits can be sanctioned if you do not do what your IRC says you must do, unless you have good cause.

There are also times when a family can be terminated from the program, but it is not considered a "sanction". Sometimes a case is closed. Reasons for closing a case include not providing the documents that show you are eligible, not complying with child support enforcement, not showing up for the assessment or not completing and returning a reporting form on time. When a family's case is closed, all Colorado Works assistance is terminated.

What is a Sanction?

A sanction is a penalty. It may be a financial penalty that reduces the cash grant amount if you do not do what your Individual Responsibility Contract says you must do. It may also be a termination of the full amount of your cash grant for "refusing" to participate in a work activity.

You can be sanctioned for (1) failure to participate in the work activity or (2) failure to comply with any of the terms and conditions in your IRC.

Are there reasons the county may not sanction you?

Yes. You cannot be sanctioned for failure to participate in the Colorado Works program for the following reasons: 1) transportation or child care are not available 2) the cost of services the county wants you to receive or purchase are too expensive [the county decides what is too expensive] 3) you have good cause for not participating in a work activity. However keep in mind that your 60 month time clock is still running even when you have good cause not to participate in a work activity. 4) you have a child under age 6 and you are unable to obtain needed child care.

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Counties must have written policies that tell you when you have good cause for not being sanctioned. Before a sanction occurs, a “good cause” process must be followed. If there is cause for a sanction, you will be notified in writing 10 days in advance to attend a good cause appointment with the caseworker. At this time, you have the opportunity to show “good cause” for not following your IRC. If you are able to show a good cause, you will not serve a sanction. If you don’t show good cause, or do not attend the appointment, a sanction will occur.

How do sanctions work?

The amount of the cash payment that can be reduced for a first sanction is 25%. The second sanction will equal 50% of the cash payment and the third sanction will equal 100% of the cash payment.

How long will the reduction last?

The first sanction will last one month. The second sanction will last one month, and the third sanction will last three months. If the case rolls into a 3rd level sanction, the case will close.

What happens if you do not correct the sanction?

If you do not fix the problem that caused you to be sanctioned *before* the sanction period ends, the sanction will move to the next sanction level. So, for example, if you are being sanctioned for the first time (25% of your monthly grant) and you do not fix the problem in the month you are being sanctioned, you will be sanctioned at the second level (50%) for an additional month. If you do not fix the problem that caused the second level sanction during that month, you will receive a third level sanction, and your case will be closed. You will not be able to re-apply for assistance for a period of time, which varies by county. If your case closes because you have not fixed the problem that caused you to be sanctioned, the sanction will end when you re-apply for assistance. If you reapply for assistance and you are found to be eligible, you will be given basic cash assistance if you want it.

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Can Food Stamps and Medicaid be reduced or cut off because of a Colorado Works sanction?

No. The county cannot reduce or cut off food assistance/SNAP benefits or Medicaid because of a Colorado Works sanction. If you are violating a rule in the Food Stamp or Medicaid program, you can face penalties under those programs.

What must your caseworker do before s/he actually sanctions you?

Before you can be sanctioned, your caseworker must notify you that you are about to be sanctioned and tell you that you can meet with your caseworker to try to fix the problem you are having with your IRC. This is called a “good cause conciliation period”. The county caseworker must meet with you to try to resolve the disagreement if you want to meet with your caseworker. If you do not meet or if the problem is not fixed, the “good cause conciliation period” will end and you will be sent another notice called a “notice of adverse action” that says you will be sanctioned, why you will be sanctioned, and when the sanction begins and ends. At this point, you can request an appeal.

II. The Appeals Process

You have the right to appeal a *sanction or any decision* you feel is wrong. Before you are actually sanctioned, or your benefits are reduced or cut off, you must be sent a notice of “adverse action”. You can appeal to the county and/or the state.

If you appeal to the county you will meet with someone who has not been involved in your case. This is called a county dispute resolution conference. If you disagree with that person’s decision you can still appeal to the state. You also have the option of appealing directly to the state. This means that you do not have to appeal to the county at all.

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If you appeal to the state you will have a hearing before a judge. You can tell the judge why you should not be sanctioned or have your benefits cut off, or reduced. Information about how to appeal can be found on the back of the notice of adverse action that is sent to you. An appeal is also possible if you are denied benefits or you receive benefits but believe the benefit amount is incorrect or the date assistance started is incorrect.

