

Par.1 . **Material Transmitted and Purpose** – Transmitted with this Manual Letter are changes to Service Chapter 400-19 – Factors of Eligibility and Benefit Determination for Temporary Assistance for Needy Families (TANF). This manual letter also incorporates:

- IM 5126 – Disaster Unemployment Insurance Benefits (original & amended)
- IM 5129 - Recoupment of Overpayments for TANF

Par. 2. **Effective Date** – Changes included in this manual letter are effective April 1, 2012.

Items that include a change in policy are indicated. All other items are corrections or clarifications

Definitions 400-19-05

1. 400-19-05. The following changes were made to this section:
 - Removed reference to advance earned income tax credit in the definition of Earned Income Tax Credit (EITC) as the Education Jobs and Medicaid Assistance Act of 2010 signed into law August 10, 2010 repealed the Advance EITC as of January 1, 2011.
 - Added additional clarification to the definition of Prudent Person Concept and YouthBuild USA as indicated.

Definitions 400-19-05

Earned Income Tax Credit (EITC) – A federal refundable tax credit for low or moderate income working individuals and families. People may receive an EITC once a year as a refund. ~~Working families with children can apply for advance payments with each paycheck.~~

Prudent Person Concept - A method or program administration that relies upon individual staff member's to:

1. Exercise judgment in requesting, reviewing, and weighing information provided by an applicant, recipient, or any source of verification; ~~and~~
2. Be attentive, vigilant, cautious, perceptive, and governed by reason and common sense; ~~and~~
3. Quickly and accurately determine that the information is adequate for making an eligibility decision or that further exploration of the circumstances is necessary.

The decision arrived at when applying this concept must be documented.
YouthBuild USA – A program funded by the Department of Labor intended to enable disadvantaged youth ages 16 to 24 to obtain the education and employment skills necessary to achieve economic self-sufficiency in occupations in demand, to include post-secondary education and other training opportunities. Eligible participants spend up to 12 months in the program, dividing their time between classroom setting and an employment site. Currently the Turtle Mountain YouthBuild Program is the only YouthBuild USA program in North Dakota.

Administrative Requirements 400-19-15

2. 400-19-15-10. Added 'Verification Sources' to the title, and also added information to this section from the Administrative Manual Chapter 449 as the information is specific to the TANF program.

Verification of Selected Factors of Eligibility and Verification Sources 400-19-15-10

While eligibility for TANF is determined primarily by information supplied by the applicant/recipient, verification of all factors of eligibility must be supported by conclusive, documenting evidence. It is the responsibility of the applicant or guardian of the applicant to provide documentary evidence to support its statements and resolve any questionable information. The applicant or guardian may supply documentary evidence in person, through the mail, e-mail or fax. If the information is e-mailed, retain a copy of the e-mail that includes the individual's name, the date of the e-mail, and the content of the e-mail. The TANF Eligibility Worker shall accept any reasonable documentary evidence provided by the household and shall offer assistance to the household in obtaining the documentary evidence if needed.

Verification Factors

Verification is the use of third party information or documentation to establish the accuracy of statements and information provided to the TANF Eligibility Worker. TANF requires the following factors of eligibility to be verified: ~~information sufficient to establish the eligibility of each individual for whom assistance is requested, including:~~

1. Proper degree of relationship;
2. Social Security Number or Verification of Application for a Social Security Number;
3. Age;
4. Identity;
5. Citizenship;
6. School attendance of any child age 16 to 18, or if age 18, is a full-time student in a secondary school or a vocational or technical school that is equivalent to a secondary school, who will graduate before the end of the calendar month in which the student will attain age 19 ;
7. All income;
8. Equity value of assets whenever available information or the prudent person concept suggests such reported value may exceed program limitations;
9. Conditions requiring professional examinations or judgments to establish the existence of incapacity or pregnancy;
Note: In addition to verification of pregnancy when the case consists of a pregnant woman with no other child(ren), verification of the Estimated Date of Confinement (due date) is also required.
10. Special Items of Need requests;
11. Child or alimony/spousal support, or money paid to non-household members; and
12. Any other factor of eligibility for which available information is lacking, questionable, or inconclusive, and which suggests to a prudent person that further inquiry and/or documentation is necessary.

Verification Sources

1. Documentary Evidence. TANF Eligibility Workers shall use documentary evidence as the primary source of verification. Documentary evidence consists of a written confirmation of a household's circumstances. Examples of documentary evidence include wage stubs, rent receipts, and utility bills. Although documentary evidence shall be the primary source of verification, acceptable verification shall not be limited to a single document or source. Where information from another source contradicts statements made by the household, the household shall be afforded

a reasonable opportunity to resolve the discrepancy. Whenever documentary evidence cannot be obtained, the worker may use alternate sources of verification such as collateral contact and home visits. In all cases, the method of verification shall be recorded in the case file.

2. Collateral Contacts. A collateral contact is a verbal confirmation of a household's circumstances by an individual outside the household and is used when documentary evidence is insufficient or incomplete. The collateral contact may be either in person or over the telephone. The TANF Eligibility Worker must rely on the household to provide the name of any collateral contact.

A collateral contact can be any third-party verification of the household's statements. The TANF Eligibility Worker is responsible for obtaining verification from acceptable collateral contacts. Suggested collateral contract sources include the individuals current or prior landlord, school district, banks, community action agencies, Department of Motor Vehicle, non-relatives, current or prior employers, Job Service, housing agencies, social service agencies, etc.

The TANF Eligibility Worker must only disclose the information that is absolutely necessary to get the information being sought. The TANF Eligibility Worker should avoid disclosing that a household has applied for assistance and should not disclose any information provided by the household. TANF Eligibility Workers should not suggest that a household is suspected of any wrongdoing.

The household may designate a collateral contact. However, the TANF Eligibility Worker is not required to use a collateral contact designated by the household if the collateral contact cannot be expected to provide accurate third party verification. Once an acceptable collateral contact is designated, the worker is responsible for obtaining verification from the collateral contact.

In directly contacting a collateral contact source of verification, the TANF Eligibility Worker must always identify him/herself by name, position, and the name of the county social service office. In so

doing and then inquiring about a particular client by name, the contact may be able to know that the client is applying for assistance. This does not constitute a violation of confidentiality regulations.

Note: If the contact requests more than this information about the recipient's status, the TANF Eligibility Worker must refuse the inquiry and briefly explain the confidentiality requirements.

Verification obtained in non-written form must be documented in the case file.

3. Home Visits. Home visits are to be used as verification only when documentary evidence is insufficient to make a firm determination of eligibility, there are no collateral contacts, or verification cannot be obtained, and the home visit is scheduled in advance with the household.
4. System Interfaces. System interface are used to verify information needed to determine eligibility.

The following interfaces can be used as acceptable types of verification:

- a. SDX – This interface can be used to verify SSI eligibility and payment data collected by the Social Security Administration. Refer to Administrative Manual Section 448-01-50-15-40 for further information.
- b. TPOY – This interface can be used to verify Social Security and Supplemental Security Income benefits. Refer to Administrative Manual Section 448-01-50-15-55 for further information.
- c. FACSES – This interface can be used to verify the amount of Child Support an individual receives or pays out. Refer to Administrative Manual Section 448-01-50-35 for further information.
- d. New Hire (through FACSES) – This interface is used to verify information regarding individuals hired for employment in North Dakota. Refer to Administrative Manual Section 448-01-50-35 for further information.

- e. IEVS – This interface is used to verify income and asset data from the Internal Revenue Service (IRS), the Social Security Administration (SSA) and Job Service North Dakota for the purpose of making more accurate eligibility determinations. Refer to Administrative Manual Section 448-01-50-10 for further information.
- f. Unemployment Insurance Benefits (UIB) – This interface can be used to verify the amount of UIB benefits received. Refer to Administrative Manual Section 448-01-50-25 for further information.
- g. Motor Vehicle – This interface can be used to verify vehicle ownership of a household member. Refer to Administrative Manual Section 448-01-50-30 for further information.
- h. Vital Statistics – This interface can be used to verify an individual's date of birth, citizenship and relationship. Refer to Administrative Manual Section 448-01-50-20 for further information.
- i. Numident – This interface is used to verify an individual's social security number, age, identity and sex. Administrative Manual Section 448-01-50-15-60 provides additional information regarding the numident interface, and defines the alerts that are created when the numident match is determined 'Invalid'. When the return NUMIDENT file is processed, the following indicators display in the NUMIDENT field on Client Profile in Vision with the results of the match:
 - i. **Blank** – This means the information has not been sent to SSA. The TANF Eligibility Worker will need to obtain some other form of verification.
 - ii. **Sent** – This means the information was sent to SSA for verification but the verification has not yet been received back. The TANF Eligibility Worker will need to obtain some other form of verification.
 - iii. **Valid** – This means the SSN entered in Vision matches the SSN on file at SSA and serves as verification of the SSN.
 - iv. **Invalid** – This means the SSN, name, date of birth or sex of the individual was an Invalid match with the SSA information.
 - a. Invalid SSN

- If a copy of the applicant or recipients social security card was obtained and the number on the card matches what was entered into Vision, the card can be used as verification. However, the applicant or recipient should be referred to the local SSA office to resolve the discrepancy.
Note: Document in the case file the information on file is correct for the individual and the individual has been sent to Social Security Administration to correct their records.
 - If the verification provided is other than the social security card, send an advance notice requesting hard copy verification from the individual. If the requested information is not provided, the application must be denied or the case closed for failure to provide the requested information.
- b. Invalid Name – This most often occurs if individuals marry or were adopted.
- If the verification provided is other than from an acceptable source (400-19-45-55-05), send an advance notice requesting hard copy verification from the individual. If the requested information is not provided, the application must be denied or the case closed for failure to provide the requested information.
 - If the name in the system matches the verification provided by the recipient, request the individual contact Social Security Administration to resolve any discrepancy.
Note: Document in the case file the information on file is correct for the individual and the individual has been sent Social Security Administration with the correct name.
- c. Invalid Date of Birth
- If the individual did not provide verification of birth or the verification is not from an acceptable source (400-19-45-50-05), send an advance notice requesting hard copy verification from the

individual. If the verification is not provided, close the case for failure to provide information.

- If the date of birth in the system matches the verification provided by the recipient, request the individual contact Social Security Administration for correction.

Note: Document in the case file the information on file is correct for the individual and the individual has been sent to Social Security Administration to resolve any discrepancy

d. Invalid Sex

- If the sex of the individual is in question, the Eligibility Worker must contact the household, and then correct the information. Do not close the case for not providing information on the correct sex. If the household does not respond to the request from the worker, and the sex of the individual is not available, use prudent judgment and clarify during the next face-to-face review.
- If the correct sex is already known, change it in the system.
- If the sex in the system matches the information/verification provided by the recipient, request the individual contact Social Security Administration for correction.

Note: Document in the case file the information on file is correct for the individual and the individual has been sent to Social Security Administration to resolve any discrepancy.

3. 400-19-15-15. Made minor wording changes to the first paragraph and removed most of the information as the information is included in Service Chapter 448-01-25-10-10-30. A link from the TANF Manual to this section has been added.

Confidentiality 400-19-15-15

Federal and state law recognizes the privacy rights of individuals who receive services and assistance under programs administered by the Department. ~~Confidentiality safeguards go into effect from the initial~~

~~contact between the client and the Department. Initial contact may be as early as an inquiry about the application process or availability of services, depending on what personally identifying information was obtained. The safeguards apply to any personally identifying information, whether written or oral, and whether or not it is incorporated into the client's records. Safeguards continue to be in effect as long as services or assistance are provided and continue afterwards indefinitely. They are not terminated by the cessation of services or assistance, or by the client's death. Safeguards continue to be in effect indefinitely even for applicants who do not become recipients.~~

~~North Dakota Department of Human Services including county Eligibility Staff may exchange information regarding a client to another unit of the Department upon a showing that the requesting unit has a **need to know** the information in order to perform its duties, for payment purposes, or to administer its program. In most situations, no written authorization by the client shall be required prior to exchange of the requested information.~~

~~Information concerning households receiving TANF may be released only for purposes directly connected with the administration of the program. For further information regarding TANF confidentiality policies, refer to Manual Section 448-01-25-10-10-30. Agencies and individuals other than those specified below, who are requesting information concerning households receiving TANF must obtain and provide a signed release of information **from the parent/individual, legal guardian or an agency who has care, custody and control of a child** prior to the information being disclosed. This includes:~~

- ~~1. Information regarding an individual who received assistance in one case and is now being added to another case, cannot be transferred from the old casefile to the new casefile without a signed release of information from the Primary Individual of the old case with the following exceptions:~~

~~**Exception #1:** The individual added to the new case is now an adult eligible in their own right and was a child in the previous case. If the individual indicates they received assistance in another case that individual's information can be added to the new case without a signed Release of Information.~~

~~**Exception #2:** Both parents of a child were part of the old case and the Primary Individual (PI) of the new case is the parent who was not the PI in the old case and no legal action has been filed (separation, divorce, etc.).~~

~~**Note:** Once legal action has been initiated, information from the old case cannot be added to the new case without a signed Release of Information from the parent who was the PI in the old case.~~

- ~~2. Information being requested by other individuals within the county agency or a partner agency (county social workers, housing assistance program staff, Professional Association of Treatment Homes (PATH), Division of Juvenile Services (DJS), Tribal Social Services staff, etc.), provided the information is not for the purpose of determining eligibility for the TANF Program, cannot be released without a signed release of information from the Primary Individual, with the following exceptions:~~

~~**Exception #1:** Verification of a child's SSN and Birth may be shared with a social worker or eligibility worker within the county agency in order to determine eligibility for Foster Care Assistance.~~

~~**Exception #2:** When an employee of a Social Service Agency in another State requests information regarding an individual applying for or receiving assistance in that State:~~

- ~~1. If the individual was the Primary Individual (PI) of a case in North Dakota, any information contained in the casefile can be released without a signed Release of Information.~~
- ~~2. If the individual was not the PI of a case in North Dakota, only that individual's information can be released.~~

~~**Exception #3:** When an employee of the Social Security Administration requests information regarding TANF benefits in order to determine eligibility for Social Security or Supplemental Security Income benefits, the information can be released without a signed Release of Information.~~

~~**Exception #4:** Upon the written request of an elected public official, the name, address, and amount of assistance~~

received by a TANF household may be released without a signed Release of Information.

