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Employees' Manual  
Title 4  
Chapter J

# PROMISE JOBS



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## **OVERVIEW**

The Department of Human Services (DHS) administers an employment and training program known as “PROMISE JOBS.” The purpose of the PROMISE JOBS program is to:

- ◆ Increase educational and employment opportunities for FIP clients, and
- ◆ Encourage clients to become self-sufficient.

The legal basis for the PROMISE JOBS program is found in Title IV-A of the Social Security Act, Iowa Code Chapter 239B, and 441 Iowa Administrative Code, Chapters 41 and 93.

DHS assigns responsibility for the provision of PROMISE JOBS services to the Department of Iowa Workforce Development (IWD). In addition, the DHS Bureau of Refugee Services (BRS) is assigned responsibility for providing PROMISE JOBS services to refugees.

Only people applying for or receiving Family Investment Program (FIP) assistance are eligible for PROMISE JOBS services. PROMISE JOBS services are terminated when FIP assistance is terminated for any reason, including when FIP is terminated at the end of the 60-month lifetime limit. See [4-C, Limit on FIP Assistance](#), for additional information.

See [4-C, Hardship Exemption](#), for PROMISE JOBS requirements for families that have exhausted their 60-month FIP period but are determined eligible for a six-month hardship exemption.

This chapter describes:

- ◆ Income maintenance responsibilities for determining eligibility for the program,
- ◆ Who is exempt from participation,
- ◆ Who must participate, and
- ◆ What to do if the client fails to cooperate.

See 4-Appendix for the [PROMISE JOBS Provider Manual](#), which contains policies and procedures used by PROMISE JOBS providers and examples of system-issued letters to participants.

## **PROMISE JOBS Components and Services**

**Legal reference:** 441 IAC 93.103(239B)

PROMISE JOBS components include:

- ◆ Orientation and assessment
- ◆ Job-seeking skills training
- ◆ Group and individual job search
- ◆ Work experience
- ◆ Unpaid community service
- ◆ On-the-job training
- ◆ Classroom training programs from basic education to postsecondary education
- ◆ Parenting skills training

Support services include the Family Development and Self-Sufficiency (FaDSS) Program, which targets FIP participants who are at risk for long-term welfare dependency. The FaDSS program is run under contract with the Department of Human Rights, which selects local public and private agencies, referred to as “FaDSS grantees.” These grantees work with families as part of a comprehensive long-term plan toward family stability and self-sufficiency.

## **Confidentiality**

**Legal reference:** 441 IAC 93.143(239B)

All state and local agencies participating in the PROMISE JOBS program must follow the confidentiality requirements of [1-C](#). If the PROMISE JOBS or FaDSS worker requests information in order to provide services to the participant, a release of information is not required. You can give the information.

DHS and PROMISE JOBS staff can give participants’ names, addresses, and telephone numbers without a release to other agencies providing services to participants. However, a release of information is required to share any additional information.

## **Informing Clients About PROMISE JOBS**

**Legal reference:** 441 IAC 41.24(239B)

Inform FIP applicants and participants about:

- ◆ Benefits, rights, and responsibilities under the PROMISE JOBS program.
- ◆ The family investment agreement (FIA) and the advantages of employment under FIP. (See [FAMILY INVESTMENT AGREEMENT](#) later in this chapter.)
- ◆ The requirement to meet with PROMISE JOBS and to write and sign a family investment agreement before FIP can be approved.
- ◆ Employment, education, and training opportunities and support services for which they are entitled.
- ◆ Child Care Assistance and transitional Medicaid.
- ◆ Requirements for families that have received FIP for 60 months and are requesting a hardship exemption. (See [4-C, Hardship Exemption](#), for details.)
- ◆ Reasons for which they may be exempt from participating in PROMISE JOBS.
- ◆ The limited benefit plan (LBP), what actions result in choosing it, and the consequences of choosing it. Inform applicants who are in a limited benefit plan of the actions they must take with PROMISE JOBS before they can get FIP.  
See [4-B, Effective Date of Assistance](#), and [4-G, Changes in Household Circumstances: Adding a New Member to an Active Case](#), for more information.
- ◆ Their responsibility to report any change that might affect their exempt status within ten days of the change.
- ◆ The requirement to cooperate in establishing paternity and enforcing child support obligations. (Federal regulations for the PROMISE JOBS program specifically state that all FIP applicants and participants must be informed of this requirement.)

Use the InfoShare presentation and Comm. 108, *The Family Investment Program*, to assist in presenting this information.

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**REFERRING CLIENTS TO PROMISE JOBS**

**Legal reference:** 441 IAC 41.24(1), 41.24(3), 41.24(4)

Refer the following people to the PROMISE JOBS program, unless they are exempt from participation:

- ◆ All FIP applicants who appear eligible for FIP.
- ◆ Each person in the eligible group.
- ◆ Any parent living in the home of a child receiving a grant.

Determine whether each household member must participate in PROMISE JOBS or meets one of the exemption criteria described under [Who Is Exempt From JOBS Participation](#).

The Bureau of Refugee Services (BRS) provides PROMISE JOBS services for FIP refugees. Entry of the applicable refugee referral code ensures that the correct office receives the referral. See [14-B-Appendix](#), TD03: [JOBS](#), for referral coding instructions.

The determining factor for making the appropriate PROMISE JOBS referral to BRS is the alien status at the time the person enters the U.S. If the person enters the U.S. as a refugee, BRS will provide the PROMISE JOBS services until the refugee attains U.S. citizenship. Once the person becomes a U.S. citizen, IWD will provide the PROMISE JOBS services.

**People Who Must Be Referred to PROMISE JOBS (Unless Exempt)**

All applicants who appear eligible for FIP and all people included in the FIP grant, including:

- ◆ Any parent on the grant
- ◆ Any needy specified relative on the grant
- ◆ Any child 16 or older who is not in school
- ◆ Any minor parent, whether or not in school

Any excluded parent living with a child included in the FIP grant, such as:

- ◆ Parents excluded for failure to provide a social security number
- ◆ Parents excluded for failure to apply for all benefits
- ◆ Alien parents ineligible under 8 USC Section 1641

The following sections give more information on:

- ◆ [Referring applicants](#)
- ◆ [Referring participants](#)
- ◆ [Referring battered aliens](#)
- ◆ [Referring hardship exemption families](#)
- ◆ [Referring people in a limited benefit plan \(LBP\)](#)
- ◆ [Referring disabled people](#)
- ◆ [Who is exempt from PROMISE JOBS participation](#)
- ◆ [Case maintenance for referrals](#)

### **Referring Applicants**

**Legal reference:** 441 IAC 41.24(1), 41.24(3), 41.24(4), 93.104(239B)

Applicants who are not exempt must meet with PROMISE JOBS to write and sign a family investment agreement before FIP approval. To refer applicants who are mandatory referrals to PROMISE JOBS:

- ◆ Pend the case on the Automated Benefit Calculation (ABC) system no later than at the time of the face-to-face interview.
- ◆ Enter the system referral code on ABC after the face-to-face interview. For codes, see [14-B-Appendix, TD03 JOBS](#).

**Note:** If a person does not have a social security number, ABC will not be able to transmit the referral information to PROMISE JOBS. Enter the applicable PROMISE JOBS referral code in ABC, but also note this in the comments section of form 470-3897, *FIA Appointment*. (See below.)

- ◆ Use the PJCase system Calendar to schedule an appointment for the applicant to meet with PROMISE JOBS to write and sign the family investment agreement. Schedule the appointment for the earliest time available that the applicant can attend. The appointment date offered must be within ten days after the FIP application interview.

PROMISE JOBS will handle any rescheduling after the initial appointment is scheduled.

- | ♦ Complete form 470-3897, *FIA Appointment*. Provide a copy to the applicant. (If the person does not yet have a social security number, note this in the comments section. Include the person’s address and date of birth, and the names and ages of the children in the home, regardless of the child’s FIP status.)
  
- | Use your local communication plan to determine when it is necessary for you to contact the PROMISE JOBS office directly to notify them of a PROMISE JOBS appointment that is being scheduled very soon.
  
- ♦ Provide a copy of form 470-0806, *Self-Assessment*, to the applicant with instructions to complete the form to the best of the applicant’s ability and take it to the PROMISE JOBS appointment.
  
- ♦ Provide an overview of the PROMISE JOBS program by use of the InfoShare presentation.

When a participant family requests to add to the FIP eligible group a new person who is not exempt from PROMISE JOBS referral, the new person must sign a family investment agreement before being added. Follow the same steps described above to schedule the family investment agreement appointment and to refer the new mandatory person to PROMISE JOBS by entering the applicable “applicant” referral code in ABC.

However, applications to add a person to an active FIP case are not pended. Also, since there is no face-to-face FIP application interview in this situation, PROMISE JOBS will provide the InfoShare orientation information to the applicant.

When scheduling the PROMISE JOBS family investment agreement appointment, if form 470-3897, *FIA Appointment*, must be mailed to the client, allow five mailing days unless the client agrees to an earlier appointment.

See [4-C, Family Investment Agreement](#), for the affect on FIP eligibility if an applicant fails to sign the family investment agreement.

### **Referring Participants**

**Legal reference:** 441 IAC 41.24(4), 93.104(4)

When a FIP participant loses exempt referral status while receiving FIP, refer the person to PROMISE JOBS through ABC. If a FIP participant who loses exempt status and is referred to PROMISE JOBS fails to sign a family investment agreement, that person is considered to have chosen a limited benefit plan.

To refer FIP participants who become mandatory referrals to PROMISE JOBS, enter the system referral code in ABC. See [14-B-Appendix](#), [TD03 JOBS](#), for codes.

The system will send the participant a letter telling the participant to contact PROMISE JOBS within ten days to schedule an appointment. The letter will also inform the participant about the participant's responsibilities under PROMISE JOBS and the family investment agreement.

PROMISE JOBS will schedule the appointment and provide the orientation information to the FIP participant.

The only time an exempt person would become mandatory while on FIP would be when:

- ◆ A person age 16 to 18 who is not a parent drops out of school, or
- ◆ A minor becomes a parent.

### **Referring Battered Aliens**

**Legal reference:** 441 IAC 41.23(5), 41.24(1), 41.24(3), 41.24(4), 93.104(239B)

Battered aliens are subject to the same PROMISE JOBS and family investment agreement requirements as other FIP applicants and participants. See [4-L](#), [Battered Aliens](#). Make the referral to PROMISE JOBS in the same way as for any other FIP applicant or participant.

**Note:** If the person does not yet have a social security number, ABC will not be able to transmit the referral information to PROMISE JOBS. Enter the PROMISE JOBS referral code in ABC, but also note in the comments section of form 470-3897, *FIA Appointment*, that the person is a battered alien who does not yet have a social security number. Include the person's address and date of birth and the names and ages of the children in the home (regardless of their FIP status).

### **Referring Hardship Exemption Families**

**Legal reference:** 441 IAC 41.30(3), 93.104(239B)

Families that are subject to the 60-month FIP limit can receive FIP beyond that limit only if they request and are determined eligible for a hardship exemption. The hardship determination is a two-step process:

- ◆ First, you are responsible for determining whether the family has a hardship condition that affects its ability to be self-supporting.
- ◆ Second, the “adults” in the family must work with PROMISE JOBS and complete a family investment agreement.

