



## Administrative Policies and Procedures: 23.27

---

**Subject**      **Family Cap**

**Approved by** Charles Bryson, Interim Assistant Commissioner

**Approval Date:** 12/22/2016

**Effective Date:** 02/01/2017

**Authority**      Tenn. Code Ann. §71-3-104  
Tenn. Comp. R. & Regs. 1240-1-50-.20

**Application**      Family Assistance Eligibility Counselors and Client Representatives

### Policy Statement

The maximum grant payment for an Assistance Unit (AU) shall not be increased for a child who is born to a caretaker relative who becomes pregnant while receiving Families First.

### Purpose

The purpose of this policy is to encourage Families First customers to utilize family planning, discourage out-of-wedlock births, and strengthen families by promoting self-sufficiency.

### Procedures

#### A. Family Cap Children

1. Family Cap policy is implemented when the AU has applied for Families First assistance and the birth occurs more than ten (10) calendar months after the application month.
2. Though the Families First payment will not be increased, a Family Cap child is a member of the AU in all other aspects. Therefore, the Family Cap child:
  - a) Will be included in determining the Gross Income Standard (GIS) and the Consolidated Need Standard (CNS) amounts for the AU.
  - b) Is subject to all eligibility requirements, including those listed in the Personal Responsibility Plan (PRP).
  - c) Child care is provided for the Family Cap child if necessary for the customer to meet his/her work and/or educational activity.
3. Family Cap policy applies to children born to a woman who:

- a) Is a member of the AU.
  - b) Would have been a mandatory AU member except for technical ineligibility, such as an SSI recipient or a non-citizen.
  - c) Conceived during receipt of Families First assistance.
4. Family Cap policy applies to both single parent and two-parent AUs.
  5. Family Cap policy still applies when the non-Family Cap children leave the home, or age-out, leaving only the Family Cap child and the caretaker. The maximum grant would be the amount for the caretaker only, even when this results in a zero dollar (\$0) grant amount due to the caretaker being technically ineligible.

#### B. Application of the Family Cap

1. The ten (10) month count begins the month after the application month.
2. When a minor mother turns eighteen (18), or leaves the major mother's household, the original Family Cap date follows her to her new case if there has been no lapse in benefits.
3. If there has been no gap in eligibility, the ten (10) month count will continue from the original application date.
4. Family Cap will be applied to a child born after, or during, a period of ineligibility but within ten (10) months of the reapplication month when the applicant meets **all** of the following criteria:
  - a) A woman becomes pregnant while receiving Families First;
  - b) The AU was closed prior to the child's birth;
  - c) The child was born more than ten (10) months after the previous application month; **and**
  - d) The reason for closure was non-cooperation with departmental policies and rules or there was a sanction in place at the time of closure.

#### C. Reapplication After Family Cap Has Been Applied

Once Family Cap has been applied to a child, it will continue until the case is closed. When an AU that has had Family Cap applied to an AU child closes, Family Cap will be continued upon reapplication only if the AU was closed for a sanction due to non-cooperation with departmental policies and rules or there was a sanction in place at the time of closure.

#### D. Exceptions to Family Cap

1. Do not apply Family Cap to a child born more than ten (10) months after the application month but was conceived prior to the application for assistance. Obtain a physician's statement to prove conception occurred prior to the application date.
2. Do not apply Family Cap to the first (1<sup>st</sup>) child born to a minor in an AU, even if the pregnancy occurs after receipt of assistance.
3. Do not apply Family Cap to children, other than newborns, who join the AU.
4. Do not apply Family Cap to a child who is born to an AU member as a result of incest or rape. Verification of the circumstances will be required.

**Forms** [HS-1234 Doctor's Pregnancy Confirmation Letter](#)

**Collateral Documents** [23.01-17.01 Family Cap Procedures](#)  
[23.01-17.02 Family Cap Policy Worksheet](#)

**Additional Resources** [Family Cap Desk Guide](#)

**Retention of Records** Pending

## Glossary

**Term/Acronym** **Definition**

**Gap in eligibility** Not receiving Families First cash benefits for one (1) full month

**Supersedes**

- Families First Online Policy Manual Chapter 36;
- Families First Handbook pp 12-17;
- Bulletin 2 FA-09-02 pg. 3 “Family Cap Provisions” section;
- Bulletin 17 FA-07-06 pp 12-13 “Family Cap” section;
- Bulletin 12 FA-03-10;
- Bulletin 19 FA-01-13;
- AIA-02-14;
- Families First Policy Clearances
  - May-June 2010 #7
  - March-April 2008 #5
  - July-August 2007 #8
  - January-February 2004 #7, #8
  - May-June 2003 #2
  - March-April 2002 #20
  - July-August 2002 #15
  - September-October 2001 pg 2 bullets 2 and 3
- Families First Questions and Answers

- 2015 – Family Cap Section
- 2007 - #70-76
- New Client Rep Training Q&A March 8-10, 2011, #1