~~**Exception #5:** Confidentiality provisions of the law allow for cooperation with and provision of pertinent information to the Child Support Enforcement Agency as a means of assisting in locating and obtaining support from an absent parent, establishing paternity, etc. Therefore, information may be released without a signed Release of Information.~~

In accordance with agreements with the Social Security Administration (SSA), and the Internal Revenue Service (IRS), Vital Statistics and Job Service North Dakota Unemployment Insurance Benefits (UIB), information cannot be released to the applicant or recipient or any other agency and can only be used for the purpose of determining eligibility.

For additional information regarding confidentiality of interface information, refer to Manual Section 448-01-25-10-05. Information received from either of these agencies may only be used to determine eligibility for TANF Program.

- ~~Interface information from SSA may be released to a client with a signed release of information, but not any other agency.~~
- ~~Interface IRS information MAY NOT be released to any other individual or agency requesting this information, including the recipient.~~

~~**Note:** SSA or IRS information provided by the client may be shared with other agencies upon receipt of a signed release of information from the client.~~

~~In accordance with the agreement with Vital Statistics, the Vital Statistic information is owned by Vital Statistics at the State Health Department. Information received through the Vital Statistics Interface is to be used by TANF Eligibility Workers to verify birth and relationship information received from applicants and recipients. This information cannot be released to the applicant or recipient or any other agency and can only be used for the purpose of determining eligibility.~~

~~In accordance with the agreement with Job Service North Dakota, the Unemployment Insurance Benefit (UIB) information is owned by Job Service North Dakota. Information received through the UIB Interface is~~

~~to be used by TANF Eligibility Workers to verify UIB benefits received by applicants and recipients. This information cannot be released to the applicant or recipient or any other agency and can only be used for the purpose of determining eligibility.~~

~~Federal and State regulations authorize the Department to disclose the current address of a TANF recipient to state or local law enforcement officials at their request, and without written recipient consent. The law enforcement officer must provide the name and social security number of the recipient, and must demonstrate all of the following:~~

- ~~1. The recipient is a fugitive felon, as defined by state law; and~~
- ~~2. The officer's duties include the location or apprehension of the felon; and~~
- ~~3. The request is made pursuant to proper exercise of the officer's duties. (45 C.F.R. § 205.50).~~

For additional considerations, including guidelines to county personnel who are subpoenaed to testify in court, see:

1. Service Chapter 110-01, Confidentiality, located on the County Intranet in the 'Legal' folder;
 2. Service Chapter ~~449-05-30~~ 448-01-25 Confidentiality and Safeguarding Information.
 3. North Dakota Administrative Code (N.D.A.C.) Section 75-01-02.
 4. North Dakota Century Code, Section 50-06-15.
4. 400-19-15-20. Made minor wording changes to the first paragraph and removed most of the information as the information is included in Service Chapter -01, Non-discrimination to Clients. A copy of the Non-discrimination to Clients Manual has been placed on the County Intranet in the 'Legal' folder.

Discriminatory Practices Prohibited 400-19-15-20

The North Dakota Department of Human Services and county social service boards, directly or through contractual or other arrangements, shall not discriminate against any applicant or recipient on the basis of race, color, religion, sex, national origin, age, political belief or handicap.~~;~~
~~shall not:~~

- ~~1. Deny any individual aid, care, services, or other benefits provided under this program;~~

- ~~2. Provide any aid, care, services, or other benefits to an individual which is different or is provided in a different manner from that provided to others under the program;~~
- ~~3. Subject an individual to segregation or separate treatment in any manner related to receipt of any aid, care, services, or other benefits provided under the program;~~
- ~~4. Restrict an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any aid, care, services, or other benefits provided under the program;~~
- ~~5. Treat an individual differently from others in determining whether the individual satisfies any eligibility or other requirement or condition which individuals must meet in order to receive any aid, care, services, or other benefits provided under the program; or~~
- ~~6. Deny any individual an opportunity to participate in the program through the provision of services or afford the individual an opportunity to do so which is different from that afforded others under the program (including the opportunity to participate in the program as an employee where the primary objective of the federal financial assistance to the program is to provide employment, including a program under which the employment is provided to reduce unemployment).~~

For additional guidelines, refer to Service Chapter 300-01, Non-discrimination to Clients, located on the County Intranet in the 'Legal' folder.

Redetermination of Eligibility Requirements 400-19-30

5. 400-19-30. Changed Redetermination to Review in the title and throughout the entire section to align policy with other programs.

Redetermination Review of Eligibility Requirements 400-19-30

Eligibility for every TANF household is redetermined each month using the TANF Monthly Report. The purpose of the annual Redetermination Review of Eligibility is to carefully examine all relevant factors of eligibility including deprivation, income, assets, , and household composition, as well as to identify any inconsistencies in the information provided through the monthly report or the interview. Effective June 1, 2010, a face-to-face interview is no longer required when completing the annual Redetermination of Eligibility Review.

The automated computer system provides an alert to the TANF Eligibility Worker when a ~~redetermination~~ review is due and automatically sends the ~~Redetermination of Eligibility~~ Review Due notice advising ~~them~~ the TANF household that the annual ~~redetermination~~ review is due. The TANF Monthly Report/ ~~Redetermination~~ Review form is sent to the TANF Primary Individual on approximately the 25th of the month prior to the month due.

A ~~redetermination of eligibility~~ review form submitted during normal business hours is considered received on the date submitted. When a ~~redetermination of eligibility~~ review form is submitted after business hours, on a weekend or holiday, the ~~redetermination of eligibility~~ review form is considered received the next business day.

Note: The TANF Eligibility Worker must document the date a ~~redetermination of eligibility~~ review form is filed by recording the date received on the form.

If the recipient fails to complete the ~~redetermination~~ review process by the last day of the ~~redetermination~~ review due month, the case will automatically close since continued eligibility cannot be determined. When a case closes due to recipient failure to complete the ~~redetermination~~ review process, the individual must reapply for assistance.

Counties must use forms and notices developed by the Department of Human Services (DHS) for the purposes of informing and advising clients of the status of their ~~redetermination~~ review and their rights and responsibilities.

TANF Non-Financial Eligibility Factors 400-19-45

6. 400-19-45-05 Added clarification 6th paragraph indicating income and assets of individuals in receipt of SSI are not counted in determining TANF eligibility.

TANF Household Composition (Filing Unit) 400-19-45-05

The TANF household is comprised of individuals who live together where at least one member is in receipt or would be in receipt of TANF if Pay After Performance (PAP) requirements are met. The household must

include:

1. A dependent child;
2. The natural, adoptive, or stepparents of the dependent child; and
3. The dependent child's siblings (including half and step-siblings) who are under age 18, or if age 18, a full-time student reasonably expected to receive their high school diploma or GED by the last day of the month in which the student attains age 19.

Note: Any of the above members who are temporarily residing away from home must be included in the TANF household.

Parent(s) of the dependent child(ren) who reside in the home must be included, whether or not married. If a parent claims or appears to be incapacitated, incapacity must be explored because additional household members and their income and assets may then have to be included in the unit. Once the TANF household is established, all income and assets of the persons required to be included must be considered in determining eligibility.

A minor parent who resides with a legally or non-legally responsible caretaker is considered a dependent child (and not a caretaker). When the minor parent resides with a legally responsible caretaker, the legally responsible caretaker must be included in the TANF household (three-generation household).

Stepparent(s) must be included in the TANF household and either the stepparent will be eligible for benefits or stepparent budgeting will apply. No stepparent may be included as a second eligible caretaker for the TANF portion of the benefit unless the stepparent has a natural or adoptive child(ren) who is also included in the TANF household.

When a natural or adoptive parent does not reside in the home and the caretaker is a stepparent (who may or may not have a natural or adoptive child in the home), the caretaker (stepparent), caretaker's children and stepchild(ren) must be included in the TANF household.

Note: Effective June 1, 2010, the household must include the stepparent, any natural or adoptive children of the stepparent and stepchildren.

Individuals in receipt of Supplemental Security Income (SSI), including presumptive SSI benefits, are not included in the household size and their income, assets and expenses are not considered in determining eligibility for TANF. If the person is receiving a zero SSI benefit but is considered an SSI recipient (e.g. due to recoupments, 1619B eligible, etc.) they are not considered as receiving SSI benefits for TANF purposes and the person is included in the household.

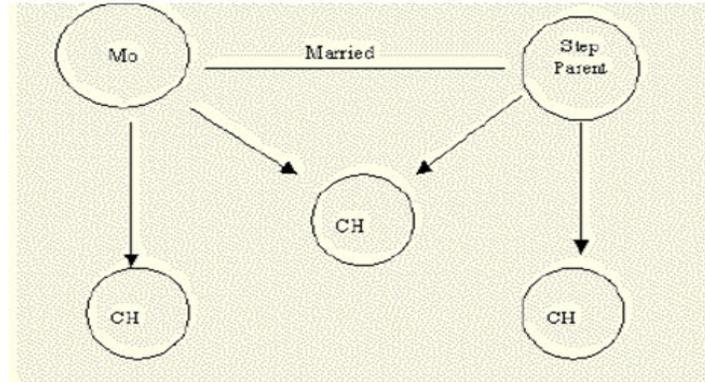
A child for whom a Subsidized Guardianship payment is received is not eligible for TANF and cannot be included in the household.

At times a parent may request that a particular child not be included in the TANF household. The parent has no option in this matter since the household provision requires that all otherwise technically eligible persons must be included in the household. However, a non-legally responsible person (i.e. grandmother, grandfather, aunt, uncle, etc.) may choose not to participate in TANF. (See Section 400-19-140, Kinship Care)

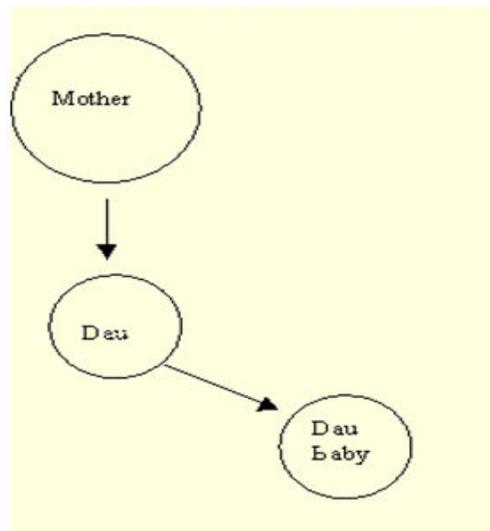
When the only dependent child in the household is a SSI recipient or is disqualified because of noncooperation with program requirements, the parent in the TANF household may remain eligible for benefits if all other factors of eligibility are met, unless the case progresses to close due to a sanction.

People absent from the household due to employment, training, education, or obtaining medical care are addressed in Section 400-19-45-70-15, Absence Reasons that DO NOT Establish Deprivation.

Examples of TANF Households:



1. If one of the stepparents is not incapacitated, disabled or aged, the unit would consist of either the mother and her child or the father and his child.
2. If both stepparents want TANF for their deprived child, the unit would consist of 4 persons with their child in common being ineligible and that child's needs will be unmet.
3. If either stepparent is incapacitated, disabled or aged, the unit will consist of all 5 persons.
4. If one of the stepparents leaves, the unit will consist of 4 members since the child in common is a half-sibling to the stepchild and the stepparent is considered related to the stepchild within the 5th degree.



1. If the minor parent is under age 18, the minor parent is a dependent child in the parent's unit. The minor parent's baby must be included in the household.
2. If the minor parent is under age 18 and the case fails due to the parents' income, the minor parent cannot receive a TANF benefit for the minor parent and the baby.
3. If the parent is age 18 or older, the parent would qualify in their own right and the baby must be included in the parent's household. The baby's grandparent is not eligible.

7. 400-19-45-05-05. Changed the last bullet in this section to include 'ex-spouse' as non-legally responsible caretakers who are residing with their spouse or ex-spouse are not eligible to be included in the TANF benefit and will be designated as an ineligible caretaker for TANF.