The family must meet the requirements of both steps before the hardship exemption request can be approved. When you have decided that the family has a hardship condition, the adults in the family must then work with PROMISE JOBS to develop and sign a six-month family investment agreement before the hardship exemption request can be approved.

To refer families who are requesting FIP beyond 60 months,

- ◆ Complete section 1 of form 470-3876, *Hardship Exemption Determination*, and provide a copy to PROMISE JOBS.
- ◆ If the FIP case is closed and a *Financial Support Application*, forms 470-0462 or 470-0462(S), has been received, pend the case on ABC.
- ◆ Enter the system referral code on ABC. See [14-B-Appendix](#), TD03 JOBS, for appropriate codes.
- ◆ Use the PJCase system Calendar to schedule an appointment for the applicant to meet with PROMISE JOBS to write and sign the family investment agreement. Schedule the appointment for the earliest time available with the applicant’s agreement. The appointment date offered must be within ten days. PROMISE JOBS will handle any rescheduling after the initial appointment is scheduled.
- ◆ Complete form 470-3897, *FIA Appointment*. Provide a copy to the applicant and forward a copy to PROMISE JOBS. If form 470-3897 must be mailed to the client, allow five mailing days, unless the client agrees to an earlier appointment.

- ◆ Provide a copy of form 470-0806, *Self-Assessment*, to the applicant with instructions to complete the form to the best of their ability and take it to the PROMISE JOBS appointment.
- ◆ Provide an overview of the PROMISE JOBS program by use of InfoShare, if the FIP case is closed and a *Financial Support Application* was required.

After the adults have signed the six-month family investment agreement and the family's hardship exemption is subsequently approved, the adults are mandatory PROMISE JOBS participants. They cannot be exempt from PROMISE JOBS. Adults with disabilities will have the disabilities addressed in their six-month family investment agreement.

When a parent in the family receives SSI, the affect of the 60-month FIP limit is as follows:

- ◆ When the only parent or both parents in the home receive SSI, the 60-month FIP limit does **not** apply. Therefore, either type family does not need a hardship exemption to qualify for FIP beyond 60 months.
- ◆ However, the 60-month limit **does** apply when both parents are in the home but only one parent receives SSI. As a result, the family can receive FIP beyond the 60-month limit only if it requests and is granted a hardship exemption.

To be granted the hardship exemption, both parents must work with PROMISE JOBS and complete the six-month family investment agreement. After the hardship exemption request is approved, both the SSI parent and the non-SSI parent are mandatory PROMISE JOBS referrals.

**Note:** Families that are approved for a hardship exemption must meet all other FIP requirements. Therefore, in addition to the adults, other members of the family may be required to participate in PROMISE JOBS and sign the six-month family investment agreement, e.g., a minor parent who is a child on the adult's FIP case, or a 16- to 18-year-old who is not in school.

See [4-C, Hardship Exemption](#), for a definition of "adult" and other pertinent information.

### **Referring People in a Limited Benefit Plan**

**Legal reference:** 441 IAC 41.24(1)“d,” 41.24(4)“a”

A person who chooses a **first** limited benefit plan may begin the reconsideration process any time from the date of the *Notice of Decision* imposing the limited benefit plan. When the person contacts you before the effective date of the limited benefit plan, use the PJCase system Calendar to determine whether there is an available family investment agreement appointment before the effective date. If there is an available appointment:

- ◆ Use the PJCase system Calendar to schedule the person to sign the family investment agreement before the effective date.
- ◆ Complete form 470-3897, *FIA Appointment*. Provide a copy to the person and forward a copy to PROMISE JOBS.
- ◆ Enter the system referral code on ABC. See [14-B-Appendix](#), [TD03 JOBS](#), for codes.
- ◆ Inform the household of the need to reapply for assistance if the family investment agreement is not signed before the effective date.

If the client contacts PROMISE JOBS to reconsider before the effective date of the limited benefit plan, PROMISE JOBS will schedule the family investment agreement appointment, if there is an appointment available before the effective date.

When there is no family investment agreement appointment available before the effective date, or when a person contacts you after the effective date of a **first** limited benefit plan, inform the household of the need to reapply for assistance. No further action is necessary if the household does not file an application.

When a person reapplies after the effective date of a first limited benefit plan, make the referral as described in [Referring Applicants](#).

When a person chooses a **subsequent** limited benefit plan, the FIP household is ineligible for FIP for a minimum of six months. If a household in a subsequent limited benefit plan files an application for FIP within the six-month period of ineligibility, deny the application and do not refer the person to PROMISE JOBS unless:

- ◆ The household files the application in the last month of the period of ineligibility, and
- ◆ There is an available family investment agreement appointment after the six-month period and within the 30-day period for processing the application.

When the six-month ineligibility period of a **subsequent** limited benefit plan ends and the person who chose the limited benefit plan contacts you or PROMISE JOBS to reconsider the limited benefit plan, explain that the household must file an application to receive FIP again. No further action is needed if the household does not file an application. If the household files an application, make the referral as described at [Referring Applicants](#).

Ineligibility continues thereafter until the person who chose the limited benefit plan reconsiders by signing a family investment agreement. However, the limited benefit plan will not be lifted until the person has completed 20 hours of work or other approvable PROMISE JOBS activity. The 20 hours of activity must be completed in the 30 days after the date the family investment agreement is signed.

### **Referring Disabled People**

**Legal reference:** 441 IAC 41.24(1)

Refer people who claim a disability to PROMISE JOBS unless they are exempt because they are receiving Supplemental Security Income (SSI) benefits due to their own disability or blindness. Refer disabled people who are not receiving SSI even when they claim that they are not able to participate.

When a person on FIP claims to be unable to engage in substantial activity due to a disability that is expected to last for 12 months or expected to result in death, require the person to apply for and accept Social Security Disability (SSD) and SSI benefits. For more information, see [4-C, Benefits From Other Sources](#).

Use your local communication process to inform PROMISE JOBS when a referred person:

- ◆ Claims a disability, or
- ◆ Applies for SSD or SSI benefits.

PROMISE JOBS staff will help referred people with a disability to develop a family investment agreement that meets their individual needs and abilities. If a person claims a limitation due to a disability, PROMISE JOBS will ask the person to provide medical evidence of the limitation. This allows PROMISE JOBS to consider the limitation and any other problems or barriers resulting from the disability when determining the person's level of participation.

Refer people who have a substantial employment limitation resulting from a physical or mental impairment to the Department of Education, Division of Vocational Rehabilitation Services. (The person's acceptance of vocational rehabilitation services is optional.) See [Sharing Disability Information with PROMISE JOBS](#) for more information.

### **Who Is Exempt From JOBS Participation**

**Legal reference:** 441 IAC 41.24(2)

Exempt from PROMISE JOBS people who are under age 16 and are not parents. People may also be exempt due to their alien status or receipt of SSI or due to school attendance. The following sections explain requirements under each exemption.

Document in the case record the basis for referring or exempting the person. Enter the referral status of each person into the ABC system (or make a manual referral, if necessary).

**Note:** No exemptions are allowed for "adults" in families approved for a six-month hardship exemption, including adults that receive SSI due to disability or blindness. The adult's disability will be addressed in the family investment agreement. Refer to [4-C, Hardship Exemption](#), for a definition of "adult" and other pertinent PROMISE JOBS information.

#### **Alien Exemption**

**Legal reference:** 441 IAC 41.24(1)"c," 41.24(2)"f"

Exempt from PROMISE JOBS people who are not U.S. citizens and whose alien classification is not listed at 8 USC Section 1641. They are exempt from the family investment agreement and are not subject to the limited benefit plan. Refer to [4-L, Alien Status](#), for more information on alien statuses and their effect on FIP eligibility and PROMISE JOBS participation.

#### **School Attendance Exemption**

Exempt from PROMISE JOBS people who are ages 16 to 19, are not parents, **and** are attending elementary or secondary school or the equivalent level of vocational or technical school on a full-time basis except when:

- ◆ The person is receiving FIP, and
- ◆ The person was referred to PROMISE JOBS on or after November 1, 2005, and returned to school after signing a family investment agreement that remains in effect.

To determine exemption based on school attendance, consider the child's attendance full time even when the child is not present during school vacations or because of illness, convalescence, or family emergencies.

A child meets the definition of regular school attendance until the child has been officially dropped from the school rolls. Accept the school's statement regarding full-time status. Participating in a correspondence school does not exempt a child from PROMISE JOBS.

A person on FIP aged 16 to 19 who is referred to PROMISE JOBS remains obligated to a signed family investment agreement as long as the person remains eligible for FIP, regardless of school attendance. Do not exempt a person aged 16 to 19 who has signed a family investment agreement if the person returns to school.

FIP applicants aged 16 to 19 who are not parents and who have chosen an active limited benefit plan must take action to reconsider the limited benefit to become FIP eligible, regardless of their school attendance status. See [Referring People in a Limited Benefit Plan](#) for more information.

### **Receiving SSI**

Except for "adults" in families that you have determined to meet hardship exemption criteria, exempt people who are receiving SSI benefits due to their own disability or blindness from PROMISE JOBS referral.

Refer all disabled people who are not receiving SSI to PROMISE JOBS. This includes people who:

- ◆ Have a pending application for SSI or Social Security Disability (SSD),
- ◆ Have filed an appeal of a denial of SSI or SSD, and
- ◆ Are receiving other disability benefits, such as VA or worker's compensation.

When a person in the eligible group or a parent living in the home of a FIP child claims to be unable to engage in substantial activity due to a disability that is expected to last for 12 months or to result in death, require the person to apply for and accept Social Security Disability and SSI benefits.

## **Case Maintenance**

PROMISE JOBS case maintenance policies include:

- ◆ [Reviewing exempt referral status](#)
- ◆ [Circumstances when a mandatory participant may become exempt](#)
- ◆ [Sharing disability information with PROMISE JOBS](#)
- ◆ [Informing the PROMISE JOBS worker about changes in a participant's earnings](#)

### **Reviewing Exempt Referral Status**

**Legal reference:** 441 IAC 41.24(239B)

Review the referral status at six-month and annual reviews, and when changes occur. Reevaluate the status of exempt people when changes affecting the exemption occur. Review a client's referral status when:

- ◆ A person aged 16 to 19 who is not a parent is officially dropped from school rolls.
- ◆ A participant turns 16.
- ◆ A child is born to a minor child.
- ◆ A person's alien status changes.
- ◆ A person is no longer eligible for SSI.

Reexamine the referral status of all people who reapply for FIP after a case is canceled.

Remember, all "adults" as defined in families that are approved for a hardship exemption are mandatory PROMISE JOBS participants. No exemptions are allowed, including for disabled adults who receive SSI. See [4-C, Hardship Exemption](#), for additional information.

### **When a Mandatory Participant Can Become Exempt**

**Legal reference:** 441 IAC 41.24(2)

Exempt people who become eligible for SSI as described at [Receiving SSI](#) unless:

- ◆ The six-month ineligibility period of a subsequent limited benefit plan is in effect, and
- ◆ The person was not eligible for SSI on the date that the notice is issued to start the limited benefit plan.

Stop a first limited benefit plan when the person who chose the limited benefit plan becomes eligible for SSI.