How Long Do You Have to Appeal?

You have 10 calendar days from the mailing of the proposed action to appeal to the county and up to 90 calendar days from the mailing of the proposed action to appeal to the state.

Can you continue to get cash assistance when you appeal?

If you request a county dispute resolution conference within 10 calendar days from the date the notice of adverse action was mailed, you can ask that your benefits continue during the time of your appeal. If you are unsuccessful in your appeal, you will need to pay back any benefits you received during the appeal period.

VERY IMPORTANT

You will be able to have someone, including a friend or relative, represent you. You will be able to call witnesses, provide written information to the judge, and cross-examine county workers.

Keep track of all your documentation in case of appeal.

Colorado Works Handbook

County Conference Appeal Highlights

You have 10 calendar days from the date the notice is mailed to request a county conference.

Conference is informal

If you disagree with the county dispute resolution conference decision, you can still appeal to the state if you make a written request within 10 calendar days of the date the county dispute resolution conference decision was mailed or delivered to you.

State Appeal Highlights

You have 90 calendar days from the date the notice of proposed action is mailed by the county to request a state appeal. However if you appeal within 10 calendar days from the date the notice of adverse action is mailed, you will automatically continue to receive benefits during the appeal period unless you tell your caseworker you don't want to receive them.

You will have a formal hearing before an administrative law judge.

If you need legal assistance with an appeal, contact your local Legal Services office.



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Summary of Your Appeal Rights

Notice: You have a right to get a written notice at least 10 calendar days before any adverse or negative action is taken that will affect your benefits. Your notice should explain clearly what action is going to be taken, why it is being taken and when the change will be made. If a notice is not clear, contact your county for more information.

County Dispute Resolution Conference:

You can request a county conference within 10 calendar days from the date the notice of adverse action is mailed to you. The conference can take place in person or over the phone. You will receive a written decision.

State Hearing:

You can appeal directly to the state administrative law judge when you get your notice of adverse action. You must appeal within 90 calendar days of the date the notice was mailed to you. You will receive a written decision.

Representation:

You can bring anyone you wish to the county dispute resolution conference or the state hearing - a lawyer, a relative, a friend, or someone else.

Look at Your File:

You have a right to look at your case file and all documents used by the county before and during the county dispute resolution conference or state hearing.

Interpreter Services:

If you need an interpreter, the county must give you a qualified interpreter.

If you need legal assistance with an appeal, contact your local Legal Services office.

Chapter 12—DOMESTIC/FAMILY VIOLENCE

If you or a member of your family have been or are victims of domestic violence, there are special rules that apply to you. Domestic violence means that your spouse, another family member, or someone with whom you have had an intimate relationship is hurting or has hurt you or your children in one of the following ways:

- physically hurting you or your children including hitting, punching, or biting,
- intimidating or *threatening* to hurt you or your children physically through use of gestures, displays of weapons, or destroying property including pets,
- threatening or *attempting* to sexually abuse you or your children,
- engaging in sexual acts with you without your consent or with your children,
- abusing you mentally, emotionally, or psychologically, including degrading you, constantly putting you down, or humiliating you so that you are not able to engage in daily activities,
- economically abusing you, controlling your finances, or sabotaging your attempts to become self-sufficient,
- depriving you of medical care or neglecting your medical needs,
- stalking you, or
- isolating you from friends, family, or any type of emotional support

You decide whether or not to tell your caseworker about your situation.

When you apply for Colorado Works assistance, your caseworker must give you information about how to deal with domestic violence—whether or not you tell the caseworker about any abuse. You decide whether to tell your caseworker that you or a member of your family are or have been victims of domestic violence. Your caseworker may ask you if you are being abused, but you do not have to tell your caseworker about your situation if you do not want to tell.

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Although you might not want to tell your caseworker about the domestic violence, it is important to remember that your caseworker can help you get the assistance you need to deal with the issues you are facing. What you tell your caseworker about domestic violence is generally confidential. If however you tell the caseworker your children have been or are being abused or about being involved in a crime, the county must report the child abuse or crimes.

You can get referrals for counseling and other support services.