Determining Household Composition when the Caretaker is not a Parent 400-19-45-05-05

A household consisting of an eligible caretaker(s) and child(ren) may have related children residing with them for whom the caretaker has no legal responsibility but who are also eligible for a TANF benefit. If the caretaker requests to receive TANF benefits for all of the children, the TANF household must include all individuals for whom TANF is being requested.

When a household consisting of a caretaker with their own children also has children residing in the household for whom they have no legal responsibility, the caretaker and their children may opt out for TANF. The caretaker may then request assistance for only those children for whom they have no legal responsibility, provided the caretaker does not wish to have their needs included.

Occasionally children who are not siblings are cared for by a common, non-legally responsible caretaker.

- If the non-legally responsible caretaker requests TANF benefits for only the children to whom the caretaker is related within the 5th degree, TANF eligibility for those children will be based on the income and assets of the children only.
- The non-legally responsible caretaker may choose to receive TANF benefits for only some of the children. The non-legally responsible caretaker may do so, provided the children being opted out are not siblings, either full, half, or step siblings to the children for whom assistance is being requested.
- If the spouse or ex-spouse of the non-legally responsible relative resides in the home, the non-legally responsible relatives are ineligible to be included in the TANF benefit and will be designated as an ineligible caretaker.

(Also See Section 400-19-140, TANF Kinship Care)

8. 400-19-45-60-05 – Added a new reference sites and corrected the Administrative Manual reference site. Also, changed Redetermination to Review in the 7th paragraph to align policy with other programs.

Eligibility Requirements (Social Security Numbers) 400-19-45-60-05

While eligibility for TANF is determined primarily with information supplied by the applicant/recipient, proof of or application for social security number must be supported by conclusive, documenting evidence.

Before an individual can be included in the TANF benefit, verification of a social security number (SSN) or proof that one has been applied for must be furnished.

Any parent or child who does not have a social security number must complete an application for Social Security Number (SS-5) before eligibility for that person can be established. The applicant must either mail or personally deliver the completed application along with proof of birth and identity to the District Office of Social Security Administration (SSA). The District Office will provide Form 5028, 'Evidence of Application for Social Security Number Card', as proof of application to the county social service office. This indicates that formal application for a number has been made and that it will be processed.

The Department of Human Services receives monthly information from the Social Security Administration (SSA) in Baltimore. The Numident indicator on "Client Profile" will indicate if the social security number is a valid number for the recipient (See TANF Manual Section 400-19-15-10, Verification of Selected Factors of Eligibility and Administrative Manual ~~449-15-15-05-448-01-50-15-60~~ for further information).

In the case of a newborn, the parent may apply for SSN through the hospital. When the information for the newborn's birth certificate is completed, the parent may indicate whether permission is given for the state's Vital Records Office to share the information with the Social Security Administration. Vital Records will send the information to Social Security Administration who in turn will issue a social security card for the newborn. The processing time for the parent(s) to receive the newborn's SSN may range from three to 13 weeks. The hospital will provide written

verification, upon request, that the SSN has been applied for the newborn.

No individual may be included or added (including newborn children) for a TANF benefit until the SSN or proof of application for an SSN has been received. The applicant or recipient has 30 days from the date of the application, or request to add someone to the unit, to furnish either the SSN or proof of having applied for an SSN. A copy of the document used for verification must be in the case file. The procedure is as follows:

1. Applications – An application is not complete until all persons have submitted verification of their SSNs or proof of application for a SSN. Applicants who provided verification of their SSN or proof of application for a SSN within 30 days of the date of application will have their needs met from the date of application. Failure to comply with this requirement within 30 days will result in denial of the application. An applicant is informed of this requirement at the time of application.
2. Ongoing Cases – In an ongoing case, the Primary Individual shall have 30 days from the date of their request to add a newborn or another person to the case, to furnish verification of a SSN or proof of application for the SSN. If the proof of application for SSN or verification of the SSN is received within the 30-day period, the new person will be added to the case of the date of request. Failure to furnish an SSN or proof of application for an SSN will result in case closure or overpayments.

(Refer to Manual Section 400-19-105-40-30 for additional policies when adding a newborn or individual to the case.)

Recipients must provide verification of the Social Security Number within 6 months of receipt ~~of the Form 5028, 'Evidence of verification of an application for a social security card',~~ or at the time of the next ~~redetermination of eligibility review~~ verification of an application for a social security card, following receipt of the social security number, whichever is earlier. Failure to do so renders the entire case ineligible.

Documentation/Verification of SSN or Application for SSN

Document or other record available from the client or other sources

- Social Security Card
- Numident
- TPQY
- Pay stubs

Document or other record available from the client or other sources

- Form 5028, 'Evidence of Application for Social Security Card'
- Written verification from the hospital that the SSN was applied for at the time of birth.

9. 400-19-45-70-10. Incapacitated Parent deprivation reason, #5, was rewritten to add further clarification.

Deprivation Reasons 400-19-45-70-10

North Dakota law defines deprivation of parental support or care in terms of the following conditions:

1. Death of a Parent -- If either parent is deceased, the child is considered deprived;
2. Continued Absence of a Parent -- The continued absence of either parent from the home constitutes deprivation when all of the following factors are present:
 - a. The parent is physically absent from the home; and
 - b. The nature of the absence is such as to interrupt or terminate the parent's functioning as a provider of maintenance, physical care, or guidance for the child; and
 - c. The known or indefinite duration of the absence prevents relying on the parent to perform their function in planning for the present support or care of the child.

If all three of these conditions are met, the parent may be absent for any reason and the parent may have left only recently or sometime previously. Types of parental absence include:

- a. DIVORCE - The legal termination of a marriage. Continued absence of a parent may be established as the result of divorce.
- b. LEGAL SEPARATION - A lawful arrangement by which a husband and wife agree to live apart but not divorce. Continued absence of a parent as a result of this arrangement can be established if there was no agreement between the parents to render the family eligible for TANF.

- c. SEPARATION BY MUTUAL CONSENT OR AGREEMENT - The discontinuance of the marital relationship without legal action. Continued absence of a parent as a result of this arrangement can be established if there was no agreement between the parents to render the family eligible for TANF.
- d. IMPRISONMENT – The incarceration of a parent in a public institution. Continued absence exists only if the parent is sentenced to and/or serves a 30-day or longer term. Any portion of a sentence actually suspended and not served does not count toward the 30-day minimum.
- Note:** Once a benefit has been issued, deprivation exists for that month even if:
- i. The term served is shortened by order of the court; or
 - ii. The term actually served is less than the sentence imposed.
- If an offender is on day release and does not return home until at least 30 days has elapsed, the parent is considered absent from the household and deprivation exists.
- e. ABANDONMENT - The voluntary and willful desertion by a parent without making adequate provision for the child's care and support. Continued absence of a parent may be established when a child is abandoned.
- f. NEVER MARRIED - The parents having never married and who live apart. Continued absence of a parent may be established as a result of the parents never being married to each other.

A parent's contact with their child(ren) need not totally stop in order for continued absence to exist. It is recognized that the absent parent may be an important influence in the life of the child(ren) and contact between the absent parent and child(ren) is consistent with their role of helping to maintain and strengthen family life, as specified in the Act. Therefore, a continuing relationship between an absent parent and child(ren) cannot be a basis, by itself, for a finding that continued absence does not exist.

Occasionally, staff must deal with the complex question of whether or not a parent is actually absent from the home. Complaints from the community sometimes reach the TANF Eligibility Worker claiming that parents who have divorced or separated, or who are

alleged to have deserted their families are, in fact, maintaining common living quarters. While these complaints sometimes prove to be valid, staff must guard against the temptation to deny applications or terminate assistance on the basis of hearsay and rumor. The "prudent person" principle requires that all such reports be investigated promptly and objectively. If a thorough investigation reveals that the claim is true, the continued absence requirement is not met.

A child placed in the home of a relative in North Dakota by a court or through a voluntary family arrangement may be eligible for TANF in North Dakota, provided all factors of eligibility are met.

3. Aged Parent – Deprivation exists for purposes of TANF when a household contains two natural or adoptive parents and at least one attains age 65.
4. Disabled Parent – Deprivation exists for purposes of TANF when a household contains two natural or adoptive parents and the Social Security Administration determines that one parent meets the disability criteria to be eligible for either Supplemental Security Income (SSI) or Social Security Disability (SSDS) benefits. Eligibility for SSI or SSDS constitutes adequate substantiation of disability for purposes of TANF without submitting SFN 451, Eligibility Report on Disability/Incapacity. In addition, individuals approved under the Workers with Disabilities Program are considered disabled under TANF.

Disability of a parent is used to determine eligibility for a two-parent family with a child(ren) in common. The parent whose disability results in the deprivation of a child's support or care may be either parent. In any disability case, the financial needs of both parents may be included in the TANF benefit even if the parents are not married or, if married, the wife is pregnant and in her third trimester. However, the parents must reside together.

The Social Security Administration may review the individual's SSI or SSDS case to determine if disability continues. If the Social Security Administration determines that the individual's disability has ceased, the TANF Eligibility Worker must send the recipient an advance (10-day) notice to close the case.

Note #1: Since TANF incapacity criteria is less restrictive than Social Security disability criteria, the TANF Eligibility Worker may complete and send SFN 451 along with current medical information to the State Review Team.

Note #2: If an individual's SSI non-pay status remains 'N01' or 'N04' for one year or longer, the TANF Eligibility Worker must complete and send SFN 451 along with current medical information to the State Review Team.

5. Incapacitated Parent -- Deprivation exists for purposes of TANF when a household contains ~~two~~ both natural or adoptive parents with a child(ren) in common, when ~~and~~ one of the natural or adoptive parents is determined incapacitated by the State Review Team. The parent whose incapacity results in the deprivation of a child's support or care may be either parent. In an incapacity case, the financial needs of both parents must be included in the TANF benefit even if the parents are not married or, if married, the wife is pregnant and in her third trimester. However, the parents must reside together.

~~The natural or adoptive parent must have an incapacity which significantly interferes with the parent's capacity to earn a livelihood or to perform homemaker and/or child care responsibilities. a physical or mental condition, supported by current, competent, medical testimony, of such a debilitating nature as to reduce substantially or eliminate the parent's capacity either to earn a livelihood or to discharge the parent's responsibilities as a homemaker and provider of child care for a period of thirty (30) days or more. It does not matter whether a parent was employed or fulfilled the role of homemaker prior to the onset of the claimed incapacity. Incapacity is established either when the person is unable to earn a livelihood or to act as a homemaker. In making a determination of incapacity to earn a livelihood, the department shall take into account the limited employment opportunities of disabled persons.~~

Note #1: Incapacities of short duration (less than 30 days) do not establish eligibility for TANF.

Note #2: If the incapacity is expected to last for a period of 6 months or longer, appropriate referrals for either or both

~~parents should~~ must be made to:

- Vocational Rehabilitation Services for rehabilitation services;
- Job Service of North Dakota for possible training;
- Social Security Administration to apply for disability benefits;
- Any other appropriate programs, ~~for either or both parents.~~

~~Incapacity of a parent is used to determine eligibility for a two-parent family with a child(ren) in common. The parent whose incapacity results in the deprivation of a child's support or care may be either parent. In any incapacity case, the financial needs of both parents may be included in the TANF benefit even if the parents are not married or, if married, the wife is pregnant and in her third trimester. However, the parents must reside together. Appropriate referrals should be made to Vocational Rehabilitation Services for either or both parents.~~

The TANF Eligibility Worker is responsible for determining all eligibility factors except for incapacity which is determined by the State Review Team. The State Review Team must rely on current written reports from medical personnel, TANF Eligibility Staff, counselors, etc., to make a decision on incapacity. Therefore, it is important that objective information be submitted. Medical/social information is reported on SFN 451. If incapacity is approved, deprivation exists.

A form letter is used by the State Review Team to report its findings concerning incapacity; the basis for the findings; whether or not a future review of the incapacity is needed; and if so, the date of such a review. A copy of the form letter is sent to the TANF Eligibility Worker and the household.

The TANF Eligibility Worker is responsible to notify the client, in writing, of:

- a. The State Review Team's decision and recommendations;
- b. Whether or not a future review of the incapacity or disability is needed and, if so;

- c. The date of such a review and information needed to complete that review.

For those required to participate in JOBS, the recommendations made by the State Review Team should be incorporated into the JOBS Employability Plan.

Incapacity is established when a parent enters the State Hospital and is expected to remain for a period of 30 days or longer. The incapacity is established for the period of hospitalization without completing SFN 451, Eligibility Report on Disability/Incapacity. The TANF Eligibility Worker needs only to provide the State Review Team with verification that the individual has entered the State Hospital, the date of entry, date of discharge (if known), and the condition being treated. The State Review Team can then make the incapacity decision. If TANF eligibility is to continue upon the parent's return home, continued incapacity must be established by appropriate reports.

A parent receiving treatment in any facility other than the State Hospital must have their incapacity established by the State Review Team before TANF can be authorized. The benefit received in the month of the parent's return to the household will be the final benefit unless continued incapacity is established by the State Review Team.