Stop a subsequent limited benefit plan if the six-month ineligibility period has expired, and the person who chose the limited benefit plan becomes eligible for SSI. Stop a subsequent limited benefit plan when you learn that the person who chose it is eligible for SSI on the date that the notice is issued to start the limited benefit plan.

See [Stopping a Limited Benefit Plan](#).

When the six-month ineligibility period of a subsequent limited benefit plan is in effect, and the person becomes eligible for SSI after the notice is issued imposing a limited benefit plan, the limited benefit plan continues through the end of the six months.

Exempt people age 16 to 19 who are not parents and who were referred on or after November 1, 2005, and who return to school before signing a family investment agreement. Stop an individual limited benefit plan chosen by a person aged 16 to 19 when you learn that the person returned to school before signing a family investment agreement. See [Stopping a Limited Benefit Plan](#) for more information.

Do not exempt people ages 16 to 19 who are not parents and who were referred on or after November 1, 2005, and who return to school after signing a family investment agreement that remains in effect.

See [School Attendance Exemption](#) for a definition of acceptable school attendance and for more information.

### **Sharing Disability Information with PROMISE JOBS**

Refer a person who claims a disability to PROMISE JOBS, unless the person is receiving SSI or is exempt due to alien status or age.

Inform PROMISE JOBS when a referred person claims a disability as indicated on their application form, their review form, during an interview, etc. Provide PROMISE JOBS with any information regarding the claimed disability that is pertinent to the person's ability to participate in PROMISE JOBS activities.

Inform PROMISE JOBS when you are aware that a person in the eligible group or a parent living in the home has applied for SSD or SSI benefits for disability. Keep PROMISE JOBS informed of any changes in the SSD or SSI application status that you become aware of, such as an approval or denial.

Establish and use local communication procedures, such as e-mail, memo, or phone call, to inform PROMISE JOBS staff of these situations. PROMISE JOBS staff will help referred clients with a disability to develop a family investment agreement that meets their individual needs and abilities.

If the person claims a limitation due to a disability, PROMISE JOBS will ask the person to provide medical evidence of the limitation. This allows PROMISE JOBS to consider the limitation, and any other problems or barriers resulting from the disability, when determining the person's level of participation.

PROMISE JOBS will contact you when a participant is being referred to the Division of Vocational Rehabilitation Services. You need to make the referral entry in the ABC system of "V" in the OHP field of the TD03 screen.

PROMISE JOBS will also contact you when a referred person claims a disability that is expected to last for 12 months or that is expected to result in death, and the person claims to be unable to engage in substantial activity due to the disability. In this situation, require the person to apply for SSD and SSI as a condition of continued eligibility.

Use your local communication procedures to inform PROMISE JOBS staff that a referred person has applied for SSD or SSI. See [4-C, Benefits From Other Sources](#), for more information on the requirement to apply for and to accept SSD or SSI benefits.

### **Informing PROMISE JOBS About Changes in Earnings**

**Legal reference:** 441 IAC 41.24(239B)

When you become aware of a PROMISE JOBS participant who has begun, ended, or changed employment, send a copy of form 470-2844, *Employer's Statement of Earnings*, or equivalent verification, to the PROMISE JOBS worker.

If the PROMISE JOBS worker is unknown, send the form to the PROMISE JOBS office designated under the coordination arrangements of the PROMISE JOBS local service plan.

When a PROMISE JOBS worker becomes aware of a participant's change in employment, the PROMISE JOBS worker will send form 470-0820, *Notice of Employment*, to notify the IM worker of the change.

Return the form to the PROMISE JOBS worker and attach a copy of the completed form 470-2844, *Employer's Statement of Earnings*. You do not need to complete Part B of the *Notice of Employment* if the *Employer's Statement* is attached.

## **FAMILY INVESTMENT AGREEMENT**

**Legal reference:** 441 IAC 93.109(2)

Any person referred to PROMISE JOBS must enter into a family investment agreement (FIA). The family investment agreement is an individualized agreement with the state that is developed during the PROMISE JOBS assessment. FIP applicants must sign a family investment agreement before FIP approval. See [4-C, Family Investment Agreement](#).

This agreement addresses a particular family's needs, the services to be provided by the state, the actions the family will take, and the timetables to be met by the family so that the family can attain self-sufficiency. Families who do not reach self-sufficiency at that point, even though they are making a good faith effort to do so, must work with PROMISE JOBS to renegotiate and amend their family investment agreement.

The family investment agreement requires each mandatory PROMISE JOBS participant to take part in one or more of the following components after orientation and assessment are completed:

- ◆ Full-time or part-time employment
- ◆ Job-seeking skills training and group or individual job search
- ◆ High school completion
- ◆ GED
- ◆ Adult basic education
- ◆ Training in English as a second language
- ◆ Postsecondary education
- ◆ Family development and self-sufficiency (FaDSS) or other family development program
- ◆ Work experience placement
- ◆ On-the-job training
- ◆ Unpaid community service
- ◆ Parenting-skills training
- ◆ Life skills training

Referral for family planning and domestic violence counseling can also be included as an option in the family investment agreement. PROMISE JOBS will not impose a limited benefit plan for a failure to choose or carry out either of these activities. Refer to 4-Appendix, [PROMISE JOBS Provider Manual](#), for additional information on domestic violence provisions.

| Teenaged parents are subject to special requirements, discussed in [Persons Aged 19 or Under](#).

Once the family investment agreement is negotiated, PROMISE JOBS participants are required to carry out the activities in it. Employment must be the primary activity of the family investment agreement whenever it is compatible with the participant's self-sufficiency goal.

People who do not carry out the terms of their family investment agreement may have barriers to participation that must be addressed in the family investment agreement. See [Barriers to Participation](#). If this is not the case, the PROMISE JOBS worker may excuse the action for one of the reasons listed under [Excusing Clients From PJ Activities or for Refusing Employment](#). Otherwise, failure to carry out family investment agreement responsibilities constitutes a choice of the limited benefit plan.

The responsibility for carrying out the steps of the family investment agreement ends when FIP assistance ends for the household.

PROMISE JOBS will reinstate the existing family investment agreement when FIP eligibility is reestablished if:

- ◆ FIP eligibility is reinstated without a new application, or a new application is required but eligibility is reestablished with a break of one month or less, **and**
- ◆ The participant has not become exempt from PROMISE JOBS participation.

If an application is required and FIP eligibility is reestablished with a break of more than one month, a new family investment agreement must be signed or the old family investment agreement must be resigned.

The following sections give more information on family investment agreement development when:

- ◆ [Six-month hardship exemption family investment agreement](#)
- | ◆ [Persons are aged 19 or under](#)
- ◆ [There are barriers to participation](#)
- ◆ [Circumstances justify excusing a client from PROMISE JOBS activity](#)

### **Six-Month Hardship Exemption Family Investment Agreement**

Families with adults (as defined) that have exhausted their 60-month FIP limit may receive FIP beyond 60 months if they request and are granted a hardship exemption and meet all other FIP requirements.

The hardship exemption eligibility determination is a two-step process:

- ◆ Based on supporting evidence, the local IM worker determines whether the family has a hardship condition that prevents the family from being self-supporting.
- ◆ If the IM worker determines the family meets hardship criteria, the adults in the family must meet with PROMISE JOBS to develop and sign a six-month family investment agreement that addresses the family's documented hardship condition.

The family must meet both steps before the hardship exemption request can be granted.

The family investment agreement must:

- ◆ Address the circumstances that are creating the family's barrier to self-sufficiency.
- ◆ Contain specific steps that can reasonably be expected to enable the family to make incremental progress toward overcoming the barrier.

The family must participate to its maximum potential in activities expected to lead to self-sufficiency. However, the family investment agreement activities must not conflict with the family's service case plan.

Failure to meet with PROMISE JOBS or to develop and sign the required family investment agreement results in denial of the family's hardship exemption request.

After the adults have signed the six-month family investment agreement and the family's hardship exemption request is approved, the adults are mandatory participants. Adults with disabilities will have their disabilities addressed in the six-month family investment agreement.

Families approved for a hardship exemption that have difficulty fulfilling the terms in their six-month family investment agreement must work with PROMISE JOBS and amend the family investment agreement. Families must also amend their family investment agreement when their six-month hardship exemption period is revised, e.g., as a result of a final appeal decision.

Families that have been granted a hardship exemption and do not follow the terms of their six-month family investment agreement or that fail to amend the family investment agreement when necessary will have chosen a limited benefit plan, the same as families that are in their 60-month FIP period.

Each subsequent hardship exemption requires a new six-month family investment agreement. PROMISE JOBS provides supportive services and monitors the family investment agreement. For additional information, refer to [4-C](#), Hardship Exemption.

### **Persons Aged 19 or Under**

**Legal reference:** 441 IAC 41.24(3)“a” and “b”

As part of the family investment agreement, persons who are ages 18 or 19 must:

- ◆ Attend educational activities to obtain a high school diploma or its equivalent.
- ◆ Participate in work and training activities if PROMISE JOBS staff determine that:
  - The person is not making good progress in completing educational activities.
  - Participation in educational activities is not appropriate.
- ◆ Participate in parenting skills training if they have a child of their own.

Persons aged 17 or younger must:

- ◆ Participate in educational activities to obtain a high school diploma or its equivalent, or
- ◆ Participate in other family invest agreement options if the school considers them unable to participate in educational activities.

In addition, parents aged 17 or younger must:

- ◆ Participate in parenting skills training.
- ◆ Participate even if emancipated by court action or marriage.
- ◆ Participate even if considered a child on the case of the minor parent's parent.

Minor parents determined to have good cause for not living with their parent or legal guardian must attend FaDSS or other family development.

Alien status is the only exemption criteria that applies to parents aged 19 or under.

### **Barriers to Participation**

**Legal reference:** 441 IAC 93.134(239B)

Barriers to participation may be identified during assessment or during participation in the family investment agreement. If barriers are identified during assessment, PROMISE JOBS staff will consider these issues in the development of the family investment agreement. If barriers become apparent after participation has begun, the family investment agreement may be renegotiated to address the barriers.

Even if barriers to participation exist, the person remains a mandatory participant. Examples of barriers are:

- ◆ Lack of transportation.
- ◆ Substance addiction.
- ◆ Sexual or domestic abuse history.
- ◆ Overwhelming family stress.
- ◆ Lack of needed child or adult care. (PROMISE JOBS will not require participation until care has been arranged. Where special needs care is not available, the client's family investment agreement activity may be the provision of this care.)
- ◆ Physical or mental disability.

If a person chooses not to cooperate in removing identified barriers to participation, the person is choosing the limited benefit plan, unless the person is refusing to apply for or to accept social security or SSI benefits.

When a person in the eligible group or a parent in the home claims a disability that is expected to last for more than 12 consecutive months, require the person to apply for and to accept SSD and SSI as a condition of eligibility for the entire family. If the person in this situation refuses, FIP is canceled. See [4-C, Benefits From Other Sources](#), for more information on the requirement to apply for and to accept SSD or SSI benefits.

### **Excusing Clients From PJ Activities or for Refusing Employment**

**Legal reference:** 441 IAC 93.133(1), 93.133(4)

The table that follows lists reasons why a client can be excused from PROMISE JOBS activities and reasons for excusing a client who reduces, refuses, or ends employment, including discharges due to the client's misconduct.

Regardless of the reason, a client who has been excused by PROMISE JOBS still retains mandatory participant status.

