

**NORTH DAKOTA DEPARTMENT OF HUMAN SERVICES
BISMARCK, NORTH DAKOTA
December 26, 2013**

IM 5197

TO: County Social Service Directors
Economic Assistance Policy Regional Representatives
Economic Assistance Policy Quality Control Reviewers

FROM: Carol Cartledge, Director, Economic Assistance Policy

SUBJECT: TANF Intentional Program Violation (IPV)

PROGRAMS: TANF

EFFECTIVE: January 1, 2014

RETENTION: Until Manualized

**SECTIONS
AFFECTED:** 400-19-135-10, Intentional Program Violation

Section 404 of the Middle Class Tax Relief and Job Creation Act of 2012 requires states to maintain policies and practices necessary to prevent TANF benefits from being used in any liquor store; any casino, gambling casino, or gaming establishment; or any retail establishment which provides adult-oriented entertainment in which performers disrobe or perform in an unclothed state for entertainment.

Effective January 1, 2014, TANF recipients who use their TANF ReliaCard in a liquor store; a casino, gambling casino, or gaming establishment, or a retail establishment which provides adult-oriented entertainment in which performers disrobe or perform in an unclothed state of entertainment shall be referred to the Administrative Disqualification Hearings Officer for a determination of an Intentional Program Violation (IPV).

Exemption: This provision does not apply when the establishment that sells groceries is located within the same building or complex as a casino, gambling or gaming activities or if the ATM located in the establishment is the only available source to obtain cash such as on a reservation.

An IPV will **NOT** be pursued against a TANF recipient who uses their TANF ReliaCard in any liquor store; any casino, gambling casino, or gaming establishment, or any retail establishment which provides adult-oriented entertainment in which performers disrobe or perform in an unclothed state of entertainment when:

- A recipient of TANF does not have any adequate access to their cash assistance other than one of the establishments listed above; or
- A recipient of TANF does not have access to using or withdrawing assistance with a minimal fee or charge, including an opportunity to access assistance with no fee or charge, and are provided information on applicable fees and surcharges that apply to electronic fund transactions involving the assistance, and that such information is made publicly available.

TANF recipients were informed of this provision as follows:

- A special notification was sent to each TANF recipient through a special mailing,
- Information regarding this provision is included in the Application for Assistance Guidebook, which is given to each new applicant for TANF; and
- This information is included in the Cardholder Handbook provided to each TANF applicant and recipient who are issued their benefits on a TANF ReliaCard.

If you have any questions, please contact your Regional Representative.