Temporary Assistance for Needy Families (TANF)

Service Chapter 400-19

North Dakota Department of Human Services
600 East Boulevard Dept. 325
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(Revised 4/1/2013 ML #3362)

View Archives

(N.D.A.C. 75-02-01.2-01)

Adequate Notice – Notification of Adverse Action to a TANF household which must be generated no later than the close of business on the 3rd to the last working day of a month so the notice is received by the household no later than the date the household would normally receive benefits.

Adult-Supervised Supportive Living Arrangement – A private family or institutional setting (maternity homes) providing a supportive and supervised living arrangement, as evidenced by the assumption of responsibility for the care and control of the minor parent and dependent child by a caretaker within the 5th degree of relationship or an unrelated adult.

In addition to the care and control of the minor parent and dependent child, the provision of appropriate services are expected to be provided that promote long-term economic independence and the well-being of the minor parent and dependent child.

Advance (10-Day) Notice – Notification of Adverse Action to a TANF household which must be mailed or given to a household at least 10 days before the date of action.

Aged – Individuals age 65 or older, including the month age 65 is attained.

Alien – An individual who is still a subject or a citizen of a foreign country and who has not been granted US citizenship.

Applicant – An individual who is seeking a benefit under this chapter.

Assets – Any kind of property or property interest, whether real, personal, or mixed, which includes liquid assets (bank accounts) or non-liquid assets.

Assistance - Includes cash, payments, vouchers, and other forms of benefits designed to meet an eligible household's ongoing basic needs. Assistance does not include nonrecurring short-term benefits, work subsidies, refundable earned income tax credits, and supportive services provided to a recipient who is employed.

Base Month – The calendar month immediately before the processing month for which the income and circumstances of the TANF household are evaluated to determine the amount of any TANF benefits to be paid during the benefit month.

Benefit Cap Child - A child born after June 30, 1998, to a household member who was a recipient of assistance under this chapter during the month of probable conception.

Benefit Month – The calendar month immediately following the processing month.

Benefits - The amount of assistance a household receives from Temporary Assistance for Needy Families (TANF), including the TANF benefit, special items of need, and supportive services, reduced by recoupments.

Born Out Of Wedlock - A child is considered to be born out of wedlock when:

- The child is born to a woman who is not legally married; or
- The child was born 301 days or more after the marriage is terminated by death, annulment, declaration of invalidity, divorce, or after a decree of separation is entered by a court.

> **Note:** A child is not considered born out of wedlock if the child was born within 300 days after a marriage is terminated by death, annulment, declaration of invalidity, divorce, or after a decree of separation is entered by a court, even if the mother claims someone else is or may be the child's biological father other than the man to whom she was married.

Budgeting –Household income assigned to a payment month that is used to compute eligibility and benefit levels. (Also see Prospective Budgeting and Retrospective Budgeting)

Business (Work) Day – The official working days of the week defined as the days between and including Monday to Friday, but do not include weekends and those public holidays during which the North Dakota Department of Human Services is closed.

Caretaker Relative – The relative designated by the TANF household who provides care and support to a minor child, is either eligible or ineligible, and:

1. Lives with a dependent child or an SSI child under age eighteen, or a child who is a full-time student and who, by the last day of the month of their 19th birthday, will:

    a. Complete their training curriculum from a secondary school in order to receive a high school diploma or GED, or

    b. Complete their training at a vocational or technical school that is equivalent to secondary school, or

2. Is a pregnant woman in her last trimester who has no other dependent child(ren) residing with her.

Calendar Month – The period of time that begins at midnight on the last day of the previous month and ends at midnight on the last day of the month under consideration.

Cash Contribution – Money, regular and irregular, given to a member of the household.

Cash Gift – Money given directly to a household member as a gift (e.g. birthday, graduation, wedding, Christmas, etc.)

Child Only Case - A case where the only eligible individuals are dependent children and the caretaker/relative is ineligible as a non-legally responsible caretaker (OU), or as a legally responsible caretaker due to being an SSI Recipient (SS), Disqualified Alien (DA), Disqualified Fleeing Felon/ Parole/Probation Violator/Drug Felon (DD), or Disqualified Fraud (DF).

Child Support – A voluntary or court-ordered payment by non-custodial parents for the support of their child(ren).

Child Support Enforcement Agency – Any entity created by a state agency or any combination of state agencies, in execution of the state agency's duties.

Citizenship – The legal status of being a citizen of a country.

Claim – The result of establishing an overpayment.

Closure – The determination of ineligibility for benefits for an ongoing case.

Collateral Contact – An individual who confirms information about a TANF household's circumstances but does not reside with or is not a member of the TANF household.

Countable Income – Earned and unearned income that is not disregarded.

Countable Earned Income – Earned income that remains after applicable disregards have been subtracted from gross earned income.

County Agency – The county social service board.

Cure (as in Curing a Sanction) – A process the TANF recipient completes to resolve non-compliance with the JOBS or Child Support Enforcement Programs.

Custodial Parent – A parent who has physical custody of a child.

Days – Refers to calendar days of the month.

> **Note:** When a specified due date falls on a weekend or holiday, consider the first working day as the due date.

Denial – The determination of ineligibility for benefits on a new application.

Department – The North Dakota Department of Human Services.

Department of Homeland Security - The federal agency that regulates the Immigration and Naturalization Services (INS) Department.

Dependent Care Expense – An expense deducted from income for the cost of caring for a child or adult.

Dependent Child – A needy child who:

1. Lives in the home of a relative by birth, marriage, or adoption; and
2. Is deprived of parental support or care; and
3. Is Under the age of 18; or

   Under the age of 19 and a full-time student in a secondary school or a vocational or technical school that is equivalent to secondary school, before the end of the calendar month in which the student attains age 19, the student may reasonably be expected to complete the program of such school.

   Note: A child is considered a dependent child during the entire month of their 18th or 19th birthday and will retain student status for the entire month provided the child has attended school for any part of that month unless the child is a minor parent. (Also see definition of Emancipated Minor.)

Deprivation – A condition that exists when a dependent child is without parental support or care because at least one parent is continually absent from the home, incapacitated, disabled, aged, or deceased.

Disqualified Individual – An individual who is ineligible for TANF due to being determined a Disqualified Alien (DA), Disqualified Fleeing Felon/ Parole/Probation Violator/Drug Felon (DD), or Disqualified Fraud (DF), Disqualified - Child Support (DM), or Disqualified - JOBS Sanction (DI). The length of disqualification may vary depending on the type.

Dividend – The amount of the profit distribution a shareholder receives, or the amount of the surplus distribution a policyholder receives.

Documentation – A written statement or verification that substantiates or validates an assertion made by an individual or an action taken by a

person, (e.g. pay stubs, bank statements, written statement from employer, etc.).

Earned Income – Income currently received as wages, salaries, commissions, or profits from activities in which a household is engaged through either employment or self-employment. There must be personal involvement and effort on the part of the household for income to be considered earned.

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.

Earned Income Disregard – A specific amount (percentage or dollar amount) subtracted from gross earned income.

Electronic Payment Card - A prepaid debit card TANF benefits are electronically transferred onto.

Eligible Caretaker Relative – An eligible caretaker relative who is in financial need and:

1. Is related to a dependent child within the 5th degree of relationship whether by birth, marriage, or adoption; or

   Note: If related to a dependent child within the 5th degree who is not their own child, the eligible caretaker relative cannot be under the age of 16 years.

2. Is not a recipient of SSI benefits; or
3. Is a pregnant woman in the third trimester of her pregnancy; or
4. Is a pregnant woman who is in the third trimester of her pregnancy with no other dependent child and is herself incapacitated or whose husband is incapacitated.

Note: A caretaker relative who is related to a dependent child within the 5th degree but who is not the natural or adoptive parent of the child, is eligible only if the caretaker relative:

a. Is age 16 or older; and
b. If married, whose spouse is absent from the home other than on a temporary basis.

Eligibility Factors – Conditions and standards an applicant or recipient must satisfy to be eligible for benefits.

Emancipated Minor – An individual under the age of 18 who:

1. Has a marital status of married, separated, divorced, or widowed; or
2. Is on active duty in the uniformed services; or
3. Has been declared emancipated by any court of law.

Note: A child whose marriage is dissolved by annulment is not considered an emancipated minor.

Employability Plan (EP) – A written agreement that establishes the JOBS participant's employment goals and steps for obtaining and retaining unsubsidized employment with a wage great enough to enable the participant's household to become self-sufficient.

Employment Contractor - The agency and/or staff person responsible for directing and monitoring a participant's planning and activities that relate to the Job Opportunities and Basic Skills Program.

Excess Assets – The equity value of the countable assets that exceeds the household's asset limit.

Expense – An amount subtracted from a household's income when it is intended for a specific allowable expense.

Face-to-Face Interview – A face-to-face meeting to determine initial or ongoing eligibility for assistance.

Fair Hearing – A formal hearing conducted by the Office of Administrative Hearings where a ruling is made in favor or against an adverse action that was made in the eligibility determination and benefit amount.

Fair Market Value – Market value is the price an asset would currently sell for on the open market. The fair market value:

1. In the case of a liquid asset such as cash, bank deposits, stocks, and commodities, one hundred percent of current market value.
2. In the case of real or personal property, seventy-five percent of the estimated current market value.
3. In the case of income, one hundred percent of current market value.

Family Violence – Physical acts that result in or threatens to result in physical injury to a person; sexual abuse; sexual activity involving a minor child; being forced to engage in non-consensual sexual acts or activities; threats of, or attempts at, physical or sexual abuse; mental abuse; or neglect or deprivation of medical care.

Financial Aid – Programs that financially assists students with the cost of attending post-secondary education. (e.g. PELL, BEOG, or SEOG Grants, Perkins Loan, PLUS or DEAL Loans, etc.)

Financially Responsible Person – A person legally responsible for or who has a legal duty to provide for the financial support of another person.

Fraud – Obtaining, attempting to obtain, or aiding and abetting another to obtain assistance benefits to which the person is not entitled, through intentionally false statements, representations, or the withholding of material information.

Fraud Overpayment – An overpayment that a court or administrative disqualification hearing determines was the result of fraudulent intent.

Full-time Student – A student who:

1. If in a secondary school, is enrolled in classes which, if completed, will earn the student four or more units of credits;
2. If in a vocational or technical school under state operation, a college, or a university, is enrolled in classes that, if completed, will earn the student 12 or more semester hours of credit during a regular term or 6 or more semester hours of credit during a summer term at an educational facility operating on a semester system, or 12 or more quarter hours of credit at an educational facility operating on a quarter system;
3. If in a private vocational or technical school, is enrolled in classes which, according to a written statement from school officials, constitutes full-time enrollment;
4. If enrolled in a accredited correspondence, alternative high school (GED), or adult basic education, or home schooled according to a written statement from school officials; or
5. Is an individual participating in Job Corps, whether an adult or a child.

GED (General Education Diploma or General Equivalency Diploma) – A high-school degree awarded after successful completion of a series of examinations instead of attendance in a traditional classroom setting.

Good Cause – A determination that circumstances exist which exempt participation in an otherwise mandatory service or excuse an act which would otherwise lead to a penalty or disqualification.

Good Cause Decision-Making Principles – Principles that must be applied to an individual's statements and information to determine if the requirements of good cause are met. These principles are:

1. The individual claiming good cause is responsible to show that good cause exists.
2. Uncorroborated statements of fact are less believable than corroborated statements.
3. Statements by persons with a reputation for being untruthful are less believable than similar statements by persons without that reputation.
4. A reputation for being untruthful exists if the files maintained by the department, the county agency, or the JOBS Employment Contractor contain evidence of untruthful statements made by the individual, or if the individual has made untruthful statements that are a matter of public record.
5. Statements by individuals with a reputation for failures or delays in furnishing information necessary for official action are less believable than similar statements by individuals without that reputation.
6. A reputation for failures or delays in furnishing information necessary for official action exists if the files maintained by the department, the county agency, or the JOBS Employment Contractor contain evidence of any failure or delay, without good cause, to furnish reports, including monthly reports, or necessary verifications, or a failure or delay in attending meetings or interviews intended to secure information necessary for official action.
7. A statement of fact made by an individual with something to gain if that statement is regarded as true is less believable than a similar statement made by an individual with little or nothing to gain.
8. An individual's explanations or reasons for claiming good cause must be judged by a prudent person standard. A prudent person is one who exercises those qualities of attention, knowledge, intelligence, and judgment that society requires of its members for protection of their own interests and the interests of others.

Statements of fact made by the individual claiming good cause, or by other individuals who support or oppose the claim of good cause, are not presumed to be either truthful or untruthful. Rather, statements of fact must be evaluated to determine if they are more likely than not or less likely than not to be true.

Gross Earned Income – The income earned from employment before payroll deductions.

Guaranteed Student Loans – A federal educational loan program for post-secondary students.

Halfway House – A place that provides a temporary residence for people waiting for institutional placement or a place that provides a temporary residence for people who have left an institution and who are preparing to re-enter the community.

Head of Household – The Primary Individual of a TANF case.

Homeless – A person who lacks a fixed and regular nighttime residence, or a person whose primary residence is:

1. A supervised shelter designed for temporary accommodations; or
2. A halfway house or similar facility that provides temporary residence; or
3. A place not designed for sleeping accommodations (bridge, lobby, etc.).

Household – Individuals who live together and are mandatory household members for TANF purposes.

IEVS (Income and Eligibility Verification System) – A set of data exchanges with other state and federal sources that is used to verify income and assets of applicants for or participants of TANF.

Immigrant – A person who leaves a country to settle permanently in another country.

Immigration and Naturalization Services – A department within Homeland Security that oversees immigration related services.

In-Kind Income – Payment, in a non-monetary form, for a service received to cover the cost of shelter, food, clothing, personal needs, household supplies or fuel and utilities.

Income – Earned or unearned income received by or available to an applicant or recipient that is not an asset.

Income-Producing Asset – An asset, liquid or non-liquid, that earns interest or produces income for the applicant or recipient.

Income When Received – Income which is received on a normally occurring schedule. Incidental variations of the date of receipt of income do not change the normally received date schedule.

Indian Land Held in Trust – Real property held in trust for an Indian Tribe by the federal government.

Indian Reservations – The geographical area recognized by the federal or a state government as being set aside for the use of Indians and governed by Indians.

Ineligible Caretaker Relative – A caretaker relative who is not an eligible caretaker relative. (Refer to Eligible Caretaker Relative.)

Ineligible Person – An individual who does not meet the TANF eligibility requirements.

Initial Eligibility – The determination of eligibility for an applicant.

IRA – Individual Retirement Account - A savings account recognized by the Internal Revenue Service for retirement purposes.

Irrevocable Trust – A trust which allows neither the person originating the trust nor the beneficiary to change the provisions of the trust.

Job Corps – A federally funded program providing training and employment to individuals age 16 to 21.

Job Opportunity and Basic Skills (JOBS) Program – The companion program to the TANF Program, which combines components of education, training, and employment to enable participants to become self-sufficient.

JOBS Participant – A member of the TANF household who is not exempt from participating in the JOBS Program or who, if exempt, has volunteered to participate in that program.

- An individual is considered a JOBS participant when the individual actually meets with the JOBS Employment Contractor to begin orientation to JOBS.
- An individual, who contacts the JOBS program to schedule an appointment for orientation, but fails to keep that initial appointment, is <u>not considered</u> a JOBS participant.

Joint Ownership – Two or more people owning the same asset. Each joint owner has rights to the entire asset, including the right to survivorship.

A. **Lawful Permanent Resident (LPR)** – A status of an immigrant legally admitted to the United States on a permanent basis, under the United States Immigration and Nationality Act.

Legal Custodian – An individual under legal obligation to provide care for a minor.

Legal Duty to Provide Care - The legal responsibility to provide care to an individual as conveyed by marriage, parentage or by court order. The legal responsibility ends:

1. When the child turns age 18, or

2. In the month of graduation, if the child is over age 18 and a full-time student who, by the last day of the month of their 19th birthday, will:

    a. Complete their training curriculum from a secondary school in order to receive a high school diploma or GED, or

    b. Complete their training at a vocational or technical school that is equivalent to secondary school.

Legally Responsible Caretaker - An individual who has a legal responsibility to provide support and care to a dependent child. In most situations, this is the mother or father.

Life Estate – Ownership allowing the occupancy and use of the asset during an individual's lifetime according to North Dakota Statutes.

Life Tenant – The owner of a life estate.

Liquid Assets – Cash or property easily converted to cash such as stocks or bonds.

Living in the Home of a Relative – A circumstance that arises when a relative assumes and continues responsibility for the day-to-day care and control of a child in a place of residence (whether one or more) maintained by the relative as the relative's own home. This includes situations in which the child or the relative requires medical treatment that requires a special living arrangement.

It also includes situations in which the child is temporarily absent from the home, with a plan to return, when the child:

1. Physically resides in the home, but is under the jurisdiction of a court and is receiving probation services or protective supervision;
2. Receives education while in an educational boarding arrangement in another community if needed specialized services or facilities are unavailable in the home community or if transportation problems make school attendance near home difficult or impossible;
3. Receives physical or speech therapy at Camp Grassick during the summer months;
4. Receives special education at the School for the Deaf or School for the Blind, whether as a day student or a boarding student, except that a boarding student's needs are limited to those maintenance items that are not provided by the school; or
5. Receives education at a federal boarding school in another community, provided that the child was not placed in that setting following removal from the child's home by court order following a determination that the child was abused, neglected, or deprived, except that the child is entitled to a clothing and personal needs allowance only if that allowance is made available for the child's use on a regular basis.

If the child is absent for a full calendar month for reasons other than the above, the child is no longer considered 'Living In The Home of a Relative'.

Lump Sum – Payments received on a recurring, non-recurring or irregular basis.

Mandatory Household Member – An individual in a TANF household who is a dependent child, the natural, adoptive or stepparents of the dependent child, and brothers and sisters of the dependent child whether by whole or half-blood, marriage or by adoption. This includes household members temporarily residing away from home.

Mass Change – A change brought about by a shift in federal or state policy which affects many or all assistance units.

Maternity Home – A facility that provides residential care for pregnant women.

Migrant Worker – An individual who travels away from home on a regular basis, usually with a group of other laborers, to seek employment in an agriculturally related activity.

Minimum Required Hours - The number of hours per week/month during which a participant must be engaged in approved work activity.

Minimum Wage – The lowest wage established by law that an employer may pay an employee.

Minor Parent – An individual who has a marital status of never married, is under age 18, and is a natural or adoptive parent to a child. An individual is considered age 18 on the first day of the month of their 18th birthday.

> **Note:** An individual under age 18 and in the third trimester of pregnancy is not considered a minor parent.

Month of Application – The calendar month in which a county agency receives a client's application for assistance.

Month of Ineligibility – The month following a Sanction Penalty Month in which the entire household is not eligible for TANF.

Monthly Income – Income from any source, either earned or unearned, which is computed and reduced to monthly units for the purpose of determining eligibility and benefits. Income may be received weekly, bi-weekly, semi-monthly, monthly, intermittently, or annually, but is computed and considered monthly.

Monthly Reporting – The requirement to complete a Monthly Report Form every month.

Motor Vehicle – A motorized road vehicle used to transport people – car, pickup, or van.

Needy – A TANF household, otherwise eligible under this chapter, whose countable income, less any applicable disregards and expenses, is less than the identified TANF Basic Standard of Need table plus the $45 OH (out of home) allowance and special items of need if applicable, for a family of the size and composition of the household.

Non-custodial Parent – A natural or adoptive parent who is not living in the home.

Non-legally Responsible Relative – A relative who is not a child's parent by law.

Old Age Survivors and Disability Insurance (OASDI) - The Federal Disability Insurance Trust Fund, the Federal Hospital Insurance Trust Fund, or the Federal Supplementary Medical Insurance Trust Fund, also known as RSDI (Retirement, Survivors, and Disability Insurance). The programs are administered by the Social Security Administration and provide a monthly income to retired people, survivors or dependents of insured people, and people with disabilities.

Otherwise Eligible – An individual determined to be TANF eligible, with the exception that the individual may still need to comply with the Up-front Eligibility requirement for JOBS/Tribal NEW or it is reasonable to believe the family will be eligible for TANF because it appears deprivation exists. The family is income and asset eligible and household composition has been determined but verification may be pending.

Overpayment – Benefits received that exceed the amount for which the household is eligible.

Parent – A child's mother or father, whether by birth or adoption, but does not include:

1. An individual whose parental rights have been terminated; or
2. A stepparent, when the natural or adoptive parent resides in the home.

Paternity – Legal fatherhood established by marriage, adjudication in a court proceeding, adoption, or the voluntary acknowledgement of paternity. The United States Supreme Court has made it clear that the statutory term "parent" includes only "an individual who owed to the child a state-imposed legal duty to support."

Payee – The individual to whom a benefit is paid.

Payment Month – The calendar month for which assistance is paid.

Part-time Student – An individual enrolled in a secondary school, vocational school, technical school, college, or university who is not a full-time student.

Pension – A fixed sum paid regularly to disabled or retired individuals, and in some instances to their dependents.

Personal Property – Any asset which is not real property.

Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) – An agreement signed into law on August 22, 1996 which eliminated the federal entitlement program of Aid to Families with Dependent Children (AFDC) and created a new program called Temporary

Assistance for Needy Families (TANF). PRWORA provides block grants to states to offer time-limited cash assistance.

Post-Secondary School – A school serving students beyond the 12th grade, such as community college, university, or technical college.

Primary Individual (PI) – The caretaker in the household to whom the agency directs correspondence and notices, and to whom the benefit is paid.

Processing Month – The month immediately after the base month in which the county agency determines eligibility for and the amount of benefit to be paid during the benefit month.

Proof of Performance (POP) - A specific period of time not less than 10 days and not more than 30 days during which a sanctioned individual can cure their JOBS sanction by demonstrating successful participation in the JOBS program.

Prorate – An action in which initial benefits are calculated from the date of application or the date all eligibility factors are met, whichever is later.

Prospective Budgeting – The determination made only with respect to the initial month of eligibility and the month immediately after the initial month of eligibility. This is based on the best estimate of the income and circumstances of the TANF household in those months.

Prospective Eligibility – Eligibility based on circumstances in the payment month for initial application or new household members.

Protective Payee – An individual outside the TANF household who receives the TANF benefit on behalf of the household.

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.

Real Property – Land, all buildings, structures, improvements, or other fixtures belonging or pertaining to the land and all mines, minerals, fossils, and trees on or under it.

Recipient – An individual who receives cash assistance under this chapter.

Recoupment – The withholding of part of the TANF household's assistance benefit to recover an overpayment.

Refugee Cash Assistance – A program that provides financial assistance to refugees during the first eight months the individual resides in the United States. Individuals eligible for this program may receive their benefits through either the Refugee Cash Assistance Program or a grant under the Wilson/Fish Alternative Program.

Relative by Birth, Marriage, or Adoption – An individual related to the dependent child by birth, blood or half-blood, marriage (including a marriage that has been terminated by death or divorce) or by adoption.

Remainderman - Owner of the right to possess the property of a life estate after the death of the life tenant.

Remainderman Interest – The portion of the property owned by the Remainderman.

Retirement, Survivors, and Disability Insurance (RSDI) – The Federal Disability Insurance Trust Fund, the Federal Hospital Insurance Trust Fund, or the Federal Supplementary Medical Insurance Trust Fund, also known as OASDI (Old Age, Survivors, and Disability Insurance). The programs are administered by the Social Security Administration and provide a monthly income to retired people, survivors or dependents of insured people, and people with disabilities.

Retrospective Budgeting – A determination of the grant amount for a benefit month which is based on income and circumstances of the TANF household during the base month.

Revocable Trust – A trust which can be revoked or dissolved by the grantor. A trust which allows modification or termination by a court is considered to be a revocable trust since the grantor or the representative of the grantor can petition the court to terminate the trust. A trust which is called irrevocable but which terminates if some action is taken by the grantor is considered to be revocable trust.

Sanction – An adverse action taken against an individual who does not cooperate with program requirements.

Sanction Penalty Month – The month the financial needs of the sanctioned individual are removed from the TANF benefit.

Sanction Progression – The closure of the TANF case that results when a sanction is not cured.

Satisfactory Progress – The determination of whether a participant is maintaining progress in the assigned JOBS activity.

Secondary School – An accredited school that includes grades 7 through 12, or a technical, vocational, or GED program that is equivalent in nature.

Self-Employment – Employment where people work for themselves rather than an employer, are responsible for their own work schedule, do not have taxes or FICA withheld by an employer, and do not have coverage under an employer's liability or Workforce Safety and Insurance.

Self-sufficient – Securing income sufficient to require closure of TANF.

Service Plan - A written agreement that establishes the Tribal NEW participant's employment goals and steps for obtaining and retaining unsubsidized employment with a wage great enough to enable the participant's household to become self-sufficient.

Siblings – Brothers and sisters (including full, half, or step) who are related through birth, adoption, or marriage.

Social Security Act – A federal law authorizing such programs as TANF, SSI, Medicaid, and RSDI.

Special Items of Need – Additional benefits to reimburse certain expenses not covered by the TANF monthly benefit.

Sponsor – Any person or public or private agency or organization who signed an affidavit agreeing to support an Immigrant as a condition of the immigrant's entry into the United States.

SSDI (**Social Security Disability Insurance)** - A payroll tax-funded, federal insurance program managed by the Social Security Administration to provide income to people who are uanble to work because of a disability. The program is administered under Title II of the Social Security Act (42 U.S.C.).

SSI (Supplemental Security Income) – A program administered under Title XVI of the Social Security Act (42 U.S.C. 1381 et seq.).

Standard Employment Expense Allowance - The twenty-seven percent or $180, whichever is greater, that is first disregarded from countable earned income.

Standard of Need – Basic – The six basic items of need, which represent 100% of the TANF Basic Standard of Need as currently defined by the department, are shelter, food, clothing, personal needs, household supplies, and fuel and utilities.

Standard of Need – Total – An amount equal to the TANF Basic Standard of Need plus any special items of need and $45 Out of Home Allowances for which the household may be eligible.

State Exemption Determination Team (SEDT) – The Public Assistance Director and the TANF/JOBS Policy Administrator(s) who determine exemptions for the 'Verified Provider of Care to a Disabled Household Member (VP)' and the exemption to the 'Lifetime Limit' requirement.

State Review Team (SRT) – A physician and qualified worker who determine disability, incapacity, and JOBS good cause to temporarily excuse individuals from program requirements.

Stepparent – A person legally married to a parent after the birth or adoption of a child who is not the parent of that child by either birth or adoption.

> **Note:** A child born after a marriage is dissolved is not a stepchild to the ex-spouse.

Striker – An employee involved in a work stoppage, slowdown, or interruption of work, whether or not the employee voted for the strike.

Supplemental Benefit – A second or subsequent benefit paid to a household.

Supportive Services – Additional benefits or services intended to enable TANF recipients to enter into or remain in an allowable work activity under the JOBS Program.

Suspension – A one-month interruption in eligibility for benefits resulting from excess earned or unearned income due solely to the receipt of an extra check from a recurring source.

Technical Eligibility – Financial and non-financial eligibility requirements encompassing criteria such as income, assets, citizenship, residency, student or striker status, etc.

Temporary Absence – A period of time an individual may be physically absent from a residence but still considered to be a part of the TANF household.

Temporary Assistance for Needy Families (TANF) – A program administered under North Dakota Century Code Chapter 50-09 and Title IV-A of the Social Security Act (42 U.S.C. 601, et seq.) during periods beginning July 1, 1997.

Terminated Source of Income – Income, earned or unearned that ends and is not anticipated to begin again. The final payment must be received in either of the first two prospective months of eligibility.

The Act - The Social Security Act (42 U.S.C. 301 et seq.).

Time Limited Percentage (TLP) – The disregard of a percent of the earned income of an employed TANF household member which decreases as time passes.