Many domestic violence support organizations, counseling services, and shelters in Colorado are ready and able to help you. These organizations can also advocate for you or go with you to your county conference or state hearing.

When you apply for Colorado Works assistance, your caseworker should give you referrals to available domestic violence counseling services and other support services in your community if you tell your caseworker that you or a family member are victims of domestic violence.

Can your County or the State waive one or more of the Colorado Works requirements?

Your county or the state may waive one or more of the Colorado Works requirements including a work activity, if you are or have been abused. These waivers can be temporary or permanent. This is called a Family Violence Waiver or FVO. This means that your county or the state may not make you do a work activity for a specific period of time if:

- you would be unfairly penalized because you or your children are or have been victims of domestic violence; or
- you are at risk of being abused again



Colorado Works Handbook

Different Kinds of Waivers and How to Apply

How do you get a county Family Violence Waiver from any or all program requirements?

Counties have the option of providing these waivers. If your county offers waivers because of domestic violence, your caseworker must tell you how to apply.

How do you apply for a Family Violence Waiver from the work requirement?

Waivers of the work requirement are generally granted by your County as described below. If your caseworker denies the waiver, your caseworker must send your waiver application to the State Department of Human Services. The state will then make the final decision about whether you are given a waiver. A panel of individuals, including an individual trained in domestic abuse, will make that decision. The state will also periodically review your situation to determine whether the waiver should continue and the length of time it will continue.

Your IRC tells you generally what work activity you have to do in order to get assistance—even if you do not have to follow one or more of the other program rules. If you feel that doing the work activity in your IRC would put you in danger, *ask your caseworker to change your IRC*. If your case-worker refuses to change your IRC or if you feel that your situation makes it impossible for you to work, you should then ask your caseworker to send your application to the Colorado Department of Human Services.

Examples: of requirement waiver:

Your county might not require you to provide all of the necessary eligibility documents (such as proof of paternity or birth certificates) right away if you would be put in danger by having to provide them.

Your county might permit you to go to a school outside of your county's approved area so that you can avoid an abusive family member.

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When can you apply for a waiver from the time limits?

If you are near your 60 month time limit, you can apply for a waiver to continue receiving assistance past the time limit. If an extension is denied, you can appeal to the State

Appeals

Your caseworker must tell you how to appeal a denial of your waiver request.

Process for appealing actions relating to domestic violence.

If you cannot come to an agreement with your caseworker about the terms of your IRC and the work activity you will be involved in, you can request that the state waive the work activity requirement as mentioned above. The county will send your request to the State Department of Human Services within 10 days. There will be a panel of people at the State Department of Human Services who will review your information and issue a decision within 30 days.

If you are granted the work activity waiver, you will not have to participate in the work activity.

If you are denied a waiver for any other reason not related to work (for example, a waiver for not cooperating with child support enforcement because of domestic violence), you must wait to receive an adverse action notice for failing or refusing to cooperate with child support enforcement. Then you can appeal to the county, the state administrative law judge, or both.

If you need or want assistance in appealing, contact your local Legal Services office.

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Chapter 13—IMMIGRANT RULES

If you are an immigrant living legally in Colorado and want to apply for Colorado Works, special rules apply to you. These rules are in addition to the regular rules about income, resources, work requirements and time limits. These rules are difficult to understand. Always ask your caseworker to explain your assistance options.

Tell your caseworker if you need an interpreter. If possible, bring a friend, or anyone else who you feel will support and help you.

Eligibility for Assistance.

Unfortunately, since 1996, the law has made it harder for non-citizens and temporary residents to receive Colorado Works and other types of public assistance. **Even if YOU are not eligible for assistance, if your child is a citizen, they may be eligible for help.**

Persons not eligible for Colorado Works and other assistance: Non-citizens who are **not** eligible for public assistance or social services programs, including Colorado Works, are as follows:

- *A non-citizen with no status verification*
- *Non-citizens granted a specific voluntary departure date*
- *Non-citizens applying for a status*
- *Citizens of foreign nations residing temporarily in the United States on the basis of visas issued to permit employment, education, or a visit.*

Colorado Works Handbook

Persons who may be eligible for Colorado Works and other assistance: In order to be eligible you must first be a qualified non-citizen. The following persons are considered to be qualified non-citizens:

- lawfully admitted permanent residents
- parolees for a period of one year
- conditional entrants
- refugees
- asylees
- persons whose deportation has been withheld
- Cuban or Haitian entrants
- victims of severe forms of trafficking
- battered persons abused by family members
- Amerasian immigrants
- Canadian born persons who are 50% Indian or members of certain Indian tribes.