If Column 1 (labeled "PJ") is checked, the circumstance is an acceptable reason for excusing a client from PROMISE JOBS activity other than work. If Column 2 (labeled "Work") is checked, the circumstance is an acceptable reason for excusing a client who refuses, reduces, or ends employment. (Some circumstances are reasons for both excusing a client from PJ activities **and** excusing a client for reducing, refusing, or ending employment.)

There may be other circumstances not listed in the table in which forcing clients to participate would prevent them from becoming self-sufficient. Ask the area income maintenance supervisor 2 to refer these cases to the administrator of the Division of Financial, Health, and Work Supports through a memo.

<b>PJ</b>	<b>Work</b>	<b>Circumstance</b>
✓	✓	The travel required from home to the work assignment, job, or unpaid community service site takes over one hour each way, including time needed to take a child to day care.

PJ	Work	Circumstance
	✓	The work offered is at a site subject to a strike or lockout. See <a href="#">4-C</a> for how to handle a person involved in a strike. If the strike has been enjoined under Section 208 of the Labor-Management Relations Act (commonly known as the Taft-Hartley Act), or if an injunction has been issued under Section 10 of the Railway Labor Act, the client may not refuse employment.
✓	✓	The job violates state or federal health and safety standards.
✓	✓	Workers' compensation is not provided.
✓	✓	The job is contrary to the participant's religious or ethical beliefs.
✓	✓	The participant is required to join, resign, or refrain from joining a legitimate labor organization.
✓	✓	The work requirements are beyond the mental or physical capabilities of the participant, as documented by reliable evidence.
✓	✓	There is discrimination by an employer based on age, race, sex, color, handicap, religion, national origin, or political beliefs.
✓	✓	Work demands or conditions make employment unreasonable, such as working without being paid on schedule.
✓	✓	There are circumstances beyond the control of the participant, such as disruption of regular mail delivery.
	✓	The change or termination is part of the family investment agreement.
	✓	The job does not pay at least the minimum amount that is customary for the same work in the community.

PJ	Work	Circumstance
	✓	The client takes a job that provides better pay, even though the hours of employment may be less than the current job.
	✓	<p>Accepting employment would result in a net loss of cash income to the participant's family. "Net loss of cash income" means the family's gross income, less necessary work-related expenses, is less than the cash assistance the client was receiving at the time the offer of employment is made.</p> <p>"Gross income" may include earnings, unearned income, cash assistance, etc. It does not include food stamp benefits and in-kind income. Use the family's actual work-related expenses rather than the standard deductions.</p> <p>In the absence of gasoline receipts, use the current mileage rate allowed for state employees when determining the client's mileage expenses. (See the <a href="#">example</a> at the end of this table.)</p>
	✓	The employment changes substantially from the terms of hire, such as a change in work hours, work shift, job duties, or decrease in pay rate.
✓		The participant needs to stay in the home because of illness of another family member. PROMISE JOBS staff may request medical documentation of the illness.
✓		The participant is ill. If a participant is ill more than three consecutive days or habitually ill, PROMISE JOBS staff may request medical documentation of the illness.
✓		The participant has a family emergency, using the reasonable standards of an employer.
✓		The participant is absent or late due to bad weather, using the reasonable standards of an employer.

PJ	Work	Circumstance
✓		<p>The client is absent or late because the participant or the participant’s spouse has a job interview. The participant must provide notice 24 hours before the interview, if possible. The notice must include the name and address of the prospective employer.</p> <p>If 24-hour advance notice is not possible, the participant must provide the information as soon as possible. It must be provided before the interview.</p>
✓		<p>The participant has a newborn child. Absence is determined using the standards of the Family Leave Act of 1993.</p>

1. Ms. A receives a FIP grant of \$361 each month for herself and her four-year-old daughter. She is offered a job that would give her gross pay of \$1,000 a month.
 

If she accepts the job, her FIP grant will be reduced to \$48. Because of her high actual work expenses (due to high mileage, uniforms, meals, and high child care costs due to her daughter’s disability), only \$300 of the \$1,000 gross wages represents net profit.

Since Ms. A’s current income of \$361 is more than her cash income if she takes the job (\$48 FIP plus \$300 net earnings equal \$348), Ms. A has good cause for refusing the job.
2. Ms. B receives a FIP grant of \$361 each month for herself and her 12-year-old daughter. She is offered a job that would give her gross pay of \$600 a month.
 

If she accepts the job, her FIP grant will be reduced to \$208. Because of her high actual work expenses (due to high mileage, uniforms, meals, and high child care costs due to a night shift), only \$200 of the \$600 gross wages represents net profit.

However, since her current income of \$361 is less than her cash income if she takes the job (\$208 FIP plus \$200 net earnings equal \$408), Ms. B does not have good cause for refusing the job.

## **LIMITED BENEFIT PLAN**

**Legal reference:** 441 IAC 41.24(8)

A FIP household that fails to sign or follow the terms of the family investment agreement will be subject to a limited benefit plan (LBP). The basic **first** limited benefit plan:

- ◆ Creates ineligibility for the entire family, and
- ◆ Continues until the person who chose the limited benefit plan reconsiders by signing a family investment agreement.

A **basic subsequent** limited benefit plan chosen by the same person or by either parent on a two-parent case:

- ◆ Creates ineligibility for the entire family for a minimum of six months, and
- ◆ Continues after six months until the person who chose the limited benefit plan reconsiders by:
  - Signing a family investment agreement, and
  - Completing 20 hours of work or other approvable PROMISE JOBS activity within 30 days after signing the family investment agreement.

Any valid limited benefit plan imposed since January 1994 (when the Department began using family investment agreements) counts when determining whether a household is subject to a subsequent limited benefit plan.

A limited benefit plan that is stopped because it was imposed in error is not counted as a valid limited benefit plan. However, a limited benefit plan that is stopped because the client reconsidered and signed a family investment agreement does count as a valid limited benefit plan, even if the client reconsiders before the effective date of the limited benefit plan.

The basic limited benefit plan applies when the limited benefit plan is chosen by:

- ◆ The parent on a one-parent case.
- ◆ Either parent on a two-parent case.
- ◆ A needy specified relative on a nonparental case.

The PJCase system identifies such a limited benefit plan as a **normal**. The limited benefit plan is modified for other case situations.

The same limited benefit plan provisions are also applicable when the “adults” in families approved for a hardship exemption fail to carry out the terms of their six-month hardship exemption family investment agreement or fail to amend their hardship exemption family investment agreement when so required. See [4-C, Hardship Exemption](#), for additional information.

The following sections give more information on:

- ◆ [When the limited benefit plan is chosen](#)
- ◆ [To whom the limited benefit plan is applied](#)
- ◆ [Variations on the limited benefit plan in certain case situations](#)
- ◆ [Reconsidering a limited benefit plan](#)
- ◆ [Stopping a limited benefit plan](#)

### **When the Limited Benefit Plan Is Chosen**

**Legal reference:** 441 IAC 41.24(8), 93.138(2), 93.138(3)

A FIP participant who is a mandatory PROMISE JOBS referral “chooses a limited benefit plan” when the participant does not carry out family investment agreement responsibilities after signing a family investment agreement.

A FIP participant whose referral status changes from exempt to mandatory also “chooses a limited benefit plan” when the participant:

- ◆ Does not establish or does not keep an orientation appointment.
- ◆ Does not sign the family investment agreement (FIA) after attending orientation.

When a FIP participant is referred to PROMISE JOBS, the ABC system automatically issues a letter instructing the client to contact PROMISE JOBS to schedule an appointment within ten days.

If the FIP participant does not schedule an appointment or fails to attend or reschedule the appointment, PROMISE JOBS staff send one reminder letter giving the client an additional ten days to comply.

After the client attends orientation, PROMISE JOBS must assess the individual and family circumstances before the client is ready to negotiate and sign the family investment agreement. PROMISE JOBS may need to schedule additional appointments with the client to accomplish this. A client who does not participate in this process or who does not sign a family investment agreement chooses a limited benefit plan.

**Note:** FIP applicants must sign a family investment agreement before FIP approval. Families that have received FIP for 60 months and are requesting a hardship exemption must develop and sign a six-month family investment agreement as a condition for being granted the exemption.

Failure to develop or sign a family investment agreement in these circumstances results in ineligibility for FIP rather than a limited benefit plan. See [4-C, Hardship Exemption](#), and [4-C, Family Investment Agreement](#), for additional information.

When a client who has signed a family investment agreement fails to carry out the family investment agreement responsibilities, the PROMISE JOBS worker will attempt to resolve the participation issue. If there are problems or barriers to participation, PROMISE JOBS will work with the client to find solutions to the problems before determining the client has chosen the limited benefit plan.

Specifically, when a participation issue first occurs, the PROMISE JOBS worker will:

- ◆ Send the participant a written reminder, request, or letter to:
  - Identify the participation issue,
  - Clarify expectations,
  - Attempt to identify problems and barriers to participation, and
  - Offer supervisory intervention.
- ◆ Involve an impartial third party, if necessary, to help resolve participation issues.

If the client does not resume participation, the client is considered to have chosen the limited benefit plan.

Before PROMISE JOBS imposes a limited benefit plan, an administrative or local review of the case must agree that the participant has chosen the limited benefit plan and that there is no further action PROMISE JOBS can take to encourage participation. IWD administrative staff determine the review procedures that occur before imposing a limited benefit plan.

When PROMISE JOBS efforts do not result in participation in the family investment agreement, and the review agrees that the participant has chosen a limited benefit plan, PROMISE JOBS makes a system entry to impose the limited benefit plan. When the system can determine the persons who become ineligible due to the limited benefit plan, the system:

- ◆ Cancels FIP for these persons.
- ◆ Recalculates Food Assistance.
- ◆ Sends a timely *Notice of Decision* to the household.
- ◆ Assigns the individual sanction status at ABC system cutoff in the month before the effective date of the limited benefit plan.

The *Notice of Decision* explains the actions the client needs to take to end the limited benefit plan. For a subsequent limited benefit plan, the notice also states the minimum six-month ineligibility period.

Even though PROMISE JOBS has imposed the limited benefit plan, continue to act on changes and reports that occur on the case.

1. Ms. A, her 16-year-old son and her ten-year-old daughter apply for FIP. Ms. A is referred to PROMISE JOBS and a family investment agreement is written and signed before approval for FIP. Ms. A meets all FIP eligibility requirements and FIP is approved.

The 16-year-old drops out of high school. The IM worker changes his PROMISE JOBS referral status from exempt to a mandatory participant. On January 15, the system sends a letter instructing him to contact PROMISE JOBS within ten days to schedule his orientation. He fails to do so.

PROMISE JOBS sends a reminder letter giving him a second ten days to respond. He fails to do so. A review agrees that the 16-year-old has chosen a limited benefit plan. PROMISE JOBS makes an entry in PJCase to impose the limited benefit plan. The system sends a *Notice of Decision* notifying Ms. A that her son has chosen a first limited benefit plan effective March 1. Ineligibility for the son continues until he reconsiders and signs a family investment agreement.

2. Mr. B and his child receive FIP. Mr. B signed a family investment agreement when he applied for FIP as part of the application process and to reconsider the limited benefit plan that he chose in the previous year. The PROMISE JOBS worker determines that Mr. B once again is not following the steps of his family investment agreement and sends a written reminder letter.