Title II – Title II of the Social Security Act (Social Security benefits).

Title IV-A – Title IV-A of the Social Security Act (TANF effective July 16, 1996).

Title IV-D – Title IV-D of the Social Security Act (Child Support).

Title IV-E – Title IV-E of the Social Security Act (Foster Care and Adoption Assistance).

Title XVI – Title XVI of the Social Security Act (Supplemental Security Income – SSI).

Treasury Offset - The Financial Management Service, a bureau of the US Department of Treasury, intercepts Federal and/or State payments of an individual who fails to pay certain obligations.

> **Note:** The most common type of Treasury offset is from Federal income tax refunds. However, several other sources, such as Social Security benefits, federal salaries, and Federal and/or State payments may also be offset.

Tribal Member – An individual enrolled in a federally recognized tribe.

Trust – Any arrangement in which a grantor transfers money or property to a trustee(s) with the intention that it be held, managed, or administered by the trustee for the benefit of certain designated persons (beneficiaries). Property held by one individual for the benefit of another.

Underpayment – A correction to benefits paid a household who was originally paid less than they were eligible to receive.

Unearned Income – Income (other than earned) an individual receives without being required to perform any labor or service.

Uniformed Services – The United States Army, Navy, Air Force, Marine Corps, Coast Guard, and National Oceanographic and Atmospheric Administration. The National Guard or Reserves are not included in this definition unless the member is called to active duty or full-time occupation.

Unreimbursed Public Assistance (UPA) – The portion of the TANF benefit paid to a family on behalf of a child which has not been reimbursed to the State of North Dakota.

US Citizen – The status of being a native born or naturalized citizen of the United States.

Used Car Guide and Internet Car Guide – A resource which provides standard values for motor vehicles.

Vendor Payment – A payment made directly to a provider of goods and services on behalf of the TANF household.

Verification – The process and evidence used to establish the accuracy or completeness of information from an applicant, recipient, third party, etc.

Veteran's Benefits – Benefits and services provided by the United States Veterans Administration (VA) to people who have served in the United States armed forces and their dependents.

VISTA (Volunteers in Service to America) - A public service program authorized under the Domestic Volunteer Service Act and later incorporated into the AmeriCorps network of programs in 1993.

WIA (Work Force Investment Act) - A program administered through Job Service North Dakota or a Tribal entity that provides work experience, on-the-job training, short-term jobs, and internships with a public, nonprofit or private-for-profit business. (The Work Force Investment Act of 1998, implemented September 11, 2000, repealed and replaced the Job Training Partnership Act of 1982).

WIC (Women, Infants, and Children Nutrition Program) – A federal program authorized by the Child Nutrition Act of 1966 to provide nutritious food and nutrition education to low-income pregnant and postpartum women and children.

Work Study – Federal or non-federally funded employment arranged for students by a post-secondary school.

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.

TANF Legal Authority and Program Purpose 400-19-10

TANF Authority Reference 400-19-10-05

(Revised 6/1/10 ML #3218)

View Archives

1. 45 Code of Federal Regulations.
2. North Dakota Administrative Code (N.D.A.C.) Chapter 75-02-01.2.
3. Temporary Assistance for Needy Families (TANF) State Plan.
4. Public Law 104-193, The Personal Responsibility and Work Opportunities Reconciliation Act of 1996.
5. Deficit Reduction Act of 2005 (P.L. 109-171, 120 Stat. 4, enacted February 8, 2006)

TANF Program Philosophy and Purpose 400-19-10-10

(Revised 6/1/10 ML #3218)

View Archives

Temporary Assistance for Needy Families is available to any needy dependent child who lives in the home of a relative by birth, marriage, or adoption, who has been deprived of parental support or care by reason of death, continued absence from the home, or incapacity, disability, or aged of either or both parents.

TANF provides dramatic and far-reaching reforms to North Dakota's welfare programs. TANF is based on a system that comprehensively addresses the economic problems and barriers to self-sufficiency that confronts today's low-income families.

The objectives of TANF are to:

1. Ensure the rights of every individual to economic security and necessary education or training while realizing that every individual has the corresponding responsibility to take affirmative action toward maximizing self-sufficiency and independence.
2. Provide guidance on the responsibilities of the recipient in achieving self-sufficiency and the duties of the JOBS Program in facilitating the achievement of attainable goals.
3. Allow families to retain a reasonable level of resources to meet current and projected needs while remaining eligible for the receipt of assistance.
4. Provide a uniform budget methodology to guide the determination of eligibility and benefits for families.
5. Encourage recipient responsibility by providing time-limited benefits except in cases of hardship.
6. Engage the private and public business sector as a partner in promoting self-sufficiency.

7. Provide incentives to make work more rewarding than receiving assistance.
8. Require all non-custodial parents to share in the support of their children by strengthening existing program procedures and developing new procedures to bring about improved enforcement and collection of child support.
9. Support relocation of individuals and families in order to pursue training opportunities and secure meaningful employment.
10. Evaluate individual cases and agency performance based on the achievement of stated goals. The evaluation outcomes are based upon the individual reaching self-sufficiency or movement toward self-sufficiency rather than accountability of the program's mechanical procedures.
11. Promote the health and development of children through participation in the North Dakota (ND) Health Tracks.
12. Maintain the overall objective of preserving and strengthening the family structure.

The key elements of this program are to:

1. Simplify design;
2. Tailor services to the family's needs;
3. Provide benefits contingent upon progress toward self-sufficiency; and
4. Emphasize individual and family responsibility with rigorous enforcement of child support.

Administrative Requirements 400-19-15

TANF Eligibility Worker Role and Responsibilities 400-19-15-05

Role and Responsibilities 400-19-15-05-05

(Revised 6/1/10 ML #3225)

View Archives

The Role and Responsibility of the TANF Eligibility Worker is to:

1. Engage the family in developing a trusting working relationship;
2. Interview applicants and recipients to obtain information in order to determine initial and ongoing eligibility for benefits based on the rules and regulations of the TANF program;
3. Assist the households to identify and address areas of need, and complete referrals to services in the community;
4. Determine whether each applicant or recipient is required to participate in the JOBS program or has good cause to postpone participation;
5. Refer non-exempt individuals to the JOBS or Tribal NEW program;

   Note: Referrals to the Tribal NEW Program are based on referral criteria established by a Tribal NEW Memorandum of Understanding (MOU).

6. Provide child care payments to authorized State JOBS or Tribal NEW program participants for activities which may be approved; and
7. Describe the 60-month Lifetime Limit and inform the individual about the household's remaining TANF months and its affect on the family.

The TANF Eligibility Worker must stress that TANF is temporary assistance available to needy families and that there are strict work requirements for all non-exempt recipients. It is essential that the TANF Eligibility Worker

make certain that all referred individuals clearly understand their responsibilities for participation in the JOBS program.

With regards to the JOBS Program, the TANF Eligibility Worker is responsible to:

1. Present a brief orientation to JOBS during the interview by:

    a. Providing the individual with a copy of the "JOBS Work Requirements for Recipients of the TANF Program" DN 1990 brochure and answer any questions they have about the requirements.
    b. Explaining the referral process and the relationship between the TANF Eligibility Worker and the JOBS Employment Contractor. Inform referred individuals of their responsibility to comply with the requirements of the referral.
    c. Explaining and emphasizing that participation in federally mandated work activities is required. JOBS must move participants into employment quickly, and short-term training is allowed only for those who meet certain criteria. The need for training will be determined as part of the JOBS assessment process.
    d. Explaining the sanction process and penalties that may result from noncompliance.
    e. Explaining that good cause to excuse an individual from participation in the JOBS Program is temporary. The good cause reason or condition must be serious enough to totally prevent any type of participation and requires approval based upon adequate documentation.

2. Process transportation supplements promptly.
3. Share information with the JOBS Employment Contractor that is pertinent to the individual's ability to participate or may be helpful in monitoring the individual's work activities.
4. Schedule a good cause determination meeting (if required) when an individual does not follow through with the referral requirements or participate in good cause determination meetings with the JOBS Employment Contractor.

5. Process all sanction requests from the JOBS Employment Contractor. Prior to imposing a sanction, review the documentation provided by the JOBS Employment Contractor to ensure that the proper good cause determination procedure was followed and that the individual failed to demonstrate good cause for noncompliance with JOBS requirements.
6. Upon request from the JOBS Employment Contractor, provide the amount of the TANF and SNAP benefits. This enables the JOBS Employment Contractor to assist the JOBS Participant by:

    a. Determining the number of hours an individual must participate in the Community Service Activity;
    b. Providing Budgeting Counseling; and
    c. Determining eligibility for JOBS Supportive Services.

Referral Services 400-19-15-05-10

(Revised 6/1/10 ML #3218)

View Archives

The TANF Eligibility Worker's primary duties are to determine eligibility and benefit amount, and to make appropriate referrals based on the needs of the household.

The TANF Eligibility Worker must be familiar with the appropriate services and supports available to households in the community and use this knowledge to assist clients in accessing appropriate services and support.

The computer system contains a database of services and corresponding providers that may be available to the household. Following is a listing of available services:

- Counseling Services
    - Crisis Counseling
    - Family Violence Counseling
    - Family Counseling
    - Gambling Addiction Counseling
    - Individual Counseling
    - Marriage Counseling
    - Mental Health Counseling
    - Nutrition Counseling
    - Parenting Counseling
    - Substance Abuse Counseling
- Education Services
    - Early Childhood/Preschool
    - GED
- Employment Services
    - JOBS

    - Rehabilitation Consulting and Services
- Financial Services
    - Budgeting Counseling
    - Housing
    - LIHEAP
    - Social Security Benefits
    - Veteran's Benefits
    - Workforce Safety and Insurances
- Health/Medical Services
    - Women, Infants and Children (WIC)
- Legal Services
    - Credit Collections
    - Employment Related Legal Services
    - Housing Rights
- Supportive Services
    - Dependent Care
    - Food Pantry
    - Transportation Assistance

Referrals to Child Support Enforcement and the Jobs Opportunities and Basic Skills (JOBS) program are mandatory.

Facilitation of Household and Agency Efforts
400-19-15-05-15

(Revised 6/1/10 ML #3218)

View Archives

At times it may be appropriate to arrange for household members, outside agency staff, and the TANF Eligibility Workers to gather as a group to coordinate the efforts different agencies are making in working with a household. In these cases it is important to note that this must be done with the informed consent of the household, and signed releases of information must be in place before such a meeting is arranged. (See Section 400-19-15-15, Confidentiality)

Child Protection 400-19-15-05-20

(Revised 6/1/10 ML #3218)

View Archives

A TANF objective is to protect the health and welfare of children known or suspected of being victims of child abuse or neglect. TANF Eligibility Workers may know of situations where it is suspected that children in TANF households are being abused or neglected, either by other household members or in settings outside of the home. As these situations occur, a TANF Eligibility Worker may make reports without violating the confidentiality of the household. The TANF Eligibility Worker may consult with the Child Protection Supervisor at the county social service office if there are any questions on a potential child abuse or neglect situation.

A TANF Eligibility Worker who is a social worker or, by profession, a mandated reporter must report suspected or known cases of child abuse or neglect.

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

(Revised 7/1/2012 ML #3334)

View Archives

(N.D.A.C. 75-02-01.2-04)

(N.D.A.C. 75-02-01.2-05)

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:

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, and who will, before the end of the calendar month in which the student will attain age 19:

    a. Complete their training curriculum from a secondary school in order to receive a high school diploma or GED, or

    b. Complete their training at a vocational or technical school that is equivalent to secondary school.

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 TANF Eligibility 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 TANF Eligibility 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. TPQY – 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 TANF 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.

Confidentiality 400-19-15-15

(Revised 4/1/2012 ML #3309)

View Archives

Federal and state law recognizes the privacy rights of individuals who receive services and assistance under programs administered by the Department. **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 Administrative Manual Section 448-01-25-10-10-30.

In accordance with agreements with the Social Security Administration (SSA), 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, 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 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.

Discriminatory Practices Prohibited 400-19-15-20

(Revised 4/1/2012 ML #3309)

View Archives

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.

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

Notification of Availability of Family Planning Services 400-19-15-25

(Revised 6/1/10 ML #3218)

View Archives

Public Law 92-603 requires that applicants and recipients be advised of the availability of family planning services. This can be accomplished by routinely making the pamphlet, "North Dakota Family Planning Program," available at the time of application. County social service offices should order supplies of this pamphlet directly from the North Dakota Family Planning Program, State Health Department, Second Floor Judicial Wing, 600 East Boulevard Avenue, Bismarck, North Dakota 58505.

Job Opportunities and Basic Skills (JOBS) Program 400-19-15-30

(Revised 6/1/10 ML #3218)

View Archives

(N.D.A.C. 75-02-01.2-83)

TANF places a strong emphasis on work as a key to self-sufficiency. All non-exempt individuals of the TANF household will be referred to the Job Opportunities and Basic Skills (JOBS) Program.

The North Dakota Department of Human Services (DHS) is the administrative agency for the state's JOBS Program. DHS contracts to provide JOBS case management for referred TANF applicants/recipients. The JOBS Employment Contractor is charged with the placement, monitoring and reporting of JOBS participants in federally mandated work activities.

The JOBS program combines education, training, and employment components to enable participants to become self-sufficient, meaning having enough income to require closure of the household's TANF case.

JOBS Program Legislative and Regulatory Authority 400-19-15-30-05

(Revised 6/1/10 ML #3218)

View Archives

The Personal Responsibility and Work Opportunity Act of 1996, Public Law 104-193, created a block grant that provides Temporary Assistance for Needy Families (TANF) benefits. Section 407 of The Act mandates work requirements for non-exempt individuals. Work requirements are further defined in North Dakota Administrative Code chapter 75-02-01.2, Temporary Assistance for Needy Families (TANF) Program, and in TANF Manual Section 400-19-75-10-05, Exempt, Excluded and Non-Exempt Individuals.

This chapter also addresses the Tribal Native American Employment Works (NEW) Program. Additional information including referral criteria for each of the four Tribal NEW programs in the State is contained in the Tribal NEW Memorandum of Understanding and in TANF Manual Section 400-19-80.

Purpose of JOBS 400-19-15-30-10

(Revised 6/1/10 ML #3218)

View Archives

(N.D.A.C. 75-02-01.2-83)

The purpose of the JOBS program is to combine education, training, and employment components to enable participants to become self-sufficient.

The North Dakota Department of Human Services (DHS) is the administrative agency for the state's JOBS Program. To the extent resources permit, all non-exempt individuals and all children age sixteen or older who are not attending secondary school full time shall participate in the JOBS program.

JOBS Employment Contractor - Responsibilities 400-19-15-30-15

(Revised 6/1/10 ML #3225)

View Archives

The JOBS Employment Contractor is responsible to:

1. Meet with all referred individuals within seven (7) calendar days of the individual's first contact with them regardless of their geographic location within the service area. During this initial meeting, the JOBS Employment Contractor shall:

    a. Provide the individual with a comprehensive orientation to the JOBS Program, clearly explaining TANF work requirements, participant responsibilities, and consequences for non-compliance; and
    b. Complete a comprehensive assessment and develop an initial employability plan (EP); and
    c. Inform participants of the availability of supportive services.

2. Refer all participants to one or more appropriate work activities and/or other appropriate services to prepare them for work.
3. Closely monitor participation and intervene if a participant fails to provide required verification of work, work readiness, or training activities.
4. Share all EPs and other pertinent information with the TANF Eligibility Worker.
5. Initiate and facilitate the good cause determination process, as appropriate.
6. Provide written documentation of the outcome of the good cause determination process.
7. Provide written documentation to the TANF Eligibility Worker that substantiates the recommendation for imposition of a JOBS sanction, including a detailed history of the participants failure or refusal to participate, the good cause reasons offered by the participant, if any

were claimed, and any actions taken by the JOBS Employment Contractor.

8. Provide services, as defined in the contract between the Department and JOBS Employment Contractors, to non-exempt individual until the individual is no longer eligible to receive services. These include, but are not limited to, creating or identifying job openings, securing job interviews, and actively marketing participants for job openings.
9. Participate in Appeal Hearings when related to the JOBS Program, including but not limited to 'good cause' and sanctions.

JOBS Participants - Responsibilities 400-19-15-30-20

(Revised 6/1/10 ML #3218)

View Archives

(N.D.A.C. 75-02-01.2-88)

(N.D.A.C. 75-02-01.2-89)

(N.D.A.C. 75-02-01.2-102)

All non-exempt TANF applicants/recipients are required to participate in the JOBS program and are responsible to:

1. Contact the JOBS Employment Contractor to schedule an orientation appointment within seven (7) calendar days from the print date on the referral notice;
2. Keep all program related appointments as scheduled;
3. Comply with the goals, objectives and tasks listed on the Employability Plan (EP);
4. Be present at a worksite when scheduled to be there;
5. Participate in federally mandated work activities as required by the EP;
6. Maintain satisfactory progress in all program activities to which assigned.

North Dakota Health Tracks Program 400-19-15-35

(Revised 1/1/11 ML #3246)

View Archives

(N.D.A.C. 75-02-01.2-73)

Effective January 1, 2009, individuals under age 21 are no longer required to complete a screening through the preventive health program known as Health Tracks (EPSDT). All members of a TANF Household who are Medicaid eligible and under age twenty-one are encouraged to participate in the North Dakota Health Tracks Program.

TANF recipients, including a Benefit Cap child, who complete the Health Tracks screening are eligible for a $25.00 reimbursement per individual, per year. The reimbursement is available after the completion of the initial screening and the annual Health Tracks screening. For this purpose, completion of the screening does not include the follow-up appointments or referrals to other physicians that are generated from a screening. If the reimbursement is received in an initial month of eligibility for TANF, the reimbursement will not be prorated from the date of application. The individual will receive the entire reimbursement for each child.

Program Brochures 400-19-15-40

(Revised 6/1/10 ML #3218)

View Archives

(N.D.A.C. 75-02-01.2-08)

All applicants for TANF must be provided the following program brochures:

- "TANF"
- "JOBS"
- "Supplemental Nutrition Assistance Program (SNAP) in North Dakota"
- "Medicaid"
- "North Dakota Family Planning Program"
- "ND Health Tracks"
- "Child Support - A Legal Obligation"
- "Emergency Services"
- "Civil Rights"
- "LIHEAP Home Heating Assistance"
- "Child Care Assistance Program"
- "TANF I & R"
- "WIC."

Information from all of the brochures listed above are included in the Application for Assistance Guidebook. Acknowledgment that the applicant received the program brochures is contained on the applicant's "Statement of Facts."

Interpreter Services 400-19-15-45

(Revised 10/1/10 ML #3241)

View Archives

Individuals residing in the United States who apply for TANF benefits may be in need of interpreter services. Federal law requires 'States and other providers of health and social services to avoid discrimination against Limited English Proficient (LEP) persons on grounds of national origin, and states and other providers of health and social services must take adequate steps to ensure that such persons receive free of charge the language assistance necessary to afford them meaningful access to the services.'

> **Note:** Based on state law, the cost of providing interpreter services to assist individuals when meeting with county staff is the responsibility of the county and are not reimbursable by the Department.

Application/Request for Benefits 400-19-20

Overview 400-19-20-05

(Revised 6/1/10 ML #3225)

View Archives

(N.D.A.C. 75-02-01.2-03)

An application is a formal request for benefits that is made on one of the prescribed TANF Program application forms. Individuals requesting benefits through the TANF Program must complete and sign an application. The application must be submitted to the local county social service agency for processing. An unsigned application is not considered an application.

> **Note:** Prior to determining eligibility and authorizing benefits, the TANF Eligibility Worker must have a completed and signed application. The application is considered signed if the signature is found anywhere on the application, other than to answer a question.

Application Forms for TANF 400-19-20-10

(Revised 7/1/12 ML #3334)

View Archives

The allowable application forms used to apply for benefits under the TANF Program are:

1. SFN 405, "Application for Economic Assistance Programs";
2. SFN 719, "TANF Request for Benefits"; and
3. The Electronic Application found on the Department of Human Service Website.

Upon receipt of an application, the TANF Eligibility Worker must:

1. Determine if it is complete and signed, and a face to face interview must be conducted.
   - If any one of the above signed applications is incomplete, the household must either complete the application or sign a Statement of Facts (or Monthly Report as defined below).

     Note: If the application submitted is the SFN 719, "Request for Benefits", a Statement of Facts (or Monthly Report as defined below) is required.

   - If any one of the above signed applications does not list an address, TANF Eligibility Workers should review the contact information found on a mailing envelope, in a phone book, on a Motor Vehicle query, or using any other available resources for address information.
2. The application must be registered in the automated computer system as soon as possible upon receipt, but no later than the fifth working day

following receipt. If no mailing/residence address can be located, 'General Delivery' must be used as the mailing address for all notice(s). If the notices are returned for insufficient address:

- If the application has not been approved, it should be denied due to loss of contact and documented in the casefile.
- If the application has been approved, the case can be closed for loss of contact and documented in the casefile.

Application Process 400-19-20-15

(Revised 6/1/10 ML #3218)

View Archives

The application process may include the following steps:

- An individual contacts the county agency.
- County agency staff advise the individual of the right to file an application, explain how and where to apply, and, if necessary, assist the individual with completing the application.
- County agency staff shall provide information on the types of assistance and other community resources available.
- An applicant files an application for assistance.
- The TANF Eligibility Worker conducts a face-to-face interview.

  Note: If there is not a break in assistance of one full calendar month, the face-to-face interview is optional.

- The applicant provides verifications.
- The TANF Eligibility Worker determines eligibility and the date eligibility begins.
- The TANF Eligibility Worker notifies the applicant of eligibility or ineligibility.

Required Applications in Various Circumstances
400-19-20-20

(Revised 8/1/11 ML #3272)

View Archives

SFN 719, "TANF Request for Benefits" AND a Statement of Facts or SFN 405, "Application for Assistance," or the Electronic Application is required in the following circumstances:

1. Upon an individual's initial request for assistance;
2. In the instance when a household receiving assistance requests to participate in any new program. (e.g. a Medicaid household requesting TANF);
3. Upon reapplication after an application has been denied or withdrawn, unless the denied or withdrawn status was caused solely by administrative error;

   Note: A new application is not required following a denial or withdrawal of the initial month's request when eligibility for the second month exists.

4. Upon reapplication after a case closes when there has been a break of assistance of at least one full calendar month, unless the closure, was caused solely by administrative error; or
5. When there is a change in the caretaker/relative, not previously in the TANF household, with whom the children are now residing.

SFN 719, "TANF Request for Benefits" AND a completed Monthly Report or a Statement of Facts, or SFN 405, "Application for Assistance," or the Electronic Application is required in the following circumstances:

1. If the TANF case closed and the household requests TANF benefits when there has not been a break in assistance of at least one full calendar month.

2. If the Diversion case closed and the household requests TANF benefits and there has not been a break in assistance of at least one full calendar month.
3. If the TANF case closed and the household is eligible for Diversion and there has not been a break in assistance of at least one full calendar month.
4. If the Diversion case closed for reason other than 'Maximum Diversion', the household reapplies for and is eligible for Diversion, and there has not been a break in assistance of at least one full calendar month.

SFN 719, "TANF Request for Benefits," AND Statement of Facts, or SFN 405, "Application for Assistance," or the Electronic Application is NOT required in the following circumstances:

1. To reopen a previously closed case as a result of a recipient's timely request for a fair hearing, or to reopen as a result of a fair hearing decision;
2. When an individual's status changes from an eligible caretaker to ineligible caretaker, or vice versa;
3. When individuals are added to an existing, eligible household;
4. When both parents reside in the home, the Primary Individual dies, and the other parent becomes the Primary Individual;
5. When a case is suspended for one month due to the receipt of an extra check from a recurring source (either earned or unearned income) and ineligibility is anticipated to continue for only one month;
6. When a case is reverted to open; or
7. The same application can be used to determine eligibility for the month following the month of denial when ineligibility is expected to last for the month of application only. The month following the month of denial is the initial month of application and becomes the first prospective month.

Date of Application and Start Date 400-19-20-25

(Revised 8/1/11 ML #3272)

View Archives

(N.D.A.C. 75-02-01.2-03(6))

(N.D.A.C. 75-02-01.2-20)

The date of the application is the date the signed application is received in the county agency, provided the application was submitted during normal business hours. When an Application is submitted after normal business hours, on a weekend, or on a holiday, the application is considered received the next .

> **Note:** The TANF Eligibility Worker must document the date an application is filed by recording the date received on the application.

The benefit start date is either the date the signed application is received in the county agency or the date the household becomes eligible, whichever is later.

> **Note:** When a family entering North Dakota has received a current month's TANF benefit from a state that issues grants twice per month, the benefit start date is the day following the date eligibility in the other state ended or the date the household becomes eligible, whichever is later.

Timeliness Standards for Processing TANF Benefits 400-19-20-30

(Revised 6/1/10 ML #3218)

View Archives

The processing timetable for applications starts from the date of application. Except in extenuating circumstances, a decision to either approve or deny an application must be made no later than 30 days following the date of the application. Formal action (either approval or denial) must be taken on each application for assistance for the month in which it is received.

Extenuating circumstances include, but are not limited to:

1. Failure or delay of an applicant to provide needed information due to circumstances beyond the applicant's control,
2. An inability to complete a Proof of Performance (POP) due to factors outside of the applicant's control,
3. An inability to complete Up-front eligibility requirements due to factors outside of the applicant's control.

If an application is not acted upon within the 30-day time frame due to extenuating circumstances, the case record must contain an explanation of the cause of the delay.

If the family does not complete the application and provide all required verifications within the 30-day time frame (and the delay in completing the application is not due to extenuating circumstances) the application must be denied.

An applicant may withdraw an application for assistance any time before the initial benefit has been paid.

Notice of Action Taken on Applications 400-19-20-35

(Revised 6/1/10 ML #3218)

View Archives

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 and their rights and responsibilities.

The household must be notified of eligibility and benefit amounts for each month. Since eligibility and benefits are determined based on information provided on the SFN 405, "Application for Assistance," SFN 719, "TANF Request for Benefits AND "Statement of Facts", or the Electronic Application, there is no advance (10-day) or adequate notice requirement in instances when:

1. Benefits are being reduced in the second prospective month as they are less than benefits for the first prospective month; or
2. There is no eligibility for benefits in the second prospective month.

> **Note:** There is no requirement that notices be mailed the same day or that a single notice address eligibility and benefits for the first two prospective months.

The household must be notified of ineligibility and denial of benefits.

> **Note:** An application registered in the automated computer system that is not processed within 30 days will result in an automatic denial notice being sent to the applicant, provided the TANF Eligibility Worker has not started the Household Composition Process.

Monthly Reporting 400-19-25

General Statement 400-19-25-05

(Revised 6/1/10 ML #3218)

View Archives

(N.D.A.C. 75-02-01.2-10)

As a condition of continued eligibility, TANF households are required to submit a monthly report form effective with the first month income is retrospectively budgeted.

The monthly report does not replace the applicant's or recipient's responsibility to report a change within 5 calendar days of learning of a change in circumstance that may affect eligibility or the amount of the TANF benefit.

The purpose of the monthly report is to gather information necessary to determine eligibility and amount of TANF benefits. A monthly report provides households with a systematic method for reporting income, household composition, and other relevant circumstances for the base and benefit months. Recipients must also report changes in other circumstances which the household expects to occur in the future benefit month which may affect continued eligibility.

> **Example:** If January is the month in which the application is received, eligibility and benefits for January and February are based on prospective information obtained from the applicant and listed on the application. The first monthly report is required in February to verify January actual information. Since January had been authorized based on prospective information, the January information is used to determine if January's benefit must be adjusted. The monthly report will also provide anticipated information for March upon which all

factors of eligibility are determined prospectively, except income and expenses.

Mailing and Return of the Monthly Report 400-19-25-10

(Revised 8/1/11 ML 3272)

View Archives

The TANF Monthly Reports are mailed on or about the 25th of each month as well as each of the last three work days of the month for cases processed after the 25th.