If during a period of incapacity the TANF Eligibility Worker becomes aware that the individual's incapacity may no longer significantly interfere with the parent's ability to earn a livelihood or to perform homemaker and/or child care responsibilities, the TANF Eligibility Worker shall issue notification to end eligibility based on incapacity.

If incapacity is denied, deprivation does not exist. The TANF Eligibility Worker is responsible to notify the client, in writing, of the decision and its effect on the TANF benefit.

TANF Financial Eligibility Factors 400-19-55

10. 400-19-55-05-15. Changed Redetermination to Review in the last paragraph of #1 to align policy with other programs and clarified that at each annual review, the TANF Eligibility Worker must determine whether the judgments are still on file or whether the debtor has any change in assets at .

Countable Assets 400-19-55-05-15

1. **Contract for Deed** -- When an applicant or recipient has sold real property or a mobile home, and received in return a promise of payments of money at a later date, usually to be made periodically, and an attendant promise to return the property if the payments are not made, the arrangement is usually called a "contract for deed." The essential feature of the contract for deed is the right to receive future payments, usually coupled with the right to get the property back if the payments are not made. Contractual rights to receive money payments also arise out of other types of transactions. The contract document may be called a note, accounts receivable, mortgage, or by some other name.

The principle from a contract for deed is considered an asset (Reference N.D.A.C. 75-02-01.2-21(1)(k)). The interest income received on a contract for deed is considered unearned income (Reference N.D.A.C. 75-02-01.2-44).

Valuing Contract for Deeds

The value of a contract in which payments are current is equal to the total of all outstanding payments of principal required to be made by the contract, unless evidence is furnished that establishes a lower value.

The value of a contract in which payments are not current is an amount equal to the current fair market value of the property subject to the contract. If the contract is not secured by property, the value of the contract is the total of all outstanding payments of principal and past due interest required to be made by the contract.

In situations where the contractual right to receive money payments is not collectable and is not secured, the debt has no collectable

value, and thus no countable asset value. An applicant or recipient can establish that a note has no collectable value if:

- a. The debtor is judgment proof. A debtor is judgment proof when money judgments have been secured and not satisfied. An applicant or recipient may show a debt has no value as long as a money judgment obtained by any creditor (including the applicant or recipient) has been on file in a county in which the debtor lives, or owns property, for at least 60 days and has not been satisfied; or
- b. The applicant or recipient verifies the debt is uncollectible due to a statute of limitations. A satisfactory verification includes an attorney's letter identifying the statute and facts that make a debt uncollectible due to a statute of limitations.

Applicants and recipients should be encouraged not to forgive debts that have been determined to be uncollectible. Such debts could have a future value if the debtor ever accrues assets. At each annual redetermination review, the TANF Eligibility Worker must determine whether the judgments are still on file or whether the debtor has any change in assets.

11. 400-19-55-05-35. Added addition policy clarification to the Disqualifying Transfer section.

Disqualifying Transfers of Assets 400-19-55-05-35

The transfer of any property without adequate consideration is disqualifying if the transfer was for the purpose of becoming eligible or to remain eligible for ~~this program~~ TANF. The household's intent, ~~and the~~ lapse of time between such transfer, ~~and the~~ TANF Application are among the factors which must be evaluated. The 12-month period prior to the month in which a TANF Application is received must be reviewed for the occurrence of a transfer of assets. Evaluate On-going cases must be periodically reviewed ~~when appropriate~~ for a disqualifying transfer of assets.

Note#1: A transfer of an exempt asset (See Section 400-19-55-05-30, Exempt Assets) is not considered a Disqualifying Transfer.

Note #2: Disqualifying Transfer of assets by individuals with participation codes of 'OU' (other than due to Pay After Performance), 'SS' and 'MP' are not considered disqualifying transfers.

If a transfer is determined to be disqualifying, the TANF household will be ineligible from receiving TANF benefits for a period beginning with the month in which the transfer took place and continuing for a number of months equal to the result of dividing the known or estimated equity value of the asset transferred by the TANF Basic Standard of Need at the time of the transfer (without add-on's for special items of need). Any amount remaining will be counted as unearned income for the first potential month of eligibility after the disqualification period ends.

Note: Any period of ineligibility begins the first day of the month of transfer.

Example: If the equity value of the transferred asset for a TANF household was \$10,000 and the TANF Basic Standard of Need was \$523, the ineligibility period is 19 months plus \$63 remains to be counted as unearned income for the first potential month of eligibility after the disqualification period ends. ($\$10,000 \div \$523 = 19.12$ months. 19 months times \$523 equals \$9,937. \$10,000 minus \$9,937 equals \$63).

If a TANF household member makes multiple transfers of assets, each asset transferred must have a disqualification period calculated, and ineligibility for each transfer begins the month in which the transfer took place.

Note: Multiple transfers made in the same month cannot be added together when determining the period of ineligibility.

If the TANF household member who caused the household's ineligibility due to a disqualifying transfer leaves the household, the remaining household members are no longer subject to the disqualification period if the transferred asset was owned solely by the departing household member. Effective the day following the day in which the individual left the TANF household, the disqualifying transfer will no longer affect the remaining household members ~~may request TANF benefits.~~

Note: However, if the transferred asset was jointly owned with any remaining member of the household, the disqualification period will continue as initially calculated.

If the household member who caused a disqualification moves to another TANF household, the ~~previous~~ period of ineligibility determined in the previous household does not remain in effect for the new TANF household. A new disqualification period must be calculated for the new household based on the remaining amount of the transferred asset and the TANF Basic Standard of Need of the new household.

Example: Continuing on with the Example above, If the individual moves to a new TANF household after 5 months of ineligibility, a revised period of ineligibility for the new TANF household is calculated as follows: \$523 (Old TANF household Standard of Need) X 5 months = \$2,615. \$10,000 (original equity value of transferred asset) less \$2,615 = \$7,385. \$7,385 is the remaining amount of the transferred asset which must be divided by the TANF Basic Standard of Need of the new TANF household.

If the TANF Basic Standard of Need of the new TANF household is \$328, the disqualification period is 22 months plus \$169 remains to be counted as unearned income for the first potential month of eligibility after the disqualification period ends. (\$7,385 divided by \$328 = 22.51 months. 22 months times \$328 equals \$7,216. \$7,385 minus \$7,216 equals \$169).

The disqualification period for the new TANF household is effective the month following the month in which the individual entered the new household.

~~Other~~ Household members who leave a disqualified household are no longer subject to the disqualification penalty if the departing member did not own the transferred asset.

There is no recalculation of the disqualification period based on any changes in the TANF Basic Standard of Need (e.g. change in household size, mass change in the basic standard of need, etc.).

Any portion of the transferred asset that is returned must reduce the amount of the disqualifying transfer and reduce the period of ineligibility. However, the period of ineligibility will not end prior to the date of the return.

Note: Refer to the Special Processing section of the Vision User Manual for instructions on processing TANF Disqualifying Transfers. Contact State TANF Policy for assistance if:

- All or a portion of the asset transferred has been returned;
- The household member who made a disqualifying transfer moves to another TANF household; or
- The participation code for the household member who made a disqualifying transfer changes to 'OU' (other than due to Pay After Performance), 'SS' or 'MP'. ~~household has been determined to have made a disqualifying transfer, please contact State TANF Policy for assistance.~~ in establishing the disqualification period in the automated computer system.

12. 400-19-55-20-15. Updated the Administrative Manual site to the new 448 site. Added clarification to #7 Voluntary or Court-Ordered Support Payments indicating a lump sum child support payment received by the household that was obtained through treasury offset is considered a non-recurring lump sum.

Countable Unearned Income Types 400-19-55-20-15

1. Retirement, Survivors, and Disability Insurance -

Retirement, Survivors, and Disability Insurance (RSDI) is administered by the Social Security Administration. This program provides workers and/or their families with partial replacement for loss of income due to retirement, disability, or death of the insured person.

Because of the broad coverage offered under RSDI, an exploration of a household's potential eligibility for benefits must be made whenever the employment history or other pertinent data suggest the possibility of entitlement.

~~A Beneficiary Data Exchange (BENDEX)~~ Third Party Query (TPQY) and State Data Exchange (SDX) interfaces have been designed to provide TANF Eligibility Workers with prompt and accurate social security benefit entitlement information from the

Social Security Administration. (For further information regarding these two interfaces, see Service Chapter 448-01-50-15 ~~449-45-20~~ and ~~449-45-25~~.)

Additionally, private pensions may be available to assist families with partial replacement for loss of income due to retirement, disability, or death of an employed person. TANF requires that all-potential sources of income for earned rights benefits be explored by the household.

Note: Lump sum retroactive adjustment payments from Social Security due to changes in an individual's earnings record will be considered as follows:

- If the individual received SSA benefits AND had earnings in the year prior to the adjustment payment, the adjustment payment will be considered a recurring lump sum benefit.
- If the individual did not receive Social Security OR did not have earnings in the calendar year prior to the adjustment payment, the adjustment payment will be considered a non-recurring lump sum.

7. **Voluntary or Court-Ordered Support Payments** - If child support received or assigned during the first prospective month results in ineligibility, the application must be denied.

After initial TANF eligibility is established and authorized, support payments are normally paid to the Department of Human Services. The automated computer system generates a child support alert informing the TANF Eligibility Worker that child support has been paid to the State Disbursement Unit.

If child support received or assigned during the second prospective month results in ineligibility, the case must be closed effective the last day of the first prospective month. The household shall be advised to notify the TANF Eligibility Worker if child support for the second prospective month is not received by the last workday of the month.

If the household notifies the TANF Eligibility Worker by the last workday of the month following the effective closing date that child support was not received or was received in a lesser amount, the case shall be reverted to open without a new Application and eligibility re-determined based on the new information.

Example: A case is closed effective June 30 (the last day of the first prospective month) due to anticipated child support. The household must contact the TANF Eligibility Worker by the last workday of July if child support is not received or received in a lesser amount. If reported by the last workday of July, the case must be reverted to open and eligibility redetermined for July, based on the new information.

If the household fails to contact the TANF Eligibility Worker by the last workday of the month following the effective closing date, a new application is required. The case must be budgeted prospectively for the first two months and benefits are prorated from the date of the application or date of eligibility, whichever is later.

- a. **Child Support Received by the Household** - Child support payments received by a household prior to the date the case is authorized must be counted when determining eligibility and the TANF benefit. This income, along with any child support that can be anticipated to be received in the initial two months (whether or not it is assigned to the State), must be considered when determining eligibility. If the household is financially eligible, only the child support received is counted when determining the TANF benefit.

Note: Any child support received by the TANF recipient on behalf of a benefit cap child or a child subject to Pay After Performance (PAP) requirements is considered unearned income to the household.

Child Support Enforcement defines the collection month of a Child Support Payment as the date on which the payment is received by the State Disbursement Unit. Any child support received by the household during the first two prospective months which Child Support Enforcement has credited as a prior months collection is not considered countable income when

determining eligibility. For that reason, special care should be taken to identify the collection month on any support received early in either of the initial months.

When retrospectively budgeting, countable child support income is considered received on the date:

1. The income is received; or
2. When available and the recipient has a legal ability to access the income for support or maintenance.

If the household cannot determine the date of receipt, the receipt date is:

1. The date funds were deposited into the account based on a bank statement from U.S. Bank or their personal bank account; or
2. Two working days after the date on a child support check; or
3. Two working days after the date in the 'Check Date' field on the "View Eligibility Worker Ledger Details" screen in FACSES.

Any support collected for the current month by a Clerk of Court, the State Disbursement Unit, an out-of-state collection system, or other disbursement agency which is received and retained by the household after authorization of the application is subject to recovery by the Child Support Enforcement program. If the TANF Eligibility Worker becomes aware the family has received support, the family should be advised that the support must be turned over to Child Support Enforcement program and the TANF Eligibility Worker should notify the State Disbursement Unit of the specific situation. Retention of assigned child support by the household and a failure to turn over such payments may be referred to the appropriate authority for investigation for welfare fraud. Any retained support should be considered as child support assigned.

Voluntary or court ordered support received directly from a responsible or legally responsible obligor after the case is authorized and is retained by the family is treated as a cash

contribution, is unearned income, and will be deducted dollar for dollar from the TANF benefit. The TANF Eligibility Worker is responsible for establishing overpayments if this type of unearned income occurs.

Note: A responsible person is someone who is not yet subject to a court order or someone who has not been legally adjudicated as the father of the child. A legally responsible obligor is someone who is subject to a court order for support.

After the initial two months of eligibility, any child support received by the household, other than from treasury offset, which is intended for a month in which the family was not in receipt of TANF benefits is treated as a cash contribution. Cash contributions are considered unearned income and deducted dollar for dollar from the TANF benefit.

Note: A lump sum child support payment received as a result of treasury offset is considered a non-recurring lump sum.

- b. **Extra Child Support Received by Household** - Extra child support received by a TANF recipient is deducted dollar for dollar from the TANF benefit. Extra money is support received by the State Disbursement Unit, which exceeds the total unreimbursed public assistance.
- c. **Child Support Retained Offset** - Federal law governs the distribution of child support payments.