After Mr. B does not respond to the reminder letter, PROMISE JOBS determines that Mr. B abandoned his family investment agreement and refers the case for an administrative review. The case review agrees that Mr. B has abandoned his family investment agreement.

On June 7, local PROMISE JOBS staff receive approval and make an entry in PJCase to impose the second limited benefit plan. The system cancels FIP and sends a *Notice of Decision* informing Mr. B that he has chosen a second limited benefit plan effective July 1, and that his six-month ineligibility period lasts through December 31.

Once a subsequent limited benefit plan is chosen, the six-month ineligibility period remains unchanged, even if the case is canceled for other reasons.

Ms. C chooses a subsequent limited benefit plan that makes her family ineligible for FIP effective November 1 through April 30. The worker also cancels FIP effective November 1, as Ms. C's income exceeds FIP limits. In March, Ms. C's income goes down and she reapplies for FIP.

The worker denies the application because the six-month period of ineligibility is in effect through the month of April. Ms. C reapplies on June 2. She reconsiders the limited benefit plan by signing a family investment agreement on June 10 and completing 20 hours of approvable PROMISE JOBS activity. The worker approves FIP effective June 10, the date the family investment agreement was signed.

## **To Whom the Limited Benefit Plan Is Applied**

**Legal reference:** 441 IAC 41.24(8)

The conditions of the limited benefit plan apply to all members of the household except those indicated in the section [Limited Benefit Plan Variations](#).

New members who enter the household during the limited benefit plan period are also subject to the conditions of the limited benefit plan. When new members enter the household after the limited benefit plan is imposed, immediately add the new household members to the limited benefit plan in PJCase. Issue FIP benefits for the new members when eligibility exists in any month before the effective date of the limited benefit plan.

If children in a case under a limited benefit plan chosen by a parent move to another household and meet all other eligibility factors, the children are eligible for FIP in the new household. Use PJCase to stop the limited benefit plan for the children who no longer live with the parent who chose the limited benefit plan.

If a parent on a parental FIP case subject to a limited benefit plan applies for a separate nonparental caretaker case, the limited benefit plan is not in effect for the children on the nonparental caretaker case.

1. Ms. A chooses a first limited benefit plan. On June 2, the system sends a *Notice of Decision* to explain that FIP will end July 1 for Ms. A and her children. On June 7, Ms. A reports her 12-year-old son has moved into the home. The IM worker adds him to Ms. A's limited benefit plan.

On June 20, the worker determines the son meets all eligibility requirements and adds him to FIP effective June 14. The system issues an adjustive FIP payment for his June needs, cancels him for July 1 due to Ms. A's limited benefit plan, and sends one *Notice of Decision* to explain the action.

2. Ms. B chooses a subsequent limited benefit plan and is in the six-month period of ineligibility when her nephew moves into the home. She applies for a nonparental caretaker case for his needs only. He meets all eligibility requirements and is approved with Ms. B as payee. Her limited benefit plan does not affect her nephew's assistance.

3. Ms. C chooses a limited benefit plan for herself and her son. During the period of ineligibility, her son leaves her home and moves in with his grandparents. The grandparents apply for FIP assistance for the child. The IM worker uses PJCase to stop Ms. C's limited benefit plan for the child. The worker determines eligibility and approves FIP for the child.

### **Limited Benefit Plan Variations**

**Legal reference:** 441 IAC 41.24(8)

The limited benefit plan is applied differently in certain households that include:

- ◆ [Children who are mandatory PROMISE JOBS participants](#)
- ◆ [Both a minor parent and an adult parent](#)
- ◆ [Stepparents or needy specified relatives](#)
- ◆ [A needy specified relative who chooses a limited benefit plan effective October 1, 2005, or earlier](#)
- ◆ [Two parents](#)
- ◆ [Families that are granted a hardship exemption](#)

#### **Children Who Are Mandatory PROMISE JOBS Participants**

**Legal reference:** 441 IAC 41.24(8)“b”

Children who are mandatory PROMISE JOBS participants are asked to sign and carry out the activities of the family's family investment agreement. They do not have a separate family investment agreement unless they have children or their parents are exempt from participation.

If a child who is a mandatory PROMISE JOBS participant chooses a limited benefit plan, the **individual** limited benefit plan makes the child ineligible. Exempt the income and resources of the ineligible child in determining continued FIP benefits.

For a **first** limited benefit plan, the child is not eligible until the child reconsiders the limited benefit plan by signing a family investment agreement.

For a **subsequent** limited benefit plan, the child is ineligible for the next six months and thereafter until the child reconsiders the limited benefit plan by signing a family investment agreement and completing 20 hours of work or other approvable PROMISE JOBS activity.

If the mandatory PROMISE JOBS participant who chooses the limited benefit plan is the only child in the home, the parent's or needy specified relative's FIP eligibility also ends on the date the child's limited benefit plan goes into effect. This is because there is no longer an eligible child in the household. Cancel the FIP case effective the date the child's limited benefit plan goes into effect.

1. Ms. A and her 16-year-old son, who is not in school, apply for FIP. The worker refers both of them to PROMISE JOBS as mandatory participants and they sign a joint family investment agreement. If Ms. A chooses a limited benefit plan after signing the family investment agreement, the limited benefit plan applies to the entire household.
2. Ms. A from Example 1 cooperates with the terms of the family investment agreement, but her son chooses the limited benefit plan. The individual limited benefit plan makes the son ineligible. The worker cancels FIP for Ms. A effective the first month of the son's limited benefit plan, because there is no longer an eligible child in the home.
3. The worker approves FIP for Ms. B for her two daughters, a 16-year-old who is not in school and a 17-year-old who is in school. Ms. B is exempt from PROMISE JOBS participation as she receives SSI. The worker refers the 16-year-old to PROMISE JOBS as a mandatory participant because she is not enrolled in school, and she signs a family investment agreement.

If the 16-year-old chooses a limited benefit plan, the individual limited benefit plan makes her ineligible. Ms. B will continue to receive FIP for the 17-year-old, as long as they meet all other eligibility requirements.

### **Minor Parents Living With FIP Parent**

**Legal reference:** 441 IAC 41.24(8)“b”

When a minor parent is living with a FIP parent or needy specified relative, each is responsible for a separate family investment agreement. Both the minor parent and the FIP parent or needy specified relative must meet with PROMISE JOBS to write and sign a family investment agreement before FIP approval.

If the adult parent chooses the limited benefit plan, the limited benefit plan applies to the entire eligible group. When FIP is canceled, the minor parent can reapply for FIP independently or as a minor parent living with self-supporting parents and then continue the family investment agreement process. See [Stopping a Limited Benefit Plan](#) for more information.

If the needy specified relative who is not a parent chooses the limited benefit plan, the limited benefit plan applies only to the nonparental relative except when the limited benefit plan is effective October 1, 2005, or earlier. See [Stepparent or Needy Specified Relative](#) and [Needy Specified Relative Chooses Effective October 1, 2005, or Earlier](#) for more information.

When the minor parent chooses the limited benefit plan, the **partial** limited benefit plan applies only to the minor parent and the minor parent's children.

When a minor parent is the only eligible child in the home and chooses the limited benefit plan, the adult parent's or needy specified relative's FIP eligibility ends on the date the limited benefit plan goes into effect. This is because the parent or needy specified relative no longer has an eligible child. Cancel the entire FIP case effective the date the minor parent's limited benefit plan takes effect.

1. The FIP case consists of Mrs. A, her 17-year-old daughter Ms. Z, and Ms. Z's child. Both Mrs. A and Ms. Z are mandatory PROMISE JOBS participants. Each has signed her own family investment agreement.

If Mrs. A chooses a limited benefit plan, the limited benefit plan makes the entire household ineligible, even though Ms. Z has signed her own family investment agreement. Ms. Z has the option of applying for her own FIP case for herself and her child, as a minor parent living with a self-supporting parent.

2. Mrs. A from Example 1 signs and cooperates in her family investment agreement, but Ms. Z chooses a first limited benefit plan effective December 1. The limited benefit plan makes Ms. Z and her child ineligible.

Although the limited benefit plan does not apply to Mrs. A, the worker cancels FIP effective December 1, because Mrs. A no longer has an eligible child. The entire case is canceled effective December 1.

### **Stepparent or Needy Specified Relative**

**Legal reference:** 441 IAC 41.24(8)“b”

A person included in the eligible group as one of the following is responsible for a family investment agreement unless exempt:

- ◆ An incapacitated stepparent.
- ◆ A needy specified relative who is not a parent.

If one of these people chooses a limited benefit plan, the **individual** limited benefit plan applies only to the responsible person ineligible for FIP. For a first limited benefit plan, the responsible person remains ineligible until the person reconsiders the limited benefit plan by signing a family investment agreement.

For a second or subsequent limited benefit plan, the person remains ineligible for the next six months, and thereafter until the person signs a family investment agreement and completes 20 hours of work or other approvable PROMISE JOBS activity.

**Note:** A limited benefit plan effective October 1, 2005, or earlier, applies to the entire eligible group when chosen by a needy specified relative who assumed the role of parent as there is no parent in the home. See the [Needy Specified Relative Chooses Effective October 1, 2005, or Earlier](#) for procedures on this situation.

1. The FIP household consists of Ms. B, and her two grandchildren. Ms. B is included in the grant as a needy specified relative who has assumed the role of parent as the children's parents are not in the home.

Ms. B is a mandatory PROMISE JOBS participant. Ms. B has chosen a limited benefit plan before. She chooses a subsequent limited benefit plan effective November 1, 2005.

Ms. B's needs are removed from the grant effective November 1. Ms. B is ineligible for FIP for a minimum 6-month period. When the 6-month period ends, Ms. B remains ineligible until she reconsiders by signing a family investment agreement and completing 20 hours of PROMISE JOBS activity. The grandchildren remain eligible as long as other eligibility requirements are met.

2. The FIP household consists of Ms. A, her children, and her mother, Mrs. Z. Ms. A is disabled to such an extent as to be unable to act as payee for her own case. Her mother has been included in the grant as a needy specified relative acting as payee when the parent is unable to do so.

Mrs. Z is a mandatory PROMISE JOBS participant. She chooses a first limited benefit plan and receives a notice that the effective date of her limited benefit plan will be June 1.

Mrs. Z's needs are removed from the grant effective June 1, and she remains ineligible until she reconsiders and signs a family invest agreement. The rest of the household remains eligible, as long as all other eligibility requirements are met.

**Needy Specified Relative Chooses Effective October 1, 2005, or Earlier**

**Legal reference:** 441 IAC 41.24(8)“b,” 93.109(1)“b”

This section applies to a needy specified relative who assumes the role of parent as there is no parent in the home and who chose an active limited benefit plan effective October 1, 2005, or earlier. See [Stepparent or Needy Specified Relative](#) for the effect of a limited benefit plan in other needy specified relative situations.

A limited benefit plan applies to the entire eligible group when it:

- ◆ Is chosen by a needy specified relative who assumes the role of parent as there is no parent in the home, and
- ◆ Is effective October 1, 2005, or earlier.

If the needy specified relative who assumes the role of parent has chosen a **first** limited benefit plan effective October 1, 2005, or earlier, FIP remains canceled until the relative either:

- ◆ Reconsiders the limited benefit plan by signing a family investment agreement, or
- ◆ Reapplies for the needs of the children only.