Monthly reports submitted during normal business hours are considered received on the date submitted. When a monthly report is submitted after business hours, on a weekend or holiday, the monthly report is considered received the next .

> **Note:** The TANF Eligibility Worker must document the date a monthly report is filed by recording the date received on the monthly report.

If a monthly report is submitted prior to the 1st day of the month in which it is due, the monthly report must be considered incomplete and must be returned to the household.

> **Note:** Instructions must be included with the returned monthly report informing the household to review the monthly report to ensure all information for the entire month is included. The household must also be instructed to resubmit the form on or after the 1st of the month in which it is due.

In instances when an application is not processed until the second prospective month, the TANF Eligibility Worker must provide the applicant with a monthly report, which must be completed and returned by the last working day of the second prospective month.

> **Example:** An application, received on March 10th, is not processed until April 23rd. The TANF Eligibility Worker must provide the applicant with a monthly report in April which the applicant must complete and return by the last working day of April. If the monthly report is not received, the case must be closed April 30th.

Timeliness of Returned Monthly Report 400-19-25-15

(Revised 6/1/10 ML #3218)

View Archives

Monthly reports are due on the 5th of the month or the first after the 5th if the 5th falls on a weekend or holiday. However, completed monthly reports can be submitted to county offices on any day of the month in which they are due.

Treatment of Completed Monthly Report 400-19-25-20

(Revised 6/1/10 ML #3218)

View Archives

TANF Eligibility Workers shall review the monthly report when received to determine if all questions have been answered and all necessary verifications are attached.

> **Note:** Lack of information for income and expenses for the prospective month does not constitute an incomplete Monthly Report for TANF.

If the monthly report fails to include verification of work-related child or dependent care, the report is considered complete but the child and dependent care disregard will not be allowed.

The TANF Eligibility Worker shall use the completed monthly report to determine eligibility and the proper amount of the monthly benefit. Each household shall be notified of any changes from the prior notice and the basis for the new determination. This notice must reach the household no later than the date they would normally receive a benefit and shall serve as the adequate notice of any decision based on information reported by the household on the monthly report.

With few exceptions benefit changes that are not based on information supplied on the monthly report must be preceded by an advance (10-day) notice. (See Section 400-19-115-10, Advance (10-Day) and Adequate Notice Requirements.)

Treatment of Non-Receipt or Incomplete Monthly Report 400-19-25-25

(Revised 6/1/10 ML #3218)

View Archives

If a monthly report is not registered by the 10th day of the month, an automatic notice will be sent to the household that includes the reason for and effective date of case closure.

> **Note:** If the monthly report is not received by the last day of the month, the case will fail for 'Non-Receipt MMR' and close effective the last day of the month in which the monthly report is due.

If a monthly report is not provided to the household prior to the 10th day of the month in which it is due, the TANF Eligibility Worker must also create and send the 'Non-Receipt of MMR' notice.

If a household submits an incomplete monthly report by close of business on the third to the last day of a month, a notice, preferably the Incomplete Monthly Report notice must be sent allowing the household 10 days to provide the information. The household has 10 days, or until the end of the calendar month, whichever is later, to submit the information. Should the case close at the end of the month and the household submit the information within the 10 day period, the case must be reverted to open and eligibility determined.

The household must be notified of any benefit changes. A household has the right to request a fair hearing.

> **Example:** Incomplete Monthly Report notice is sent to central print on April 28th and the case closes Friday, April 30th. The household submits the information that completes the monthly report on May 3rd. Since the information is received within 10 days of the date of the notice, the case must be reverted to open and eligibility determined for the benefit month of May.

> **Note:** If the household is eligible for May benefits, the TANF Eligibility Worker must create and mail a monthly report to the household for the benefit month of June.

If the household does not submit the information within the 10 day period, the case will remain closed and a new application is required.

If a household submits an incomplete monthly report after the close of business on the third to the last working day of a month, a notice is not required to be sent to the household. Should the case close at the end of the month a new application is required.

> **Note:** If the TANF Eligibility Worker does send an incomplete notice, the 10-day period must be honored.

Reporting Changes 400-19-25-30

(Revised 8/1/11 ML 3272)

View Archives

TANF participants are required to report all changes in household circumstances within 5 days of learning of the change, except when reporting the birth of a newborn, the household has 10 days. Changes to be reported include income, assets, number of persons in the household, address, living arrangements, or any other change that may affect eligibility and benefit amounts to the household. Failure to report changes within the allotted time may result in an overpayment and/or referral for possible fraud. (See Section 400-19-115-15, Proper Notification When Reducing Benefits or Closing Cases.)

Changes reported during normal business hours are considered received the day reported. When a household reports a change by dropping off information, through voice-mail, by e-mail, or by fax on a weekend, holiday, or after normal business hours, the change is considered reported on the next working day.

> **Note:** The TANF Eligibility Worker must document the date a change is reported by recording the date received on the document provided or in the casefile narrative.

Review of Eligibility Requirements 400-19-30

(Revised 7/1/2012 ML #3334)

View Archives

Eligibility for every TANF household is redetermined each month using the TANF Monthly Report. The purpose of the annual Review 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 Review.

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

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

> **Note:** The TANF Eligibility Worker must document the date a review form is filed by recording the date received on the form.

Upon receipt of a completed review form:

- If the review was received timely (by the 5th day of the month or the first working day after the 5th, if the 5th falls on a weekend or holiday), the review must be processed no later than the last working day of the month in which it was received. (e.g. If a completed review is received by June 5th, the review must be processed no later than the last working day of June.)

- If the review was not submitted timely, but was submitted during the month it is due, the review must be processed as soon as possible, but no later than 30 days following the date received. If the

If the recipient fails to complete the review process by the last day of the 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 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 review and their rights and responsibilities.

TANF Up-front Eligibility Requirements 400-19-35

Overview 400-19-35-05

(Revised 6/1/10 ML #3218)

View Archives

(N.D.A.C. 75-02-01.2-03.1)

As a factor of eligibility, individuals are required to meet specific requirements prior to receiving TANF Benefits. These requirements include:

1. Providing information regarding the enforcement of Child Support;
2. Initial participation in the JOBS program; and
3. Not quitting a job or refusing employment without good cause during the Up-front eligibility period.

Up-front Eligibility requirements apply at the time of application or reapplication but not when a case is reverted to open. However, up-front eligibility does not apply until a determination has been made that the household is otherwise eligible.

JOBS/Tribal NEW Up-front Eligibility Requirements 400-19-35-10

(Revised 6/1/10 ML #3218)

View Archives

Unless first determined to be exempt, excluded, or granted good cause for nonparticipation in JOBS, the applicant and any member of the family for whom TANF is requested shall, as a condition of eligibility, comply with requirements of Up-front Job Opportunities and Basic Skills (JOBS) or a Tribal Native Employment Works (NEW) program. Failure to cooperate with Up-front Eligibility requirements will result in denial of the application.

Because a referred individual may contact JOBS or Tribal NEW in advance of their receipt of the JOBS/Tribal NEW Referral, the TANF Eligibility Worker must immediately alert the JOBS Employment Contractor or Tribal NEW of the referral.

Non-sanctioned individuals must:

1. Contact JOBS or Tribal NEW within seven (7) calendar days from the print date of the referral and schedule an orientation appointment; and
2. Attend the scheduled appointment to complete the program orientation, initial assessment, and employability plan; and
3. Not have quit a job or refused employment without good cause after the application.

Sanctioned individuals must:

1. Contact the JOBS program within seven (7) calendar days from the print date of the referral to schedule an appointment to enroll; and
2. Attend the scheduled appointment to complete the program orientation, initial assessment, and employability plan; and

3. Complete their Proof of Performance unless they are determined to have good cause; and
4. Not have quit a job or refused employment without good cause after the application date.

If a sanctioned individual who applies after the Sanction Penalty Month or Month of Ineligibility meets the JOBS Up-front eligibility, the sanctioned individual and other eligible individuals in the household are provided a TANF benefit prorated from the application date. (See Section 400-19-90, Curing a JOBS or Tribal New Sanction for individuals who apply during the Sanction Penalty Month or Month of Ineligibility.)

Up-front Eligibility requirement does not apply to:

1. Exempt volunteers;
2. Individuals added to an ongoing case; or
3. Individuals in cases that have been reverted to open.

Child Support Up-front Eligibility 400-19-35-15

(Revised 6/1/10 ML #3218)

View Archives

As a condition of eligibility, applicants are required to complete SFN 74, 'Child Support Information' and DN 403, 'Acknowledgment Of Nonrepresentation'. The SFN 74 will be required from each caretaker against each absent parent for each child for whom TANF benefits are requested. Only one DN 403 is required per caretaker. The forms may be included with the information provided to TANF applicants with the application packet.

> **Note:** Forms SFN 74 and DN 403 remain valid for six (6) months from the original date they were signed. Therefore, if a family reapplies within the six (6) month period, a review of the existing forms kept in the casefile rather than completion of new forms will satisfy the Child Support Up-front eligibility requirement. The family must resign and redate the copies underneath the existing signature and date. The family must initial and date any changes made to the information previously supplied on the file copy. The 'updated' copies must be sent to Child Support Enforcement to meet the Child Support Up-front eligibility requirement.

Since Up-front Child Support requirements do not apply to Benefit Cap child(ren), the SFN 74 and DN 403 do not need to be completed for the Benefit Cap child only.

The TANF Eligibility Worker must review the Absent Parent Maintenance window in the automated computer system, by selecting each child. If a reason of financial or paternity appears in the 'Child Support Non Cooperation Reason(s)' box for any children included for TANF, there may be an outstanding issue that needs to be resolved prior to approval of the TANF application. The individual must contact the Regional Child Support office as the Up-front Child Support eligibility requirement will not be met until the issue is resolved.

> **Note:** An alert is generated in the automated computer system when the issue has been resolved. (For further information on this alert, see the February 2007 Vision Maintenance Rollout.)

If the completed forms are received by the TANF Eligibility Worker and there are no outstanding issues with Child Support Enforcement, Up-front Child Support eligibility requirements have been met.

> **Note:** Forms are to be sent to the Regional Child Support Enforcement office within one day of being determined complete.

If requested, the TANF Eligibility Worker must assist the individual in completing SFN 74. However, this form should be completed in the individual's handwriting whenever possible. If completed forms are not received by the TANF Eligibility Worker, the application must be denied.

The TANF Eligibility Worker must determine whether the applicant made a genuine attempt to answer all questions and completed the forms to the best of their ability.

> **Note:** When an applicant answers the majority of questions as "Unknown" the form must be reviewed with the applicant. Prudent person concept applies.

Child Support Up-front eligibility does not apply when:

1. Both parents of all eligible children are in the home as deprivation would be based on incapacity, disability, or age of one of the parents;
2. A determination of 'good cause' for non-cooperation with Child Support Enforcement is pending or has been granted.

> **Note:** The TANF Eligibility Worker should request that the family complete the forms but cannot deny the application if the forms are not completed and returned.

When a TANF application is denied and the family is eligible for Medicaid, SFN 74 and DN 403 should be forwarded to the Regional Child Support Enforcement.

TANF Pay After Performance Requirements 400-19-40

Overview 400-19-40-05

(Revised 6/1/10 ML #3218)

View Archives

The Deficit Reduction Act of 2005 required states to engage a minimum of one-half of all TANF recipients who are not exempt from the JOBS program in productive work activities leading to self-sufficiency. States are required to report to Health and Human Services (HHS) the actual hours of participation in a TANF work activity by a JOBS participant.

Effective with new TANF applications received on or after April 1, 2009, 'Pay after Performance' (PAP) policy was implemented, which affects TANF applicants who are required to participate in the JOBS Program. During the first four (4) months of receipt of TANF benefits, these JOBS participants will receive a TANF grant for their children's financial needs only. Only after they have met their monthly work participation requirements will the JOBS participant receive their portion of the grant as a supplemental benefit.

Individuals Excluded from Pay After Performance Requirements 400-19-40-10

(Revised 1/1/11 ML #3246)

View Archives

The following individuals are not subject to PAP:

1. Children under age 18 who are attending school fulltime;
2. Caretakers under age 18 who are attending school fulltime;
3. Caretakers in receipt of Supplemental Security Income (SSI), including presumptive SSI;
4. Caretakers in receipt of Social Security Disability (SSDI) benefits;
5. Parents or caretaker relatives, personally providing fulltime care for a child who is under the age of two (2) months;
6. Caretakers age 65 or over;
7. Caretakers who are 'Opted Out'; or
8. Caretakers who have been referred to the Tribal NEW Program.

Pay After Performance Individuals 400-19-40-15

(Revised 6/1/10 ML #3218)

View Archives

Pay after Performance Individuals are:

1. Eligible caretakers of dependent children to whom they are related within the 5th degree;
2. Children ages 16-18 and not attending school fulltime.

> **Note:** Children who are subject to Pay After Performance Requirements are given a participation code of 'OU'. A referral is not made to Child Support Enforcement until the child meets the Work Requirement and is determined eligible for TANF. Any child support received by Child Support Enforcement on behalf of that child during the period the child is 'OU' due to Pay After Performance requirements will be released to the household and must be counted as income.

Pay After Performance Individuals:

1. Must meet the TANF Up-front eligibility requirements; and
2. Must meet all non-financial and financial factors of eligibility; and
3. Must have their income and assets considered in determining eligibility for the household; and
4. Must participate in the JOBS Program, unless determined to be exempt, excluded, or have 'good cause' for failure or refusal to comply from participation; and
5. Must cooperate, if required to do so, with Child Support Enforcement in obtaining child support or establishing paternity for any child member of the family; and
6. Are ineligible for their portion of the TANF grant for four (4) months, beginning the month of application, unless they meet the work participation requirements, as determined by the JOBS Employment Contractor.

While individuals who are subject to PAP are included in the TANF Basic Standard of Need calculation when determining eligibility during the first four months, their financial needs will be deducted from the grant. During the first four (4) months, the financial needs of the individual will be paid as a supplement only after the JOBS Employment Contractor has advised the TANF Eligibility Worker that the individual has met their work participation requirements for the month.

> **Note:** The JOBS Employment Contractor must provide verification, on a monthly basis, as to whether or not the individual has met their work participation requirements for the month.

- If the verification indicates the individual met the work participation requirements for the month, that month's benefits will be reprocessed and a supplemental payment issued to meet the individual's financial needs.
- If the verification indicates the individual did not meet the work participation requirements for the month, the individual is not eligible to have their financial needs met for the month.

> **Note:** If the individual did not meet the work participation requirements during the month, the JOBS Employment Contractor should have initiated the 'good cause' determination process.

Beginning the 5th month, PAP requirements no longer apply. If the individual continues to comply with all requirements of the TANF program, the individual's financial needs will be included in the TANF benefit.

Pay After Performance - JOBS Supportive Services 400-19-40-20

(Revised 6/1/10 ML #3218)

View Archives

A PAP individual is a TANF household member required to comply with the JOBS Program. Even though their financial needs may not be included during the first four (4) months, they are a JOBS participant and eligible for supportive services.

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

(Revised 7/1/2012 ML #3334)

View Archives

(N.D.A.C. 75-02-01.2-37)

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 will, before the last day of the calendar month in which the sibling attains age 19:
    a. Complete their training curriculum from a secondary school in order to receive a high school diploma or GED; or
    b. Complete their training at a vocational or technical school that is equivalent to secondary school.

> **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. The stepparent will either 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) as well as the 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 must be 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.

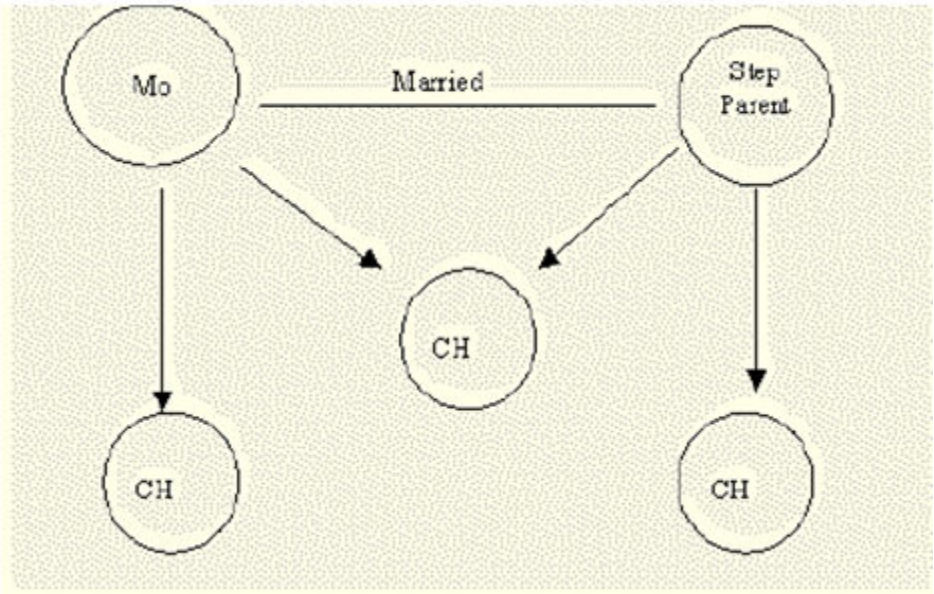
At times a parent may request that a particular child not be included in the TANF household. The parent has no option in this matter since the household provision requires that all otherwise technically eligible persons must be included in the household. However, a non-legally responsible

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:

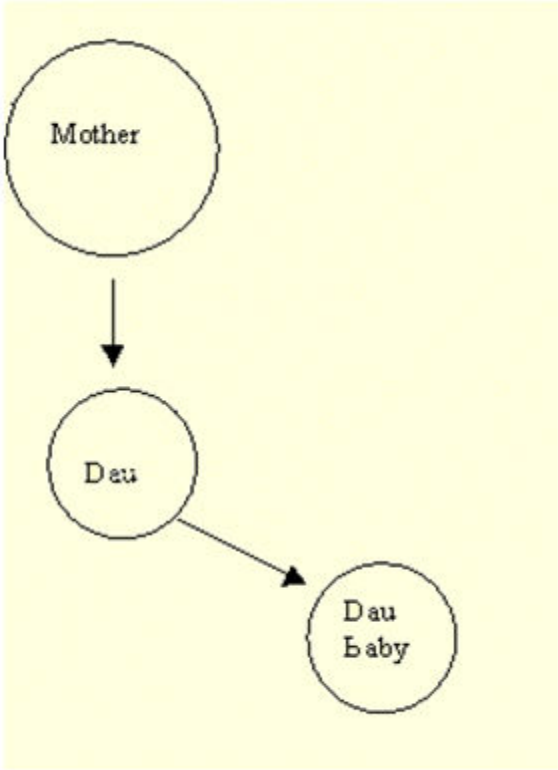


1. If one of the stepparents is not incapacitated, disabled or aged, the unit would consist of either the mother and her child or the father and his child.

2. If both stepparents want TANF for their deprived child, the unit would consist of 4 persons with their child in common being ineligible (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.

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

(Revised 4/1/2012 ML #3309)

View Archives

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)

Marriage Validity Policy for TANF 400-19-45-05-10

(Revised 8/1/11 ML #3272)

View Archives

In order for a marriage performed in North Dakota to be recognized or considered valid in North Dakota, couples are required to obtain a marriage license through the County Recorder's Office. North Dakota law specifically states that marriages are considered recognized and valid if they are between one man and one woman as husband and wife. Therefore, North Dakota does not recognize same sex marriages regardless of where the marriage occurred.

Marriages that occur outside of North Dakota are considered valid in North Dakota if:

1. The marriage was legally performed in another state;
2. The marriage is a common law marriage that occurred in another state and was considered a valid marriage in that state (the couple would be required to provide documentation verifying that the common-law marriage was considered valid by the state in which it took place);
3. The marriage occurred in another country and the marriage was considered valid according to the law of the country where the marriage was contracted, unless the marriage violates the strong public policy of North Dakota.

   Note: Polygamous marriages violate the strong public policy of North Dakota.

Primary Individual (PI) 400-19-45-10

(Revised 6/1/10 ML #3225)

View Archives

(N.D.A.C. 75-02-01.2-06)

Every TANF household must have a primary individual (PI). The PI is the caretaker of a child in the household to whom the agency directs correspondence and notices. The PI, who may or may not be eligible, is responsible for providing all pertinent data necessary to make a determination of eligibility. If the PI does not provide the necessary information required to determine eligibility, the entire household is ineligible for TANF.

The PI will be identified among the household members using the following priority listing:

1. Natural or adoptive parent;
2. Adult relative within the fifth degree of relationship;
3. Stepparent;
4. Spouses of any person(s) named above even after the marriage is terminated by death or divorce, but not by annulment; or
5. Brother, sister, half-brother, half-sister, stepbrother, or stepsister age 16 or older.

The PI of a case can only be changed if the PI dies and the new PI is the spouse and resides in the same household of the PI who died.

Living in Home of Relatives 400-19-45-15

(Revised 6/1/10 ML #3218)

View Archives

(N.D.A.C. 75-20-01.2-01(29))

In order to be eligible for TANF, a dependent child must be "living in the home of a specified relative." A child must reside with an individual related by blood (including half-blood), marriage, or adoption who is within the 5th degree of relationship.

> **Note:** Subsidized adoptive children cannot be included in the TANF benefit until the adoption decree is final, unless the child is related within the 5th degree to the caretaker. Once the adoption decree is final, the adoptive child must be included in the TANF benefit.

A dependent child must reside with one of the following individuals :

1. A natural or adoptive parent (1st degree);
2. A stepparent if the natural or adoptive parent is not in the home (1st degree);
3. Stepbrother or stepsister, if the stepparent, natural or adoptive parent is not in the home (2nd degree);
4. Sibling (including a half sibling) if age 16 or older (2nd degree);
5. Natural and step grandparent, including great, great-great, or great-great-great grandparent (2nd 3rd, 4th, 5th degree);
6. Uncle or aunt including a great or great-great aunt or uncle (3rd, 4th, 5th degree);
7. Nephew or niece including great or great-great niece or nephew (3rd, 4th, 5th degree);
8. First cousin (an aunt or uncle's child) or first cousin once removed which is an aunt or uncle's grandchild (4th and 5th degree);
9. A second cousin (a great aunt or uncle’s child) (5th degree);
10. A spouse of any of the above individuals even after the marriage is terminated by death or divorce.

Termination of Parental Rights 400-19-45-15-05

(Revised 6/1/10 ML #3218)

View Archives

Termination of parental rights removes all relationships and responsibilities between the parent and their child(ren). The parent becomes a “legal stranger" to the child(ren). However, for TANF purposes, the blood relatives of a parent whose parental rights have been terminated continue to be treated as relatives of the child(ren).

There is no relationship between the child and the parent whose rights have been terminated. If the child returns to the home of the parent whose rights have been terminated, while TANF benefits may be issued to the parent and other dependent children, the child is not "otherwise eligible” for TANF even though the child is living with siblings or half-siblings.

If a child is adopted by a relative within the 5th degree of relationship of the parent whose parental rights have been terminated, new relationships are established between the parent whose parental rights have been terminated and the child.

> **Example:** Biological mother terminated her parental rights and grandmother adopted her child. The adoption establishes a new relationship of sibling between the biological mother (whose parental rights were terminated) and the child. The biological mother and the child move out of the home and apply for TANF. Eligibility for assistance may be established based on the sibling relationship.

Documentation/Verification of Specified Relative 400-19-45-15-10

(Revised 6/1/10 ML #3218)

View Archives

Living with specified relative

Two factors are considered to comprise this element:

- The degree of relationship, and
- Living with the specified relative.

Document or other record generally available from the client to verify degree of relationship

- Birth Certificate
- Adoption papers
- Baptismal Record
- Marriage Certificate
- Court Order Record

Verification Information from other sources to verify living with the specified relative

- Contact with School System
- Hospital and Clinic Records
- Landlord's Statement
- Contact with Public Housing Authority
- Court Support Order
- Juvenile Court Records
- Private Social Service Agencies
- Community Organizations
- Church Records
- Head Start Records

- Day Care Center Records
- Vital Records
- Visual Confirmation
- Child Welfare Records
- Records from The Office of Refugee Resettlement

For a school age child, the basic verification to establish "living with the specified relative" is the school record showing address of the child and the relative responsible for the child. For a pre-school child, utilization of verification from other sources will be necessary based on the individual situation.

TANF Household Living Arrangements 400-19-45-20

(Revised 4/1/2013 ML #3362)

View Archives

For TANF purposes, a home is the family setting maintained or in the process of being established as demonstrated by the assumption and continuation of responsibility for day-to-day care of the child by the parent or relative with whom the child is living. A home exists as long as the parent or relative continues to exercise responsibility for the care and control of the child even though the child or the parent/relative may be temporarily absent from the home.

Assistance may not be denied to otherwise technically eligible families merely because they are homeless; that is, having no fixed address. Thus, a lack of a permanent dwelling or of a fixed home address does not constitute a barrier to the receipt of TANF. While residency requirements must be met a fixed address within the state is not necessary.

Individuals residing for a full calendar month in any living arrangement not listed below are not eligible for TANF.

Within this interpretation, TANF eligibility and benefit level for children and adults is determined according to the individual's living arrangement as follows:

1. Admitted to a Public Institution: A Public Institution is an institution or facility that is the responsibility of a governmental unit or over which a governmental unit exercises administrative control. Examples of a Public Institution are: Veterans Administration Hospitals, North Dakota Veteran's Home, North Dakota Youth Correctional Center, North Dakota State Penitentiary, Cass County Juvenile Detention Center, and city, county, or tribal jails, etc.

- Individuals residing in Public Institutions for a full calendar month are ineligible for TANF Benefits.

In the automated computer system, the Living Arrangement that should be selected is 'Public Institution'.

2. Anne Carlsen Center: The Anne Carlsen Center is located in Jamestown, ND and is an Intermediate Care Facility for the Intellectually Disabled. The Center serves children with specialized health care and education needs.

   - Children residing at the Anne Carlsen Center for a full calendar month are ineligible for TANF Benefits.

   In the automated computer system, the Living Arrangement that should be selected is 'Anne Carlsen Center /ICFID''.

3. Away at School: An individual who resides temporarily in another North Dakota community to attend school or training.
   - The individual is eligible to be included in TANF benefit.

   In the automated computer system, the Living Arrangement that should be selected is 'Away at School'.

4. Away from Home [Not School]: An individual who resides temporarily in another North Dakota community for employment purposes.
   - The individual is eligible to be included in the TANF benefit.

   In the automated computer system, the Living Arrangement that should be selected is 'Away from Home [Not in School]'.

5. Basic Care: The Basic Care Program helps aged, blind or disabled individuals who need services in a licensed, basic care facility to pay for their care.

   At the time the individual becomes TANF eligible or enters a facility, a medical plan must be provided verifying the individual is expected to return home within 12 calendar months from the month of entry.

- If the individual is not expected to return home within 12 calendar months from the month of entry, the individual is not eligible for TANF beginning the first full calendar month following entry.
- If the individual is expected to return home within 12 calendar months, the individual residing in Basic Care continues to be eligible to be included in the household (full TANF Basic Standard of Need) for three complete calendar months following the month of entry.
- Beginning the fourth calendar month, the individual is eligible for a $45.00 monthly personal needs allowance. The individual may be eligible for the $45.00 personal needs allowance for up to nine months.

In the automated computer system, the Living Arrangement that should be selected is 'Basic Care Facility/Specialized Facility'.

6. Bismarck Transitional Assessment Center: The Bismarck Transition Center (BTC) is a comprehensive, community-based correctional program designed to help eligible, non-violent offenders transition back into the community. It provides the opportunity to develop necessary skills that assist offenders in obtaining essentials such as employment and housing once they are released into society. The program provides residents with a full-range of treatment services that decrease the likelihood of re-offense upon release.