Five Year Bar on the receipt of assistance;

Even though you may be a qualified non-citizen, you should know you are generally not able to receive benefits from federal programs like Colorado Works for 5 years after your date of entry into the US. However there are exceptions to this general rule. Persons not subject to the 5 year bar are as follows:

- Honorably discharged vets or active US military and/or their spouses, unmarried children, widows or widowers, including Hmong and Highland Lao vets of the Vietnam War
- Refugees, asylees, persons whose deportation has been withheld, Cuban and Haitian entrants, or certified victims of severe forms of trafficking
- Canadian born persons who are 50% Indian or members of certain Indian Tribes
- Amerasian immigrants
- Lawful Permanent Residents who are Hmong or Highland Lao vets of the Vietnam War
- Afghans or Iraqis with special immigrant status

Colorado Works Handbook

Qualified legal non-citizens who are able to apply for assistance must be a resident of the state and must be a **qualified legal non-citizen who entered the US before August 22,1996** or a **qualified legal non-citizen who entered the US on or after August 22, 1996 who has been in a qualified non-citizen legal status for a period of 5 years**, or if less than 5 years must be in a federally exempt category. Those exempt categories are:

- legal permanent residents (LPRs) who have 40 qualifying quarters of work
- refugees
- children residing in foster care placement

Qualifying Quarters

To earn a qualifying quarter of work, you must:

1. Be a legal immigrant
2. Earn a certain amount of money every year.
3. You must earn a maximum of 4 qualifying quarters per year.
4. Once you have earned that amount in one year, you will be credited with the 4 qualifying quarters for that year.
5. If you are a Legal Permanent Resident, you can be credited with the qualifying quarters your parents earned while you were under 18 and living with them.
6. If you are a Legal Permanent Resident, you can be credited with the qualifying quarters earned by your spouse as long as you are still married.
7. If you earned income in the United States before you had a valid social security number, but you now have a valid social security number, you can change your social security records to get credit for qualifying quarters earned before you had a valid social security number, even if you earned that income under a false name.

Is there any other assistance available?

Maybe. Your county may have funds your caseworker can use to provide assistance to you even if you do not fit into one of the groups of qualified legal non-citizens who are eligible. Ask if your county provides such assistance.

Sponsor Deeming

As mentioned earlier, if you entered the United States after August 22, 1996, you may be eligible for CW after you have been in the United States for 5 years. You may then apply for cash assistance, but your county will count your sponsor's income as though it were yours to determine whether you are eligible. Sponsor deeming applies only if you have a sponsor. Since the county can count your sponsor's income to determine your eligibility, it may be difficult for you to get assistance.

The state assumes sponsors have income that is available to you. The amount of income your sponsor is assumed to make available to you totals 125% of the federal poverty level for your family size. You can, however, prove that your sponsor's income is not available to you. If you can prove this, you may be eligible for assistance.

Exemptions from Sponsor Deeming: Domestic violence survivors and immigrants who would go hungry or homeless without assistance will not have their sponsors' income counted for a minimum of 12 months.

Do you have to follow the other Colorado Works assistance rules?

Yes. All the rest of the information in this handbook applies to you. This means that you will have an assessment, and you and your caseworker will develop an Individual Responsibility Contract. You must be engaged in a work activity or have a job as soon as your caseworker determines that you are job ready. You may only receive cash assistance as an adult for 60 months in your lifetime.

Colorado Works Handbook

How do the new rules affect other benefits?

1. Medicaid

If you are eligible for Colorado Works, you are also eligible for Medicaid. If you entered the United States before August 22, 1996, are a qualified legal non-citizen and meet the other eligibility rules for Colorado Works, you may receive Medicaid. If you entered the United States after August 22, 1996 and are a qualified legal non-citizen, you may not receive Medicaid until you have been in the United States for 5 years *unless* you fit into one of the exceptions or have a medical emergency.