For a family who is receiving a TANF cash benefit, all support collected that does not exceed the monthly obligated amount for all months the family received TANF must be retained and applied against any UPA. Current support collected which exceeds the total of all the monthly obligated amounts for all months the family received TANF is paid to the family.

Example: A family has \$100 child support owing for the months of January and February, while in receipt of TANF.

The family continues to be eligible for TANF and the absent parent pays \$500 support in March. The total UPA for January, February and March is \$250. The state retains \$250 of the \$300 owed for January, February and March and pays

\$50 to the family. The remaining \$200 is also paid to the family.

13. 400-19-55-25. The following changes were made to this section:
- Added Disaster Unemployment Insurance Benefits under the authority of section 408 of the Robert T. Stafford Disaster Relief and Emergency Act (42 UC 5174) and Title 44 of the Code of Federal Regulations, which was included in IM 5126, to #13.
 - Removed reference to advance earned income tax credit in #15 as the Education Jobs and Medicaid Assistance Act of 2010 signed into law August 10, 2010 repealed the Advance EITC as of January 1, 2011.

Disregard of Certain Income 400-19-55-25

13. **Disaster Payments** - Federal payments issued due to a presidential declaration of disaster. Federal payments include, but are not limited to, grants from the Federal Emergency Management Agency (FEMA); Disaster Unemployment Insurance Benefits under the authority of section 408 of the Robert T. Stafford Disaster Relief and Emergency Act (42 USC 5174) and Title 44 of the Code of Federal Regulations. State and local governments and disaster relief organizations such as Red Cross and Salvation Army may also provide disaster assistance.
15. **Earned Income Tax Credit** – Federal Earned Income Tax Credit (EITC) refunds, ~~including Advance Earned Income Tax Credit (AEITC)~~ payments are disregarded as earned and unearned income.

Job Opportunity and Basic Skills (JOBS) Program 400-19-75

14. 400-19-75-20. The following changes were made to this section:
- Clarified the **Note** after paragraph #4 to allow good cause to be granted for the month of birth and the month following for reasons other than meeting the 12-month lifetime limit for Caretaker Exemption.
 - Policy has been changed in #3.c.. All requests for 'good cause' for the reason of 'Child Care Unavail' must be submitted to State TANF Policy for final approval.

Good Cause Allowable Reasons for Non-participation in JOBS or Tribal NEW 400-19-75-20

All nonexempt individuals capable of working or participating in JOBS program activities at any level will not be granted good cause from participation in the JOBS program.

A nonexempt individual who is unable to work or participate at any level may be granted good cause to **temporarily postpone** the referral to or **temporarily excuse** the individual from participation in JOBS. However, since most individuals will be able to participate at some level, a very small number of individuals will be granted good cause.

NOTE: A month in which a TANF recipient is granted good cause counts toward the state's work participation rate. It is imperative that an individual with good cause be referred to the JOBS program as soon as good cause ends.

Nonexempt individuals who are granted good cause to temporarily postpone a referral to the Job Opportunities and Basic Skills (JOBS) or Tribal Native Employment Works (NEW) program or who are granted good cause to reduce expectations for their involvement in work activities are always included in the state's work participation rate. Therefore good cause must be used sparingly.

All nonexempt individuals must participate in the JOBS program unless good cause is granted. Except for good cause due to medical reasons, determinations of good cause are made by the TANF Eligibility Worker. All requests for good cause due to medical reasons must be submitted to State TANF Policy. Once State TANF Policy ensures all necessary information is included with the request, the request will be forwarded to the State Review Team (SRT) for a final decision.

Note: For individuals who have given birth and are not eligible for the Caretaker of a Newborn exemption, met the 12-month lifetime limit for Caretaker Exemption or, the TANF Eligibility Worker may grant good cause for the month of birth and the month following. (e.g. The caretaker met the 12-month lifetime limit; the newborn was never added to the TANF case due to death, adoption, or placed in Foster Care, etc.)

Good cause for failure or refusal to participate in the JOBS or Tribal NEW program exists when:

1. Incapacitated - The individual is incapacitated with a physical or mental impairment verified by reliable medical evidence which, by itself or in conjunction with age, prevents the individual from working or participating in any JOBS program activity (Refer to N.D.A.C. § 75-02-01.2-103(1)(a));
2. Temporary Illness - An individual has an illness or injury, verified by reliable medical evidence and reviewed every thirty days, which is serious enough to temporarily prevent entry into employment or participation in any JOBS program activity (Refer to N.D.A.C. § 75-02-01.2-103(1)(c)); or
3. Child Care Unavail - In the case of a parent or other eligible caretaker relative of a **child** under age six who is personally **caring** for the **child** full-time and who demonstrates an inability to obtain needed **child care** for one or more of the following reasons (Refer to N.D.A.C. § 75-02-01.2-103(1)(d)):
 - a. The commuting time, based on personal vehicle use, from the parent's home to the **child care** provider to the parent's worksite exceeds one hour;
 - b. Suitable **child care** is not available from a relative, from an approved licensed or registered **child care** provider, or from a **child care** provider not required to be licensed or registered under NDCC 50-11.1; or
 - c. **Child care** is not available, from a licensed or registered **child care** provider under NDCC 50-11.1, at a rate equal to or less than 1.1 times the maximum allowable amount as determined by the **Child Care** Assistance program. (e.g. If the current rate is \$480 per month, 1.1 times the maximum allowance amount would be \$528).

All requests for 'good cause' for the reason of 'Child Care Unavail' must be submitted to State TANF Policy for final approval.

4. Family Violence - A victim of family violence may be granted good cause for non-participation in the JOBS program. (See Section 400-19-75-20-05, Good Cause - Family Violence Option.)
5. Contractor Limits - Contractor Limit good cause may only be used when the Department determines it is necessary to administratively limit the number of individuals being referred to, or participating in,

the JOBS program. The Department will inform counties when and how contractor limit good cause may be used.

Using the Decision-Making Principles in Section 400-19-05, Definitions, the TANF Eligibility Worker is responsible to determine if a nonexempt TANF applicant has good cause to postpone the referral to JOBS or Tribal NEW program.

Once an individual begins participation in JOBS or Tribal NEW, the JOBS Employment Contractor, Tribal NEW Coordinator, or the TANF Eligibility Worker has the authority to pursue good cause for the individual to temporarily reduce their involvement within the JOBS program or to temporarily excuse them from participation in JOBS.

15. 400-19-75-40-25. Updated the Administrative Manual site to the new 448 site. Reworded #2 under 'Receiving County' for clarification purposes.

JOBS or Tribal NEW participant Moves to Another County

When an individual moves from one county to another, participation in JOBS or Tribal NEW is considered a continuation of service and the individual is not treated as a new participant. Whether or not the receiving county is served by the same JOBS Employment Contractor or Tribal NEW Coordinator, these individuals must resume involvement in JOBS or Tribal NEW without any break in service.

Sending County:

Consistent with Service Chapter ~~449~~ 448-01-40-40, the TANF Eligibility Worker is responsible to complete any unresolved actions in the individual's case prior to transferring the file to the receiving county.

Receiving County:

The TANF Eligibility Worker must:

1. Determine whether the individual should be referred to JOBS or Tribal NEW;
2. ~~If the individual is required to participate in JOBS or Tribal NEW,~~ Create a new referral form and select the appropriate JOBS Employment Contractor or Tribal NEW Coordinator for those individuals who are required to participate in JOBS or Tribal NEW;

3. Select the 'Yes' radio button in the Transfer Case group box on the JOBS or Tribal NEW referral form, which will distinguish this action from a new referral; and
4. Send copies of the JOBS or Tribal NEW referral form to the client at their new address as well as to the JOBS Employment Contractor or Tribal NEW office.

Sanctions for Non-Compliance with JOBS and Tribal NEW 400-19-85

16. 400-19-85-20. Reworded the lead-in sentence for clarification purposes. Added wording as a note after #2 in the second paragraph regarding the TANF JOBS Sanction notice being automatically created by the Vision system if the sanction is created on the same day the TANF case is reverted to open. If the sanction is not created on the same day the TANF case is reverted to open, the Eligibility Worker will need to manually create then review and send the notice. In either situation, the Eligibility Worker must send the notice to Central Print.

Imposing a JOBS or Tribal NEW Sanction on a Closed TANF Case 400-19-85-20

~~In the month immediately following case closure,~~ a JOBS or Tribal NEW sanction can be imposed against an individual in the month immediately following case closure, if all of the following criteria are met:

1. The TANF Eligibility Worker received the recommendation for sanction **prior** to case closure; and
2. Good cause determination was offered with proper notice provided, i.e., the individual was properly notified of their opportunity to show good cause for the failure or refusal to participate; and
3. The participant either failed to show good cause or failed to attend the good cause meeting within the allowed time period (seven (7) calendar days from the print date of the good cause determination notice).

After determining that the above criteria have been met, the TANF Eligibility Worker shall:

1. Revert the case to open;
2. Impose the sanction, rerun the HH Comp and Eligibility processes and reauthorize the TANF case closure (do not revert the case to close until after the notice is created);

Note: If the sanction is created on the same day the TANF case is reverted to open, the Vision system will automatically create the TANF JOBS Sanction notice but the TANF Eligibility Worker will need to review and send the notice. If the sanction is not created on the same day the TANF case is reverted to open, the TANF Eligibility Worker will need to manually create the notice.

3. Send the notice titled "TANF JOBS Sanction – Closed Case";
4. Complete and return the Recommendation for Sanction form to the JOBS Employment Contractor or Tribal NEW Coordinator;
5. Revert the case to close.

When imposing a JOBS or Tribal NEW sanction for a current month (i.e., sanction imposed in January to be effective for the month of January), the sanction must be imposed no later than the "Monthly Report Late-Date" (which can be found on the Main Menu Inquiry Tables Job Control Matrix). If the sanction is not imposed by that date, the TANF Eligibility Worker must disregard the sanction.

Example #1: A sanction recommendation is received from JOBS or Tribal NEW on January 30th. The TANF Eligibility Worker determines that a sanction is appropriate but there is not enough time to reduce the household's February benefit with adequate notice.

The TANF Eligibility Worker waits until the first working day of the next month (February) to impose the JOBS or Tribal NEW sanction, effective February 1st. The TANF Eligibility Worker creates and sends both a TANF JOBS Sanction notice and a Notification of Overpayment Notice to the household if the JOBS or Tribal NEW sanction results in an overpayment. Recoupment of the February overpayment will begin with the household's next TANF benefit.

Example #2: A TANF case closed January 31st. A sanction recommendation is received from JOBS or Tribal NEW on February 1st. Since the recommendation was received **after** the case closure date, the sanction cannot be imposed.

17. 400-19-85-25. Added wording regarding the TANF JOBS Sanction notice being automatically created by the Vision system when a JOBS Sanction is created.

Notice Requirements When Imposing a JOBS or Tribal NEW Sanction 400-19-85-25

Once a TANF Eligibility Worker has determined that a sanction is appropriate, the sanction must be imposed as soon as possible keeping in mind that adequate notice must be provided before the household's TANF benefit is reduced. This will allow the household to receive the sanction notice no later than the date it would normally receive its TANF benefit. In either situation, the Eligibility Worker must send the notice to Central Print.

To ensure that the household is provided adequate notice of the sanction prior to the reduction of the TANF benefit, the TANF Eligibility Worker must generate send a TANF JOBS Sanction notice no later than the close of business on the 3rd to the last working day of a month.

Note: At the time a JOBS sanction is created in the Vision system, the TANF JOBS Sanction notice will be created automatically.

The TANF JOBS Sanction notice informs individuals of the potential consequences for failing to cure the sanction. Since the TANF JOBS Sanction notice addresses the potential for case closure, sending a TANF closing notice is not required if the case is closing for sanction progression only.

A sanction cannot be imposed on the last two working days of the month as the benefit amount for the future month cannot be decreased without adequate notice. In this situation, the TANF Eligibility Worker must wait until the first day of the next month to impose the sanction. (See Section 400-19-85-15, Imposing a JOBS or Tribal NEW Sanction on an Open Case and Section 400-19-85-20, Imposing a JOBS or Tribal NEW Sanction on a Closed Case.)

Sanctions for Non-Compliance with Child Support Enforcement 400-19-95

18. 400-19-95-10. Clarified policy in this section that if Child Support Enforcement (CSE) determines non-cooperation occurred prior to the third to the last working day of the month the CSE sanction is imposed effective the future benefit month but if CSE determines non-cooperation occurred on or after the third to the last working day of the month, the

CSE sanction is held until the first day of the future month and then processed.

Imposing a Child Support Enforcement Sanction 400-19-95-10

When Child Support Enforcement's (CSE) determination of non-cooperation occurs:

1. ~~On or before the~~ Prior to the third to the last working day, the automated computer system:
 - a. Creates an alert in the TANF case informing the TANF Eligibility Worker of the non-cooperation;
 - b. Creates a CSE Sanction on the Sanction Window;
Note: Creation of a CSE sanction will un-authorize the future benefit month.
 - c. Updates the Cooperation Code to 'Not Cooperating' on the Child Support Cooperation/Paternity Window.
 - d. Creates and sends the TANF Child Support Sanction notice to the recipient.
2. On or After the third to the last working day, the automated computer system holds the sanction until the first day of the future month. A CSE sanction cannot be imposed on the last two working days of the month as the benefit amount for the future month cannot be decreased without adequate notice.

