

U. S. Department of Labor Employment and Training Administration Washington, D.C. 20210	CLASSIFICATION WtW
	CORRESPONDENCE SYMBOL TD
	DATE September 21, 1998

TRAINING AND EMPLOYMENT GUIDANCE LETTER NO. 6-98

TO : ALL STATE WELFARE-TO-WORK CONTACTS
ALL STATE JTPA LIAISONS

FROM : *Judy McConnell for*
DAVID HENSON
Director
Office of Regional Management

SUBJECT : Technical Amendment to Welfare-to-Work (WtW)
Eligibility Criteria for Noncustodial Parents

1. **Purpose.** To provide States with information regarding the enactment of a technical amendment changing the eligibility requirements for noncustodial parents under the 70 percent targeted portion of Welfare-to-Work (WtW) programs.

2. **Authorities and References.** Balanced Budget Act of 1997 (Pub. L. 105-33) (amending Title IV-A of the Social Security Act); the Child Support Performance and Incentive Act of 1998 (Pub. L. 105-200); and the Welfare-to-Work Interim Final Rule, 20 CFR Part 645 (Published at 62 FR 61588 (Nov. 18, 1997)).

3. **Background.** The Balanced Budget Act of 1997, which was signed by President Clinton on August 5, 1997, authorizes the Department of Labor to provide WtW grants to public and private entities in States and local communities for transitional employment assistance to move hard-to-employ Temporary Assistance to Needy Families (TANF) recipients with significant employment barriers and certain noncustodial parents into unsubsidized jobs offering long-term employment opportunities. The Act requires that at least 70 percent of WtW grant funds be spent on TANF recipients with serious barriers to employment or noncustodial parents who meet certain requirements.

4. **Original Eligibility Criteria under the 70 Percent Provision for Noncustodial Parents.** The first part of the original eligibility criteria for noncustodial parents found at Section 403(a)(5)(C)(ii) of the Social Security Act provided that, in order for a noncustodial parent to be

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eligible for services under the 70 percent targeted portion of the program, the custodial parent must meet at least two of three of the following conditions: (1) The individual has not completed secondary school or obtained a GED and has low reading or math skills; (2) The individual requires substance abuse treatment for employment; or (3) The individual has a poor work history.

The second part of the eligibility criteria, concerning the period of time of receipt of cash assistance under TANF, also applied to the custodial parent.

5. **Technical Amendment To The Eligibility Criteria for Noncustodial Parents.** On July 16, 1998, President Clinton signed into law the Child Support Performance and Incentive Act of 1998, which included a technical amendment to Section 403(a)(5)(C)(ii) of the Social Security Act regarding the eligibility of noncustodial parents under the 70 percent targeted portion of the WtW program. The technical amendment revises the eligibility criteria by requiring that the individual to be served, whether the custodial or noncustodial parent, be the one who meets the first part of the eligibility requirements. As is the case with the custodial parent, when the noncustodial parent is to be served, the noncustodial parent must meet two of the three following conditions: (1) The individual has not completed secondary school or obtained a GED and has low reading or math skills; (2) The individual requires substance abuse treatment for employment; or (3) The individual has a poor work history.

In addition, the amendment clarifies that the second part of the eligibility criteria, relating to the required length of receipt of cash assistance under TANF, may apply to either the custodial parent or the minor children of the noncustodial parent. The addition of the reference to the minor child of the noncustodial parent will address those "child only" cases where there is no custodial parent.

6. **Effective Date.** These revised eligibility requirements were effective as of July 16, 1998.

7. **Action Required.** States should provide this guidance to appropriate staff.

8. **Inquiries.** Inquiries on this TEGL should be directed to your Regional Office.

9. **Attachment.** Revised Language of Section 403(a)(5)(C)(ii) of the Social Security Act Pursuant to the Technical Amendment