   The Bismarck Transitional Assessment Center contracts with the offices of parole and probation to serve as a transitional living center and to provide assessment services.

   Individuals entering this facility on a voluntary basis while on probation are not inmates. A plan must be provided verifying the individual is expected to return home within 12 calendar months from the month of entry.

   - If the individual is not expected to return home within 12 calendar months from the month of entry, the individual is not eligible for TANF beginning the first full calendar month following entry.

- If the individual is expected to return home within 12 calendar months, the individual continues to be eligible to be included in the household (full TANF Basic Standard of Need) for three complete calendar months following the month of entry.
- Beginning the fourth calendar month, the individual is eligible for a $45.00 monthly personal needs allowance. The individual may be eligible for the $45.00 personal needs allowance for up to nine months.

In the automated computer system, the Living Arrangement that should be selected is 'Hospital or Halfway House/In Own Home'.

- Individuals placed at the facility as inmates who are sentenced to less than 30 days may be eligible for TANF if all factors of eligibility are met.

In the automated computer system, the Living Arrangement that should be selected is 'In Own Home'.

- Individuals placed at the facility as inmates who are sentenced to 30 days or more are not eligible for TANF.

In the automated computer system, the Living Arrangement that should be selected is 'Transitional Living Center/Specialized Facility'.

7. Boarding School/Arrangement: A Boarding School is a school where some or all students study and reside with their fellow students during the school term. The word 'boarding' in this sense means to provide food and lodging.

   - A child member of the TANF household who resides in a boarding school arrangement is eligible only for the TANF benefit of $45 monthly personal needs allowance.

     Note: If a child was removed from the home of a parent or relative by court order as a result of neglect or abuse and placed in a boarding school arrangement, there is no eligibility for the $45 monthly personal needs allowance.

- A child member of the TANF household in a Boarding Arrangement in another community for reasons such as attending school when needed specialized facilities in the home community are lacking or inclement weather or transportation problems make school attendance near the child's usual home difficult or impossible is eligible only for the $45 monthly personal needs allowance.

In the automated computer system, the Living Arrangement that should be selected is 'Boarding School/Away at School'.

8. Camp Grassick: Camp Grassick is located on Lake Isabel near Dawson, ND, and provides services to children and adults with various disabilities and special needs. Six different camping sessions during the summer focus on different needs - therapy for children between the ages of 7 through 15, social interaction with peers, adults with disabilities, and the blind and visually impaired.
   - A child member of the TANF household receiving physical and/or speech therapy at Camp Grassick during the summer months is eligible to be included in the TANF benefit for the full TANF Basic Standard of Need.

   In the automated computer system, the Living Arrangement that should be selected is 'In Own Home'.

9. Home and Community Based Services - In Own Home: This program helps eligible individuals who would otherwise require nursing care services to remain in their homes. This includes individuals who receive HCBS services under the Aged and Disabled or Developmental Disability waiver.
   - Individuals receiving Home and Community Based Services in their own home remain eligible for a TANF benefit.

   In the automated computer system, the Living Arrangement that should be selected is 'Home and Community Based Service in Own Home'.

10. Home and Community Based Service - In Specialized Facility: This program helps eligible individuals who would otherwise require nursing care services to reside in a specialized facility. This includes

individuals who receive HCBS services under the Aged and Disabled or Developmental Disability waiver.

- Individuals receiving Home and Community Based Services in a Specialized Facility for a full calendar month are ineligible for TANF Benefits.

In the automated computer system, the Living Arrangement that should be selected is 'Home and Community Based Serv / Specialized Facility.'

11. Hospital/Halfway House:
    - A hospital is an institution where individuals receive medical, surgical, or psychiatric treatment. A medical plan must be provided verifying the individual is expected to return home within 12 calendar months from the month of entry.
    - A halfway house provides a temporary residence for individuals waiting for institutional placement or for those individuals who have left an institution and who are preparing to re-enter the community. (Examples of these facilities are city and county hospitals, halfway houses, etc.) A plan must be provided verifying the individual is expected to return home within 12 calendar months from the month of entry.

When an individual enters either a hospital or halfway house:

- If the individual is not expected to return home within 12 calendar months from the month of entry, the individual is not eligible for TANF beginning the first full calendar month following the month of entry.
- If the individual is expected to return home within 12 calendar months, the individual continues to be eligible to be included in the household (full TANF Basic Standard of Need) for three complete calendar months following the month of entry.
- Beginning the fourth calendar month, the individual is eligible for a $45.00 monthly personal needs allowance. The individual may be eligible for the $45.00 personal needs allowance for up to nine months.

In the automated computer system, the Living Arrangement that should be selected is 'Hospital or Halfway House/In Own Home'.

12. In Own Home: An individual who resides in the home of the TANF applicant or recipient.

    Note: A child member of the TANF household who resides in the home but is under the jurisdiction of the court and receiving probation services or protective supervision is eligible to be included in the TANF household.

    In the automated computer system, the Living Arrangement that should be selected is 'In Own Home'.

13. Intermediate Care Facility for the Intellectually Disabled (ICF/ID): An ICF/ID facility is primarily for the diagnosis, treatment, or rehabilitation for people with intellectual disabilities or other related conditions, and provides treatment and care in a protected residential setting to help individuals function at their greatest ability. ICF/ID services are defined in regulations as those items and services furnished in an intermediate care facility for people with intellectual disabilities such as ongoing evaluation, planning, 24-hour supervision, coordination, and integration for health or rehabilitative services.
    - Children placed in an ICF/ID are ineligible for TANF Benefits beginning the first full calendar month they reside in the facility.

    In the automated computer system, the Living Arrangement that should be selected is 'Intermediate Care Facility/ID (ICF/ID)'.

14. Job Corp:Job Corps is a no-cost education and vocational training program administered by the U.S. Department of Labor that helps young people ages 16 through 24 obtain a better job, make more money, and take control of their lives.

    The Burdick Job Corps in Minot opened in September 1994 to serve North Dakota residents. Since Job Corps is required to serve low-income students, many may come from families who are receiving assistance. The Center also has a Solo Parent Program which offers residential facilities to allow a single parent the option of bringing

their child(ren) to the Job Corps Center while receiving education and training. The Center has an on-site Child Development Center operated by Head Start which will provide child care while the parent is in training.

- A dependent child attending training and residing at a Job Corps facility either in or out of state is eligible to be included in the TANF household and included for the full TANF Basic Standard of Need.
- Pregnant minor parent in the third trimester of pregnancy participating in the Job Corps Program is eligible to apply for TANF benefits on their own behalf because they are living in an approved living arrangement.
- A Caretaker attending Job Corp in North Dakota is eligible for TANF when residing in Job Corp.
- A Caretaker attending Job Corp out-of-state is no longer a resident of North Dakota and is no longer eligible for TANF.

In the automated computer system, the Living Arrangement that should be selected is 'Job Corp/Away from Home (Not School)'.

15. Licensed Foster Home: Foster care is 24-hour, out-of-home care for children whose parents are unable, neglectful, or refuse to provide for their children's needs. Foster care meets their needs for food, clothing, shelter, security, safety, guidance and comfort.
    - Children placed in Foster care are ineligible for TANF Benefits.

      Note: If a child returns home for a trial period of 30 days or more and the Foster Parents do not continue to receive a foster payment, the child must be added back into the TANF case, if the child is a mandatory household member.

    In the automated computer system, the Living Arrangement that should be selected is 'Licensed Foster Home/Specialized Facility'.

16. New Hope Program: The New Hope Program is located in Minot, ND and is a private company that provides Drug Abuse and Addiction rehabilitation and treatment.

- While receiving inpatient treatment at New Hope, if a woman is pregnant or has a child(ren) residing with her, the family is allowed the full TANF Basic Standard of Need for their household.

The living arrangement would be 'In Own Home.'

If the woman is not pregnant or does not have her child(ren) residing with her, she may be eligible. A treatment plan must be provided verifying the individual is expected to return home within 12 calendar months from the month of entry.

- If the individual is not expected to return home within 12 calendar months from the month of entry, the individual is not eligible for TANF beginning the first full calendar month following the month of entry.
- If the individual is expected to return home within 12 calendar months, the individual continues to be eligible to be included in the household (full TANF Basic Standard of Need) for three complete calendar months following the month of entry.
- Beginning the fourth calendar month, the individual is eligible for a $45.00 monthly personal needs allowance. The individual may be eligible for the $45.00 personal needs allowance for up to nine months.

  In the automated computer system, the Living Arrangement that should be selected is 'Hospital or Halfway House/In Own Home'.

17. North Dakota Schools for the Deaf and Blind:
    - The North Dakota School for the Deaf is located in Devils Lake, ND, and provides educational services to children with severe to profound hearing loss.
      - A child member of the TANF household who resides at the School for the Deaf is eligible for only the $45 monthly personal needs allowance.
    - The North Dakota School for the Blind is located in Grand Forks, ND, and provides a full range of service options based on

individual strengths and needs to individuals who are blind or visually impaired.

- A child member of the TANF household who resides at the School for the Blind is eligible for only the $45 monthly personal needs allowance.

In the automated computer system, the Living Arrangement that should be selected is 'School for the Blind or Deaf / Specialized Facility'.

18. Nursing Home: A nursing home is a place of residence for individuals who have significant deficiencies with activities of daily living and require constant nursing care. Residents include the elderly and younger adults with physical disabilities. Adults, 18 or older, can stay in a skilled nursing facility to receive physical, occupational, and other rehabilitative therapies following an accident or illness.

    At the time the individual becomes TANF eligible or enters a facility, a medical plan must be provided verifying the individual is expected to return home within 12 calendar months from the month of entry.

    - If the individual is not expected to return home within 12 calendar months from the month of entry, the individual is not eligible for TANF beginning the first full calendar month following the month of entry.
    - If the individual is expected to return home within 12 calendar months, the individual continues to be eligible to be included in the household (full TANF Basic Standard of Need) for three complete calendar months following the month of entry.
    - Beginning the fourth calendar month, the individual is eligible for a $45.00 monthly personal needs allowance. The individual may be eligible for the $45.00 personal needs allowance for up to nine months.

    In the automated computer system, the Living Arrangement that should be selected is 'Nursing Home/Long Term Care Facility'.

19. Kay's Place (Formerly Oppen Home): Kay's Place is a licensed group home located in Minot, ND, and provides residential services for girls 12 through 19 years of age who are unruly, delinquent, neglected,

pregnant, or substance abusers. Kay's Place is available as either a resident or day-student basis.

- Individuals who reside at Kay's Place as a Foster care setting are ineligible for TANF Benefits beginning the first full calendar month they reside in the facility.

In the automated computer system, the Living Arrangement that should be selected is 'Licensed Foster Home/Specialized Facility'.

- Individuals who reside at Kay's Place not as a foster care setting are not charged for board, room or services and are considered residing in a Boarding Arrangement. These individuals are eligible for the $45.00 clothing and personal needs allowance.

In the automated computer system, the Living Arrangement that should be selected is 'Boarding School/Away at School'.

- Individuals receiving services on a day-student basis are eligible to receive TANF as part of their parents/ guardians TANF household. Individuals, age 18 or older, pregnant or with a child(ren) are eligible on their own behalf and will be budgeted based on the TANF Basic Standard of Need for the appropriate household size.

In the automated computer system, the Living Arrangement that should be selected is 'In Own Home'.

20. Out of State Institution for the Intellectual Disabled: An out of state institution for intellectually disabled individuals that provides psychiatric and chemical dependency services.
    - Children residing at an out of state institution for the intellectual disabled for a full calendar month are ineligible for TANF Benefits.

    In the automated computer system, the Living Arrangement that should be selected is 'Out of State ID Facility'.

21. Perry Center: The Perry Center is located in Fargo, ND, and provides a range of maternity related residential and educational services to unmarried expectant mothers.

- An individual who resides at the Perry Center is eligible to be included in the TANF household of her parent/guardian up to her third trimester.
- In her third trimester she is eligible to apply on her own behalf as she is residing in a supervised living arrangement. The benefit will be based on the TANF Basic Standard of Need for one adult.

    - The baby's needs cannot be included in the benefit until the month of birth and required verifications are provided.

In the automated computer system, the Living Arrangement that should be selected is 'Perry Center/Away From Home [Not School]'.

22. Prairie at St. John's Center: Prairie at St. Johns Center is located in Fargo, ND, and provides psychiatric and chemical dependency services to patients and families of all ages.

    A medical plan must be provided verifying the individual is expected to return home within 12 calendar months from the month of entry.

    - If the individual is not expected to return home within 12 calendar months from the month of entry, the individual is not eligible for TANF beginning the first full calendar month following the month of entry.
    - If the individual is expected to return home within 12 calendar months, the individual continues to be eligible to be included in the household (full TANF Basic Standard of Need) for three complete calendar months following the month of entry.
    - Beginning the fourth calendar month, the individual is eligible for a $45.00 monthly personal needs allowance. The individual may be eligible for the $45.00 personal needs allowance for up to nine months.

    In the automated computer system, the Living Arrangement that should be selected is 'Prairie at St. Johns/IMD Facility'.

    - Individuals receiving services through day treatment services are eligible to receive TANF as part of their parents/ guardians TANF household. Individuals, age 18 or older, pregnant or with

a child(ren) are eligible on their own behalf and will be budgeted based on the TANF Basic Standard of Need for the appropriate household size.

In the automated computer system, the Living Arrangement that should be selected is 'In Own Home'.

23. Psychiatric Residential Treatment Facility: Facilities that are accredited by the Joint Commission on Accreditation of Healthcare Organizations (JCAHO) and provide inpatient psychiatric services.
    - Children placed in a Psychiatric Residential Treatment Facility for a full calendar month are ineligible for TANF Benefits.

    In the automated computer system, the Living Arrangement that should be selected is 'Psychiatric Residential Treatment Center (PRFT)'.

24. Residential Treatment Center: A Residential Treatment Center provides:

    a. Live-in therapy/behavior modification for adolescents who present a variety of conditions, ranging from drug abuse to violence to sexual behavioral problems;
    b. Live-in therapy for adults and adolescents with alcohol, substance abuse or sex addiction;
    c. Live-in treatment for individuals who are sex offenders.

    - Individuals residing in a Residential Treatment Center for a full calendar month are ineligible for TANF Benefits.

    Current facilities that meet this definition include, but are not limited to: Heartview Foundation (Bismarck), Centre Inc. (Fargo, Grand Forks and Mandan), Center for Solutions (Cando)

    Note: Additional facilities, not identified above, can be researched at http://theagapecenter.com/Treatment-Centers/North-Dakota.htm to determine if they meet the definition of a Residential Treatment Center.

In the automated computer system, the Living Arrangement that should be selected is 'Residential Treatment Center/Specialized Facility'.

25. Robinison Recovery Center: The Robinson Recovery Center located in Fargo, ND, is a Residential Treatment Center for individuals with methamphetamine addiction. A treatment plan must be provided verifying the individual is expected to return home within 12 calendar months from the month of entry.
    - If the individual is not expected to return home within 12 calendar months from the month of entry, the individual is not eligible for TANF beginning the first full calendar month following the month of entry.
    - If the individual is expected to return home within 12 calendar months, the individual continues to be eligible to be included in the household (full TANF Basic Standard of Need) for three complete calendar months following the month of entry.
    - Beginning the fourth calendar month, the individual is eligible for a $45.00 monthly personal needs allowance. The individual may be eligible for the $45.00 personal needs allowance for up to nine months.

    In the automated computer system, the Living Arrangement that should be selected is 'Robinson Recovery Center/Specialized Facility'.

26. Saint Gianna's Maternity Home: The Saint Gianna's Maternity Home is located in Warsaw, ND and provides care for pregnant women who are 18 years of age and older. The home provides food and clothing to pregnant women and their children in times of personal crisis as well as education and counseling services.
    - A person who resides at the Saint Gianna's Maternity Home is eligible to be included in the full TANF Basic Standard of Need.

    In the automated computer system, the Living Arrangement that should be selected is 'In Own Home'.

27. Sister's Path: Sister's Path is a drug/alcohol treatment center, located in Fargo, ND, serving women and their families.

- While residing at Sister's Path, if a woman is pregnant or has a child(ren) residing with her, the family is allowed the full TANF Basic Standard of Need for their household.

The living arrangement would be 'In Own Home.'

If the woman is not pregnant or does not have her child(ren) residing with her, she may be eligible. A treatment plan must be provided verifying the individual is expected to return home within 12 calendar months from the month of entry.

- If the individual is not expected to return home within 12 calendar months from the month of entry, the individual is not eligible for TANF beginning the first full calendar month following the month of entry.
- If the individual is expected to return home within 12 calendar months, the individual continues to be eligible to be included in the household (full TANF Basic Standard of Need) for three complete calendar months following the month of entry.
- Beginning the fourth calendar month, the individual is eligible for a $45.00 monthly personal needs allowance. The individual may be eligible for the $45.00 personal needs allowance for up to nine months.

In the automated computer system, the Living Arrangement that should be selected is 'Robinson Recovery Center/Specialized Facility'.

28. Stadter Psychiatric Center: The Stadter Psychiatric Center, located in Grand Forks, ND, provides Psychiatric services to adolescents (ages 13 through 18) and adults (ages 18 and older). Children ages 10-12 are served if screening determines services are appropriate.

    A medical plan must be provided verifying the individual is expected to return home within 12 calendar months from the month of entry.

    - If the individual is not expected to return home within 12 calendar months from the month of entry, the individual is not eligible for TANF beginning the first full calendar month following the month of entry.

- If the individual is expected to return home within 12 calendar months, the individual continues to be eligible to be included in the household (full TANF Basic Standard of Need) for three complete calendar months following the month of entry.
- Beginning the fourth calendar month, the individual is eligible for a $45.00 monthly personal needs allowance. The individual may be eligible for the $45.00 personal needs allowance for up to nine months.

In the automated computer system, the Living Arrangement that should be selected is 'Stadter Psychiatric Center/IMD Facility'.

29. State Hospital: The State Hospital is located in Jamestown, ND, and provides specialized psychiatric and substance abuse services for individuals over age 21 whose needs exceed the resources and capacity of other community services. Services are provided on an in-patient or residential level of the hospital: Adult Psychiatric Service and Chemical Dependency Service. A medical plan must be provided verifying the individual is expected to return home within 12 calendar months from the month of entry.
    - If the individual is not expected to return home within 12 calendar months from the month of entry, the individual is not eligible for TANF beginning the first full calendar month following the month of entry.
    - If the individual is expected to return home within 12 calendar months, the individual continues to be eligible to be included in the household (full TANF Basic Standard of Need) for three complete calendar months following the month of entry.
    - Beginning the fourth calendar month, the individual is eligible for a $45.00 monthly personal needs allowance. The individual may be eligible for the $45.00 personal needs allowance for up to nine months.

    In the automated computer system, the Living Arrangement that should be selected is 'State Hospital (Age 21 and greater)'.

30. State Hospital - under 21: The State Hospital is located in Jamestown, ND, and provides specialized psychiatric and substance abuse services for individuals under age 21 whose needs exceed the resources and capacity of other community services. Services provided on an in-

patient or residential level of the hospital include Chemical Dependency and Child and Adolescent. A medical plan must be provided verifying the individual is expected to return home within 12 calendar months from the month of entry.

- If the individual is not expected to return home within 12 calendar months from the month of entry, the individual is not eligible for TANF beginning the first full calendar month following the month of entry.
- If the individual is expected to return home within 12 calendar months, the individual continues to be eligible to be included in the household (full TANF Basic Standard of Need) for three complete calendar months following the month of entry.
- Beginning the fourth calendar month, the individual is eligible for a $45.00 monthly personal needs allowance. The individual may be eligible for the $45.00 personal needs allowance for up to nine months.

In the automated computer system, the Living Arrangement that should be selected is 'State Hospital/IMD Facility (Under age 21)'.

31. Swing Bed: A swing bed is a unit within a hospital or critical access hospital (CAH) participating in Medicare that has Centers for Medicare Services (CMS) approval to provide post-hospital skilled Nursing Facility (SNF) care and meets certain requirements. A medical plan must be provided verifying the individual is expected to return home within 12 calendar months from the month of entry.
    - If the individual is not expected to return home within 12 calendar months from the month of entry, the individual is not eligible for TANF beginning the first full calendar month following the month of entry.
    - If the individual is expected to return home within 12 calendar months, the individual continues to be eligible to be included in the household (full TANF Basic Standard of Need) for three complete calendar months following the month of entry.
    - Beginning the fourth calendar month, the individual is eligible for a $45.00 monthly personal needs allowance. The individual may be eligible for the $45.00 personal needs allowance for up to nine months.

In the automated computer system, the Living Arrangement that should be selected is 'Swing Bed/Long Term Care Facility.

32. Teen Challenge: North Dakota Teen Challenge, located in Mandan, ND, is a faith-based residential recovery program for individual's age 18 or older battling drug and alcohol addiction.
    - Individuals placed in Teen Challenge's residential recovery program for a full calendar month are ineligible for TANF Benefits.

    In the automated computer system, the Living Arrangement that should be selected is 'Residential Treatment Center/Specialized Facility'.

33. Transitional Living Facility: A Transitional Living Facility is a facility that provides programs designed to help offenders transition into the community.
    - Individuals placed in a Transitional Living Facility for a full calendar month are ineligible for TANF Benefits.

    In the automated computer system, the Living Arrangement that should be selected is 'Transitional Living Center/Specialized Facility'.

34. Voluntary Placement: The Volunteer Placement Program is not a foster care placement. The child could be placed in a facility that is not inpatient care including PATH and county foster families or facilities, i.e. Manchester House, Dakota Boys Ranch, Prairie Learning Center, etc. The parents retain care, custody, and control of the child. Children in the Volunteer Placement Program are considered temporarily out of their home with a plan to return to their parental unit. The length of stay in a facility varies depending on the needs of the child.

    - Children placed into a facility under the Volunteer Placement Program are eligible for the $45.00 clothing allowance provided all other factors of eligibility are met for the TANF Program. The out-of-home payment will be part of the TANF benefit paid to the parent/caretaker.

In the automated computer system, the Living Arrangement that should be selected is ‘Voluntary Placement/Specialized Facility’.

Factors of Eligibility for Minor Parents 400-19-45-25

Minor Parent Household 400-19-45-25-05

(Revised 6/1/10 ML #3225)

View Archives

(N.D.A.C. 75-02-01.2-31(2))

An individual is considered a minor parent when the individual has a marital status of never married, is under age 18, and is a mother or father to a child in the case.

When a minor parent and child reside in the home of the parents, either the minor parent or the minor parent's parents can apply for TANF. However, refusal on the part of the minor parent's to provide the required information about their income will result in denial or termination of assistance.

When the minor parent's parents are receiving or requesting TANF, the minor parent and minor parent's child(ren) must be included in the household when determining TANF eligibility. Income and assets of the entire household are used to determine eligibility.

> **Note #1:** If eligibility is denied due to excess assets or deprivation does not exist, a separate case can be established for the minor parent and minor parent's child, with the minor parent's parents (MP) included as ineligible. In this case, the assets of the minor parent's parents are disregarded. However, minor parent budgeted would apply. (See Section 400-19-45-25-20, Budgeting for Minor Parents Under Age 18 Residing With Parents or a Caretaker.)

> **Note #2:** If the household fails due to excess income, a separate case cannot be established for the minor parent and the minor

parent's child as the minor parent's parents (MP) must be included and their income considered in determining the minor's eligibility.

A minor parent who has a legally or non-legally responsible caretaker in the home is considered a child (and not a caretaker) when determining whether or not to count the earned income of the minor parent.

Note: The legally or non-legally responsible caretaker within the 5th degree of relationship to the minor parent must be included in the case, as either eligible or ineligible.

When a minor parent resides with a caretaker within the 5th degree of relationship and attends elementary or secondary school full-time, the earned income of the minor parent is disregarded.

When a minor parent does not reside with a caretaker within the 5th degree of relationship, the earned income of the minor parent is countable in determining the TANF Benefit.

Child Support Enforcement and Minor Parents Under Age 18 400-19-45-25-15

(Revised 6/1/10 ML #3218)

View Archives

Parents of an eligible minor parent remain legally responsible for support of the minor parent. When the minor parent does not reside with the minor parent's parents, referrals are automatically sent to the Child Support Enforcement Agency for the purpose of pursuing support on behalf of the eligible minor parent as well as from the alleged or acknowledged father of the eligible minor parent's child(ren). The natural or adoptive parent's duty to support a minor ends upon the minor attaining age 18 (ends the month prior to the minor attaining age 18), legal marriage of the minor, or the minor gaining emancipation.

When the minor parent resides with the minor parent's parents, referrals are not sent to the Child Support Enforcement Agency on behalf of the eligible minor parent because the minor parents' parent's income is considered in determining eligibility. However, a referral is made against the alleged or acknowledged father of the eligible minor parent's child(ren).

Budgeting for Minor Parents Under Age 18 Residing With Parents or a Caretaker 400-19-45-25-20

(Revised 6/1/10 ML #3218)

View Archives

(N.D.A.C. 75-02-01.2-31(2))

If a pregnant minor or a minor parent with child(ren) lives with both of the minor parent's natural or adoptive parents and the minor parent has a marital status of never married or legally annulled, the income (but not assets) of the minor parent's parents, who are not otherwise eligible for TANF, will be considered available to the TANF household and is subject to the same disregards as stepparents in determining the households eligibility and payment.

A minor parent who resides with a legally or non-legally responsible caretaker is considered a child (and not a caretaker) when determining the TANF Basic Standard of Need.

- A minor parent residing with a non-legally responsible caretaker who 'opts out' would receive the TANF Basic Standard of Need for the number of children (including the minor parent) for whom TANF is requested.
    - If the non-legally responsible caretaker is IN for TANF, the TANF Basic Standard of Need would be for one caretaker and the number of children (including the minor parent) for whom TANF is requested.
    - If the non-legally responsible caretaker is disqualified (DI, DM) the minor parent and child(ren) are still considered children and the TANF Basic Standard of Need would be for one caretaker and the number of children (including the minor parent) for whom TANF is requested.
    - If the non-legally responsible caretaker is disqualified (DA, DD, DF), the minor parent and child(ren) are still considered children

and the TANF Basic Standard of Need would be for the number of children (including the minor parent) for whom TANF is requested.

The disregards allowed from the income of the minor parent's parents are:

1. A work expense disregard of $180 or 27 percent whichever is greater of gross earned income;
2. An amount equal to the TANF Basic Standard of Need for the parents living in the home plus any other individuals living in the home who are not in the TANF household, but who are claimed as dependents of the parents;
3. Amounts paid by the parents to support individuals outside the home who are claimed as dependents for income tax purposes; and
4. Payments by the parents of child support and/or alimony/spousal support to individuals outside the home.

All earned income of a minor parent residing with the minor parent's parents and attending elementary or high school full-time, is disregarded.

Budgeting for Minor Parents Living In an Adult-Supervised Supportive Living Arrangement (Other Than Living with Parents) 400-19-45-25-25

(Revised 6/1/10 ML #3218)

View Archives

When a minor parent under age 18 resides in an Adult-Supervised Supportive Living Arrangement, the minor parent's parents' income will not be a factor when determining eligibility.

In the month the minor parent residing in an Adult-Supervised Supportive Living Arrangement has a baby, her benefit will be based on a full TANF Basic Standard of Need for herself and a prorated TANF Basic Standard of Need for the baby from the date of birth. If the minor parent and newborn return to live with the minor parent's parents, no minor parent budgeting procedures or benefit adjustment will be made for the month of return.

When a minor parent does not reside with a caretaker within the 5th degree of relationship, the minor parent's earned income is countable in determining the TANF Benefit.