2. Other state programs such as Old Age Pension, Aid to the Blind, and Aid to the Needy Disabled

Generally qualified legal non-citizens are barred from receiving state and locally funded means tested benefits for 5 years from the date they enter the US.

There are a few exceptions. You should ask your county for information about those exceptions

3. Food Assistance / SNAP Benefits

Beginning August 22, 1996, anyone who was not a U.S. Citizen was ineligible to receive SNAP benefits unless they fit into one of the following categories:

- You are a refugee, asylee, Cuban or Haitian entrant, Amerasian or alien whose deportation has been withheld.

You may get SNAP benefits for a period of 7 years from the date your entered the US. Your county will count these 7 years retroactively. This means, for example, that if you entered the US on 4/1/2006 you will have already used up your seven years of eligibility and will be ineligible to receive SNAP benefits after 4/1/2013.

Colorado Works Handbook

Food Assistance / SNAP Benefits (continued)

- You or your spouse are veterans or active duty members of the US Military.
- You are a Legal Permanent Resident and have been in the US for over 5 years.
- You are a Legal Permanent Resident who has 40 Qualifying Quarters of work. (See the above explanation of how to earn qualifying quarters.)
- You are under 18 years of age.
- You are a victim of trafficking.
- You are disabled.
- You are Hmong or Laotian and during the Vietnam era assisted the US military. Your spouse, surviving spouse, or child may also be eligible to receive SNAP benefits.
- You are an American Indian who was born abroad.
- You are Iraqi or Afghan and have *special* immigrant status that would allow you to receive SNAP.
- You are 65 years of age or older and you were lawfully present in the US on 8/22/96.

If you believe you fit into one of the above categories but have been denied assistance, you can appeal the denial.

Can your legal status as an immigrant be hurt if you receive public assistance?

Receiving public assistance may have legal consequences. Before applying for any assistance, you should understand the possible legal impacts on your immigration status and should seek legal advice.

The special immigrant rules are complex. Always ask your caseworker to explain how to get assistance. Make sure that you understand all the rules that apply to you.

Colorado Works Handbook

Public Charge

"Public Charge" is a term used in immigration law to refer to individuals who cannot support themselves and must depend on government benefits. A person who is found to be a "public charge" may be denied admission to the United States, denied adjustment of status, or be deported if the individual becomes a public charge within five years of entering the United States. Fear of being deported or fear of other legal consequences has kept many immigrants who might qualify for benefits from applying for those benefits.

There is also much fear and confusion about when the Colorado Works Human Services Agency has to report an undocumented family member who comes to their attention. Although the agency is generally required to report the undocumented family member to US Department of Health and Human Services, the reasons to report are limited. The agency must "know" with certainty that the family member is in the US illegally. If the agency believes it knows, the agency must provide proof, generally INS documents, that show the family member is in the US illegally. Given the above concerns, it is best to get legal advice before applying for Colorado Works. You cannot be disciplined or deported simply because you receive public assistance. Your ability to become a U.S. citizen should not be affected just because you are receiving public assistance.

Sanctions

If you are sanctioned under the Colorado Works program, your immigrant status will not change. However, you will be subject to the same sanctions as everyone else. You also have the same appeal rights as everyone else.

Your appeal rights.

No matter when you entered the United States, if you are denied Colorado Works assistance, Food Stamps, Medicaid, or any other benefit, and you feel that your caseworker or county made a mistake in denying you assistance or in cutting off your benefits, you are entitled to appeal. You should go to the Sanctions/Appeals Process section of this handbook to learn how to appeal.

Colorado Works Handbook

Chapter 14—CHILD CARE

Two Colorado child care assistance programs will be discussed below. Those programs are the Colorado Works Program and the Low Income Child Care Assistance Program (CCCAP).

Colorado Works' major focus is on getting you into a job, which makes having child care essential. Having safe, reliable and affordable child care when you need it is necessary to be able to go to school, find a job, or stay in a job so that you can support your family over the long term. This means that it is very important that you understand the rules for child care and that you work with your county until you receive the child care you need. Once you are no longer receiving Colorado Works child care, you may be eligible for the Low Income Child Care Program (CCCAP).

What information about child care should you receive?