On the first of the future month, the automated computer system:

- a. Creates an alert in the TANF case informing the TANF Eligibility Worker of the non-cooperation;
- b. Creates a CSE Sanction on the Sanction Window effective the first day of the future month;
- c. Updates the Cooperation Code to 'Not Cooperating' on the Absent Parent Maintenance Window; and
- d. Creates and sends the TANF Child Support Sanction notice to the recipient.

Example: A sanction recommendation is received from CSE on January 30th. The automated computer system holds the sanction until the first day of February as there is not enough time to reduce the household's February benefit with adequate notice. On February 1, the system automatically imposes the CSE Sanction to

be effective March 1. March becomes the Sanction Penalty Month.

19. 400-19-95-15. Clarified policy in this section that if Child Support Enforcement (CSE) determines non-cooperation occurred prior to the third to the last working day of the month the notice is generated mailed no later than the close of business on the third to the last working day of the month, but if CSE determines non-cooperation occurred on or after the third to the last working day of the month, the notice is sent on the first day of the future month.

Notification Requirements when Imposing a Child Support Sanction 400-19-95-15

Adequate notice is required when imposing a Child Support sanction. To ensure that the household is provided adequate notice of the sanction prior to the reduction of the TANF benefit:

1. When Child Support Enforcement's (CSE) determination of non-cooperation occurs ~~on or before~~ prior to the 3rd to the last working day, the notice is generated by the automated computer system no later than the close of business on the third to the last working day of a month.
2. When Child Support Enforcement's (CSE) determination of non-cooperation occurs on or after the third to the last working day, the automated computer system processes both the sanction and sends the notice on the first day of the future month.

The TANF Child Support Sanction notice informs the individual of the potential consequences for failing to cure the sanction, and serves as the adequate notice for both reduction in benefits and case closure. Therefore, it is not required to send a TANF Closing notice if the case is closing for sanction progression only.

TANF Budgeting 400-19-105

20. 400-19-105-15. Added a new paragraph at the end of this section to include policy regarding households who reapply for TANF when their TANF case closes at the end of the first prospectively budgeted month and there has not been a break in assistance for at least one full calendar month.

Prospective Budgeting 400-19-105-15

Prospective Budgeting is determining eligibility and benefit amounts for the initial two months based on the best estimate of income, expenses and household circumstances in those months. After the initial two months, all factors of eligibility, except income and expenses, must be considered prospectively each month to determine continued eligibility.

The TANF Eligibility Worker must also gather supplemental information from the applicant to determine eligibility and benefits for the second month. The TANF Eligibility Worker must note the information on the Statement of Facts or the Application for Assistance (SFN 405) relating to the second prospective month. Income reasonably expected to be received and expenses expected to be incurred during the first two months must be used to determine the initial two months' benefits. Previous months' pay stubs and expense receipts may be requested to assist in determining the most accurate amounts. The method(s) used to anticipate income and expenses during the initial two prospective months will vary according to the circumstances of each household. It is the responsibility of the TANF Eligibility Worker to decide on the best approach. Whatever the method used, it is imperative that the rationale for arriving at estimated income and expenses be clearly and thoroughly explained in the case narrative.

The TANF benefit is based on prospective income and expenses for the first two months and retrospective (two months prior to the benefit month) for all subsequent months. Benefits for the first prospective month will be made by immediate issuance. Benefits for the second prospective month will be made by regular issuance unless the second prospective month's benefits are authorized after its regular issuance deadline.

If, in the first prospective month, ineligibility is caused by excess earned or unearned income, and ineligibility is expected to last for one month only, the household is ineligible and the application must be denied.

Note: The application can be used to determine eligibility for the month following the month of denial and the new application month becomes the first prospective month.

If, in the second prospective month, ineligibility is caused by the anticipated receipt of an extra check from a recurring earned or unearned income source and ineligibility is expected to last for one month only, the TANF case is suspended for that month and the following month becomes the second prospective month. (Review Policy at 400-19-55-10-15, Income Resulting from the Receipt of an Extra Check.)

Note: If the household is prospectively ineligible for any other reason, TANF must be closed at the end of the first prospective month.

When the final payment of income is received during the 1st or 2nd prospective months, the income is considered a terminated source of income. Income cannot be treated as a terminated source of income if it continues to be received in the 1st retrospectively budgeted benefit month. (Review Policy at 400-19-55-10-10, Terminated Source of Income.)

The first monthly report filed by the household will contain the actual income and expenses from the initial month (the first prospective month). If the actual amounts are different from those used to determine the initial benefit, the initial month (first prospective month) must be reworked to establish an underpayment or overpayment for that month. A supplemental payment will be issued immediately to adjust any underpayment. Benefit adjustments for an overpayment will be made in subsequent months.

Note: If the household is later determined ineligible for the first prospective month, the month continues to be considered the first prospective month and the budgeting cycle does not change.

The second monthly report filed by the household will contain the actual income and expenses from the second prospective month. If the actual amounts are different from those used to determine the TANF benefit for the second prospective month, that month must be reworked to establish the amount of underpayment or overpayment. A supplemental payment will be issued immediately to adjust any underpayment. Benefit adjustments for an overpayment will be made in subsequent months. (Also see Section 400-19-105-40-30, Budgeting for Persons Being Added to the Household.)

If a TANF case closes at the end of the first prospectively budgeted month and the household reapplies for TANF in the month following the month of closure, the household will be budgeted prospectively for one additional month; this since there has not been a break in assistance for a least one full calendar month. However the benefit is prorated from the date of the Application or date of eligibility, whichever is later.

21. 400-19-105-20. Made minor wording changes to correct grammar. Added a new paragraph at the end of this section to include policy regarding households who reapply for TANF when there has not been a break in assistance for at least one full calendar month and the case closed at the end of the second prospectively budgeted month or the household was retrospectively budgeted at the time the TANF case closed.

Two-month Retrospective Budgeting 400-19-105-20

Two-month retrospective budgeting is the computation of a household's eligibility and benefit based on actual income received and expenses incurred two months prior to the month for which the benefit is computed.

Example: March benefits are determined based upon the income and expenses that actually existed in the month of January.

If excess earned or unearned income is received in a retrospective month, the household is ineligible and the TANF case must be closed , unless ineligibility was due to excess earned income. If ineligibility was due to excess earned income, the household may be eligible for Transition Assistance. (Refer to Section 400-19-150-05, Transition Assistance).

Following the initial two months, each subsequent month's TANF benefit is computed retrospectively on the basis of income and expenses received and other relevant circumstances which occurred in the corresponding base month.

The amount of the TANF benefit for the first month of retrospective budgeting is based on the income and expenses received ~~and the circumstances existing~~ that existed during the corresponding base month (the initial month) which ~~is~~ are of a continuous nature.

Note: If the household is later determined ineligible for the first prospective month, the month continues to be considered the first prospective month and the budgeting cycle does not change.

The amount of the TANF benefit for the second month of retrospective budgeting is based on income and expenses that existed ~~received and the circumstances existing~~ during the corresponding base month (the second prospective month) which ~~is~~ are of a continuous nature.

Note: If the household is later determined ineligible for the second prospective month, the month continues to be considered the second prospective month and the budgeting cycle does not change

A household who reapplies for TANF continues to be budgeted retrospectively if their TANF case closed at the end of the second prospectively budgeted month or the household was retrospectively budgeted at the time their TANF case closed and there has not been a break in assistance for at least one full calendar month. However the benefit is prorated from the date of the Application or date of eligibility, whichever is later.

22. 400-19-105-30. Clarified policy in the 1st bullet to state that if the adjusted net income is greater than or equal to the Total TANF Standard of Need, the household is ineligible for TANF benefits.

Net Income Eligibility Test 400-19-105-30

Households must meet the net income test in order to be eligible for TANF. This test compares the adjusted net income to the Total TANF Standard of Need (which includes the \$45 personal needs allowance for out-of-home TANF eligible individuals, and special items of need).

- If the adjusted net income is greater than or equal to ~~more than~~ the Total TANF Standard of Need, the household does not meet the financial eligibility criteria and the household is ineligible for TANF benefits.
 - If the adjusted net income is less than the Total TANF Standard of Need, the household meets the financial eligibility criteria. If all other factors of eligibility are met, the TANF benefit is calculated.
23. 400-19-105-40-10. The following changes were made to this section:
- Changed the first bullet in this section to include 'ex-spouse' as

non-legally responsible caretakers who are residing with their spouse or ex-spouse are not eligible to be included in the TANF benefit and will be designated as an ineligible caretaker for TANF.

- Changed the second bullet to indicate the spouse of the non-legally responsible relative cannot be residing in the home as the wording of 'is absent from the home' could be interpreted to allow eligibility if the spouse was temporarily out of the home. TANF policy does not allow a non-legally responsible relative to be an eligible caretaker if the spouse is temporarily out of the home.

Non-legally Responsible Relatives who are Caretakers 400-19-105-40-10

Children may live in the home of non-legally responsible relatives such as grandparents, aunts, uncles, brothers, sisters, stepparent etc.

- If the spouse or ex-spouse of the non-legally responsible relative resides in the home, the non-legally responsible relatives are ineligible to be included in the TANF benefit and will be designated as an ineligible caretaker. TANF eligibility for the child(ren) will be tested against the income and assets of the child(ren) only.
 - If the spouse or ex-spouse of the non-legally responsible relative is absent from the home for reasons other than of a temporary nature, the non-legally responsible relative has the option of being included as the eligible caretaker, or can choose to 'opt out'. If the non-legally responsible relative chooses to be included as an eligible caretaker, income and assets of the eligible caretaker are added to those of the child(ren) in determining eligibility and benefit amount.
 - If the income and assets of the non-legally responsible relative results in ineligibility, the non-legally responsible relative must be 'opted out' so that their income and assets are not considered when determining eligibility and benefits for the child(ren).
 - If the inclusion of the non-legally responsible relative's income reduces the benefit below what it would be for the child(ren) only, the non-legal responsible relative has the option of being 'opted out'.
24. 400-19-105-40-25. Corrected policy in the 3rd and 4th paragraph under Boarding School to indicate the household is required to report a child

returning home from Boarding school within 5 days. Also, added that when a household reports the return of the child on the monthly report, the monthly report is received timely (the 5th day of the month, or the first work day after the 5th day of the month if the 5th day falls on a weekend or holiday) and the individual entered the household within 5 days prior to the 1st of the month in which the report is received, the household is considered to have reported the change timely.

Recipient Attending School in Another Community 400-19-105-40-25

A dependent child is sometimes required to leave the family and establish a temporary living arrangement in another North Dakota community in order to attend education or vocational school. The TANF Eligibility Worker shall budget these individuals as though they continue to reside in the TANF household.

Note: With the exception of Job Corp and Boarding School, any child residing in another state to attend school is no longer eligible for benefits from North Dakota, and must be removed from the TANF case.

When a caretaker leaves a child in the care of another person in order to pursue an educational program in another North Dakota community, the budget shall be calculated as if the TANF household resides together.

- If child care is required for the child(ren) under an approved JOBS activity, it shall be based on what the child care needs would be if the child(ren) were with the caretaker.

Boarding School

A child attending elementary or secondary education in a boarding school is entitled to clothing and personal needs allowance as long as it is made regularly available for the child's use. All other needs are provided by the boarding school.

The child can be included in the full TANF Basic Standard of Need:

1. In the month the child leaves the home to attend Boarding School;
2. In the month the child returns home once school has ended;
3. In months in which the child returns home due to a school break other than for a weekend visit (e.g. Christmas, Spring Break, Easter, etc. but not weekend visits).

The child is eligible for the full TANF Basic Standard of Need as of the first day of the month of return if the TANF Eligibility Worker is notified of the child's return to the home in the month of return or within ~~40~~ 5 days from returning home.

Note: If the household reports the return of the child on the monthly report, the monthly report is received timely (the 5th day of the month, or the first work day after the 5th day of the month if the 5th day falls on a weekend or holiday) and the individual entered the household within 5 days prior to the 1st of the month in which the report is received, consider the request to have been made timely.

The child's eligibility for the full TANF Basic Standard of Need begins the first day of the month in which the TANF Eligibility Worker is notified of the individuals' return to the home, when a request is not received in the month of return or within ~~40~~ 5 days from the date the child returned home.

25. 400-19-105-40-35. Corrected policy in the 1st bullet to indicate the household is required to report an individual returning home from a special TANF living arrangement within 5 days. Also, added that when a household reports the return of an individual on the monthly report, the monthly report is received timely (the 5th day of the month, or the first work day after the 5th day of the month if the 5th day falls on a weekend or holiday) and the individual entered the household within 5 days prior to the 1st of the month in which the report is received, the household is considered to have reported the change timely.

400-19-105-40-35, Budgeting When an Individual Returns Home From a Special TANF Living Arrangement

Individuals receiving a reduced TANF benefit (clothing and personal needs allowance) as a result of a special living arrangement are not subject to a prorated TANF benefit upon return to the household.