Eligibility for Minor Parents Attaining Age 18 or Parents Age 18 or Older Residing With Parents 400-19-45-25-30

(Revised 6/1/10 ML #3218)

View Archives

Once a minor parent turns 18 years of age, the parent may be eligible for TANF benefits in their own right and minor parent living arrangement criteria no longer applies. An individual is considered age 18 on the first day of the month of their 18th birthday.

The income and assets of the minor parent's parents are disregarded effective the first day of the month in which the minor parent attains age 18. However, the assets, income and expenses of the minor parent attaining age 18 must be considered in determining TANF eligibility and the benefit amount.

Regular contributions in cash by the minor parent's parents must be considered.

Minor Parent (Under Age 18) in Foster Care
400-19-45-25-35

(Revised 6/1/10 ML #3218)

View Archives

Any child residing in the same foster home as their minor parent is ineligible for TANF benefits. The foster care payment must include an amount necessary to cover the maintenance and other costs for the well-being of the child in the foster care payment. It is prohibited to include any child of a minor parent receiving such foster care maintenance payments in a TANF household.

If the parent and her child are later separated, the needs of the child can no longer be included in the parent's foster care payment. In such cases, the child's need and eligibility for TANF or foster care must be determined based on the child's current and individual circumstances.

When the minor parent attains age 18 and is no longer considered a minor parent, the parent can voluntarily sign themselves into Foster Care. If the parent does this, the maintenance and other costs for the well-being of the parent’s child can no longer be covered by Foster Care. In this instance, the parent can receive a TANF benefit for their child only.

Limitation to Pregnant Women 400-19-45-30

(Revised 10/1/10 ML 3241)

View Archives

(N.D.A.C. 75-02-01.2-30)

(N.D.A.C. 75-02-01.2-31)

As a condition of eligibility, when a case consists of a pregnant woman with no other child(ren), pregnancy and the estimated due date must be medically verified. If there is another child(ren) in the case, while verification of the pregnancy and estimated due date should be requested, obtaining the verification is not required. However, the estimated date the pregnant woman is due should be obtained, as this child will be a mandatory household member upon birth.

> **Note:** An unborn child of a pregnant woman with other child(ren) does not affect the household size or TANF benefit.

Eligibility for TANF assistance for a pregnant woman with no other child(ren) can begin no earlier than the sixth month of a medically verified pregnancy. A referral for the unborn child will automatically be made to Child Support Enforcement if the pregnant woman receives a TANF benefit. JOBS participation is required for a woman in the third trimester unless there is good cause for not participating.

If a pregnant woman in the third trimester with no other children in the home resides with her spouse, eligibility must be based on a finding of incapacity, aged, or disability of the pregnant woman or her spouse. The needs of the pregnant woman and her spouse may then be met.

Upon the birth of the newborn, if the woman with no other children in the home resides with her spouse or the father of the newborn for whom

paternity has been established, continued eligibility must be based on the deprivation factor of incapacity, aged or disability of either parent.

If a pregnant woman in the third trimester with no other children in the home resides with the father of the child (who is not her spouse), eligibility must be based on the deprivation of absence since paternity has not been established. The benefit includes the financial needs of the pregnant woman only.

> **Note:** Upon the birth of the newborn, continued eligibility must be based on the deprivation of absence if paternity has not been established. The benefit includes the financial needs of the mother and newborn until paternity is established.

TANF Lifetime Limit 400-19-45-35

TANF Lifetime Limit - Background Information 400-19-45-35-05

(Revised 6/1/10 ML #3218)

View Archives

(N.D.A.C. 75-02-01.2-35.1)

Public Law 104-193, The Personal Responsibility and Work Opportunities Reconciliation Act of 1996 prohibits states from providing cash assistance to households where the head of household or spouse of the head of household has received assistance for a total of 60 months, whether or not the months were consecutive. While states have the option to set lower time limits on the receipt of TANF benefits, North Dakota has chosen 60 months. North Dakota implemented this provision effective July 1, 1997.

Based on Federal regulations at (45 CFR 264.1), the count applies and increments for the following individuals who have participation codes of 'IN' or 'OH':

- Adult head-of-household
- Spouse of the head-of-household
- Pregnant minor head-of-household
- Minor parent head-of-household
- Spouse of pregnant minor head-of-household
- Spouse of minor parent head-of-household

> **Note:** Count months for a second adult in the household if that adult is not a spouse cannot increment. Count months for unrelated adults such as boyfriends or girlfriends cannot increment.

Example #1: Double step-parent household where both parents are 'IN'. The lifetime limit count applies to and increments for both parents.

Note: If one of the parents in this household had previously reached the 60-month lifetime limit in another case prior to being added to this case, that parent now makes this household ineligible.

Example #2: Intact household where one parent has a participation of 'SS' and the other parent (spouse of the head of household) has a participation of 'IN.' The lifetime limit count applies to and increments for the spouse of the head of household with the 'IN' participation.

Example #3: Household where the primary individual has a participation of 'DA' or 'ST' and the spouse has a participation of 'IN.' The lifetime limit count applies to and increments for the spouse of the Primary Individual with the 'IN' participation.

Example #4: Household consists of mom, boyfriend and child in common. Mom is the head of household. Due to boyfriends approved incapacity, all three are receiving TANF. The lifetime limit count applies to and increments for mom. However, boyfriend is not the spouse of the head of household, the lifetime limit does not apply and increment for boyfriend.

Countable months of TANF assistance received by an adult from North Dakota since July 1, 1997, or from any other state TANF program or tribal TANF program will be used to determine when a household reaches the 60-month lifetime limit except for the following:

1. A month in which an adult received TANF assistance while residing on Indian land that had an unemployment rate of 50 percent or greater as defined at N.D.A.C. 75-02-01.2-35.1 will not count towards the 60-month lifetime limit.

   TANF Eligibility Workers are asked to indicate if an individual is residing on Indian land by selecting the 'Yes' or 'No' radio button for

'Living on Indian Land' on the Citizenship/Marital/Residency window. This selection is only available in the following counties where there is Indian land: Benson, Dunn, Eddy, Mercer, McKenzie, McLean, Mountrail, Nelson, Ramsey, Richland, Rolette, Sargent, Sioux, and Ward.

The automated computer system determines whether or not to count a month based on the 'Living on Indian Land' selection and the unemployment rate for the county in which the individual resides.

2. A month in which an individual is sanctioned or disqualified does not count against the lifetime limit since the individual's needs are removed from the TANF grant.
3. Months that are suspended due to the receipt of an extra check from a recurring source do not count toward the lifetime limit.
4. Months that are issued a zero benefit due to a TANF grant being less than $10 do not count toward the lifetime limit.
5. A month in which a Pay After Performance Caretaker does not meet the work participation requirements do not count toward the lifetime limit.

Any month in which a supplemental benefit is issued for an individual whose financial needs were not previously met must be counted towards the lifetime limit.

Any month in which a TANF grant has been paid and is later determined to be a partial or complete overpayment becomes a count month towards the lifetime limit. The month remains a count month even if the month is corrected and overpayments established.

The TANF Eligibility Worker must contact all states and Indian tribes in which an adult or minor head of household previously received TANF or Tribal TANF assistance to verify the number of countable months of assistance received.

Under federal law, the number of households that may be exempted from the TANF lifetime limit by the state may not exceed 20% of the average monthly number of households receiving TANF assistance.

Households that include an adult who has reached the 60-month lifetime limit may be allowed an exemption to the TANF lifetime limit in accordance with Section 400-19-45-35-10, TANF Lifetime Limit – Exemption Criteria.

TANF Lifetime Limit - Exemption Criteria
400-19-45-35-10

(Revised 6/1/10 ML #3225)

View Archives

(N.D.A.C. 75-02-01.2-35.1)

Households that include an adult who has reached the 60-month lifetime limit may be allowed an exemption to the TANF Lifetime Limit. Households may be considered exempt from the TANF lifetime limit when any of the following criteria are met:

Automatic exemptions

1. The eligible adult caretaker in the household who has not met the lifetime limit and is age 65 or older. Such an individual will be automatically exempt from the lifetime limit requirement through the automated computer system and will not be required to request an exemption.
2. The eligible adult caretaker who has not met the lifetime limit and is considered disabled and in receipt of Supplemental Security Income (SSI, including presumptive SSI) will be automatically exempted from the lifetime limit requirement by the automated computer system, and will not be required to request an exemption.

   Individuals considered disabled for SSI (including presumptive SSI) by Social Security Administration but not in receipt of a payment (1619b, SSI recoupment, setting up a protective payee, etc.), will not be considered exempt from the lifetime limit as a disabled individual.

   If the Social Security Administration determines that the individual is no longer eligible to receive SSI, the exemption ends.

3. The lifetime limit months do not count when the eligible caretaker is residing on Indian land in Benson, Dunn, Eddy, Mercer, McKenzie,

McLean, Mountrail, Nelson, Ramsey, Richland, Rolette, Sargent, Sioux, and Ward County, and the unemployment rate is greater than 50%.

Note: Currently, Benson, Rolette and Sioux counties have unemployment rates greater than 50%.

An eligible adult caretaker in the household who has met the lifetime limit and who returns to reside on Indian Land where the unemployment rate is greater than 50% IS NOT eligible to receive TANF benefits. The individual must have returned to reside prior to receiving their 60 months of TANF benefits.

Exemptions that Require a Request by the Household

1. An eligible caretaker is determined to be incapacitated in accordance with N.D.A.C. § 75-02-01.2-18. The caretaker has a physical or mental condition of such a debilitating nature as to reduce substantially or eliminate the individual's capacity either to earn a livelihood or to discharge the individual's responsibilities as a homemaker and provider of child care for a period of thirty days or more.

   A caretaker continues to be incapacitated if the incapacity is not reasonably subject to remediation, or if the individual makes reasonable progress towards remediation of the incapacity. Reasonable progress towards remediation means cooperation with the medical practitioners who prescribe the course of treatment intended to remediate or limit the effect of the incapacity. This includes, but is not limited to, physical therapy, counseling, drug therapy and weight loss, cooperation with vocational practitioners, and reasonable progress in a course of training or education intended to qualify the individual to perform an occupation which, with the training or education, the individual would have the capacity to perform.

2. An eligible caretaker whose spouse or dependent child is determined to be incapacitated and in need of full-time care.

3. An eligible caretaker who is a victim of family violence and unable to be regularly employed or to participate fully in approved work activities due to the physical, emotional, or psychological effects of family violence.

   Examples of family violence may include, but are not limited to physical, emotional, or psychological harm; bodily injury; sexual activity compelled by physical force; and assault or the fear of imminent physical harm or bodily injury.

TANF Lifetime Limit Good Cause - Family Violence Option 400-19-45-35-15

(Revised 6/1/10 ML #3218)

View Archives

Based on the provisions of the family violence option contained in the Personal Responsibility and Work Opportunity Act of 1996 and North Dakota Century Code, a victim of family violence may be granted good cause for non-participation in the JOBS program or may be granted a hardship exemption from the 60 month TANF lifetime limit.

North Dakota Century Code § 50-09-31 requires that:

1. All TANF applicants and recipients be informed of the family violence option;
2. All applicants be screened to determine if they are past or present victims of family violence or are at risk of further family violence;
3. Those individuals with positive screening results be referred to a local family violence, sexual assault organization (See DN 1332, 'Family Violence Option' brochure, for a listing of available family violence resource centers) for safety planning and supportive services; and

   Note: If a TANF Eligibility Worker refers an individual to a local family violence, sexual assault organization for safety planning and supportive services, and the individual refuses to comply with the referral, the TANF Eligibility Worker must document that a referral was offered and declined.

4. A good cause determination is made with respect to TANF work requirements or the TANF 60 month lifetime limit.

   The TANF Eligibility Worker is ultimately responsible to make a good cause determination and should do so with assistance and input from the applicant/recipient and staff from the local family violence resource center or other service providers, as appropriate.

In the event that the TANF Eligibility Worker is unable to determine whether a victim of family violence should or should not be referred to the JOBS program, the TANF Eligibility Worker may forward the case and all pertinent documentation to the State Exemption Determination Team for assistance in making a good cause determination.

NOTE: Cases involving requests for 'good cause' due to potential family violence are not to be referred to the State Review Team.

With respect to an individual's involvement in the TANF Work Program (JOBS or Tribal NEW), if it is determined that involvement is likely to place the individual and their family at risk of further family violence, then good cause should be granted until such time as this is no longer true.

If it is determined that involvement in the JOBS program will not place the individual and their family at risk of further family violence, a referral to JOBS/Tribal NEW must be made.

It is entirely possible, given the circumstances of the case, that an individual's work activity may only involve participation in job readiness activities designed to help the individual address the family violence issue. As circumstances change and the individual becomes better able to participate, the individual's Employability Plan should be modified to reflect their increased capabilities.

For additional information on the Family Violence Option as it relates to good cause for non-participation in the JOBS program, please refer to DN 1332, 'The Family Violence Option' brochure.

For additional information on the Family Violence Option as it applies to hardship exemptions from the TANF 60 month lifetime limit, please see Section 400-19-45-35-10, TANF Lifetime Limit - Exemption Criteria.

TANF Lifetime Limit Exemption Determination Process 400-19-45-35-20

(Revised 6/1/10 ML #3218)

View Archives

A notice will be sent to households during their 54th and 58th count month informing them when they will reach the TANF lifetime limit.

Households will be informed that they may be exempted from the TANF lifetime limit if the eligible caretaker:

1. Is incapacitated.
2. Needs to provide full-time care for an incapacitated spouse or dependent child;
3. Is a victim of family violence and unable to be regularly employed or to fully participate in approved work activities due to the physical, emotional, or psychological effects of family violence.

If such a household believes they should be exempt from the TANF lifetime limit they must submit a written request to the TANF Eligibility Worker. The request must explain the reason for exemption from the TANF lifetime limit and must include clear and convincing documentation from a professional service provider.

When a TANF Eligibility Worker receives a household's written request for exemption and the required documentation, the County Social Service Agency Exemption Determination Team must review the request. The County Exemption Determination Team must be composed of the program TANF Eligibility Worker and their supervisor. The County Exemption Determination Team may also involve the JOBS Employment Contractor and other counselors or service providers, as appropriate.

Within 30 days from the date of the written request, the TANF Eligibility Worker must make a decision to either:

1. Deny the request; or
2. Make a recommendation to the State Exemption Determination Team that the exemption be granted.

If the County Exemption Determination Team denies the request, the TANF Eligibility Worker will inform the household of the denial in writing. The denial notice must explain the reason the request for exemption was denied. The County Exemption Determination Team has the option of sending denied requests to the State Exemption Determination Team.

If the County Exemption Determination Team believes the household's request should be approved, they will refer the request to the State Exemption Determination Team with a recommendation for approval.

The State Exemption Determination Team will be composed of the Public Assistance Director and the TANF Policy Administrator. The State Exemption Determination Team will review the request and the supporting documentation and will, within 7 calendar days of their receipt of the request, inform the TANF Eligibility Worker of the final determination. The TANF Eligibility Worker will inform the household of the final determination by sending the appropriate notice.

Households granted an exemption from the lifetime limit must be reviewed by the TANF Eligibility Worker at least once every 6 months to ensure that the exemption is still appropriate (though the TANF Eligibility Worker may review such cases sooner if they become aware of any change in the household's status that might serve to invalidate the exemption). After each review, the TANF Eligibility Worker must forward the supporting documentation to the State Exemption Determination Team for final approval. Only cases where the TANF Eligibility Worker recommends continuance of the exemption need to be sent to the State Exemption Determination Team for final approval.

During the exemption period from the lifetime limit, all other program requirements apply.

TANF Lifetime Limit Exemption Appeal Process 400-19-35-25

(Revised 6/1/10 ML #3218)

View Archives

When an exemption from the 60 month lifetime limit is denied, an applicant or recipient may request a **fair hearing** in writing within 30 days from the date of the adverse action. However, assistance is not continued pending the fair hearing. (See Section 400-19-125, Appeals and Fair Hearings.)

Citizen or Alien Status 400-19-45-40

Eligibility Requirements 400-19-45-40-05

(Revised 6/1/10 ML #3218)

View Archives

As a condition of eligibility, applicants or recipients must be a United States citizen or an alien lawfully admitted for permanent residence. Verification of citizenship, naturalization, or alien status of lawfully admitted for permanent residence must be documented.

United States Citizenship 400-19-45-40-10

(Revised 10/1/10 ML #3241)

View Archives

U.S. citizens include anyone born in:

- The 50 United States
- The District of Columbia
- Guam
- The Virgin Islands
- Puerto Rico
- The Northern Mariana Islands
- American Samoa
- Swain's Island

A child born abroad in wedlock (including in Canada and Mexico) acquires U.S. citizenship at birth if the child was born:

1. To two U.S. citizen parents provided that one of the parents had a residence in the U.S. prior to the child's birth; or
2. To one U.S. citizen parent and one alien parent:

    a. For a child born on or after November 14, 1986, the citizen parent was physically present in the U.S for a period of five years of which two must have been after the age of fourteen; and
    b. For a child born between December 24, 1952 and November 13, 1986, the citizen parent was physically present in the U.S. for a period of ten years, of which five must have been after the age of fourteen.

A child born abroad out of wedlock (including in Canada and Mexico) acquires U.S. citizenship at birth if the child was born:

1. To a U.S. citizen father provided all of the following criteria are met:

    a. A blood relationship between the child and the father is established by clear and convincing evidence; and
    b. The father had the nationality of the U.S. at the time of the child's birth; and
    c. The father (unless deceased) has agreed in writing to provide financial support for the child until the child reaches age 18 years; and
    d. While the child is under the age of 18 years:

        i. The child is legitimated under the law of the child's residence; and
        ii. The father acknowledges paternity of the person in writing under oath, or
        iii. The paternity of the child is established by adjudication court.

2. To a U.S. Citizen Mother if the mother was a U.S. citizen at the time of the child's birth, and if the mother had previously been physically present in the U.S. (or one of its outlying territories) for a continuous period of one year.

Derivative Citizenship for Children 400-19-45-40-15

(Revised 6/1/10 ML #3218)

View Archives

Some children of naturalized citizens may not have to apply separately to the Immigration and Naturalization Service (INS) (an agency of the Department of Homeland Security) to become U.S. citizens. Rather, they usually obtain their citizenship automatically, or "derivatively," based upon the naturalization of their parent(s), by a process known as "derivative naturalization." The laws about "derivative naturalization" vary, depending upon the date that the parent(s) naturalized.

On or after February 27, 2001, a child will become a U.S. citizen derivatively as soon as all of the following things happen:

- The child is under 18 years old;
- The child is or becomes a lawful permanent resident;
- A parent of the child is sworn in as a naturalized U.S. citizen after February 27, 2001; and
- The child lives with and is in the legal custody of the parent who became the U.S. citizen.

> **Note:** This also applies to children adopted from a foreign country as long as the four (4) conditions above are met.

It does not matter in what order these things happen. The child will become a U.S. citizen derivatively through his parent's naturalization as long as all of these requirements are met before the child's 18th birthday. The child could have been living outside the U.S. at the time of the individual's parent became a U.S. citizen, as long as the individual later enters the U.S. as a permanent resident to live with that parent while still under 18 years old.

> **Note:** This applies only to children by birth or legal adoption of the U.S. citizen. Step-children through marriage and children only under

legal guardianship of the naturalized U.S. citizen cannot become U.S. citizens derivatively.

Prior to February 27, 2001, to become a U.S. citizen derivatively the laws were the same as above, except that if the child lived with both of the individual's parents, both parents had to become naturalized U.S. citizens before the child's 18th birthday. If one parent naturalized while the child was under age 18, but the other naturalized after the child's 18th birthday, then the child did not become a US citizen automatically and must file for naturalization on their own.

There is an exception when the parents are legally separated or divorced, and the child becomes a citizen upon the naturalization of the parent who has custody of the child. If one parent is a U.S. citizen and the other is a foreign national, then the child obtains derivative citizenship when the foreign national parent naturalizes.

A child who is eligible for derivative citizenship can obtain a certificate in the child's own name proving that the child is a US citizen. This certificate, which can be obtained by filing form N-600 with the INS along with the appropriate evidence, will serve as documentation that naturalization has already been acquired. The child can also simply apply for a US passport instead of obtaining a certificate of citizenship. Either document is conclusive proof of the child's US citizen status.

Illegal Aliens - Not lawfully Admitted for Permanent Residence 400-19-45-40-20

(Revised 6/1/10 ML #3218)

View Archives

(N.D.A.C. 75-02-01.2-28)

Aliens who are not lawfully admitted for permanent residence in the United States, under an allowable INS status, are not eligible for TANF.

Qualified Aliens 400-19-45-40-25

(Revised 8/1/11 ML #3272)

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Qualified aliens are aliens who are Lawfully Admitted for Permanent Residence (LPR) under INS status. North Dakota has elected to provide Qualified Aliens, as defined in 8 USC 1641, with TANF benefits provided all TANF eligibility requirements are met.

> **Note:** TANF Policy does not require eligible Qualified Aliens to meet the 40 qualifying quarters of employment history (Social Security Coverage).

A 'qualified alien' is defined as an alien who, at the time the alien applies for, receives, or attempts to receive TANF, is:

1. Lawfully admitted for permanent residence (LPR) under the Immigration and Nationality Act 8 U.S.C. 1101 et seq.].

   > **Note:** Lawfully Admitted for Permanent Residence means the status of having been lawfully accorded the privilege of residing permanently in the United States,

2. Granted asylum under section 208 of such Act [8 U.S.C. 1158],
3. A refugee admitted to the U.S. under section 207 of such Act [8 U.S.C. 1157], including authorized Iraqi and Afghan Special Immigrants and their families admitted to the U.S. under section 8120 of the Department of Defense Appropriations Act of 2010 effective December 19, 2009,
4. Paroled into the U.S. under section 212(d)(5) of such Act [8 U.S.C. 1182 (d)(5)] for a period of at least 1 year,
5. An individual whose deportation is being withheld under section 243(h) of such Act [8 U.S.C. 1253] or section 241(b)(3) of such Act [8 U.S.C. 1231 (b)(3)] (as amended by section 305(a) of division C of Public Law 104-208); or

6. Granted conditional entry pursuant to section 203(a)(7) of such Act [8 U.S.C. 1153 (a)(7)] as in effect prior to April 1 1980; or
7. A Cuban and Haitian entrant (as defined in section 501(e) of the Refugee Education Assistance Act of 1980); or
8. An Amerasian immigrant admitted to the U.S. pursuant to section 84 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1988; or
9. A victim of a severe form of trafficking, including:

    - If the victim is under 21, the victims spouse, children and unmarried siblings under 18 years of age on the date on which the victim applied for this status,
    - If the victim is age 21 or older, the spouse and children of the victim and also includes the victims parent or unmarried sibling under age 18 if it is determined that the parent or unmarried sibling faces a present danger of retaliation as a result of the alien's escape from the severe form of trafficking or cooperation with law enforcement.

10. An alien who has a past or current involvement with the United States Armed Forces. (These individuals include honorably discharged veterans, qualified aliens on active duty in the United States' armed forces, and the spouse or unmarried dependent child(ren) of such individuals.) (See Section 400-19-45-40-25-15, Establishing Past or Current Military Involvement of an Alien.)
11. A Native American born in Canada who possesses at least 50% of blood of the American Indian race to whom the provisions of Section 289 of the INA apply. (See Section 400-19-45-40-35, American Indians Born in Canada.)
12. An alien who (or whose child or parent) has been battered or subjected to extreme cruelty in the United States and otherwise satisfies the requirements of 8 U.S.C. 1641(c). Should an individual be identified, please contact State TANF Policy.
13. Hmong and Highland Laotian with an immigration status that qualifies such as legal permanent residents or a veteran.

Qualified Aliens Lawfully Admitted for Permanent Residence Before August 22, 1996 400-19-45-40-25-05

(Revised 6/1/10 ML #3218)

View Archives

(N.D.A.C. 75-02-01.2-28)

Qualified aliens who lawfully entered the United States for permanent residence before August 22, 1996, and who meet all other TANF eligibility criteria may be eligible for TANF. These individuals are not banned from receiving benefits for a 5 year period.

This 5-year period is also known as a '5-year ban on benefits' and is effective on the date the individual entered the country as a qualified alien or the date the individual becomes a qualified alien, whichever is later.

Qualified Aliens Lawfully Admitted for Permanent Residence on or After August 22, 1996 400-19-45-40-25-10

(Revised 7/1/12 ML #3334)

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(N.D.A.C. 75-02-01.2-28.1)

Qualified aliens who entered the United States for permanent residence on or after August 22, 1996, are not eligible for any federally funded TANF benefit for 5 years from the date they entered the United States. This 5-year period is also known as a '5-year ban on benefits' and is effective on the date the individual entered the country as a qualified alien, or the date the individual becomes a qualified alien, whichever is later. (See Section 400-19-45-40-30, Sponsor Income and Assets).

A qualified alien who is subject to the '5-year ban on benefits, and who meets all other TANF non-financial and financial eligibility criteria, is eligible for benefits beginning the date following the date the '5-year ban on benefits' expires.

The following qualified aliens are exempt from the '5-year ban on benefits' and may be eligible for TANF at any time on or after their date of US entry, provided all other TANF eligibility criteria are met:

1. Aliens who have a past or current involvement with the United States Armed Forces. (These individuals include honorably discharged veterans, qualified aliens on active duty in the United States' armed forces, and the spouse or unmarried dependent child(ren) of such individuals.) (See Section 400-19-45-40-25-15, Establishing Past or Current Military Involvement of an Alien.)

2. An Amerasian immigrant admitted to the U.S. pursuant to section 84 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1988;
3. Refugees, Refugee Unaccompanied Minors, and Iraqi and Afghani Special Immigrants who are considered refugees as of December 19, 2009;
4. Asylees who have been granted asylum (not applicants for asylum);
5. Aliens whose deportation was withheld under Section 243(h) of the Immigration and Naturalization Act (INA);
6. Cuban and Haitian Entrants;
7. Victims of a severe form of trafficking, including

    - If the victim is under 21, the victims spouse, children and unmarried siblings under 18 years of age on the date on which the victim applied for this status,
    - If the victim is age 21 or older, the spouse and children of the victim and also includes the victims parent or unmarried sibling under age 18 if it is determined that the parent or unmarried sibling faces a present danger of retaliation as a result of the alien's escape from the severe form of trafficking or cooperation with law enforcement.

Qualified Aliens who entered the US under one of the categories exempt from the 5 year ban remain eligible for TANF when their alien status is converted to a category that is not exempt from the 5 year ban.

> **Example:** An individual enters the US with a status of Refugee (exempt from the 5 year ban). Two years later, their status changes from Refugee to Lawful Permanent Resident (LPR). The status used when determining continued eligibility for TANF is Refugee (status as of date of entry) for the duration of the 5 year eligibility period.

Establishing Past or Current Military Involvement of an Alien 400-19-45-40-25-15

(Revised 6/1/10 ML #3218)

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An alien with past or current U.S. Military Involvement may be eligible for TANF if the alien:

1. Is on active duty for reasons other than training with any of the United States Armed Forces units. This applies to minimum active duty (24 months) or the period for which the person was called to active duty.

   An individual remains eligible if honorably discharged for reasons other than alien status and who fulfills the minimum active duty service requirement, including an individual who died in active military, naval or air service.

   > **Note:** This includes an individual who served before July 1, 1946, in the organized military forces of the Government of the Commonwealth of the Philippines while such forces were in the service of the Armed Forces of the U.S. or in the Philippine Scouts.

2. Is a Spouse of an alien with U.S. Military involvement: An individual must be married to the veteran/service individual or was married to the individual at the time of the individual's death and has not remarried.

   > **Note:** Eligibility exists for the alien spouse regardless of whether or not the veteran/service individual is a United States citizen.

   The surviving spouse of a deceased veteran who has not remarried may be eligible provided that the couple was married for at least one

year or for any period if a child was born of the marriage or was born to the veteran and the spouse before the marriage.

> **Note:** An individual would not be eligible if divorced from the veteran/service individual or has remarried since the veteran/service individual's death.