You should receive information that will explain the child care program to you and help you choose a safe setting for your children. If you do not get this information after asking for it, call the Colorado Department of Human Services, Office of Child Care Services at (303) 866-5700 or write to them and request the information at the following address:

Early Care and Learning in the Office of Early Childhood
Colorado Department of Human Services 1575
Sherman, 1st Floor
Denver, Colorado 80203-1714

Are you eligible to receive child care assistance?

Colorado Works Program

If you are receiving Colorado Works cash assistance, and are actively participating and complying with your IRC, you are automatically eligible for child care assistance to enable you to work. Child Care is also available on a very limited basis during your job search.

Colorado Works Handbook

Generally, your county should provide you with child care assistance on a first come, first-serve basis. You should ask your caseworker for any policies that describe who can get child care assistance. Your county may not deny you child care assistance based on your age, race, color, religion, sex, national origin, political beliefs, or disability.

However, in order to receive child care assistance as a Colorado Works participant, you must sign an Individual Responsibility Contract (IRC). Your IRC is a contract in which you and your caseworker agree to a plan for you to follow so that you ultimately can support your family. Whether or not you receive child care assistance under Colorado Works depends on whether you and your caseworker feel that child care is necessary for you to be able to follow this plan. For example, your caseworker may determine that you do not need to finish school in order to be able to find a job that will support your family. In *this* case, your caseworker might say you may receive child care assistance if you are working, but not if you are going to school.

Because your ability to get child care depends on the plan in your IRC, it is very important that you work with your caseworker to develop an IRC that you agree with before you sign it. If you feel you will be able to support your family better if you attend or finish school, tell your caseworker. If you are working *and* going to school, ask your caseworker for child care assistance for both periods of time. Also, be sure that the amount of time you have child care includes the time it will take you to get to and from your job and / or school.

Be persistent. If you feel that you will not be able to do the work activity you and your caseworker agreed on in your IRC without receiving child care assistance, tell your caseworker immediately. *Remember*, you can appeal your IRC if you disagree with it. You can also appeal any decision regarding child care.

Colorado Works Handbook

Low Income Child Care Program (CCCAP)

In order to receive CCCAP you and/or your spouse must have a full or part time job or be earning money through self-employment. Some counties may provide child care during job training or job search on a very limited basis, at their discretion. The eligibility limit for income is higher than it is for the Colorado Works Child Care Program. This means you can get help with child care when you are working and are no longer eligible for Colorado Works. The amount of money you can earn and still be eligible for child care varies from county to county. Ask your caseworker how much you can earn before you are no longer eligible for low income childcare assistance.

How old may your children be in order to get child care assistance?

1. Younger than 13 years old.

If you are the parent, legal guardian, or caretaker of children who are younger than 13 years old, you may be eligible for child care assistance through Colorado Works or CCCAP while you work and/or go to school.

2. Younger than 18 years old with special needs.

If you are the parent, legal guardian, or caretaker of children who are less than 18 years old and have special needs, you may be eligible for child care assistance through Colorado Works or CCCAP while you work and/or go to school.

3. Younger than 19 years old with special needs.

If you are the parent, legal guardian, or caretaker of children who are less than 19 years old and have special needs, you may be eligible for child care assistance through Colorado Works or CCCAP while you work and/or attend school if your children will graduate from high school before his or her 19th birthday.

Special Needs: Your child has special needs for purposes of receiving child care assistance if he or she has physical, mental, and/or emotional needs. Your doctor or another professional such as a counselor or caseworker needs to write a letter to the county saying that your child has special needs.

Colorado Works Handbook

Remember, if you are receiving child care through the Colorado Works Program and you have a child or children younger than 6 years old and you cannot find child care for any one of the reasons below, your county must exempt you from work activities:

- You cannot find appropriate child care that is a reasonable distance from your house or job. Ask your caseworker what your county considers to be appropriate child care and what is a reasonable distance from your home or job, or
- You cannot find suitable child care with a relative or other individual, or
- You cannot find child care or a day-care center that is affordable based on the rates paid to child care providers in your county.

Although your county may *not sanction you* if you are not working for one of these reasons, your time clock continues to run during the time in which you are exempt from the work requirement because you are unable to find child care.

What are the kinds of child care available to you?