If the needy specified relative who assumes the role of parent has chosen a **subsequent** limited benefit plan effective October 1, 2005, or earlier, FIP remains canceled for a minimum of six months. When the six-month period of ineligibility ends, FIP remains canceled until the needy specified relative either:

- ◆ Reconsiders the limited benefit plan by signing a family investment agreement and completing 20 hours of PROMISE JOBS activity, or
- ◆ Reapplies for the needs of the children only.

See [Reconsidering a Limited Benefit Plan](#) for procedures to use if the relative reappplies as a needy specified relative.

Use the following procedures if the needy specified relative reappplies for the children only:

- ◆ When the limited benefit plan is a first limited benefit plan, or is a subsequent limited benefit plan beyond the six-month period of ineligibility:
  - The IM worker temporarily stops the limited benefit plan by entering reason “W” in PJCase and determines FIP eligibility for the children. See [Stopping a Limited Benefit Plan](#) for more information.

If the limited benefit plan is not temporarily stopped while the relative receives FIP for the children, the ETS system will incorrectly count the months of FIP towards the relative’s 60-month limit.
  - If the needy specified relative later reappplies to be included in the eligible group, the relative must take the needed action to reconsider the limited benefit plan. The IM worker reactivates the limited benefit plan in PJCase, takes the steps to schedule a family investment agreement appointment, and refers the relative to PROMISE JOBS.
  - If the relative reconsiders the limited benefit plan PROMISE JOBS stops the limited benefit plan by entering reason “R” in PJCase.
  - If the relative fails to complete the reconsideration process, the IM worker denies the application to include the relative in the FIP household and temporarily stops the limited benefit plan again by entering reason “W” in PJCase.
- ◆ When the limited benefit plan is a subsequent limited benefit plan within the six-month period of ineligibility, deny the application unless:
  - The application is filed in month six, and
  - There is an available family investment agreement appointment after the six-month period and within the 30-day period for processing the application.

### **Two-Parent Households**

**Legal reference:** 441 IAC 41.24(8)“b”

In two-parent households where both parents on the grant are mandatory PROMISE JOBS participants, both must sign the family investment agreement. When one parent is exempt, only the mandatory parent must sign the family investment agreement. Every mandatory parent must meet with PROMISE JOBS to write and sign the family investment agreement before FIP approval.

If one parent chooses a limited benefit plan, the limited benefit plan makes the entire household ineligible, even when the other parent is exempt. The other parent cannot end the limited benefit plan by participating.

For a first limited benefit plan when both parents are mandatory PROMISE JOBS participants, ineligibility continues until both parents reconsider and sign a family investment agreement. If one parent is exempt, only the mandatory parent must sign a family investment agreement to end the limited benefit plan.

A subsequent limited benefit plan applies when one parent chooses a limited benefit plan and either that parent OR the other parent in the home previously chose a limited benefit plan that is no longer in effect.

For a subsequent limited benefit plan when both parents are mandatory PROMISE JOBS participants, ineligibility continues for a minimum of six months and thereafter until both parents reconsider the limited benefit plan. To reconsider, each parent must sign a family investment agreement and complete 20 hours of work or other approvable PROMISE JOBS activity. If one parent is exempt, only the mandatory parent must complete the reconsideration actions to end the limited benefit plan.

If a household consists of two parents and at least one common child on FIP, a limited benefit plan chosen by either parent makes the entire household ineligible.

If the parents separate and only one parent chose the **normal** limited benefit plan, the limited benefit plan follows the parent who chose it and applies to any children in the home of that parent. The IM worker makes entry in the PJCase system to stop the limited benefit plan for the parent and children who no longer live with the parent who chose. See [Stopping a Limited Benefit Plan](#) for more information.

If a parent of children on FIP enters the home, and the parent chose a limited benefit plan that is still in effect, the existing FIP household becomes ineligible for FIP effective the first of the next month. The IM worker uses PJCCase to add the parent and children on FIP to the limited benefit plan of the parent entering the home, or to reactivate the returning parent's limited benefit plan for the parent and children on FIP.

If a household consists of two parents but the only common child is not eligible for FIP, and one parent chooses a limited benefit plan, the **partial** limited benefit plan applies only to that parent and that parent's children.

If a household consists of a husband and wife who each have children but have no common children in the eligible group, and one parent chooses a limited benefit plan, the **partial** limited benefit plan applies only to that parent and that parent's children.

1. Mr. and Mrs. A apply for FIP on March 15. The worker refers both Mr. and Mrs. A to PROMISE JOBS as mandatory participants. Both must sign a joint family investment agreement.

Mrs. A signs the family investment agreement, but Mr. A does not sign. Deny the application for the entire household.

If both Mr. and Mrs. A sign the family investment agreement, but one of them later fails to carry out the terms of the family investment agreement, a limited benefit plan is imposed. The limited benefit plan makes the entire family ineligible.

2. Same as Example 1, except that Mrs. A is exempt from participation. Mr. A, the only mandatory participant, chooses a first limited benefit plan beginning June 1. The limited benefit plan makes the entire family ineligible effective June 1. Ineligibility continues until Mr. A reconsiders by signing a family investment agreement.
3. Same as Example 1, except that Mrs. A had chosen a limited benefit plan the previous year that ended before this application. Therefore, Mr. A's limited benefit plan is the second limited benefit plan chosen by a parent in this household.

The limited benefit plan makes the entire family ineligible effective June 1. The family remains ineligible for the months of June through November. After the six-month period ends, ineligibility continues until Mr. and Mrs. A each reconsider by signing a family investment agreement and completing 20 hours of work or other approvable PROMISE JOBS activity.

4. Mr. F and Ms. G receive FIP for three children: his child, her child, and a common child. They have a joint family family investment agreement. Mr. F abandons his family investment agreement steps and chooses a first limited benefit plan effective December 1.

Although Ms. G is meeting the steps of her family investment agreement, the limited benefit plan makes the entire family ineligible, including Ms. G's child, effective December 1. Ineligibility continues until Mr. F and Ms. G each reconsider by signing a family investment agreement.

5. Mr. and Mrs. E receive FIP for his child and her child. They have a common child who receives SSI and therefore is not in the FIP eligible group. Mr. E is meeting the steps of their family investment agreement. Mrs. E abandons her steps and chooses a first limited benefit plan beginning November 1.

The limited benefit plan makes Mrs. E and her child ineligible effective November 1. Ineligibility continues until Mrs. E reconsiders and signs another family investment agreement. Mr. E and his child remain eligible, as long as all other eligibility requirements are met.

6. Mrs. B, her child, her husband Mr. B, and his child apply for FIP on one application. (There are no common children.) Both parents are mandatory PROMISE JOBS participants and must sign a joint family investment agreement.

Mrs. B signs the family investment agreement, but Mr. B refuses to sign. Deny the application for Mr. B and his child. If both parents sign the family investment agreement, but Mr. B later chose a limited benefit plan, the limited benefit plan applies to Mr. B and his child.

7. Mr. and Mrs. C and their two children are ineligible for FIP, as Mr. C chose a first limited benefit plan effective August 1. On September 20, Mr. C and one child leave the home.

The worker makes entry in the PJCase system to stop Mr. C's limited benefit plan for Mrs. C and the child who lives with her. Ineligibility continues for Mr. C and the child who lives with him until he reconsiders by signing a family investment agreement.

8. Mrs. D receives FIP for her three children and has a family investment agreement. On August 15, Mr. D, the children's father, moves into the home. Mr. D chose a first limited benefit plan effective June 1 before he left the home.

Mrs. D and her children become ineligible for FIP beginning September 1. Ineligibility continues until Mr. and Mrs. D each reconsider the limited benefit plan by signing a family investment agreement. (PROMISE JOBS may determine that Mrs. D only needs to resign her existing family investment agreement if her action steps still apply.)

### **Families Granted a Hardship Exemption**

Families that have received FIP for 60 months and are requesting a hardship exemption must develop and sign a six-month family investment agreement as a condition for being granted the exemption. Failure to develop or sign the special six-month family investment agreement results in denial of the family's hardship exemption request rather than a limited benefit plan.

However, a family that has been granted a hardship exemption and does not follow the terms of its six-month family investment agreement or that fails to amend the family investment agreement when so required will have chosen a limited benefit plan.

When families choose a first limited benefit plan during the hardship exemption period and take appropriate reconsideration action before the effective date of the FIP cancellation, FIP must be reinstated for the remainder of the exemption period.

Family A's six-month hardship exemption period is from July through December. Mr. A fails to follow the terms of the family investment agreement, and a limited benefit plan results. A *Notice of Decision* is sent canceling FIP effective August 1 because of the limited benefit plan.

This is Mr. A's first limited benefit plan. If Mr. A takes necessary reconsideration action before August 1, his FIP case is reinstated and may continue for the remainder of the six-month hardship exemption period.

If Mr. A does not reconsider the limited benefit plan before August 1, FIP remains canceled. A new application is required for the family to regain FIP eligibility. If the family's FIP eligibility continues to depend on receiving a hardship exemption, the family must submit a new form 470-3826, *Request for FIP Beyond 60 Months*. A new hardship exemption determination is required before FIP approval.

The same as in other FIP case situations, families that choose a subsequent limited benefit plan during the hardship exemption period are ineligible for FIP for a minimum of six months. They are not allowed to reconsider before the end of the six-month period of ineligibility. Therefore, FIP must be canceled for the remainder of the hardship exemption period.

FIP eligibility cannot be regained until the limited benefit plan period of ineligibility has ended and the family meets all other requirements. A new application is required. In addition, families whose FIP eligibility depends on receiving a hardship exemption must submit a new form 470-3826, *Request for FIP Beyond 60 Months*. A new hardship determination is required before FIP approval.

Family B's six-month hardship exemption period is from July through December. Mrs. B fails to follow the terms of the family investment agreement, and a limited benefit plan results. This is Mrs. B's second limited benefit plan. A *Notice of Decision* is sent canceling FIP effective August 1, because of the limited benefit plan.

The family cannot regain FIP eligibility until the six-month ineligibility period is over and the family meets all other requirements. A new application is required. If the family's FIP eligibility continues to depend on receiving a hardship exemption, the family must also submit a new form 470-3826, *Request for FIP Beyond 60 Months*. A new hardship exemption determination is required before FIP approval.

See [4-C, Hardship Exemption](#), for more information.

### **Reconsidering a Limited Benefit Plan**

**Legal reference:** 441 IAC 41.24(8), 93.138(2), 93.138(3)

A person who chooses a first limited benefit plan may reconsider by signing a family investment agreement. The person may begin the reconsideration process any time from the date of the *Notice of Decision* imposing the limited benefit plan.

Once the *Notice of Decision* imposing a subsequent limited benefit plan is issued, the person who chose the limited benefit plan cannot reconsider it until the six-month period of ineligibility has expired.

When the six-month period ends, the person may reconsider by signing a family investment agreement and completing 20 hours of work or other approvable PROMISE JOBS activity (other than work experience or unpaid community service).

Due to the Fair Labor Standards Act, PROMISE JOBS cannot ask people to participate in work experience or unpaid community service activities unless the person is on FIP. The person must complete the work or other activity in the 30 days after the date the family investment agreement is signed.