Eligibility stops if the service individual is discharged from active duty for alien status or dishonorable service.

3. Is an unmarried dependent child(ren) of an alien with U.S. Military involvement and is:

   a. Legally adopted or a biological dependent child of an honorably discharged veteran or active duty member of the Armed Forces if the child is under the age of 18 or a full-time student under the age of 22.
   b. A child under ages 18 or 22 if a fulltime student of a deceased veteran.
   c. A disabled child age 18 or older if the child was disabled and dependent on the active duty member or veteran prior to the child's 18th birthday.
   d. A dependent child that is not residing with the veteran/service individual.

The following aliens are not eligible based on past or current military involvement:

1. An alien on active duty who is in training such as National Guard or Army Reserve.
2. An alien who is dishonorably discharged from service is not eligible.
3. A child is no longer eligible if the child marries (as no longer considered a dependent) or the service individual is discharged from active duty for alien status or dishonorable service.

Sponsor Income and Assets 400-19-45-40-30

(Revised 6/1/10 ML #3218)

View Archives

(N.D.A.C. 75-02-01.2-28 (3))

For purposes of this section, sponsor deeming is a process used to determine the eligibility for and amount of TANF benefits that a Lawful Permanent Resident (LPR) may receive. The State must consider the income and assets of the sponsor and the sponsor's spouse available to the sponsored LPR when determining eligibility for and the amount of TANF as defined in this section.

Title IV of PRWORA 1996 as amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) and the Balanced Budget Act (BBA) of 1997 created a new affidavit of support requirement for sponsors of certain LPR's and new rules for deeming income and assets from the sponsor to the LPR. In particular, section 423 of PRWORA, as amended, added section 213A to the INA, which directed the Attorney General to develop a new, legally enforceable affidavit of support, Form I-864, "Affidavit of Support under Section 213A of the Act" that must be executed by certain sponsors. The I-864 Affidavit became effective on December 19, 1997.

> **Note:** The I-864 Affidavit is required for most family-based immigrants, and some employment-based immigrants. All immigrants who have an I-864 Affidavit are LPR's.

To be a sponsor, the individual executing the I-864 Affidavit, must:

1. Be a citizen or national of the United States or a lawful permanent resident of the United States,
2. Be at least 18 years of age,

3. Be a resident in the United States or any of its territories or possessions, and
4. Demonstrate the means to maintain a gross annual household income of at least 125% of the Federal Poverty Level (FPL) (100% of FPL, if the sponsor is on active duty in the Armed Forces of the US and is sponsoring a spouse or child) for the sponsor's household size.

> **Note:** For purposes of the I-864 Affidavit, the sponsor's household size includes the sponsor, all persons who are related to the sponsor by birth, marriage, or adoption and who live at the same residence as the sponsor, and any other dependents whom the sponsor has lawfully claimed on the sponsor's personal Federal income tax return (even if those dependents do not live with the sponsor), plus all aliens included in the current affidavit of support, and any LPR's who have been previously sponsored under section 213A of the Act, unless the obligation has terminated.

When an LPR is sponsored in accordance with an I-864 Affidavit, the sponsor's income and assets as well as the income and assets of the sponsor's spouse must be deemed to the LPR, with the following exceptions:

1. LPR's who applied for an immigrant visa at a consular office or adjustment of status to LPR before December 19, 1997;
2. Qualified aliens who are sponsored by an organization or who are not LPR's and who are not required to have a sponsor (e.g. refugees, asylees, parolees, and Cuban and Haitian entrants);
3. LPR's who entered as Refugees or Asylees and whose status was adjusted to LPR;
4. Victims of severe forms of trafficking;
5. Non-citizens, including US nationals, who do not have to have sponsors; and
6. Non-citizens whose sponsors signed affidavit(s) of support other than the I-864 Affidavit of Support.

Sponsor deeming would not apply for a 12-month period if:

1. The sponsored LPR or certain family members have been determined a victim of domestic violence or extreme cruelty, and

   Note: The 12-month period can be extended if the abuse or cruelty is recognized by a court order, an Administrative Law Judge, or the INS, AND the victim does not live with the batterer.

2. The sponsored LPR would be indigent (unable to obtain food and shelter without government assistance). If determined indigent, then only the amount of income and assets actually provided by the sponsor or the sponsor's spouse would be deemed to the LPR. Each indigent determination is renewable for additional 12-month periods.

   Note: To determine if the LPR is indigent, the amount of the gross income of the LPR, the LPR's spouse, and any individual's required to be part of the TANF household plus any cash, food, housing or other assistance, including in-kind, provided by other individuals or agencies, including the sponsor and the sponsor's spouse, cannot exceed 125% of the Federal Poverty Level for the size of the LPR's household. A reimbursement of an expense is not counted as income in this determination.

When an LPR's is sponsored in accordance with an affidavit other than the I-864 Affidavit, deeming of the sponsor's income and assets as well as the income and assets of the sponsor's spouse does not apply.

Calculation of Countable Sponsor Income and Assets 400-19-45-40-30-05

(Revised 6/1/10 ML #3218)

View Archives

(N.D.A.C. 75-02-01.2-44(6)(b))

For purposes of this section, household size includes the sponsor, all persons who are related to the sponsor by birth, marriage, or adoption and who live at the same residence as the sponsor, and any other dependents whom the sponsor has lawfully claimed on the sponsor's personal Federal income tax return (even if those dependents do not live with the sponsor), plus all aliens included in the current affidavit of support, and any immigrants who have been previously sponsored under section 213A of the Act, unless the obligation has terminated.

The amount of income and assets of the sponsor and sponsor's wife to deem to the LPR is calculated as follows:

> Income: The amount of gross income in excess of 125% of the Federal Poverty Level equal to the household size of the sponsor.
>
> Assets: The value of asset in excess of the TANF Asset Limits, based on the appropriate household size.

Deeming Period 400-19-45-40-30-10

(Revised 8/1/11 ML #3272)

View Archives

The period which the sponsor's income and assets are deemed continues until:

- The sponsored LPR becomes a US citizen, or
- The sponsored LPR has earned or can be credited with 40 qualifying quarters of coverage, or
- The sponsored LPR departs the US permanently, or
- The sponsored LPR dies.

> **Note:** Beginning January 1, 1997, no quarter counts if the alien received any federal means-tested public assistance during that quarter. Federal means-tested public assistance programs for this provision are: SNAP, Medicaid, SSI, and TANF.

American Indians Born in Canada 400-19-45-40-35

(Revised 6/1/10 ML #3225)

View Archives

For purposes of this section, 'American Indian' or 'Native American' is defined as a person having origins in any of the original peoples of the United States and Canada, except the Eskimos, Aleuts, and Inuits, who maintain tribal affiliation or community attachment.

Article III of the 'Jay Treaty' declared the right of "Indians" ("Native Americans") to trade and travel between the United States and Canada, which was then a territory of Great Britain. As a result of the "Jay Treaty", Native Indians born in Canada are entitled to enter the Unites States for the purpose of employment, study, retirement, investing, and/or immigration. TANF Policy refers to these individuals as 'American Indians Born in Canada'.

Section 289 of the Immigration and Nationality Act (INA) provides a statutory right to enter into the United States to non-citizen Native Americans born in Canada 'who possess at least 50% of blood of the American Indian race'. However, the right of entry into the U.S. does not convey Lawful Permanent Resident (LPR) status or any other qualified alien status to the individual. In order to have LPR status or any other qualified alien status, the individual must also have maintained residence in the US since entry. The date the individual begins their U.S. residence is the date the individual is considered a qualified alien.

> **Note:** If an individual abandons their US residence and returns to Canada and subsequently returns to the US and reestablishes and maintains US residency, the date of residency would begin on the date the individual reestablished and maintains their US residency.

A Native American born in Canada does not include a person who is the spouse or child of such an Indian or a person whose membership in an

Indian tribe or family is created by adoption, unless such person possesses at least 50% or more of such blood. Each individual's immigration status should be examined to determine whether they have an immigration status that qualifies.

The following document serves as acceptable verification that an individual is an American Indian born in Canada who possesses at least 50% blood of the American Indian race:

A Blood Quantum Letter – The letter will contain information from the individuals Band, Tribe, Nation stating the individual's blood quantum, which must be at least 50% aboriginal blood.

The document may use the following verbiage:

- . . . at least 50% Aboriginal blood
- . . . at least 50% Indigenous blood
- . . . at least 50% North American Indian blood
- . . . at least 50% American Indian blood

Note: The Blood Quantum Letter can be used to show that an individual possesses at least 50% blood of the American Indian Race, but cannot be used to show that an individual does not possess at least 50% blood of the American Indian Race when the parents are enrolled in different Bands, Tribes, or Nations. If the letter does not show an individual possesses at least 50% blood of the American Indian Race, verification should be obtained from the Band, Tribe, or Nation where the other parent is enrolled.

The lawful admission for permanent residence of an American Indian born in Canada shall be recorded on Form I-181 (Memorandum of Creation of Record of Admission for Lawful Permanent Residence) or Form I-551 with the code S13 (Alien Registration Receipt Card for permanent residents, commonly referred to as a 'green card'). Those individuals who have

established and maintained resident in the US would still be considered an LPR.

Non-Qualified Aliens 400-19-45-40-40

(Revised 6/1/10 ML #3218)

View Archives

1. Ineligible Aliens. Some aliens may be lawfully admitted for a temporary or specified period of time and are not eligible for TANF. They have the following types of documentation: Form I-94, Arrival-Departure Record; Form I-185, Canadian Border Crossing Card; Form I-186, Mexican Border Crossing Card; Form SW-434, Mexican Border Visitor's Permit; Form I-95A, Crewman's Landing Permit. These aliens are not eligible for TANF because of the temporary nature of their admission status.

   The following categories of individuals are ineligible aliens:

   a. Foreign government representatives on official business and their families and servants;
   b. Visitors for business or pleasure, including exchange visitors;
   c. Aliens in travel status while traveling directly through the U.S.;
   d. Crewman on shore leave;
   e. Treaty traders and investors and their families;
   f. Foreign students;
   g. International organization representation and personnel and their families and servants;
   h. Temporary workers including agricultural contract workers; and
   i. Members of foreign press, radio, film, or other information media and their families.

2. Illegal Aliens. Aliens who are not lawfully admitted for permanent residence in the United States are not eligible for TANF.

Documentation/Verification of Citizenship 400-19-45-40-45

(Revised 7/1/12 ML #3334)

View Archives

Eligibility for TANF is determined primarily by information supplied by the applicant/recipient. Certain aspects of eligibility must be supported by conclusive, documenting evidence. Following are suggested records which may be available to verify citizenship and/or alien status:

1. US Citizenship
   - Birth Certificate/Hospital Birth Certificate if signed by attending physician
   - Vital Records Interface
   - Immigration Papers
   - Naturalization Paper
   - Third Party Query (TPQY) - 'Verified with positive citizenship' or 'Verified with positive citizenship;Deceased' Citizenship Verification Code for Medicaid.

     Note: A screen print of the response must be placed in the case file, and the TANF Verification Code 'Interface' must be entered in the automated computer system.

2. Refugee

   - USCIS Form I-94 showing entry as refugee under Section 207 of the INA and date of entry into U.S. (The arrival date is the date used to determine entry date.); or
   - USCIS Form I-688B annotated 274a.12(a)(3) (The arrival date is the date used to determine entry date.); or
   - USCIS Form I-766 with code A3; or
   - USCIS Form I-571; or
   - USCIS Form I-551 or I-151 with codes RE1, RE2, RE3, RE4, RE5, RE6, RE7, RE8, RE8b, RE9, IC6 or IC7. (These codes show

the individual's status was changed from refugee to lawful permanent resident.)

3. Victim of Human Trafficking

- "T" visa or Certification Document from the Office of Refugee Resettlement (victim);
- I-94 or passport containing nonimmigrant visa;
- I-688B or I-766 or other INS document indicating nonimmigrant status;
- Any verification from the INS or other authoritative document

These documents may have one of the following codes:

- Non Immigrant Code of:
  - “T-1” (Victim)
  - “T-2” (Spouse of Victim) or
  - “T-3 (Child of Victim)
- Immigrant Code of:
  - ST6 (Victim)
  - ST7 (Spouse of Victim); OR
  - ST8 (Child of Victim)

4. Asylee
   - USCIS Form I-94 showing grant of asylum under section 208 (The arrival date is usually the date of designated status.); or
   - USCIS Form I-766 annotated A5; or
   - Grant letter from Asylum Office of the USCIS; or
   - Order from immigration judge granting asylum; or
   - USCIS Form I-688B annotated 274.a12(a)(5) (The arrival date is usually the date of designated status.); or
   - USCIS Form I-766 with code A5; or
   - USCIS Form I-551 or
   - USCIS Form I-151 with codes AS6, AS7, AS8, or AS9. (These codes show the individual's status was changed from asylee to lawful permanent resident.)

5. Deportation
    - Individuals whose deportation has been withheld should have a court order. The date of the court order is the designated status date.
    - Immigration Judge order showing deportation withheld under section 243(h) or 241(b)(3) of the INA & date of grant; or
    - USCIS Form I-688B annotated 274a.12(a)(10); or
    - USCIS Form I-766 with code A10.

6. Conditional Entrant
    - USCIS Form I-94 showing admission under section 203(a)(7) Refugee-Conditional Entry in effect prior to 04/01/1980; or
    - USCIS Form I-688B annotated 274a.12(a)(3); or
    - USCIS Form I-766 annotated A3; or
    - USCIS Form I-551 with code R86; or
    - USCIS Form I-151 with code R86. (This code shows the individual's status was changed to lawful permanent resident.)

7. Cuban/Haitian Entrant
    - USCIS Form I-551 with code CU6, CU7, or CH7 (These codes show the individual's status was changed to lawful permanent resident.)
    - USCIS Form I-94 with code CU6 or CU7, or stamped Cuban/Haitian Entrant under Section 212(d)(5) of the INA (The arrival date is usually the date of designated status.)
    - Unexpired temporary I-551 stamp in foreign passport or
    - USCIS Form I-94 indicating the person was paroled into the US on or after 1/12/2010.

8. Amerasian Entrant
    - USCIS Form I-551 with code AM6, AM7, or AM8 (These codes show the individual's status was changed to lawful permanent resident.)
    - USCIS Form I-94 with code AM1, AM2, or AM3 (The arrival date is usually the date of designated status.)
    - Unexpired temporary I-551 stamp in foreign passport.

9. Hmong or Highland Laotian -- States tribe meets Vietnam era involvement and has:
    - USCIS Form I-94 showing entry as refugee under Section 207 of INA and date of entry into the U.S.; or
    - USCIS Form I-151 unless form is marked as admitted under Section 249 & entered after 01-01-72; or
    - USCIS Form I-551 unless form is marked as admitted under Section 249 & entered after 01-01-72; or
    - On master list located in State Office.

10. Lawfully Admitted for Residence

    - Any INS document indicating individual has approval to reside in U.S. (does not have to be permanent authorization).

11. Lawfully Admitted for Permanent Residence
    - USCIS Form I-551 or I-151 (Resident Alien card).
    - If the individual was admitted under Section 249 and entered after January 1, 1972, no eligibility exists.
    - Any status code on the I-551 is acceptable unless the I-551 is annotated with IB6, IB7, IB8 and the individual does not meet battered alien criteria.
    - Unexpired Temporary I-551 stamp in foreign passport or on the I-94 form also verifies the individual is admitted for lawful permanent residence.

12. Parolee
    - USCIS Form I-94 stating admission under section 212(d)(5) of the INA.

13. Battered spouse or child
    - USCIS Form I-551 annotated with IB6, IB7, IB8; or
    - Other INS documentation of battered status – contact State Office for clarification.

14. American Indians - Verification of 50% American Indian blood
    - Enrollment documents, birth records, affidavits from tribal officials, USCIS Form I-181 or I-551 annotated with KIC, KIP or S13 or other acceptable documents can be used as verification of 50% American Indian Blood.

- A Blood Quantum Letter containing information from the individual's Band, Tribe, Nation stating the individual's blood quantum, which must be at least 50% aboriginal blood can also be used as verification of 50% American Indian blood. The document may contain the following verbiage:

  - . . . at least 50% Aboriginal blood
  - . . . at least 50% Indigenous blood
  - . . . at least 50% North American Indian blood
  - . . . at least 50% American Indian blood

  Note: The Blood Quantum Letter can be used to show that an individual possesses at least 50% blood of the American Indian Race, but cannot be used to show that an individual does not possess at least 50% blood of the American Indian Race when the parents are enrolled in different Bands, Tribes, or Nations. If the letter does not show an individual possesses at least 50% blood of the American Indian Race, verification should be obtained from the Band, Tribe, or Nation where the other parent is enrolled.

15. Iraqi and Afghani Special Immigrants
    - Iraqi passport with immigrant visa stamp noting the individual has been admitted under IV (Immigrant Visa) Category SQ1,SQ2, SQ3, and Department of Homeland Security (DHS) stamp or notation on passport or I-94 showing date of entry; or
    - DHS Form I-551 ("green card") showing Iraqi nationality or Iraqi passport, with an IV (Immigrant Visa) code of SQ6 SQ7, SQ9.
    - Afghan passport with an immigrant visa stamp noting that the individual has been admitted under IV (Immigrant Visa) Category SQ1, SI1, SQ2, SI2, SQ3, SI3; or
    - DHS Form I-551 ("green card") showing Afghan nationality or Afghan passport, with an IV (Immigrant Visa) code of SQ6, SI6, SQ7, SI7, SQ9 or SI9.

State Residence 400-19-45-45

(Revised 6/1/10 ML #3218)

View Archives

(N.D.A.C. 75-02-01.2-13)

No individual who is otherwise eligible may be denied assistance under TANF if the individual resides in the state. Eligibility for TANF does not require an individual to reside in the state for a specified length or period of time. Residence is retained until abandoned.

A resident of the state is one who:

1. Is living in the state voluntarily; or
2. At the time an Application is filed, is living in the state and is not receiving TANF from another state.

For purposes of establishing the TANF filing unit, a child is a resident of the state in which the child is living other than for a temporary basis. For all other purposes of this chapter, a child is a resident of the state in which the child is living.

Eligibility for Individuals Visiting In or Out-of-State 400-19-45-45-05

(Revised 10/1/10 ML #3241)

View Archives

(N.D.A.C. 75-02-01.2-13)

(N.D.A.C. 75-02-01.2-41)

An individual from out-of-state visiting family in North Dakota who intends to return to the state from which they came, are considered temporarily residing in North Dakota and are not eligible to receive TANF.

> **Example:** A child who lives with a parent in Oregon comes to North Dakota to visit their other parent who is receiving TANF at the end of May. The child is expected to return home to Oregon in August. The child is not eligible to be added to the TANF case in North Dakota as the child is considered residing here temporarily.

An individual who receives TANF in North Dakota and visits family outside of North Dakota with the intent to return to North Dakota at the end of their visit will continue to be eligible for TANF in North Dakota, provided the individual has returned to North Dakota by the last day of the month following the month they left. This individual must continue to meet all eligibility requirements such as monthly reporting, compliance with the JOBS work requirements, etc. If the individual has not returned by the last day of the month following the month they left, the individual must be removed from the TANF household.

> **Note:** If at the time the individual leaves North Dakota it is known the individual will be away beyond the last day of the month following the month they left, the individual must be removed from the TANF household effective the end of the month they left.

A possible exception to this policy is situations when the temporary absence from the state exceeds the above referenced time-frame due to illness or injury. When this situation occurs, TANF Eligibility Workers should contact state TANF policy staff for guidance.

An individual, who receives TANF in North Dakota and visits family in North Dakota, is eligible through the month in which the individual left the TANF household.

- If the individual who left is expected to return to the household by the last day of the month following the month the individual left, the individual will remain eligible in the household they left temporarily.

  Note: This individual must continue to meet all eligibility requirements such as monthly reporting, compliance with the JOBS Program, etc.

- If the individual is not expected to return or has not returned by the last day of the month following the month they left, the individual must be removed from the TANF household they left effective the end of the month they left. Should the household in which the individual is visiting apply for TANF, the individual may be included to receive TANF benefits in that household effective the month following the month the individual left, or was removed from the previous household.

  Example #1: A child is receiving TANF in Mom's case in Grand Forks. In May, the child goes to Dad's home in Bismarck for a visit and will be returning to Mom's home prior to the end of June. The child remains eligible in Mom's case.

  Example #2: A child is receiving TANF in Mom's case in Fargo. In May, the child goes to Dad's home in Williston for a visit and will be returning to Mom's home in August, prior to the start of school. The child must be removed from Mom's case effective the end of May. Should Dad apply for TANF, the child would be included in this case beginning with June benefits.

Age 400-19-45-50

Eligibility Requirements 400-19-45-50-05

(Revised 6/1/10 ML #3218)

View Archives

As a condition of eligibility, verification of age must be supported by conclusive, documentary evidence.

Documentation/Verification of Age

Document or other record available from the client or other sources

- Birth Certificate
  - Certified Copy from Vital Records
  - Uncertified Copy of the 'Certificate of Live Birth' (Yellow Copy)
  - 'Souvenir' Copy if signed by both the attending physician and president/administrator of the hospital.
- Baptismal Certificate or Church Record
- Confirmation Papers
- Adoption Record
- Passport
- Marriage License
- Driver's License
- Electronic Interface or paper record from Vital Records or Department of Health
- Hospital Records
- School Records
- Immigration or Naturalization Record
- Draft Board or Military Service Records
- Alien Registration Card

Note: Due to a change in law effective July 1, 2010, all Puerto Rican birth certificates issued prior to July 1, 2010, are invalid. Only birth certificates

from Puerto Rico that are issued (or reissued) on or after July 1, 2010, are acceptable.

Identity 400-19-45-55

Eligibility Requirements 400-19-45-55-05

(Revised 7/1/12 ML #3334)

View Archives

As a condition of eligibility, verification of identity must be supported by conclusive, documentary evidence.

Documentation/Verification of Identity

Document or other record available from the client or other sources

- Drivers License
- Picture ID
- Personal knowledge by the county staff
- School, hospital, nursing home personnel identification
- Bank records
- Utility records
- Mortgage/Rent receipt
- Affidavit of Identity
- Hospital crib card or bracelet for newborns
- Third Party Query (TPQY) - 'Verified with positive citizenship' or 'Verified with positive citizenship; Deceased' Citizenship Verification Code for Medicaid.
    - **Note: A screen print of the response must be placed in the case file, and the TANF Verification Code 'Interface' must be entered in the automated computer system.**

Social Security Numbers 400-19-45-60

Eligibility Requirements 400-19-45-60-05

(Revised 4/1/2012 ML #3309)

View Archives

(N.D.A.C. 75-02-01.2-05(9))

(N.D.A.C. 75-02-01.2-27)

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. 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 in Baltimore. The Numident indicator on "Client Profile" will indicate if the social security number is a valid number for the recipient (Refer to TANF Manual Section 400-19-15-10, Verification

of Selected Factors of Eligibility and the Administrative Manual Section 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 TANF 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 verification of an application for social security card, or at the time of the next review 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.

Education 400-19-45-65

Eligibility Requirements 400-19-45-65-05

(Revised 7/1/12 ML #3334)

View Archives

One of the goals of the TANF Program is to ensure that every TANF recipient obtains their High School or General Education Diploma (GED). Therefore, emphasis is placed on school attendance of minor dependent children and minor parents.

The terms "full-time" and "part-time" school attendance for minor dependent children and minor parents is defined by the North Dakota Department of Public Instruction and the North Dakota Department of Higher Education as follows:

1. "Full-time" attendance in an accredited secondary school (high school) requires four or more units of credit.

2. "Part-time" is anything less than four units of credit.

3. Attndance in an alternative school, full or part-time, is determined by the school the individual attends.

The full or part-time status of a minor dependent child(ren) or minor parent enrolled in an accredited correspondence, alternative high school or GED program, adult basic education, or home schooled, will have their status verified by a written statement from school officials.

Minor dependent children or minor parents participating in Job Corps are considered attending school full-time.

Verification of school attendance is required for individuals 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.

Documentation/Verification of School Attendance

Verification of school attendance is required for:

1. A child age 16 to 18 ; or
2. A child age 18 and a full-time student, who, by the last day of the month of their 19th birthday, will:
    a. Complete their training curriculum from a secondary school in order to receive a high school diploma or GED, or
    b. Complete their training at a vocational or technical school that is equivalent to secondary school.

For children under age 16, verification of school attendance is not required. If the child is not attending school, it becomes an issue for Child Protection Services.

School attendance of any child age 16 or older must be verified at the beginning of the school year and the beginning of each term as defined by the school. Verification may be secured more frequently if circumstances warrant.

> **Note:** The automated computer system generates a notice to the household requiring verification of school attendance and anticipated date of graduation in August and January of each year.

When verification of school attendance is not received:

- If the child is age 16 to 18, update the 'Student Status' on the Education window to 'Not a Student' and complete a referral to the JOBS Program.

- If the child is age 18 and a full-time student who, by the last day of the month of their 19th birthday, will:

    1. Complete their training curriculum from a secondary school in order to receive a high school diploma or GED, or

    2. Complete their training at a vocational or technical school that is equivalent to secondary school,

  the 'Student Status' on the Education window must be updated to 'Not a Student'. This will either remove the child from the TANF household or fail the case if this is the only child.

Minor Dependent Child Student Eligibility Requirements 400-19-45-65-10

(Revised 6/1/10 ML #3225)

View Archives

(N.D.A.C. 75-02-01.2-01)

All minor dependent children, under age 18 who have not received a High School or General Education Diploma (GED) are required to attend school full-time as a condition of eligibility for TANF.

> **Note:** A minor child is considered a dependent child during the entire month of the child's 18th or 19th birthday and will retain student status for the entire month provided the child has attended school for any part of that month.

A minor dependent child is considered in regular attendance for periods in which the individual is not in school because of official vacation, illness, convalescence, or family emergency if the plan is to continue training when the event that prompted the interruption has run its course.

Upon receipt of an application or in an ongoing case, if it is determined that a minor dependent child is not attending school:

1. If the minor dependent child is under age 16, a social worker within the agency should be notified. Since state and tribal law require individuals under age 16 to attend school, those entities will be involved and working with the individual and family.
2. If the minor dependent child is age 16 to 18, the individual must be referred to the JOBS program. (See Sections 400-19-75-40-05, Referrals to the JOBS Program and 400-19-80-15, Referrals to Tribal NEW Program).

There may be some reasons when a minor dependent child may have good cause for not attending school. Some reasons, applicable only to minor dependent children, are:

1. Temporary illness;
2. Disability, as verified by medical evidence; or
3. Incapacity, as verified by medical evidence.

Minor Parent Under Age 18 Student Eligibility Requirements 400-19-45-65-15

(Revised 1/1/11 ML #3246)

View Archives

A minor parent is defined as an individual who has a marital status of never married, is under age 18, and is a father or mother to a child. An individual under age 18 and in the third trimester of pregnancy is not considered a minor parent. An individual is considered age 18 on the first day of the month of their 18th birthday.

All minor parents who have not received a High School or General Education Diploma (GED) are required to attend school full-time as a condition of eligibility for TANF. A minor parent is considered in regular attendance for months in which the individual is not in school because of official vacation, illness, convalescence, or family emergency if the plan is to continue training when the event that prompted the interruption has run its course.

A minor parent is exempt from the school requirement from the newborn's date of birth through two (2) calendar months following the month of birth.

> **Example:** If a child is born in July, the minor parent is exempt beginning the date of birth through September 30th. In a household consisting of two minor parents, only one parent can claim the exemption due to the age of their child. The exemption applies to the non-disabled or non-incapacitated parent.

There may be some reasons when a minor parent may have good cause for not attending school. Some reasons, applicable only to minor parents, are:

1. Incapacity of child;
2. Temporary Illness;

3. Unable to find adequate and appropriate child care;
4. Disability, as verified by medical evidence; or
5. Incapacity, as verified by medical evidence.