- The individual is eligible for the full TANF Basic Standard of Need as of the first day of the month of return if the TANF Eligibility Worker is notified of the individual's return to the home in the month of return or within ~~40~~ 5 days from returning home.

Note: If the household reports the return of the child on the monthly report, the monthly report is received timely (the 5th

day of the month, or the first work day after the 5th day of the month if the 5th day falls on a weekend or holiday) and the individual entered the household within 5 days prior to the 1st of the month in which the report is received, consider the request to have been made timely.

- The individual's eligibility for the full TANF Basic Standard of Need begins the first day of the month in which the TANF Eligibility Worker is notified of the individual's return to the home, when a request is not received in the month of return or within ~~40~~ 5 days from the date the individual returned home.

TANF Benefit Calculation 400-19-110

26. 400-19-110-30. The following changes were made to this section:

- Changed Redetermination to Review in #4 to align policy with other programs.
- Changed the order of the first two paragraphs.
- Change the section paragraph to clarify policy that the budgeting methodology will be consistent with the benefit month for which eligibility is being tested.
- Added additional criteria to #6 that allows a case to be reverted to open when an individual was determined exempt or 'Good Cause from participation in the JOBS program was approved prior to the first day of the proposed 'Month of Eligibility'.

Revert to Open Following Case Closure 400-19-110-30

When reverting a case to open, a completed monthly report is required, there is no prorating of benefits and the ~~case continues in the two-month retrospective budgeting cycle;~~ budgeting methodology will be consistent with the benefit month for which eligibility is being tested.

When the case closed for the reasons listed below, the case can be reverted to open during the first month following the month in which the closing became effective (e.g. Case closed effective June 30 and assistance is requested at any time during July prior to July 31):

1. Adequate Child Support - Used only in instances in which the case closed effective the last day of the first prospective month because the household anticipated child support in the second prospective month that resulted in ineligibility. The case can be reverted to

- open if the household contacts the TANF Eligibility Worker no later than the last work day of the month following the month in which the closing was effective (i.e., case closed effective November 30; household must contact TANF Eligibility Worker by December 31) to report that child support was either not received as previously anticipated or was received in a lesser amount.
2. Excess Income - Used only in instances in which the case closed effective the last day of the first prospective month because the household anticipated income in the second prospective month that resulted in ineligibility. The case can be reverted to open if the household contacts the TANF Eligibility Worker no later than the last work day of the month following the month in which the closing was effective (e.g. Case closed effective November 30; household must contact TANF Eligibility Worker by December 31) to report that income was either not received as previously anticipated or was received in a lesser amount.
 3. Non-Receipt of Monthly Report - Used only in instances in which the case was closed when the completed monthly report was received in the county office before the last working day of the month but the TANF Eligibility Worker did not register the report as received. (e.g. Case closed effective November 30 due to reason of non-receipt of monthly report, but a completed monthly report was received by November 30).
 4. Fail to Complete Redetermination Review - Used only in instances in which the case closed when the redetermination review of eligibility was completed before the last work day of the month but the TANF Eligibility Worker did not enter the redetermination review complete date in the automated computer system.
 5. Incomplete Monthly Report - Used only in instances in which the case closed when required verifications/information was received in the county office before the last work day of the month but the TANF Eligibility Worker did not register the monthly report as complete.
 6. JOBS Sanction – Used only in instances in which the case closed because a JOBS sanction progressed to close and the individual either began and successfully completed the Proof of Performance either prior to or in the Sanction Penalty Month or was determined exempt or 'Good Cause from participation in the JOBS program was approved prior to the first day of the proposed 'Month of Eligibility'.

7. Help Desk - Used only in instances approved by state program policy staff.

TANF Eligibility Workers can revert a case to open in the Vision System without policy approval during the first month following the month in which the closing became effective for reasons #1 thru #6 above.

In all other circumstances (i.e., case closing due to non-receipt of monthly report, when the monthly report was not received at all or was received in the month following the month it was due, etc.) a new SFN 719, "TANF Request for Benefits" is required. (See Section 400-19-20-20, Required Applications in Various Circumstances.)

Notification Requirements 400-19-115

27. 400-19-115-05. Added a 3rd paragraph to this section stating 'Errors made by public officials and delays caused by the actions of public officials do not create eligibility or additional benefits for an applicant or recipient who is adversely affected.'

Overview (Notification Requirements) 400-19-115-05

All applicants for and recipients of assistance shall be notified in writing informing the applicant or recipient that assistance has been authorized, including the amount of financial assistance, or that it has been denied or terminated.

Counties must use forms and notices developed by the Department of Human Services (DHS) for the purposes of informing and advising clients of the status of their application, ongoing eligibility and their rights and responsibilities.

Errors made by public officials and delays caused by the actions of public officials do not create eligibility or additional benefits for an applicant or recipient who is adversely affected.

Overpayments and Underpayments 400-19-130

28. 400-19-130-25. Incorporated the information from IM 5129 into this section. Also, under the 'Administrative or Client Non-Fraud' and 'Fraud' sections, added a statement at the end of the 1st paragraph in each section requiring a signed agreement be included in the case file should the recipient agree to have their overpayment recouped at an amount

great than the 10% or 20%.

Recoupments 400-19-130-25

The TANF Eligibility Worker must promptly take all reasonable and practical steps to recoup all overpayments. "Promptly" means that action to recoup shall be initiated in the month following the month in which the overpayment is authorized, provided an adequate notice has been provided. No distinction is made between willful and unwillful withholding of, or failure to report information that affects eligibility or the amount of the TANF benefit. Overpayments are recouped from households which include a responsible member.

Note: If the household has an existing overpayment, benefits from the initial TANF grant and each subsequent month's grant will be reduced until the overpayment is fully recovered.

Any overpayment, whether resulting from an error made by the household, administrative error, fraud, or from assistance granted pending a fair hearing decision subsequently made in favor of the county social service office, is subject to recovery regardless of when the overpayment occurred.

Note: Only overpayments occurring under North Dakota programs (AFDC or TANF) can be recouped. Requests from other states for recoupment cannot be honored.

~~Overpayments are recouped from households which include a responsible member.~~

Recoupments of regular TANF, Transition Assistance, Kinship Care and Diversion overpayments will be processed as follows:

~~Overpayments are recouped from the TANF benefit and Special Items of Need (excluding Transition Assistance). Overpayments will not be recouped from JOBS Transportation Supportive services or Diversion.~~

1. All regular TANF, Transition Assistance and Special Items of Need are considered assistance. Therefore, TANF overpayments can be recouped from other TANF Benefits, including Transition Assistance, Kinship Care, \$45 Out of Home Allowance, Special Items of Need and JOBS Supportive services other than Transportation.

Note: Special Items of Need include Child Restraint Seat Reimbursement, Essential Services Reimbursement, GED/HS Diploma Incentive, Health Insurance Reimbursement, Health Tracks

Reimbursement, Special Project Incentives, Special Projects Work Subsidies, and Unforeseen Circumstances.

2. JOBS Supportive services are considered assistance with the exception of the Transportation allowance for an individual who is employed.
 - a. Transportation Allowances – TANF Policy does not allow overpayments for Transportation Allowances to be established. Therefore, recoupments are not made for Transportation.
 - b. All other JOBS Supportive services overpayments can be recouped from other TANF Benefits, including Transition Assistance, Kinship Care, \$45 Out of Home Allowance, Special Items of Need, and JOBS Supportive services other than Transportation.

Note #1: JOBS Supportive services include Care of an Incapacitated HH Member, Job Readiness, License, Certification & Exam Fees, Relocation Assistance, Tools for Employment, Tuition Assistance, Relocation Assistance, etc.

Note #2: When payment of any of these JOBS Supportive services is made through the Vendor Payment Process, a manual overpayment must be established under the Type Code of TANF.

3. TANF Kinship Care is considered assistance. Therefore, all Kinship Care overpayments can be recouped from other TANF Benefits, including Transition Assistance, Kinship Care, \$45 Out of Home Allowance, Special Items of Need and JOBS Supportive services other than Transportation.

Note #1: Kinship Care includes the Kinship Care Grant, Child Care Employment, Child Care Training/Work Search, Clothing Allowance, Emergency Need, Legal Services Reimbursement, School Supplies and Activities, and Transportation Reimbursement.

Note #2: When a payment of any of these Kinship Care Supportive services is made through the Vendor Payment Process, a manual overpayment must be established under the Type Code of TANF.

4. Diversion benefits are not considered assistance.
 - a. Transportation Allowances under Diversion – TANF Policy does not allow overpayments for Transportation Allowances to be established. Therefore, recoupments are not made for Transportation.
 - b. Diversion benefits can only be recouped from Diversion benefits.

Note: Diversion benefits include Emergency Household Needs, Child Restraint Seat Reimbursement, Essential Services Reimbursement, GED/HS Diploma Incentive, Health Insurance Reimbursement, Health Tracks Reimbursement, Job Related Expenses, and Unforeseen Circumstances.

Methods of recovering overpayments from participants are:

1. Automatic recoupment from the TANF grant; or
2. Voluntary repayment agreement – an overpayment repayment agreement is a payment plan the client and the county agency agree to as a method of repaying an overpayment; or
3. Criminal restitution.

The amount recouped is based on either a monthly amount or percentage of the Total TANF Standard of Need (which includes the \$45 OH Allowance and Special Items of Need). Regardless of the method chosen, the amount recouped cannot be less than:

- 10% for agency and client (non-fraud) related errors; or
- 20% for intentional program violations (fraud).

Administrative or Client Non-Fraud

Recovery of all administrative or client non-fraud overpayments is accomplished by reducing the TANF benefit in an amount equal to 10% percent of the Total TANF Standard of Need (which includes the \$45 OH allowance and Special Items of Need) for the appropriate household size. A recipient may repay the amount of overpayment at a rate greater than the 10% standard as long as the decision to do so is voluntary and a signed agreement is in the case file.

Fraud

Recovery of all overpayments resulting from fraud is accomplished by reducing the TANF benefit in an amount equal to 20% of the Total TANF Standard of Need (which includes the \$45 OH allowance and Special Items of Need) for the appropriate household size. A recipient may repay the amount of overpayment at a rate greater than the 20% standard as long as the decision to do so is voluntary and a signed agreement is in the case file.

- If the court has ordered an amount of recovery, either more or less than the amount identified above, the amount ordered by the court will be the only amount recovered.

Individuals responsible for repayment are all caretakers age 18 or older as well as a minor parent under age 18 who were members of the household at the time the overpayment occurred. Overpayments follow the responsible member to a new case if the member was part of the overpaid benefit received in another case at the time the overpayment occurred. All responsible individuals remain equally responsible for the overpayment.

A complete record of the overpayment, the plan for recovery, recoveries made, and any outstanding balance will be included in the automated computer system case file.

A regular or supplemental benefit payment, defined as a payment issued in the month for the month, cannot totally offset an overpayment. A regular or supplemental benefit payment may be reduced only by the percentage of recoupment (usually 10% or 20%, but may differ pursuant to court order) or a set dollar amount as specified by court order. However, an underpayment, defined as a payment for a benefit month issued at any time after the benefit month, can totally offset an overpayment.

29. 400-19-130-35. Changed the title of this section from 'Waiver of Certain Overpayments' to 'Suspending Collection of Certain Overpayments' as TANF policy does not allow overpayments to be 'written off', but does allow for collection action to be suspended in certain situations.

Waiver Suspending Collection of Certain Overpayments 400-19-130-35

Intentional Program Violation (IPV) 400-19-135

30. 400-19-135-05. Added information to this section from the Administrative Manual that is specific to the TANF Program.

Overview (Intentional Program Violation (IPV) 400-19-135-05

Any individual who is suspected of withholding information for the purpose of improperly establishing or maintaining eligibility for benefits shall be referred to the Administrative Disqualification Hearings Officer for a determination of an IPV, or the court system for a determination of fraud.

TANF Eligibility Workers must pursue IPV's and may refer to the state's attorney any household suspected of fraudulently obtaining or attempting to obtain assistance. It is the act and not the amount of improper benefit received that must be considered.

When pursuing an IPV, the TANF Eligibility Worker must give the individual notice if there are unresolved questions, provide the individual an opportunity to reply to those questions, advise the individual of the right of appeal, and note the possible need to refer the matter to the state's attorney. If the TANF Eligibility Worker concludes that the recipient's failure to disclose full and accurate information may have been intentional, a referral of all relevant information, whether or not confidential, is proper and consistent with the necessary administration of the program.

Suspected fraud violations occurring on Indian reservations should be referred to the state's attorney. If the state's attorney's office does not have jurisdiction over the matter, the case will be referred to the U.S. Attorney's office that has jurisdiction on that reservation. If the state's attorney does not refer the matter to the U.S. Attorney's office, the county social service office should do so.

TANF Kinship Care 400-19-140

31. 400-19-140-05. Added a new paragraph to the end of the section to clarify that eligibility for Kinship care begins as of the date the signed application is received in the county agency or the date the household becomes eligible for TANF/Kinship Care, whichever is later, once the SFN 423, Kinship Placement, SFN 424, Kinship Care Agreement, SFN 426,

Kinship Care Study, and a child abuse and neglect background check of the household members where the child will be placed have been completed and all other eligibility criteria are met.