Your caseworker must provide you with information about child care options available in your community. You can also get information from your local child care resource and referral agency or child care association.

The different kinds of child care you may use under the Colorado Works or CCCAP programs are divided into two categories: non-licensed child care and licensed child care.

Non-licensed child care.

Non-licensed child care means that your child care provider does not have to have a special license from the state in order to take care of your children. You can for example, have a relative care for your children and your relative would not have to be licensed to do so.

Colorado Works Handbook

Licensed child care

Your child care provider must have a license if they are taking care of other children in addition to their own and yours. Licensed child care includes:

- Child Care Centers: You may take your child to a child care or day care center in your community. Your school or employer might also have a child care center.
- Preschool: If you have preschool-age children, you may take them to preschool for child care.
- School-age child care centers: You may take your children to a center that cares for children who are in kindergarten or above.
- Family child care homes: You may take your children to a licensed provider's home.

Will you have to pay part of your child care?

You may. The part of your child care costs you are responsible for monthly is called the "parent portion" or "parental fee." Your case-worker must tell you what your parental fee is. The fee is based on how many people are in your family and how much money you earn. It is very important that you know how much you must pay so that you can budget and save that amount of money every month.

When you are approved for child care assistance, you should receive a Child Care Authorization Notice that tells you what kind of child care assistance you are receiving and how much you must pay.

You will pay your parent portion directly to your child care provider instead of to the county. If you do not pay your parent portion or do not pay it on time, you may be sanctioned or your assistance may be cut off. Also, you may not be able to get child care assistance again until you pay the amount you owe.

If you are receiving Colorado Works cash assistance, you will have to pay a parent fee *only if you have a part-time or full-time job*. For example, if you are going to school or doing community service work, you will not have to pay a parent portion of your child care.

Colorado Works Handbook

- If you are participating in Colorado Child Care Assistance Program (CCCAP) as a “Low Income Child Care Program Participant” you will have to pay the parent portion of your child care. This amount is on a sliding scale and based on how much you earn. Be sure to ask your caseworker how much you must pay toward your child care.

Exceptions to Parental Fee Rule

There are two exceptions to the parental fee rule:

- **Hardship**

Your county may reduce your parent portion for child care to as low as \$5.00 for up to three months if you have a "hardship" reason for being unable to pay your portion. For example, if you have emergency medical expenses, your county might reduce your parent portion for three months so that you can use the extra money to pay your emergency bills.

Your county decides what hardship means for not paying your parent portion. Tell your caseworker if you have an emergency or are in a situation that makes it especially hard to pay your parent portion.

- **Teen Parent in School**

If you are a teen parent in junior high or high school, you might not have to pay a parent portion of your child care at all if it would be very difficult for you to do so.

Can you appeal a county decision concerning child care that you think is wrong?

Yes. If you think your caseworker's decision to deny or cut off your child care assistance is wrong you should consider appealing the decision. If you need assistance, contact your local Colorado Legal Services office.



Appendix 1—Resources

Your caseworker may be able to provide you with information about resources that you need.

Colorado Legal Services

1905 Sherman St 4th Floor
Denver, CO 80203
303-837-1313

Legal Services can assist with legal problems receiving public benefits, appeals, etc. This Metro Denver Office can also refer callers to offices in other parts of Colorado.

United Way

United Ways run a resource and referral service, giving contact information on programs providing a wide variety of human services.

Call 211 from your service area

Alternative Metro Area numbers: 866-760-6489 or 303-561-2111

Colorado Coalition Against Domestic Violence

303-831-9632

Can provide referral to programs and services for victims of domestic violence in your area.

Project Safeguard

Provide crisis intervention, safety and survival planning, legal advocacy and legal assistance clinics for victims of domestic violence.