A minor parent is exempt from the requirement to attend school if their education level equals 12 years. However, they are not exempt from JOBS Program participation.

Caretaker Age 18 or Older Student Eligibility requirements 400-19-45-65-20

(Revised 6/1/10 ML #3218)

View Archives

The JOBS Employment Contractors monitor attendance for a caretaker choosing to attend education or training.

1. A caretaker who is married or a single head-of-household under age 20:

    a. Who participates in education that is directly related to employment shall be considered fully engaged in work if the caretaker's participation during a month averages at least 20 hours per week (JOBS Work Activity of Education Directly Related to Employment).
    b. Who attends secondary school or its equivalent will be considered engaged in and meeting their 20 or 30 hour minimum work requirements (JOBS Work Activity of Satisfactory Attendance at a Secondary School Leading to a HS Diploma or GED).

2. Caretakers may meet the requirements of the JOBS Program if enrolled in classes in a vocational or technical school under state operation, a college, or a university if approved by the JOBS Employment Contractor.
3. Caretakers attending accredited correspondence, alternative high school (GED), adult basic education, home-schooling, or private vocational or technical school (e.g. auto mechanics, auto body repair, cosmetology, etc.) will have their status determined by the school.
4. Caretakers participating in Job Corps are considered attending school full-time.

A caretaker is considered in regular attendance for months in which the caretaker is not in school because of official vacation, illness, convalescence, or family emergency if the plan is to continue training when the event that prompted the interruption has run its course.

Deprivation of Parental Support or Care 400-19-45-70

Overview 400-19-45-70-05

(Revised 6/1/10 ML #3218)

View Archives

(N.D.A.C. 75-02-01.2-14)

(N.D.A.C. 75-02-01.2-15)

(N.D.A.C. 75-02-01.2-17)

(N.D.A.C. 75-02-01.2-18)

In addition to being needy, a dependent child also must be shown to be deprived of both parental support and care. A dependent child is considered deprived of parental support and care when the child has at least one parent who is continually absent from the home, incapacitated, disabled, aged, or deceased. The determination that a child has been deprived of parental support and care is made in relation to the child's natural or adoptive parent whether or not the parents were married to each other.

An alleged father who is not married to the child's mother and who is living in the home cannot be assumed to be the child's parent unless a "Voluntary Acknowledgment of Paternity (VPA)" form has been completed and filed with the Vital Records Division or paternity has been established in court.

> **Note:** If the child is born out of wedlock, the VPA form is valid only if both the mother and alleged father sign the form.

When eligibility for the TANF benefit is based on the incapacity, disability, or age of one parent, the second parent, if living in the home, is eligible for TANF regardless of marital status.

TANF cannot be denied on the basis that conditions in the child's home are believed to be "unsuitable" for the child's care. Conditions thought by staff to jeopardize the child's best interests shall be brought promptly to the attention of social service personnel.

Deprivation Reasons 400-19-45-70-10

(Revised 4/1/2012 ML #3309)

View Archives

(N.D.A.C. 75-02-01.2-15)

(N.D.A.C. 75-02-01.2-17)

(N.D.A.C. 75-02-01.2-18)

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 both natural or adoptive parents with a child(ren) in common, when 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 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 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.

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.

Absence Reasons that DO NOT Establish Deprivation 400-19-45-70-15

(Revised 6/1/10 ML #3218)

View Archives

A child is not considered deprived when a parent is temporarily living apart from the child(ren) due to:

1. Employment;
2. Education;
3. Training;
4. Medical Care;
5. Intermittent Imprisonment (less than 30 continuous days);
6. Joint or Shared Parentage (See Section 400-19-45-70-25, Joint or Shared Parentage); or
7. Uniformed Service

A parent whose absence is caused solely by reason of performing active duty in uniformed service is not considered absent from the home unless there is evidence that continued absence would have existed irrespective of the parent's serving in uniformed service. Acceptable verification that such an absence exists includes proof of legal separation, desertion, or divorce, either finalized or in-progress. If there has been no legal action, there should be some indication of how the "absence" requirement was met.

“Intermittent imprisonments”, such as probation or house arrest, are sentencing alternatives available to North Dakota State Courts. If the individual is sentenced to probation, the court can impose conditions including curfew, home confinement, and house arrest. Thus, someone serving a criminal sentence may be living in their own home, but is:

- Required to return to custody on weekends,
- Required to remain at home between certain hours of the day as imposed by the court (curfew),

- Required to remain in the home all or nearly all times (home confinement or house arrest).

Under "intermittent imprisonment" the offender is typically released to go to work (day release) and is permitted to serve the sentence on weekends. In the following circumstances, deprivation does not exist:

- If an offender is serving a sentence on weekends only, even if the total day's served exceeds 30 days.
- If an offender is sentenced to house arrest and resides in the home while serving a court-imposed sentence, the offender is considered part of the household.
- If an offender spends the day in jail and the nights at home, the offender is considered part of the TANF household.

Documentation/Verification of Deprivation
400-19-45-70-20

(Revised 6/1/10 ML #3218)

View Archives

Death

The death certificate is the primary verification for this element.

Document or other record available from the client or other sources

- Death Certificate
- OASDI Record of Lump Sum Death Payment
- Veteran's Record of Widow or Survivor's Benefits
- Veteran's Administration Death Payment Correspondence
- Insurance Company Death Settlement Correspondence
- OASDI Survivor's Benefit Notices
- Vital Statistics
- Newspaper death notice
- Insurance company records
- Social Security records
- Funeral Director
- Veterans Administration
- Hospital records
- Institutional records
- Military service records
- Church Record
- Tribal Record

Incapacity/Disability

Document or other record available from the client or other sources

- Disability Certification by Social Security Administration
- Medical Examination Report
- Medical Statement from doctor, hospital, or clinic

- Physician's Records
- Hospital Records
- Clinic Records
- Veterans Administration Records
- Rehabilitation Centers' Records
- Psychological Tests
- Psychiatric Records
- State Review Team

Continued Absence from the home

Document or other record available from the client or other sources

- Divorce Papers
- Separation Papers
- Military Record Papers or Induction Notice
- Annulment Papers
- Contact with absent parent
- Shelter Record of absent parents, lease, or rent receipts, etc.
- Post Office Record of Address
- Motor Vehicle Registration
- Driver's License
- Court Records
- Correctional Institution records
- Statements from reputable sources in the community
- Union Records
- Law Enforcement Officials
- Employer Records

Joint or Shared Parentage 400-19-45-70-25

(Revised 6/1/10 ML #3225)

View Archives

Divorce courts often award custody of children to both parents. However, legal custody orders have no bearing on whether or not a child is considered "deprived." Rather than legal custody, it is the parent's absence and level of participation in parenting that is relevant. Even though a household indicates a child enjoys joint or shared custody, a child must be determined deprived of parental support and care in order for deprivation to exist.

Note: Parental support is not limited to financial support only.

A parent who does not reside with the child is not considered absent when the day to day support and care of the child is shared by both parents.

The number of days a child resides with each parent does not, in and of itself, determine whether a child is deprived. Rather, the answers to the following questions must be considered by TANF Eligibility Staff:

- Is the parent physically absent from the child's home on other than a temporary basis; and
- Does the absence interrupt or terminate the parent's functioning as a provider of maintenance, physical care, or guidance for the child; and
- Does the known or indefinite duration of the absence prevent relying on the parent to perform their function in planning for the present support and care of the child?

The TANF Eligibility Worker must use the 'Prudent Person Concept' when making a determination of whether a child is deprived of parental support and care. Deprivation is determined to exist if a parent's physical absence interrupts or terminates the parent's functioning as a provider of maintenance, physical care, or guidance for the child.

It is imperative that the information relied upon and rationale used when a determination of deprivation (or lack thereof) was made be clearly and thoroughly explained in the case narrative.

Eligibility During Month of Change in Deprivation 400-19-45-70-30

(Revised 6/1/10 ML #3218)

View Archives

When a change in deprivation occurs during a month, eligibility continues through the month if eligibility existed for any portion of that month. For example, eligibility continues through the month in which:

1. A parent returns home;
2. An eligible caretaker marries; or
3. A parent's incapacity or disability ends.

Eligibility may continue beyond the month of return if all other factors of eligibility exist, including deprivation. However, if eligibility ceases the case must be closed effective the last day of the month the change in the deprivation factor occurred.

Voluntary Quit or Refusal of Employment 400-19-45-75

Overview 400-19-45-75-05

(Revised 6/1/10 ML #3225)

View Archives

(N.D.A.C. 75-02-01.2-52)

At the time a household applies for TANF, the TANF Eligibility Worker must determine whether a TANF household member refused a bona fide offer of employment or terminated employment, without good cause, within 30 days prior or equal to the date the TANF Application is filed. The day prior to the TANF Application date counts as day 1 of the 30-day period.

> **Note:** The day prior to the TANF Application date counts as day 1 of the 30 day period.

Voluntary quit or refusal of employment provisions will not apply:

1. If the quit occurs anytime after the date of application;
2. To an individual being added to an ongoing case;
3. To a minor dependent child(ren); or
4. Upon receipt of a new application when the household was eligible for a TANF benefit in the month prior to the new Application/Request for Benefit date (even if the benefit amount was zero). Since there is no break in assistance for a full calendar month, the case is considered an ongoing case.

Voluntary Quit 400-19-45-75-10

(Revised 10/1/10 ML #3241)

View Archives

Voluntary quit is defined as a job termination due to the action or inaction of the terminated individual. This includes failing to attend required training for a job an individual has been hired.

Voluntary Quit applies when the individual:

1. Voluntarily quits a job without good cause;
2. Simply leaves the job unannounced or does not return to work;
3. Had been warned by the employer and continues the objectionable behavior after the warning and is terminated;
4. Is continually late for work or does not show up for work; or
5. Is terminated for misconduct.

If the individual states they quit a job and is claiming good cause, an employer contact may be necessary. However, if the individual is not claiming good cause, an employer contact is not required. In either situation, the information used in the determination must be thoroughly documented in the case file.

Voluntary Quit does not apply when:

1. The reason for the termination/reduction was beyond the individual's control;
2. Terminating a self-employment enterprise;
3. Resigning a job at the demand of an employer;
4. The wages paid do not meet applicable minimum wage requirements or are not customary for such work in the community;
5. The ability of the individual to continue engagement in such employment or training for employment is questionable due to physical and/or mental reasons (e.g. victims of family violence, rash

or asthma caused by working conditions) as verified by a qualified professional.

6. The working conditions pose a health or safety hazard;
7. The employer does not carry Workforce Safety and Insurance coverage;
8. The individual no longer has the means to get to or from the job or training site even after exhausting all possible alternatives for transportation, provided the reason for lack of transportation is one which is beyond the individuals control;
9. The individual, as a condition of employment, would be required to join a company union, or to resign or refrain from any bona fide labor organization, or would be denied the right to retain membership in and observe the lawful rules of any such organization;
10. The gross wages are less than the allowable employment expense (27% or $180 and other expenses allowed under TANF, including those child/adult dependent care costs paid by the household);
11. The employment is at an unreasonable distance from the individual's residence (one-way travel time of one hour or less may not be treated as an unreasonable distance);
12. A parent or spouse whose substantial continuous presence in the household is necessary to care for a disabled family member living in the home to whom the individual seeking good cause owes a legal duty to provide care. The disabled family member must have a condition, verified by reliable medical evidence, which does not permit self-care, care by another household member, or care provided as supportive services.
13. At the time an individual quits a job, new employment at comparable wages or hours had been secured.

    Note: If the individual is then laid off, or, through no fault of their own loses the new job, the earlier quit will not be considered a job quit.

14. If an individual is exempt from participation in the JOBS Program, job quit or refusal of employment will not apply.

Refusal of Employment 400-19-45-75-15

(Revised 6/1/10 ML #3218)

View Archives

Refusal of employment occurs when an individual refuses a bona fide offer of employment without good cause. Before it is determined that a TANF household member has refused a bona fide offer of employment, it must be determined such an offer was actually made.

Refusal of Employment does not apply when:

1. There was not a definite offer of employment;
2. There was an offer of employment but the wages offered did not meet applicable minimum wage requirements or were not customary for such work in the community;
3. The ability of the individual to engage in such employment or training for employment is questionable due to physical and/or mental reasons (e.g. victims of family violence, rash or asthma caused by working conditions) as verified by a qualified professional;
4. The working conditions pose a health or safety hazard;
5. The employer does not carry Workforce Safety and Insurance coverage;
6. The individual does not have the means to get to or from the job or training site even after exhausting all possible alternatives for transportation;
7. The individual, as a condition of employment, would be required to join a company union, or to resign or refrain from any bona fide labor organization, or would be denied the right to retain membership in and observe the lawful rules of any such organization;
8. The position offered is vacant directly due to a strike, lockout, or other labor dispute;
9. The gross wages are less than the allowable employment expense (27% or $180 and other expenses allowed under TANF, including those child/adult dependent care costs paid by the household);

10. The employment is at an unreasonable distance from the individual's residence (one-way travel time of one hour or less may not be treated as an unreasonable distance); and
11. A parent or spouse whose substantial continuous presence in the household is necessary to care for a disabled family member living in the home to whom the individual seeking good cause owes a legal duty to provide care. The disabled family member must have a condition, verified by reliable medical evidence, which does not permit self-care, care by another household member, or care provided as supportive services.

Determination of Job Quit/Refusal of Employment 400-19-45-75-20

(Revised 8/1/11 ML #3272)

View Archives

Upon receipt of the application, the TANF Eligibility Worker must determine whether a TANF household member refused a bona fide offer of employment or terminated employment, without good cause, on the date of application or within 30 days prior to the date the TANF Application is filed.

If it has been determined that a bona fide offer was refused or employment was terminated by a household member without good cause on the date of application or during the 30-day period prior to the date the application is filed, the household will be ineligible for 30 days following the actual date of refusal or termination of employment. The earliest date the household could be determined eligible is the 31st day after refusal or termination. (The day of refusal or termination is not counted as part of the 30-day period.)

> **Example:** The household applied for TANF on April 15th. Head of household was employed until April 14th, when the employer fired the individual for poor attendance. A firing due to poor attendance would be considered a job quit.
>
> The household will not be eligible for TANF until the 31st day AFTER the job quit or effective May 15th. The application must be denied for April. The same application can be used to register and determine eligibility for May. The automated computer system will pro-rate the May benefit from May 15th, the date of eligibility based on the job quit.

Effective June 1, 2010, JOBS Employment Contractors will be required to make a good cause determination of a job quit or refusal of employment

for TANF applicants who quit a job or refuse employment any day following the TANF Application Date. The JOBS Referral has been enhanced to display the TANF Application Date.

> **Note:** The TANF Eligibility Worker is required to make the job quit or refusal of employment determination for periods prior to or on the TANF Application date.

The following procedure will be followed by the JOBS Employment Contractors when determining whether an individual Quit a Job or Refused Employment with or without 'good cause':

Upon receipt of a JOBS Referral, the JOBS Employment Contractor must determine if the referral is for a new applicant or an individual in an ongoing case whose 'good cause' or 'exemption period' is ending. (This can be determined based on the TANF Application Date displayed on the JOBS Referral form.)

1. If the referral is for a TANF applicant (to meet Up-front Eligibility Requirements and/or complete a Proof of Performance) AND the job quit or refusal of employment occurred after the TANF Application Date (thru the Up-front Eligibility or Proof of Performance Period), the JOBS Employment Contractor must determine if 'good cause' exists for the job quit or refusal of employment.

    a. If 'good cause' does exist, the TANF Eligibility Worker must be notified that the 'good cause claim' was approved and the JOBS participant must continue to follow JOBS requirement.

    b. If 'good cause' does not exist, the individual is deemed to have failed the Up-front and/or Proof of Performance requirements and the referral must be returned to the TANF Eligibility Worker. The TANF Eligibility Worker will deny the TANF application and the individual will need to serve a 30 day disqualification period, beginning the day following the day the job quit or refusal of employment occurred.

        > **Note:** Should the individual reapply within 30 days of the job quit or refusal of employment, the TANF Eligibility

Worker would make the determination based on policy defined in Section 400-19-45-75-05, Overview.

2. If the referral is for an individual in an ongoing case whose 'good cause' or 'exemption period' is ending, and a job quit or refusal of employment occurred:

   a. Prior to the 'good cause' or 'exemption period' end date, the JOBS Employment Contractor does not take any action as job quit or refusal of employment does not apply during 'good cause' or 'exempt' periods.

   b. After the 'good cause' or 'exemption period' end date, the 'good cause' process must be initiated.

      i. If 'good cause' exist, the TANF Eligibility Worker must be notified that the 'good cause' claim was approved and the JOBS participant must continue to follow JOBS requirements.
      ii. If 'good cause' does not exist, a recommendation for sanction must be sent to the TANF Eligibility Worker.

      Note #1: The only way to cure the sanction and avoid the case from progressing to case closure is if the individual finds a job that is comparable to the job quit or refused.

      Note #2: If the individual does not cure the sanction and the case progresses to close, the individual will be required to serve the one (1) month of ineligibility. Upon reapplication after the one (1) month of ineligibility, the individual will need to complete a Proof of Performance, but may not be required to find a job that is comparable to the job quit or refused in order to regain eligibility. The Employment Contractor will be responsible to determine the appropriate activity.

3. If the referral is for an individual in an ongoing case who must complete a Proof of Performance, and a job quit or refusal of employment occurred:

a. If 'good cause' does exist, the TANF Eligibility Worker must be notified that the 'good cause claim' was approved and the JOBS participant must continue to follow JOBS requirements.

b. If 'good cause' does not exist, the individual is deemed to have failed the Proof of Performance requirements and the TANF Eligibility Worker must be informed. The case will progress to closure.

Note #1: The only way to cure the sanction and avoid the case from progressing to case closure is if the individual finds a job that is comparable to the job quit or refused.

Note #2: If the individual does not cure the sanction and the case progresses to close, the individual will be required to serve the one (1) month of ineligibility. Upon reapplication after the one (1) month of ineligibility, the individual will need to complete a Proof of Performance, but may not be required to find a job that is comparable to the job quit or refused in order to regain eligibility. The Employment Contractor will be responsible to determine the appropriate activity.

Ineligibility Due to Participation in Strikes 400-19-45-80

(Revised 6/1/10 ML #3218)

View Archives

(N.D.A.C. 75-02-01.2-29)

The term "striker," as defined in Section 501(2) of the Labor Management Relations Act, 1947, includes anyone involved in a strike or stoppage of work by employees (including a stoppage by reason of the expiration of a collective-bargaining agreement) and any concerted slowdown or other concerted interruption of operations by employees.

'Participating in a strike' means actual refusal, in concert with others, to provide services to one's employer.

No household is eligible for a TANF benefit for any month in which any member of the household participates in a strike. When it is discovered that a member of a TANF household is on strike, the case must be closed.

If it is discovered that a household member participated in a strike during a month in which a TANF benefit has already been paid, the amount paid shall be considered an overpayment subject to recovery.

Apply for Earned Rights Benefits 400-19-45-85

(Revised 6/1/10 ML #3218)

View Archives

All applicants and recipients must apply for any and all potential sources of income (i.e. Workmen's Compensation, Unemployment Benefits, Social Security Disability and Retirement Benefits) which might be available to the household, and to provide proof that such application has been made. Applicants and recipients must comply with the requirements of the program to establish eligibility for and receive benefits.

Failure to apply for, comply with the requirements of the program to establish eligibility for, or refusal of receipt of earned rights benefits to which an individual is entitled shall result in ineligibility of the household containing the individual.

Benefit Cap 400-19-45-90

Overview 400-19-45-90-05

(Revised 6/1/10 ML #3218)

View Archives

(N.D.A.C. 75-02-01.2-30.1)

North Dakota HB 1226 included a provision which, effective July 1, 1998, no longer allowed an increase in the TANF benefit to recognize the increase in household size when a child is born to a household member who was a recipient of TANF during the month of the child's probable conception. An exception to this provision is in cases of pregnancy resulting from rape or incest. Continuous TANF eligibility is not needed for the Benefit Cap provisions to apply.

Prior to October 1, 2008, Diversion was considered a TANF benefit and a child conceived in a month in which the household received Diversion was determined to be a Benefit Cap child. Effective October 1, 2008, Diversion policy changed and Diversion is no longer considered TANF benefits.

Effective with the Benefit Month of February 2010, a child who was conceived on or after October 1, 2008 in a month the household received Diversion is no longer considered a Benefit Cap child.

Benefit Cap Factors of Eligibility 400-19-45-90-10

(Revised 8/1/11 ML #3272)

View Archives

A child born on or after July 1, 1998, to a household member who was a recipient of TANF during the month of probable conception is identified as a Benefit Cap child. The month of probable conception will be determined by counting back 9 months from the birth month (do not include the birth month of the child when counting back 9 months)

> **Note:** A doctor's statement verifying the month of conception cannot be used to determine whether or not a child is a Benefit Cap child with the exception of premature birth.

In cases in which the probable conception is disputed due to a premature birth, the client will be responsible for obtaining a medical verification (i.e., physician's statement) of the month of conception. In the case of a premature birth, State TANF policy must be contacted in order to ensure correct processing.

In order for the Benefit Cap provision to apply, the mother or father with whom the Benefit Cap child resides must have received a TANF benefit or deemed eligible for a TANF benefit in North Dakota during the probable month of conception. The Benefit Cap provision applies to both parents. In cases where the Benefit Cap child changes residence from one parent to the other parent, the Benefit Cap provision will apply if the other parent received a TANF benefit during the month of conception.

> **NOTE:** Deemed eligible means the parent would have been eligible for a benefit had they not been sanctioned, disqualified or eligible for a $0.00 benefit in the probable month of conception.

There is no TANF eligibility when the only parent in the household is an SSI recipient and the only child is a Benefit Cap child.

A Benefit Cap child is no longer considered a Benefit Cap child if the case in which the child is a Benefit Cap child closes and remains closed for 12 continuous months. The 12 continuous month period is calculated based on months benefits were issued to the household or the household was otherwise deemed eligible.

The Benefit Cap provisions will remain in effect when:

1. The adult parent received a TANF benefit during the month of conception but the case is closed before the birth of the Benefit Cap child and the case is reopened within 12 months of the case closure.
2. The adult parent received a TANF benefit during the month of conception but the case is closed after the birth of the Benefit Cap child and the case reopens within 12 months.
3. The only parent in the household is an SSI recipient but was a TANF recipient during the probable month of conception.
4. The conception occurred while the adult parent received a TANF benefit in North Dakota and the family moved out of state either before or after the birth of the child. The Benefit Cap provisions will apply at the time the family reapplies for assistance in North Dakota if the case has not been closed for 12 continuous months.
5. The Benefit Cap child moves to live outside the household into which the child was born. The Benefit Cap provisions still apply upon the child's return if the household into which the child was born has not been closed for a continuous 12 month period during the Benefit Cap child's absence.
6. If a household reapplies for TANF in the 12th month following case closure, the automated computer system recognizes the household is reapplying within 12 months of case closure and the child remains a Benefit Cap child.

> **Note:** The automated computer system is not able to recognize the child as a Benefit Cap child when eligibility for the 2nd prospective month is processed prior to benefits being issued for the 1st prospective month. Therefore, in these cases, it is imperative to delay processing of the 2nd prospective month until after the 1st prospective month's benefits are issued (issuance indicator is set to 'P' on the TANF Benefit History Window).

The Benefit Cap Provisions do not apply when:

1. The pregnancy is determined to be the result of rape or incest;
2. A case into which the Benefit Cap child was born has been closed for 12 or more continuous months;
3. Conception occurred while an adult parent was in receipt of TANF benefits in another state, then moved to North Dakota and applies for TANF.
4. The child is living in the home of a non-legally responsible relative.
5. The probable month of conception occurred when a parent was under the age of 18 or during the month in which they turned 18.

   Note: While the Benefit Cap provision applies to both parents, its effect is based on whether the parent with whom the child resides was an adult or a minor in the probable month of conception.

6. A child is conceived and born into a TANF household in which no adult received a TANF benefit for reasons other than sanction or disqualification.

   Example #1: Both parents were SSI recipients in the month of probable conception. Since no adult received a benefit, the Benefit Cap provision does not apply.

   Example #2: The only parent in the household is an SSI recipient and was an SSI recipient during the month of probable conception. The Benefit Cap provision does not apply.

   Example #3: One parent is an SSI recipient and the other is receiving TANF. The Benefit Cap provision applies as long as the parent receiving benefits remains in the household.

7. A child was conceived on or after October 1, 2008 in a month in which the legally responsible caretaker was in receipt of Diversion.

Child Support Enforcement for Benefit Cap Children 400-19-45-90-15

(Revised 6/1/10 ML #3218)

View Archives

Effective January 1, 2002, a child subject to the Benefit Cap provision will not be referred to the Child Support Enforcement Agency under the TANF Program. Since a Benefit Cap child is not referred to the Child Support Enforcement Agency:

1. The caretaker does not need to meet Up-front Child Support requirements for the Benefit Cap child(ren) only;
2. Non-cooperation with the Child Support Enforcement Agency for the Benefit Cap child will never result in a sanction against the custodian;
3. Child support income received on behalf of a Benefit Cap child will not be assigned. Instead, it will be sent to the payee identified in the court order.

> **Note:** Any child support income received by the TANF recipient on behalf of a Benefit Cap child is considered unearned income to the household.

Budgeting for Benefit Cap Children 400-19-45-90-20

(Revised 6/1/10 ML #3218)

View Archives

When a household includes a child identified as a Benefit Cap child, the Benefit Cap child is added as an eligible member to the household but the TANF benefit will not be increased to meet the financial needs of that child. The Benefit Cap child will have an "IN" participation code and be treated as such for all other program participation. The TANF Basic Standard of Need will include the needs of the Benefit Cap child when determining eligibility. However, the financial needs of the Benefit Cap child are removed from the final grant amount.

Disqualification for Fleeing Felons, Probation/Parole Violators, Convicted Drug Felons and Misrepresentation of Residence 400-19-45-95

Fleeing Felons and Probation/Parole Violators
400-19-45-95-05

(Revised 6/1/10 ML #3218)

View Archives

(N.D.A.C. 75-02-01.2-72.1)

A fleeing felon is an individual charged or convicted of any felony who has left the jurisdiction of the charging authorities. An individual charged or convicted of any felony in North Dakota who moves within the State of North Dakota is not a fleeing felon.

> **Exception:** A Native American individual charged or convicted of any felony that flees to or from an Indian Reservation within North Dakota is considered a fleeing felon.

A probation or parole violator is an individual determined by the court to have violated the terms of their parole or probation from a felony conviction.

An individual is disqualified from receiving TANF if the individual is a Fleeing Felon or Parole or Probation Violator. Fleeing felons (charged with or convicted of any felony) and parole or probation violators are ineligible to participate in the program.

Fleeing felons and probation/parole violators who are disqualified from receiving TANF assistance continue to have their income and assets considered when determining eligibility for remaining household member(s). Disqualified individuals are permitted applicable income disregards (i.e., standard employment expense allowance, employment incentive disregard and work-related child/adult dependent care). Individuals participating in the JOBS program are eligible for Supportive Services.

Convicted Drug Felon 400-19-45-95-10

(Revised 4/1/2013 ML #3362)

View Archives

An individual convicted of a federal or state felony which occurred after August 22, 1996, involving the possession, use, or distribution of an illegal drug (as defined in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)) may be permanently ineligible to participate in the TANF Program. The individual will be permanently ineligible if in addition to the conviction, there is a sentence consistent with felony conviction. Action to deny or terminate TANF for the individual can be taken only if verification is obtained concerning such conviction. Only convictions overturned in a court of law may be removed.

Note: This does not apply to alcohol-related convictions.