Overview (TANF Kinship Care)400-19-140-05

TANF Kinship Care was implemented in North Dakota on February 1, 2005. This program provides enhanced funding and services in order to expand the options for placement of children who are in the care, custody, and control of County Social Services, Division of Juvenile Services (DJS) or Executive Director, Department of Human Services. As an alternative to Foster Care, children may now be placed with relatives who are within the 5th degree of relationship to the child. TANF Kinship Care can be provided without having to meet all of the requirements of the Foster Care Program. However, Kinship care rules follow many of the same rules as foster care.

In order to be eligible for TANF Kinship Care, the County Social Services, Division of Juvenile Services (DJS) or Executive Director, Department of Human Services within North Dakota must have care, custody, and control. If an agency in another state has care, custody and control, the out of state agency has financial responsibility for the child they place. The out of state agency must follow the Interstate Compact process when placing a child in North Dakota with relatives.

Before a child can be placed in TANF Kinship Care the agency having care, custody, and control of the child must complete SFN 423, Kinship Placement, SFN 424, Kinship Care Agreement, SFN 426, Kinship Care Study, and a child abuse and neglect background check of the household members where the child will be placed. A criminal background check must be completed within 90 days of placement along with other investigations as the department may determine necessary.

Note: The Foster Care Administrative Rules at 75-03-14 regarding background checks apply to Kinship Care.

Once the SFN 423, Kinship Placement, SFN 424, Kinship Care Agreement, SFN 426, Kinship Care Study, and a child abuse and neglect background check of the household members where the child will be placed have been completed, if all other eligibility criteria are met, the case can be processed as Kinship Care as of the date the signed application is

received in the county agency or the date the household becomes eligible for TANF/Kinship Care, whichever is later.

32. 400-19-140-15. Added a new #4 and changed the old #4 to #5 in order to add policy to address when the Kinship Caretaker adopts a Kinship Care child.

Denial or Closure of TANF Kinship Care 400-19-140-15

TANF Kinship Care applications shall be denied or cases shall be closed when:

1. The Social Worker recommends, on SFN 426, Kinship Care Study, the kinship care placement not be approved, but the children remain in the home.
Note: If all factors of eligibility are met, the application would not be denied or the case closed as the family may receive regular TANF benefits.
2. The results of the Fingerprint Based Criminal Background Check do not allow eligibility under TANF Kinship Care.
Note: If all factors of eligibility are met, the application would not be denied or the case closed as the family may receive regular TANF benefits.
3. When the County Social Services, DJS, or the Executive Director, Department of Human Services no longer has care, custody and control of the child.
Note: If all factors of eligibility are met, the application would not be denied or the case closed as the family may receive regular TANF benefits.
4. The caretaker adopts the child. The household will no longer be eligible for Kinship Care Assistance as of the last day of the month the adoption becomes final.
Note: If all factors of eligibility are met, the application would not be denied or the case closed as the family may receive regular TANF benefits.
5. The household fails to comply with TANF program requirements.

When a TANF Kinship Care case that included the same children has been closed and reopens within 6 months of the closing, a new SFN 423, Kinship Care Placement or SFN 426, Kinship Care Study are not

required unless circumstances have changed within the household such as additional household members. All other required forms and background checks must be completed.

When a TANF Kinship Care case that included the same children has been closed for a full calendar month or more, upon reapplication the fingerprint based criminal background check and the child abuse and neglect background check must be redone.

Note: If a new adult moves into the home of an 'ongoing' Kinship Care placement, a fingerprint based criminal background check and child abuse and neglect background check must be completed on that new adult.

Diversion 400-19-145

33. 400-19-145-25. Added clarification to the first paragraph to round up if the Diversion reimbursement is 50 cents or over, as policy did not address if the payment is exactly 50 cents. Changed Policy for #2 to limit the coverage of basic vehicle liability insurance for a period of 3 months in a State Fiscal Year.

400-19-145-25, Diversion Supportive services

Diversion consists of payments to help with expenses associated with a 'specific crisis or episode of need' and is paid through supportive services or vendor payment. All Diversion reimbursements must be rounded to the nearest dollar (if 50 cents or over ~~50 cents~~ round up and if under 50 cents round down).

2. Job Related Expenses (Employment, school or training) – An individual may receive reimbursements for the following job related expenses through supportive services:
 - a. Employment related clothing necessary for the individual to enter employment. Assistance is limited to \$250 per participant, per state fiscal year (July 1 through June 30).
 - b. Tools or equipment required for the individual to accept employment. Assistance is limited to \$150 per participant, per state fiscal year (July 1 through June 30).
 - c. Repairs necessary to return an individual's vehicle to operable condition or basic liability insurance for up to 3 months, provided:

- The vehicle is registered to a Diversion household member;
- The vehicle is needed by the participant to get to work or another approved work activity; and
- The general condition and value of the vehicle justifies repairs.

Assistance is limited to \$500 per participant, per state fiscal year (July 1 through June 30).

- d. Assistance for defraying the cost of books, tuition and fees associated with work activity, provided other educational fund sources have been explored and are exhausted. Assistance is limited to \$1000 per participant, per state fiscal year (July 1 through June 30).
- e. Payment for professional license fees and professional examination fees, where there is no other available source of funding, including fee waivers, and the professional license or examination is necessary to achieve an employment-related goal. Assistance is limited to \$150 per participant, per state fiscal year (July 1 through June 30).
- f. Moving expenses to accept a job offer or to be closer to work. Assistance is limited to \$1000 per participant, per state fiscal year (July 1 through June 30).
- g. Other expenses necessary for employment interviews, including transportation, lodging, grooming, and clothing.
 - Assistance for transportation is limited to \$125 per participant, per month.

Payment of Job Related Expenses may also be paid using SFN 471, Vendor Payment (TANF) Authorization and Request for Payment of Goods and Services. Hard copy verification is required from the family before a payment may be made. (See Section 400-19-65-35, Vendor Payment Process, for instructions when processing Vendor Payments.)

Transition Assistance 400-19-150

34. 400-19-150-10. Changed the title of this section and clarified policy as follows:

- Under 'Eligibility for Transition Assistance may be established if: ', added clarification that the excess earned income failure cannot be due to the loss of the earned income disregards due to unreported

- income as well as an extra check.
- Under the criteria to remain eligible for Transition Assistance, added wording to #1 to indicate a household will remain eligible for Transition Assistance unless the household is eligible for a regular TANF benefit (benefit amount prior to the Pay After Performance deduction) of \$200 or more.
 - Under the criteria that describes when Transition Assistance cannot be approved or the case must be closed, #6 was deleted and #7 was rewritten to allow cases where the caretaker has a participation code of 'DD', 'DF', or 'DM', to be eligible for Transition Assistance. However, caretakers with these participation codes are not eligible for the \$200 Job Retention Benefit.

Factors of Eligibility for Transition Assistance 400-19-150-10

Eligibility for Transition Assistance may be established if:

1. The household was eligible under TANF for the month immediately preceding the month in which the family became ineligible; and
2. The household became ineligible for TANF benefits due to earned income; and
Note: The excess earned income failure cannot be due to the receipt of an extra check from a recurring source or the loss of the earned income disregards due to unreported income.
3. All other TANF eligibility requirements are met.

A household with countable earned and unearned income may be eligible for Transition Assistance if the household would have remained TANF eligible based on the countable unearned income only (gross amount minus allowable expenses).

Effective with the Benefit Month of August 2011, once a TANF case is found eligible for Transition Assistance, the case will remain eligible for the entire 6 consecutive month period, unless:

1. The household would be eligible for a regular TANF benefit (benefit amount prior to the Pay After Performance deduction) of \$200 or more; or
2. The household no longer meets all of the TANF eligibility requirements.

Transition Assistance cannot be approved or, once approved and ongoing,

the case must be closed if the individual whose earned income caused the failure is:

1. An individual sanctioned due to non-compliance with JOBS (DI);
2. A minor parent who is not the head-of-household (IN);
3. An alien who is ineligible to receive assistance due to their immigration status (DA);
4. An individual in receipt of Supplemental Security Income (SSI) benefits (SS);
5. An individual who loses their earned income disregards due to unreported income.
- ~~6. A caretaker relative in a child-only case DD, DF, SS, or~~
- 7-6. A caretaker relative who chooses to be ineligible ('OU' - for reasons other than Pay After Performance).

A household that includes an individual whose financial needs are not included in the benefit due to the Pay after Performance requirements may be eligible for Transition Assistance.

Note: The TANF Eligibility Worker must contact TANF policy to have the Meets Work Participation indicator set to 'Yes' for the individual for the future month.

Prior to authorizing eligibility for Transition Assistance, the TANF Eligibility Worker should consider the following factors:

1. Whether the child support income exceeds the sum of Special Items of Need potentially available under Transition Assistance;
2. Whether the recipient incurs child care expenses;
3. Whether the recipient is in favor of meeting the continued TANF eligibility requirements applicable to Transition Assistance (e.g. monthly reporting, child support assignment, JOBS program participation and lifetime limit).

When a Transition Assistance household fails or refuses to comply with TANF eligibility requirements, the Transition Assistance case must be closed. Upon reapplication for assistance, the household cannot resume eligibility under Transition Assistance. Eligibility for the household must be determined under "regular" TANF or Diversion Assistance.

The portion of the Transition Assistance benefit determined Unreimbursed Public Assistance (UPA) is the amount paid for job retention and any

transportation allowance paid during a month the individual was not employed.

When a Transition Assistance benefit is paid, the case cannot be switched from Transition Assistance to "regular" TANF or "regular" TANF to Transition Assistance ~~vice versa~~ when reworking the paid benefit month.

SFN 323, "JOBS Status Change" (or other means acceptable to the Employment Contractor) must be provided to the JOBS Employment Contractor whenever there is a change in eligibility from "regular" TANF to Transition Assistance or from Transition Assistance to "regular" TANF.

Post-TANF (~~Formerly Transitional~~) Supportive services 400-19-155

35. 400-19-155. The following changes have been made to this section:

- Updated the title to remove the words 'Formerly Transitional';
- Updated the first paragraph and #5 under the eligibility criteria to include the Tribal NEW program. An individual who was required to participate in the JOBS or Tribal NEW program may be eligible for Post-TANF Supportive services.
- Added a new paragraph at the end to include policy that eligibility for Post-TANF Supportive services begins the month requested, and retroactive payments cannot be made unless it was not made due to an administrative error.
- Added further clarification to the Note under #6 that it is the status of the individual in the month in which the request for Post-TANF supportive services is made that determines the individual's eligibility for Post-TANF Supportive services payments.

Post-TANF (~~Formerly Transitional~~) Supportive Services 400-19-155

Post-TANF (~~formerly Transitional~~) supportive services may be provided to assist former TANF or Transition Assistance recipients to succeed in the workforce and thus avoid the need to receive further TANF benefits. These supportive services may be provided to eligible individuals for up to six (6) months following the closure of their TANF or Transition Assistance case regardless of the reason for closure, provided, the individual was participating or required to participate in the JOBS or Tribal NEW program in their last month of TANF or Transition eligibility. The six (6) month

window of eligibility for Post-TANF supportive services begins on the first day of the first month following case closure.

During the six month period, benefits can be paid effective the month the household requests Post-TANF supportive services. Retroactive payments will not be made unless it is determined that the payment was not made due to an administrative error.

Tribal NEW does not determine eligibility for Post-TANF supportive services. Instead, determining eligibility for and issuing payment of Post-TANF supportive services is the responsibility of the TANF Eligibility Worker.

There are two supportive services available to former TANF recipients:

1. Post-TANF Transportation; and
2. Discretionary.

Former TANF recipients are eligible for Post-TANF supportive services if they:

1. Have at least one deprived child residing in the home; and
2. Reside in the state; and
3. Are engaged in paid employment or a combination of paid employment and any education/training; and
4. Have not reached their TANF Lifetime limit;
5. Were required to or participated in the JOBS or Tribal NEW program in the last month of eligibility for TANF or Transition; and
6. Are not currently disqualified due to an Intentional Program Violation (IPV).

Note: Ineligibility for Post-TANF supportive services will occur. This applies even if the disqualification occurs after the individual's TANF case has been closed. It is the status of the individual in the month in which the request for Post-TANF supportive services is made that determines the individual's eligibility for those payments.

The TANF Eligibility Worker or JOBS Employment Contractor may authorize the use of Post-TANF supportive services. When authorizing the use of these services, a reasonable effort must be made to determine if a former TANF recipient is eligible for Post-TANF supportive services. Reasonable efforts include asking the former TANF recipient if all six

criteria are met.

The JOBS Employment Contractor or TANF Eligibility Worker must ensure the individual remains employed. When authorizing Discretionary supportive services, verification of expenses for which assistance is requested must be secured.

If the former TANF recipient is disqualified due to an IPV, the TANF Eligibility Worker should alert the JOBS Employment Contractor at the time of case closure or when an individual receives an IPV following case closure.