If a household in a subsequent limited benefit plan files an application for FIP within the six-month period of ineligibility, deny the application, unless:

- ◆ The household files the application in the last month of the period, **and**
- ◆ There is an available family investment agreement appointment after the six-month period within the 30-day period for processing the application.

To reconsider, the person may contact either you or the PROMISE JOBS worker. The person is able to reconsider the limited benefit plan when:

- ◆ The person chose a first limited benefit plan, or
- ◆ The person chose a subsequent limited benefit plan and the six-month ineligibility period has ended.

When a person contacts you to reconsider a first limited benefit plan before the effective date of the limited benefit plan, use the PJCase system Calendar to determine if there is an available family investment agreement appointment before the effective date. If there is, rerefer the person and schedule an appointment for the person with PROMISE JOBS.

If there is not enough time for the person to sign a family investment agreement before the effective date of the limited benefit plan, inform the household of the need to reapply for assistance. No further action is needed if the household does not file an application.

When a person contacts you or PROMISE JOBS after the effective date of a **first** limited benefit plan, explain that the household must file an application to receive FIP again. If the household files an application, refer the person who chose the limited benefit plan to PROMISE JOBS using the procedures described in [REFERRING CLIENTS TO PROMISE JOBS](#).

When the six-month ineligibility period of a **subsequent** limited benefit plan ends, and the person who chose the limited benefit plan contacts you or PROMISE JOBS to reconsider the limited benefit plan, explain that the household must file an application to receive FIP again. No further action is needed if the household does not file an application.

If the household files an application, refer the person who chose the limited benefit plan to PROMISE JOBS using the procedures described in [REFERRING CLIENTS TO PROMISE JOBS](#).

### **PROMISE JOBS**

Consider a filed FIP application a contact to reconsider the limited benefit plan, even when the person who chose the limited benefit plan makes no other contact.

For reconsideration of a **subsequent** limited benefit plan, PROMISE JOBS determines when the person satisfactorily completes the 20 hours of work or other approvable PROMISE JOBS activity and tracks whether the hours are being completed in the 30 days after date the family investment agreement was signed. The activity and time frame are stated in the person's family investment agreement.

When a person has problems or barriers to participation, PROMISE JOBS may reduce or eliminate the number of required hours, or extend the period for completion beyond the 30 days.

If a person completes the reconsideration process, PROMISE JOBS makes an entry into PJCase to stop the limited benefit plan. Processing of this entry:

- ◆ Removes limited benefit plan coding from ABC,
- ◆ Issues a *Notice of Decision* to inform the family that the limited benefit plan has ended, and
- ◆ Sends an e-mail to the IM worker.

When the limited benefit plan is stopped, determine eligibility and issue a *Notice of Decision* to the family.

#### **Processing Applications**

Consider the application pending so long as PROMISE JOBS considers the person to be continuing in the reconsideration process, even if the time necessary to complete the process extends beyond the normal 30-day application processing period.

Determine the effective date of eligibility following a **first** limited benefit plan (effective June 1, 1999, or later), as follows when the family or individual is otherwise eligible:

- ◆ If the family investment agreement is signed before the effective date of the limited benefit plan, reinstate FIP for the family or the individual.
- ◆ If the family investment agreement is signed on or after the effective date of the limited benefit plan, and FIP was canceled for the entire family, approve FIP effective the date the family investment agreement is signed, or seven days from the application date, whichever date is later.
- ◆ When adding a person who is excluded due to a limited benefit plan, to an active FIP case, the effective date is seven days from the date the family investment agreement is signed.

When a family or individual is otherwise eligible following a **first** limited benefit plan, do not process the approval until PROMISE JOBS stops the limited benefit plan after all persons who are required to sign a family investment agreement have done so.

When a family is otherwise eligible following a **subsequent** limited benefit plan (effective June 1, 1999, or later), approve FIP effective with the latest of the following dates:

- ◆ The date the family investment agreement is signed, or
- ◆ Seven days from the application date, or
- ◆ The first day after the six-month period of ineligibility expires.

When adding a person who is excluded due to a **subsequent** limited benefit plan to an active FIP case, the effective date is seven days from the date the family investment agreement is signed, or the first day after the six-month period of ineligibility expires, whichever date is later.

When a family or individual is otherwise eligible following a subsequent limited benefit plan, do not process the approval until PROMISE JOBS stops the limited benefit plan. This will happen after all persons who are required to sign a family investment agreement and complete 20 hours of work or other approvable PROMISE JOBS activity have done so.

If PROMISE JOBS determines that an applicant has abandoned the reconsideration attempt, deny the application. The limited benefit plan remains in effect. If the person or family reapplies, the person who chose the limited benefit plan must begin the reconsideration process again.

When PROMISE JOBS determines that a person has abandoned the reconsideration attempt before the effective date of a **first** limited benefit plan, issue an adequate *Notice of Decision* to notify the family that assistance will remain canceled. The person who chose the limited benefit plan must make another contact to reconsider and file an application to receive FIP assistance.

When a person makes the contact to reconsider before the effective date of a **first** limited benefit plan, issue an adequate *Notice of Decision* to notify the family that assistance will remain canceled if the person does not sign a family investment agreement before the effective date of the limited benefit plan. Inform the household that they must now file an application to receive FIP assistance.

1. Ms. A and one child are approved for FIP. Ms. A does not follow through on the steps of her family investment agreement. PROMISE JOBS imposes a limited benefit plan. On February 2, the system sends a *Notice of Decision* to notify Ms. A that she has chosen a **first** limited benefit plan effective March 1.

On February 10 (before the effective date of the limited benefit plan), she contacts PROMISE JOBS to reconsider. She signs the family investment agreement on February 20. PROMISE JOBS makes an entry to stop the limited benefit plan. The IM worker reinstates FIP effective March 1.

2. Same as Example 1, except Ms. A contacts IM to reconsider on March 5 when she files an application. Ms. A. signs the family investment agreement on March 25. PROMISE JOBS stops the limited benefit plan. The IM worker approves FIP effective March 25, the date the family investment agreement is signed.
3. Same as Example 1, except Ms. A does not contact IM to reconsider until May 15. She reapplies for FIP on May 19 and signs the family investment agreement on May 24. The PROMISE JOBS worker stops the limited benefit plan. The IM worker approves FIP effective May 26, seven days from the application date.
4. Ms. B receives FIP for two children, ages 16 and 17. The IM worker refers the 17-year-old to PROMISE JOBS, as the child is not in school. The child chooses a limited benefit plan after signing a family investment agreement. The system removes the child's needs from the FIP grant and sends a *Notice of Decision* notifying Ms. B that FIP is decreased effective January 1 because the child chose a limited benefit plan.

On February 12, the 17-year-old contacts PROMISE JOBS to reconsider. The child signs a family investment agreement on February 15. The PROMISE JOBS worker stops the limited benefit plan. The IM worker approves the application to add the child to the eligible group effective February 22, seven days from the date the family investment agreement is signed.

5. Mr. B and his children are ineligible for FIP for the months of March through August, as Mr. B chose a **subsequent** limited benefit plan. Mr. B reapplies for FIP on May 11. The worker denies the application due to the limited benefit plan.

Mr. B applies again on October 17. The IM worker refers Mr. B to PROMISE JOBS to begin the family investment agreement process. Mr. B. signs the family investment agreement on October 27 and agrees to complete 20 hours of job search to get FIP again.

On November 2, PROMISE JOBS notifies IM that Mr. B completed his job search. The IM worker approves FIP effective October 27, the date the family investment agreement was signed.

6. Same as Example 5, except Mr. B signs his family investment agreement on October 20. The IM worker approves FIP effective October 24, which is seven days from the application date.

### **Stopping a Limited Benefit Plan**

**Legal reference:** 441 IAC 41.24(239B)

#### **Policy:**

A limited benefit plan must be stopped when:

- ◆ The client reconsiders the limited benefit plan as described at [Reconsidering a Limited Benefit Plan](#).
- ◆ The limited benefit plan was imposed in error.
- ◆ The client was exempt and referred to PROMISE JOBS in error.
- ◆ A child leaves the household of the person who chose the limited benefit plan or turns 18 and is no longer part of that person's FIP household.
- ◆ The person who chose the limited benefit plan leaves the home.
- ◆ The client files an appeal:
  - Before the effective date of the intended action on the *Notice of Decision* establishing the beginning date of the limited benefit plan, or
  - Within 10 days from the date the participant receives the notice establishing the beginning date of the limited benefit plan. The date on which the notice is received is considered to be five days after the date on the notice, unless the participant shows that the participant did not receive the notice within the five-day period.

A limited benefit plan is considered temporarily stopped pending issuance of a final appeal decision. The limited benefit plan will be considered imposed in error if the final decision reverses the decision to impose the limited benefit plan.

When a limited benefit plan was imposed in error, it is not considered a valid limited benefit plan.

**Procedure:**

Stopping a limited benefit plan is the responsibility of either the income maintenance worker or the PROMISE JOBS worker, depending upon the situation.

The PROMISE JOBS worker is responsible for stopping the limited benefit plan when:

- ◆ The client reconsiders and signs the family investment agreement, or
- ◆ PROMISE JOBS discovers they have imposed the limited benefit plan in error.

See [Reconsidering a Limited Benefit Plan](#) for information on actions required of the IM worker when PROMISE JOBS stops a limited benefit plan because the client reconsiders.

The IM worker is responsible for stopping the limited benefit plan in the following situations, and for taking the corresponding action.

<b>Situation:</b>	<b>IM worker action:</b>
<p>An appeal is filed:</p> <ul style="list-style-type: none"> <li>◆ Before the effective date of the intended action on the <i>Notice of Decision</i> establishing the beginning date of the limited benefit plan, or</li> <li>◆ Within 10 days from the date the participant receives the notice establishing the beginning date of the limited benefit plan. The date on which the notice is received is considered to be five days after the date on the notice, unless the participant shows that the participant did not receive the notice within the five-day period.</li> </ul>	<p>Stop the limited benefit plan and issue a <i>Notice of Decision</i> by entering an “A” in PJCase. Reinstate FIP in ABC. See <a href="#">Appealing a Limited Benefit Plan</a>.</p> <p>If the final appeal decision affirms the limited benefit plan, use PJCase to reactivate the limited benefit plan with a new effective date.</p> <p>If the final decision reverses the limited benefit plan, use PJCase to change the limited benefit plan stop reason from “A” to “C.”</p>