303-219-7049—General administrative number

Appendix 2—Standard of Need

Colorado Works/TANF STANDARDS OF ASSISTANCE CHART
Effective January 1, 2009

Number of Specified Caretakers	Number of Children										ea. addl.	
	0	1	2	3	4	5	6	7	8	9		10
<u>No Specified Caretaker</u>	-	117	245	368	490	587	678	755	830	904	977	67
Need Standard	-	128	269	404	539	646	746	832	913	995	1076	72
<u>One Specified Caretaker</u>												
Need Standard	253	331	421	510	605	697	770	844	920	992	1065	67
Grant Standard	278	364	462	561	665	767	847	929	1012	1092	1172	72
<u>Two Specified Caretakers</u>												
Need Standard	357	439	533	628	716	787	861	937	1009	1082	1155	67
Grant Standard	392	483	586	691	787	865	947	1032	1111	1190	1271	72

Example: A 1-parent family with 2 children would be eligible for Colorado Works if their countable income is less than \$421/month. If their income is \$0, their monthly grant would be \$462. That grant amount is reduced by however much monthly income the family has.

Colorado Works Handbook

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All Families Deserve a Chance Coalition—A group of community based organizations who advocate for legislation and rules which reduce poverty and help individuals deal with the impact of poverty.

Appeal—A formal process of trying to get a change in a decision.

Assessment- A process to determine your skills, needs, goals, interests and employment challenges

Assistance Unit—Family members who are part of the group who is applying for and receiving public assistance. Might not include everyone who lives under the same roof.

Basic Cash Assistance – A recurring, generally monthly payment to cover basic needs.

Colorado Works—The Colorado version of the Temporary Assistance to Needy Families Program

Dependent Child—A child who lives with you that you are responsible for

Diversions—Temporary, usually one time, help with family needs instead of getting a monthly grant.

Disqualified Person-a person who be a member of the assistance unit except that they fall under one of the programs prohibitions, for example, they are ineligible due to immigration status, or are a person who was convicted of a drug related felony.

Earned Income Disregard—Part of the money you earn is not counted as income when determining whether you still qualify for benefits. Such disregards recognize that working can cost money compared to being at home.

Electronic Benefits Transfer (EBT) Card—Your monthly cash and food allowance are loaded onto a card, which can then be used instead of cash.

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Entitlement Program—government programs in which everyone who qualifies receives the benefit – such as SNAP, Medicaid, or Old Age Pension. Programs such as Colorado Works, Colorado Child Care Assistance Program or subsidized housing are NOT entitlement programs and the programs can close or have waiting lists if more people need help than there is available funding for.

Extension – An exception to the rule that one can only get TANF for 60 months in a lifetime. Exceptions must be personally requested and granted only for special cases

Individual Responsibility Contract (IRC)—A formal agreement of what you need to do, and what your county needs to provide, in order to get public assistance.

Legal Services Office—A nonprofit organization which provides legal help to individuals regarding problems getting public benefits. Also known as “Legal Aid”. Not part of the Department of Human Services.

Medicaid—Government health insurance for those with very low incomes. Beginning in January 2014, all Coloradans with incomes under 133% of Federal Poverty Level (about \$20,628 for a family of two) will qualify for Medicaid.

Non-Custodial Parent – A parent the child does not live with.

Old Age Pension (OAP)- A Colorado program which provides a monthly grant for very low income adults 60 years old and older who have very limited assets.

Qualified Non-Citizens – Only some non-citizens can get help from Human Services, even if they immigrated legally. See Chapter on Immigration for details.

Colorado Works Handbook

Glossary

Sanctions – Penalties for violating Colorado works rules

Specified Caregiver—A person who cares for the child on a daily basis in the absence of the parent.

Sponsor Deeming—Generally the income of their immigration sponsors count against legal immigrants in determining whether they are eligible for help. See chapter on immigration for details.

Supplement Nutrition Assistance Program (SNAP)—Provides money through the EBT card that can only be spent on food. Also known as “Food Stamps”

Supplemental Security Income (SSI)—A Federal government program providing monthly income for those with low income and assets who are unable to work because of a disability.

Temporary Assistance for Needy Families (TANF)—Help for low income families with children to help pay expenses, find a job and childcare and address other needs to help a family become economically stable. Replaced Aid to Families with Dependent Children (AFDC), commonly known as “welfare”.

Vendor Payments—Department of Human Services paying a program or service you use directly to them instead of to you.

WE HOPE YOU FOUND THIS MANUAL A
HELPFUL RESOURCE TO UNDERSTANDING
COLORADO WORKS/TANF.

REMEMBER: YOU COUNTY CASEWORKER
WILL HAVE THE LATEST INFORMATION TO
ANY PROGRAM CHANGES.