<b>Situation:</b>	<b>IM worker action:</b>
<p>A child in a limited benefit plan chosen by a parent leaves the household. Or, a child leaves the household of a needy specified relative who chose a limited benefit plan effective October 1, 2005, or earlier.</p> <p>Variations:</p> <ul style="list-style-type: none"> <li>◆ A minor parent and child leave the adult parent’s or needy specified relative’s home and become eligible on another case.</li> <li>◆ A minor parent turns 18 (or completes high school if between the ages of 18 and 19) and applies for a separate case.</li> <li>◆ A minor parent and child are canceled effective month one of the adult’s limited benefit plan, and the minor parent applies for a separate FIP case as a minor parent living in the home of a self-supporting parent.</li> </ul>	<p>Stop the limited benefit plan for that child by entering a “B” in PJCase. (The limited benefit plan remains in place for the parent or needy specified relative who chose it and any members of the eligible group who remain with that parent or needy specified relative.) See <a href="#">To Whom the Limited Benefit Plan Is Applied</a>.</p> <p>Stop the limited benefit plan for the minor parent and the minor parent’s child by entering a “B” in PJCase. See <a href="#">Minor Parents Living With FIP Parent</a>.</p> <p>Stop the limited benefit plan for the minor parent and the minor parent’s child by entering a “B” in PJCase. (The minor parent is no longer considered a child, so the adult parent’s or needy specified relative’s limited benefit plan no longer applies.) See <a href="#">Minor Parents Living With FIP Parent</a>.</p> <p>Stop the limited benefit plan for the minor parent and the minor parent’s or relative’s child by entering a “B” in PJCase. See <a href="#">Minor Parents Living With FIP Parent</a>.</p>
<p>The person was referred to PROMISE JOBS in error for one of the following reasons:</p> <ul style="list-style-type: none"> <li>◆ Exempt due to alien status.</li> <li>◆ Exempt due to the receipt of SSI or school attendance at the time the <i>Notice of Decision</i> was issued imposing the limited benefit plan and the person timely reported and verified the receipt of SSI or change in school attendance.</li> </ul>	<p>See <a href="#">Who Is Exempt From JOBS Participation</a>.</p> <p>Stop the limited benefit plan and issue a <i>Notice of Decision</i> by entering reason “C” in PJCase. Redetermine eligibility.</p> <p>Stop the limited benefit plan and issue a <i>Notice of Decision</i> by entering reason “C” in PJCase. Redetermine eligibility.</p>

<b>Situation:</b>	<b>IM worker action:</b>
<ul style="list-style-type: none"> <li>◆ Exempt due to the receipt of SSI or school attendance at the time the <i>Notice of Decision</i> was issued imposing the limited benefit plan <b>but</b> the person had not reported or had not verified the receipt of SSI or change in school attendance.</li> </ul>	<p>Stop the limited benefit plan and issue a <i>Notice of Decision</i> by entering reason “C” in PJCase. Redetermine eligibility. If the receipt of SSI or change in school attendance is not reported and verified until after the effective date of the limited benefit plan, do not issue corrective benefits.</p>
<p>The parent in a two-parent household who chose the limited benefit plan leaves the household, and the other parent did not choose the limited benefit plan.</p>	<p>Stop the limited benefit plan for the remaining parent and any children living with the parent and issue a <i>Notice of Decision</i> by entering reason “D” in PJCase. See <a href="#">Two-Parent Households</a>.</p> <p>When the parent who chose the limited benefit plan leaves before the effective date of the limited benefit plan, reinstate FIP for the remaining household members, if otherwise eligible.</p> <p>When the parent who chose the limited benefit plan leaves on or after the effective date of the limited benefit plan, the remaining household members must reapply to receive FIP.</p> <p>The limited benefit plan remains on the parent who chose it and any children living with that parent. If the parent choosing the limited benefit plan rejoins the household and the limited benefit plan is still in effect, restart the limited benefit plan for rest of the household using PJCase.</p>
<p>The limited benefit plan must be stopped but no other stop reason applies, such as:</p> <ul style="list-style-type: none"> <li>◆ The person who chose the limited benefit plan became exempt due to the receipt of SSI after the <i>Notice of Decision</i> imposing it was issued and remains exempt.</li> </ul>	<p>For a <u>first</u> limited benefit plan or a <u>subsequent</u> limited benefit plan that is beyond the six-month period of ineligibility, stop the limited benefit plan by entering reason “W” in PJCase. Redetermine eligibility. Do not issue corrective benefits.</p> <p>Continue a <u>subsequent</u> limited benefit plan when the six-month period is in effect.</p>

<b>Situation:</b>	<b>IM worker action:</b>
<ul style="list-style-type: none"> <li>◆ A needy specified relative who chose a limited benefit plan effective October 1, 2005, or earlier applies for the needs of the children only.</li> </ul>	<p>For a <u>first</u> limited benefit plan, or a <u>subsequent</u> limited benefit plan that is beyond the six-month period of ineligibility, stop the limited benefit plan by entering reason “W” in PJCase. Determine eligibility for the children only.</p> <p>Consider the limited benefit plan as temporarily stopped. Reactivate it if the relative is needy and reapplies for the specified relative’s own needs.</p> <p>Do not stop the limited benefit plan for the children with reasons “B,” “D,” or “I” unless they no longer live with the relative as ETS will not properly count the relative’s use of the 60-month limit.</p> <p>Continue a <u>subsequent</u> limited benefit plan when the six-month period is in effect.</p> <p>See <a href="#">Needy Specified Relative Chooses a Limited Benefit Plan Effective October 1, 2005, or Earlier</a> for more information.</p>
<ul style="list-style-type: none"> <li>◆ A person is incorrectly included in the LBP.</li> </ul>	<p>Stop the limited benefit plan for the person by entering reason “I” in PJCase. The limited benefit plan remains active for the person who chose it and other members of the eligible group who live with the person and who are subject to the limited benefit plan. Redetermine eligibility. Issue corrective benefits.</p>
<ul style="list-style-type: none"> <li>◆ Household appeals FIP cancellation after being added to the limited benefit plan of a person who entered the home after the plan is in effect for the person who chose it. In this situation, the limited benefit plan must remain active for the person who chose it and stopped for the recently canceled persons.</li> </ul>	<p>Stop the limited benefit plan for the recently canceled persons by entering an “I” in PJCase. The limited benefit plan remains active for the person who chose it. Reinstate FIP pending the appeal if otherwise eligible.</p>

## **PROMISE JOBS APPEAL PROCEDURES**

**Legal reference:** 441 IAC 7, 93.140(239B)

Each FIP applicant and participant has the right to a hearing about services being received or services that have been requested and denied, reduced, canceled, or inadequately provided. Clients also have the right to appeal any acts of discrimination on the basis of race, creed, color, sex, national origin, religion, age, physical or mental disability or political belief.

A PROMISE JOBS participant has the right to appeal the content of the family investment agreement if the disagreement between the participant and the PROMISE JOBS worker cannot be worked out through the informal resolution process.

When the appeal involves actions that affect PROMISE JOBS only, the PROMISE JOBS worker is responsible for preparing the appeal summary and attending the hearing. When the appeal involves a limited benefit plan, both IM and PROMISE JOBS workers have joint responsibility to prepare the appeal summary. Whenever possible, both should be at the appeal hearing in person or by phone.

### **Appealing a Limited Benefit Plan**

**Legal reference:** 441 IAC 7, 93.140(239B)

A person has the right to appeal the establishment of a limited benefit plan at the time of the issuance of the *Notice of Decision* to establish the limited benefit plan. A person can appeal the establishment of a particular limited benefit plan **only once**.

If another appeal is filed after the limited benefit plan appeal, a hearing may be granted only if the appeal involves worker error, such as an incorrect grant computation or an error in determining the eligible group.

### **When an Appeal of a Limited Benefit Plan Is Filed**

**Legal reference:** 441 IAC 7.9(17A), 93.15(4)

**Policy:**

FIP and PROMISE JOBS assistance may continue if an appeal of a limited benefit plan is filed:

- ◆ Before the effective date of the intended action on the *Notice of Decision* establishing the beginning date of the limited benefit plan, or
- ◆ Within 10 days from the date the participant receives the notice establishing the beginning date of the limited benefit plan. The date on which the notice is received is considered to be five days after the date on the notice, unless the participant shows that the participant did not receive the notice within the five-day period.

**Procedure:**

The IM worker is responsible for continuing FIP assistance if an appeal of a limited benefit plan is filed before the effective date of the intended action or within 10 days from the date the notice is received. The date the notice is received is considered to be five days after the date on the notice.

Assume the client wants FIP assistance to continue pending the appeal unless the client has stated in writing that they do not want FIP assistance to continue.

If FIP assistance is to continue pending the appeal, stop the limited benefit plan in PJCase and reinstate FIP. The system issues a *Notice of Decision* telling the participant the limited benefit plan has been delayed because of the appeal.

If FIP assistance is continued pending an appeal of a limited benefit plan, PROMISE JOBS assistance may also continue pending the appeal. The PROMISE JOBS worker is responsible for continuing PROMISE JOBS assistance pending an appeal of a limited benefit plan.

Do not stop the limited benefit plan or continue assistance pending the outcome of the appeal if:

- ◆ The client stated in writing that they do not want assistance to continue.
- ◆ The notice under appeal denied assistance.
- ◆ The appeal is filed after the effective date of the intended action establishing the beginning date of the limited benefit plan or more than 10 days from the date the notice is received. The date on which the notice is received is considered to be five days after the date on the notice, unless the participant shows that the participant did not receive the notice within the five-day period.

See [Stopping a Limited Benefit Plan](#) in this chapter for more information and [14-O, Stopping an LBP](#), for PJCase system instructions.

### **When the Final Appeal Decision Affirms the Limited Benefit Plan**

#### **Policy:**

A limited benefit plan with a new effective date applies when the final decision affirms the limited benefit plan and:

- ◆ The appeal was filed:
  - Before the effective date of the intended action on the *Notice of Decision* establishing the beginning date of the limited benefit plan, or
  - Within 10 days from the date the participant receives the notice establishing the beginning date of the limited benefit plan. The date on which the notice is received is considered to be five days after the date on the notice, unless the participant shows that the participant did not receive the notice within the five-day period.
- ◆ FIP assistance continued pending the outcome of the appeal.

FIP and PROMISE JOBS assistance issued pending the appeal is **not** subject to recoupment when a new limited benefit plan effective date applies.

#### **Procedure:**

Use the PJCase system to reactivate a limited benefit plan when the final decision affirms the limited benefit plan and the limited benefit plan was stopped pending the appeal.

Reactivate the limited benefit plan with a **new** effective date when:

- ◆ The appeal was filed:
  - Before the effective date of the intended action on the *Notice of Decision* establishing the beginning date of the limited benefit plan, or
  - Within 10 days from the date the participant receives the notice establishing the beginning date of the limited benefit plan. The date on which the notice is received is considered to be five days after the date on the notice, unless the participant shows that the participant did not receive the notice within the five-day period.
- ◆ FIP assistance continued pending the outcome of the appeal.

Do not recoup FIP assistance when a limited benefit plan with a new effective date applies.

### **When the Final Appeal Decision Reverses the Limited Benefit Plan**

**Legal reference:** 441 IAC 7, 41.24(8)“g”

**Policy:**

If the final appeal decision reverses the decision to impose the limited benefit plan, the limited benefit plan is considered imposed in error and not considered a limited benefit plan.

**Procedure:**

Use the PJCase system to show that the limited benefit plan is considered to be in error (stop reason “C”). This action keeps the system from considering the limited benefit plan as a “valid” limited benefit plan if another limited benefit plan is imposed at a later date.

- ◆ Change the limited benefit plan stop reason from A (timely appeal) to C (in error) if the limited benefit plan was stopped and assistance continued pending the outcome of the appeal.
- ◆ Stop the limited benefit plan with reason C (in error) if the limited benefit plan was not stopped and assistance did not continue pending the outcome of the appeal.

If the final appeal decision reverses the decision to impose the limited benefit plan and assistance was not issued while the appeal was pending, determine eligibility for corrective benefits.