If an individual is convicted of a drug related felony in a local, state, or federal court, the following information must be sent to the Economic Assistance Policy Division for review on the SFN 376 - Drug Related Felony Review form:

- Indicate TANF Program
- Eligibility Worker's Full Name and County Name
- Individual's Date of Birth
- Individual's Full Name, Including Middle Name
- Individual's Case Number
- Individual's Client ID Number
- Individual’s Gender
- Application Date
- Date Case Must be Processed
- Copies of the Criminal Complaint and Judgment or Order which substantiates the individual's drug-related felony.

In order to determine whether an individual's conviction is disqualifying the court documents sent to the state office must include:

1. The date of the offense(s);
2. The sentence or judgment of the court; and
3. The nature of the offense(s).

This information is usually contained in the Criminal Complaint and Judgment document. However, the offense date is not always listed on the Criminal Complaint and Judgment.

If the Criminal Complaint and Judgment document does not contain the offense date(s), please request a copy of the “Information” or "Criminal Information" document from the arresting authority and forward it to the state office. The "Information" or "Criminal Information" document will include the offense date(s).

The State TANF Office will review the information to determine if the conviction disqualifies the individual from the TANF Program and notify the worker.

Convicted drug felons who are disqualified from receiving TANF assistance continue to have their income and assets considered when determining eligibility for remaining household member(s). Disqualified individuals are permitted applicable income disregards (i.e., standard employment expense allowance, employment incentive disregard and work-related child/adult dependent care). Individuals participating in the JOBS program are eligible for Supportive Services.

Individuals who have been disqualified from TANF due to a drug related felony may regain eligibility. Upon completion of the review by the state, eligibility workers will receive a formal notification indicating if the individual is disqualified. This notification will include wording indicating whether the disqualification can be reduced to a misdemeanor. It is NOT up to the eligibility worker to monitor if an individual can regain eligibility. However, all drug related felony convictions should be reviewed at application and review.

If an individual reports, or it is discovered, that a felony has been reduced to a misdemeanor, the eligibility worker must complete the SFN 376 with the required information and resubmit the Criminal Complaint and judgement documents to the Economic Assistance Policy Division.

The earliest date an individual may regain eligibility is the benefit month following the month the client reports or the change is discovered. If the client regains eligibility, the eligibility worker will receive notification from the State office indicating the month for which the client has regained eligibility.

> **Note:** The eligibility worker will need to uncheck the 'Felony Drug Conviction: Offense committed after 8-22-96' checkbox on the Felony Information Window in the Benefit Month equal to the month indicated on the notice from State Office.

Mispresentation of Residence 400-19-45-95-15

(Revised 6/1/10 ML #3225)

View Archives

Part A, Section 408 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 implemented a provision which prohibits a State to which a grant is made under section 403 from using any part of the grant to provide cash assistance to an individual during the 10-year period that begins on the date the individual is convicted in Federal or State court of having made a fraudulent statement or representation with respect to the place of residence of the individual, in order to receive TANF, Medicaid, SNAP or SSI simultaneously from 2 or more States.

> **Note:** This provision does not apply with respect to a conviction of an individual, for any month beginning after the President of the United States grants a pardon with respect to the conduct which was the subject of the conviction.

Any individual convicted in federal or state court of having made a fraudulent statement or representation after July 1, 1997, with respect to their place of residence in order to receive TANF, Medicaid, SNAP or SSI simultaneously from two or more states shall be disqualified from TANF for a period of 10 years, effective the date of conviction.

> **Note:** If the individual was not in receipt of TANF when convicted in federal or state court of receiving Medicaid, SNAP and/or SSI in 2 states simultaneously, a 10-year penalty must be imposed for TANF.

If the court conviction does not include the period of disqualification, the TANF Eligibility Worker must forward the following information to the Appeals Supervisor to process the findings under the Intentional Program Violation (IPV) provisions.

- Criminal Complaint;
- Judgment or Order; and

- A cover letter detailing the violation and providing the name, address, and Vision Case and Client ID number. Inclusion of any prior disqualifications should also be noted.

Upon receipt of the Findings and Order, signed by the Executive Director of the Department, the period of disqualification for the IPV will remain 10 years if it is the individual's first or second, and permanently, if it is the individual's third.

If an individual is not convicted in federal or state court after July 1, 1997, but has made a fraudulent statement or representation, with respect to their place of residence in order to receive TANF simultaneously from two or more states, the 10 year penalty cannot be applied. However, the individual shall be referred for Intentional Program Violation (IPV). If it is the individual's first IPV, the disqualification penalty is 1 year, if it is the second IPV, the disqualification penalty shall be 2 years. If it is the individual's third IPV, the penalty is a permanent disqualification. (See Section 400-19-135-20, Types of Intentional Program Violations.)

Individuals convicted of Misrepresentation of Residence who are disqualified from receiving TANF assistance continue to have their income and assets considered when determining eligibility for remaining household member(s). Disqualified individuals are permitted applicable income disregards (i.e., standard employment expense allowance, employment incentive disregard and work-related child/adult dependent care). Individuals participating in the JOBS program are eligible for Supportive Services.

Eligibility Factors for Migrant Households 400-19-45-100

(Revised 6/1/10 ML #3218)

View Archives

All factors of eligibility for TANF apply to migrant households.

Eligibility Factors for Refugee Households 400-19-45-105

(Revised 8/1/11 ML #3272)

View Archives

Currently, Lutheran Social Services (LSS) provides services to all Refugees during the first eight (8) months they reside in the United States, and may refer the family to TANF after the eight (8) month period. As a result of a change in Federal Law, Refugees who arrive on or after October 1, 2010, will no longer receive Refugee Cash Assistance from LSS during the first eight (8) months they reside in the this country if the household meets the eligibility criteria for TANF. However, Refugee's eligible for TANF will receive the Reception and Placement assistance and some case management services from LSS during this period.

> **Note:** Lutheran Social Services will continue to provide cash assistance, case management and employment services for individuals that are not TANF eligible.

LSS will provide Reception and Placement Program services to individuals eligible for TANF for 90 days from the date of entry. After the 90 days, LSS will continue to provide limited case management services. Case management services will be provided by the JOBS Employment Contractors, as is done with all JOBS participants.

All factors of eligibility for TANF apply to Refugee Households.

LSS will provide a payment to TANF eligible Refugees, in an amount equal to the difference between the TANF benefit and the Refugee Cash Assistance Benefit. These benefits will be paid directly to the landlord as a Vendor Payment and therefore are not countable for TANF.

> **Note:** Since these payments are paid directly to the landlord for rental expenses, households will be considered as receiving a housing subsidy and will not be eligible for the $50 housing allowance.

The unrestricted money payment is the basic method for providing assistance to eligible households. However, the individual must have a Social Security Number (SSN) in order to issue the TANF benefit through use of the electronic funds transfer. For households where the Primary Individual (PI) does not have an SSN, payment of the TANF benefits must be issued through the Protective Payee method until the PI receives their SSN.

Once the SSN is received, enter the SSN and remove the Protective Payee data. That information will then be sent to US Bank who will set up an account and issue the household a TANF ReliaCard.

Eligibility Rules Governing Participation (Codes) 400-19-50

(Revised 10/1/10 ML #3241)

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The automated computer system is programmed with the participation and eligibility rules which govern TANF. These rules determine the participation code which calculates the benefit level for each household based on all factors of eligibility.

Each individual's eligibility to participate as well as their effect on others found eligible are detailed as follows:

- **SSI Recipient (SS):** An individual in receipt of Supplemental Security Income (SSI), including those in receipt of presumptive SSI.

  An SSI individual is not included as a member of the TANF household. The income and equity value of all assets owned solely or jointly by any SSI recipient shall be exempt in determining TANF eligibility. SSI Recipients are not eligible to participate in the JOBS Program and are not eligible to receive JOBS Supportive Services.

- **Minor Parent's Parents (MP)**: A mother and father (natural or adoptive) who are not otherwise eligible for TANF and who have a child who is a minor parent and the minor parent and minor parent's child reside with them.

  The income (but not assets)of the minor parent's parents is considered available to the TANF household and is subject to the same disregards as stepparents when determining eligibility for remaining household member(s). The minor parent's parents are not eligible to participate in the JOBS Program and are not eligible to receive JOBS Supportive Services.

When minor parent budgeting is used, no child support assignments are filed against the parents because their income is already taken into account.

- **Stepparents (ST):** A person married to a parent of a child to whom the person is not the parent either by birth or adoption.

  Note: The individual will not be treated as a stepparent if the individual has a natural or adopted child residing in the home and is in receipt of TANF.

Stepparent's income and assets are considered, and allowable disregards and expenses are deducted when determining eligibility for remaining household member(s). (See Section 400-19-55-05-20, Stepparent Assets and Section 400-19-55-15-30, Stepparent Income.) Stepparents are not eligible to participate in the JOBS Program and are not eligible to receive JOBS Supportive Services.

- **Ineligible Individuals (OU):**

  1. **Ineligible Caretakers (OU):** Caretakers who have children residing with them for whom they are not the parent but to whom they are related within the 5th degree of relationship.

     Ineligible caretakers are not included as members of the TANF household and their income and assets are not considered when determining eligibility for remaining household member(s). These individuals are not eligible to participate in the JOBS Program and are not eligible to receive JOBS Supportive Services.

  2. **Pay After Performance Caretakers (OU):** Caretakers who have children residing with them to whom they are related within the 5th degree, who are ineligible for their portion of the TANF grant for four months, beginning the month of application, as they are not meeting the Federal Work Requirements.

Pay After Performance Caretakers are included as members of the TANF household and their income and assets are considered when determining eligibility for remaining household member(s). These individuals are permitted applicable income disregards (i.e., standard employment expense allowance, employment incentive disregard and work-related child/adult dependent care) and are also eligible to receive Supportive Services.

3. **Ineligible Household Members (OU):** Individuals who are:

   a. Not related to the Primary Individual within the 5th degree;
   b. Children related within the 5th degree to the Primary Individual but who do not meet the age requirements or are not deprived of parental support and care;
   c. Residing in a public institution for a full calendar month;
   d. Not a resident of the State of North Dakota;
   e. Married caretakers who have a child residing with them, to whom they are not related in the 1st degree; and
   f. Individuals who are not otherwise eligible.

   Ineligible Household Members are not included as members of the TANF household and their income and assets are not considered when determining eligibility for remaining household member(s). These individuals are not eligible to participate in the JOBS Program and are not eligible to receive JOBS Supportive Services.

- **Disqualified Alien (DA):** These are individuals who are not US citizens and do not meet the citizenship requirements of the TANF Program.

  Disqualified Aliens are not included as members of the TANF household but continue to have their income and assets considered when determining eligibility for remaining household member(s). Disqualified Aliens are permitted applicable income disregards (i.e., standard employment expense allowance, employment incentive

disregard and work-related child/adult dependent care). Disqualified Aliens are not eligible to participate in the JOBS Program and are not eligible to receive JOBS supportive services.

- **Disqualification for Fleeing Felons, Probation/Parole Violators, and Convicted Drug Felons (DD):** Individuals charged or convicted of any felony who has left the jurisdiction of the charging authorities, individuals determined by the court to have violated the terms of their parole or probation from a felony conviction, and individuals convicted of a federal or state felony involving the possession, use, or distribution of an illegal drug.

  Fleeing Felons, Probation/Parole Violators and Drug Felons who are disqualified from receiving TANF assistance continue to have their income and assets considered when determining eligibility for remaining household member(s). These individuals are permitted applicable income disregards (i.e., standard employment expense allowance, employment incentive disregard and work-related child/adult dependent care). These individuals are eligible to receive Supportive Services if participating in the JOBS Program.

- **Disqualified Fraud/Misrepresentation of Residence (DF):** An individual who:

  1. Has had an Intentional Program Violation (IPV) imposed through court conviction, disqualification consent agreement, or Administrative Disqualification Hearing (ADH); or
  2. Has been convicted in federal or state court of having made a fraudulent statement or misrepresentation of their state of residence after July 1, 1997 and has received assistance in more than one state for the same month.

  Individuals who are disqualified due to Fraud or Misrepresentation of Residency are disqualified from receiving TANF assistance and continue to have their income and assets considered when determining eligibility for remaining household member(s). These individuals are permitted applicable income disregards (i.e., standard employment expense allowance, employment incentive disregard and work-related child/adult dependent care). These individuals are

eligible to receive Supportive Services if participating in the JOBS Program.

- **Disqualified JOBS (DI):** An individual who is disqualified for non-compliance with the JOBS Program.

  Disqualified JOBS individuals are disqualified from receiving TANF assistance and continue to have their income and assets considered when determining eligibility for remaining household member(s). These individuals are permitted applicable income disregards (i.e., standard employment expense allowance, employment incentive disregard and work-related child/adult dependent care). These individuals may be eligible to receive Supportive Services if participating in the JOBS Program (e.g. completing a POP to cure a sanction).

- **Disqualified Child Support (DM):** An individual who is disqualified for non-compliance with the Child Support Enforcement Program.

  Disqualified Child Support individuals are disqualified from receiving TANF assistanceand continue to have their income and assets considered when determining eligibility for remaining household member(s). These individuals are permitted applicable income disregards (i.e., standard employment expense allowance, employment incentive disregard and work-related child/adult dependent care). These individuals are eligible to receive Supportive Services if participating in the JOBS Program.

- **Out of Home (OH):** An individual who does not reside in the home whose personal needs are included in the TANF grant.

  Out of Home individuals are eligible for a monthly personal needs allowance of $45, and their income and assets are considered when determining eligibility for remaining household member(s). These individuals are permitted applicable income disregards (i.e., standard employment expense allowance, employment incentive disregard and work-related child/adult dependent care). These individuals are eligible to receive Supportive Services if participating in the JOBS Program.

- **Eligible (IN):** An individual who is or is deemed to be residing in the home and is eligible for TANF, including individuals who meet the Work Requirements during a Pay After Performance period.

  Eligible individuals are included in the full TANF Basic Standard of Need and their income and assets are considered when determining eligibility for the household. These individuals are permitted applicable income disregards (i.e., standard employment expense allowance, employment incentive disregard and work-related child/adult dependent care). These individuals are eligible to receive Supportive Services if participating in the JOBS Program.

- **Unborn (UB):** The unborn child of a pregnant woman.

TANF Financial Eligibility Factors 400-19-55

Assets 400-19-55-05

(Revised 6/1/10 ML #3218)

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Assets, not otherwise exempt, that are available to an applicant or recipient (including children) that are in excess of the TANF asset limits are considered available to meet the financial needs of the household and cause ineligibility for TANF. Assets include real or personal property and liquid assets which a household owns and can apply, either directly or by sale or conversion, to meet basic needs of food, clothing, shelter, etc.

Asset Limits 400-19-55-05-05

(Revised 6/1/10 ML #3218)

View Archives

(N.D.A.C. 75-02-01.2-22)

The asset limit for the TANF Program is:

- $3,000 for one person;
- $6,000 for two-person household; and
- $25 for each additional person.

Asset Availability 400-19-55-05-10

(Revised 6/1/10 ML #3218)

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(N.D.A.C. 75-02-01.2-21)

Assets must be available to the TANF household for current use. To be considered an asset, an interest in property (real or personal) must be owned by the individual and available for disposition. In general, an individual who has legal title to property has the right to control and dispose of it. If property cannot be disposed of, it is not an available asset.

All assets owned by any SSI recipient shall be exempt in determining TANF eligibility. An asset owned solely or jointly with an SSI recipient is exempt.

All assets owned individually or jointly are presumed available to the household.

1. Assets owned jointly by members of separate households, where there is a legal obligation to support, are also presumed available, in their entirety, to the TANF household.
2. Real property owned jointly by members of separate households, where there is no legal obligation to support must have the equity value equally divided among all property owners. The applicant/recipient's share is considered when determining eligibility. However, if the applicant or recipient can show that the assets are in fact not available, those assets may be exempt. If the applicant or recipient can demonstrate that it has access to only a portion of a given asset, only that portion will be considered.

An asset shall be considered not available if it cannot be practically subdivided and/or the household's access to the asset is dependent on the

agreement and cooperation of a joint owner who refuses and cannot reasonably be forced to comply (e.g. motor vehicle).

Liquid (e.g. bank accounts, certificates of deposits, etc.) and non-liquid (e.g. real or personal property, etc.) assets owned solely or jointly but which can be made available to the applicant or recipient, are considered in their entirety.

An individual identified on an account signature card as an individual who can draw on the account of a non-household member has no legal ownership of the funds in the account. Thus, the funds are not considered available and are exempt as an asset.

A checking or savings account is sometimes opened jointly in the names of a non-household member and the applicant or recipient of TANF. Such accounts are established for the convenience of the parties involved. However, the TANF applicant or recipient may not have contributed to the account and may or may not have knowledge of its existence. Regardless of the source of the funds, whenever the applicant or recipient is a joint account holder and can legally withdraw funds from that account, the individual is presumed to have unrestricted access to the funds. As such, the individual is deemed to be the sole owner of those funds.

If it is clearly established that, despite having access to the account, the household has neither contributed to nor withdrawn funds from the account, the applicant or recipient should be given the opportunity to have their name removed from the account or, by other action, preclude all access to the funds.

- If the household is in the process of applying for TANF, such action must be taken before the initial benefit is authorized.
- If the household is already receiving TANF, the action must be completed within 30 days of notification by the TANF Eligibility Worker.

In both situations, failure to do so will result in consideration of the asset when determining eligibility for TANF.

An asset may be temporarily unavailable (exempt) while the family is taking reasonable measures to overcome a legal impediment. Examples of a legal impediment are divorce proceedings that will eventually result in the distribution individually of jointly owned property and the refusal of other owner(s) to agree to the sale of jointly held assets. A jointly owned vehicle that is taken by a deserting parent may not be a "currently available" asset but may later become available when the legal impediment is overcome. On rare occasions, the process of liquidating an asset, even though technically "available" to the family, would be unreasonable to pursue, particularly if costly litigation is required. Such assets, on a carefully evaluated case-by-case basis, can be disregarded.

The question of availability is particularly critical to individuals being served by shelters for abused women and children. Assets, regardless of ownership rights, may have to be at least temporarily considered inaccessible until such time as the legal and social ramifications can be resolved. Staff are urged not to apply the "availability" concept so stringently as to risk worsening an already tense situation.

As in all instances in which there is a question of ownership, the household should be given the opportunity to present evidence in rebuttal of the presumption that a joint account is an available asset. A successful rebuttal will result in a finding that the funds in the joint account are in fact not owned by the TANF household. For example, when the funds are clearly available to the TANF household only in the event of the co-owner's death, access is restricted and the funds are therefore not an asset. The funds are likewise not an asset to the TANF household if withdrawals from the account are possible only with the surrendering of the passbook, which is not accessible to the applicant or recipient, or with dual signatures and the co-owner will not sign.

Staff must be alert to interruptions in eligibility resulting from changes in assets (e.g., conversion from one form of asset to cash or an increase in the value of an asset). Applicants and recipients should understand that

they are required to report such changes. Although eligibility normally does not exist during any month in which the equity limitation on assets is exceeded, funds from the sale of an exempt asset or from a property insurance settlement can be temporarily reserved for the replacement or repair of an essential item such as a house, car, furniture, or appliance. In this instance, the household should indicate immediately that it intends to replace or repair a given item and should be given 30 days to complete the repair or replacement of the exempt asset. The repair or replacement of a house may take considerably longer. This time can be extended as appropriate or for extenuating circumstances.

Assets, once determined available for current use, must be reasonably evaluated in accordance with their equity value (fair market value minus legal debts). A reasonable evaluation of an asset is an amount that a willing buyer would pay. In some instances, the asking price of an asset may need to be lowered, perhaps more than once, until such time as there is a market.

Proceeds from the sale of an asset continue to be an asset subject to the appropriate asset level.

Neither the household's TANF benefit, nor the income (earned and unearned), taken into account in determining the benefit for a particular month is to be considered part of the asset test for that same month.

Countable Assets 400-19-55-05-15

(Revised 7/1/2012 ML #3334)

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(N.D.A.C. 75-02-01.2-25)

Countable assets include, but are not limited to, the following:

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 review, the TANF Eligibility Worker must determine whether the judgments are still on file or whether the debtor has any change in assets.

2. **Income Producing Property** -- The equity value of income producing property is considered a countable asset. Examples of income producing property include real property (i.e., farm land, apartment building, house other than primary residence), crops, livestock, grain in bin, tools, equipment, vehicles used for business, and business bank accounts.

3. **Individual Indian Monies Accounts** -- The value of all interests of Individual Indian Monies Accounts in trust or restricted lands, including mineral rights, are exempt from the asset limit pursuant to the Indian Judgment Distribution Act of 1973.

Monies in IIM accounts are payments from range unit leasing, farm leases, gravel pit contract, sales, etc. Any portion that is not counted as income for a month, if retained by the household, would count as an asset the following month.

4. **Life Estates and Remainder Interests** -- Real property interests may be divided in terms of the time when the owner of the interest is entitled to possession of the property. The owner of a life estate is called a "life tenant" and is entitled to possession of the real property for a period of time measured by the lifetime of a specific person or persons. A life tenant has the right to use the property and is entitled to any rents or profits from the property. A life tenant may sell the life estate, but such a sale does not change the identity of the person or persons whose lifetimes measure the duration of the life estate. A life estate may also be referred to as a "life lease."

   When a life estate is created, the right to possess the real property after the death of the life tenant must also be created. That right is called a "remainder interest," and the owner of that right is called a "remainderman." Upon the death of the life tenant, the remainderman owns the real property. The remainderman is not entitled to possess or use the property until the death of the life tenant. The remainderman does, however, have the right to sell the remainder interest.

   In order to determine the value of a life estate or remainder interest, it is necessary to first know the age of the life tenant or, if there is more than one life tenant, the age of the youngest life tenant and the fair market value of the real property subject to the life estate or remainder interest. The value of the life estate or remainder interest is determined by the automated computer system. (Refer to the Life Estate and Remainder Interest Table on the County Intranet (P: Drive) under TANF Hard Cards.)

5. **Life Insurance Cash Surrender Value** -- Cash surrender value of life insurance, cash and savings (including those of eligible children), accounts receivable.

6. **Liquid Assets** -- Liquid assets such as cash on hand, checking, savings and money market accounts, certificate of deposits, stocks, bonds, etc.

Many benefit programs deposit an individual's monthly benefit onto a debit card. Any balance remaining on these debit cards are considered a liquid asset beginning the month following the month it was deposited on the card and counted as income. Examples of these benefit programs are Unemployment Insurance Benefits (UIB), Child Support benefits, Workforce Safety and Insurance (WSI), Social Security Administration Benefits (SSA), etc.

7. **Mineral Rights** – Value of the right to search for and remove minerals from the land.

   Mineral rights are often more difficult to establish a value. TANF often accepts valuations from sources such as appraisers; however, if evidence shows that an appraised value is not accurate, or is at least questionable, we must seek further information to establish true fair market value.

   To determine the value of mineral rights:

   a. If determining the value for mineral rights currently for sale:

      - The fair market value is the value established by a good faith effort to sell. The best offer received establishes the value.

        A good faith effort to sell means offering the mineral interests to at least three (3) companies purchasing mineral rights in the area, or by offering for bids through public advertisement.

   b. If determining the value for mineral rights sold or transferred in the past, the fair market value is:

      i. If the minerals are producing, three (3) times the annual royalty income based on:
         - Actual royalty income from the 36 months following the transfer; or
         - If 36 months have not yet passed, based on actual royalty income for the months that have already

passed, and an estimate for the remainder of the 36 month period.

ii. If the minerals are not producing, but the mineral rights are leased, two (2) times the lease amount (based on the actual lease and not the yearly lease amount).

iii. If the mineral rights are not leased, the greater of two times the estimated lease amount or the potential sale value of the mineral rights, as determined by a geologist, mineral broker, or mineral appraiser.

In determining current or previous value, an applicant or recipient may provide persuasive evidence that the value established using the above process is not accurate. Likewise, if an established value is questionable, the Department may require additional evidence be provided to establish estimated fair market value.

8. **Real and Personal Property** -- Real and personal property such as land, life estate, remainder interest, pensions, recreational vehicles, cabins, mobile homes not owner-occupied, livestock, machinery, 401K, etc.

9. **Retirement Plans** – Private retirement plans are countable. Funds held in employer-sponsored retirement plans, are not countable while an individual is employed with the company holding the retirement plan.

10. **Trusts** -- Trust assets available for disposal or use by the TANF household. This does not include trust assets held by a member of the TANF household as trustee unless the trust beneficiaries are also members of the TANF household. If the TANF Eligibility Worker is not certain whether an arrangement constitutes a trust, contact the Legal Advisory unit. Submit all trusts to the Legal Advisory unit for review and identify who is applying for assistance, send a complete copy of the trust agreement, provide verification of all assets owned by the trust, and provide any other relevant documents or information.

11. **Vehicles** -- With the exception of one vehicle of any equity value per TANF household, the equity value of all additional vehicles owned by members of the TANF household is considered a countable asset. To

determine the value of a vehicle, use the average trade-in value with no add on's found in one of the reliable used car guides (NADA Car Guide or Kelley Blue Book, etc.), either hard copy or on the internet.

12. **Workers with Disabilities PASS Accounts** -- The assets excluded under the Workers with Disabilities coverage group as an approved plan to achieve self-support (pass) are countable assets under TANF.

Stepparent Assets 400-19-55-05-20

(Revised 6/1/10 ML #3218)

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A stepparent's assets, whether owned exclusively by the stepparent or jointly with the natural parent, are considered available in their entirety to the spouse and the stepparent. When the TANF household with a stepparent includes the natural parent, the equity value of those assets must fall within program asset limitations or the entire household is ineligible. If the natural parent is not in the household but the children remain in the household with the step-parent, since the stepparent must be included as an eligible household member, the assets of the stepparent and children are considered.

Documentation/Verifications of Assets 400-19-55-05-25

(Revised 6/1/10 ML #3218)

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Savings, Cash, Investments, Etc.

When an individual has declared ownership of these assets the individual will generally have documents in their possession to establish ownership and valuation of the asset. If the individual does not have documents to establish ownership and valuation of the asset, this information can be obtained from the custodian of the funds or the investment organization.

For those situations in which the individual denies ownership of assets and the statement is questionable, a basis for a decision of non-ownership needs to be established, which could include:

- Evaluating the individual's past circumstances and present living standards to determine the possibility of these assets.
- Requesting verifications of one or more nearby neighborhood banks to establish that the individual does not have accounts at these institutions.

> **Note:** The individual should be asked where checks are cashed, or what banks or institutions were used for past transactions, or what source of financing was used for major purchases. Through a thorough and well-directed interview, leads can be obtained for verification sources to establish ownership or non-ownership of these resources.

Automobile Ownership

The primary verification for ownership is the Department of Transportation, Motor Vehicle. This agency can establish whether the client owns a vehicle. The motor vehicle registration can also be used to establish non-ownership of a vehicle.

Reliable used car guides (NADA Car Guide or Kelley Blue Book, etc.) can be used to establish the value of motor vehicles. Another source which can be used to establish valuations are car dealers who can give approximate valuation based on make, year, and model of the vehicle.

Document or other record generally available from the individual

- Bank books
- Savings & Loan statements
- Bank statements
- Mortgages
- Car title and registration
- Auto financing data

Life Insurance

When an individual declares ownership of insurance, the individual will generally be able to present the policies for verification of the resource. If the value of the insurance policy is unable to be determined, the issuing company can furnish data as to the policy's cash surrender value.

Document or other record generally available from the individual

- Insurance Policies
- Burial Agreements with Funeral Director
- Insurance payment book
- Employer's insurance records
- Club—lodges—Fraternal associations
- Funeral Director
- Relatives and friends holding policies for client
- Veteran's Administration records

Exempt Assets 400-19-55-05-30

(Revised 4/1/2013 ML #3362)

View Archives

(N.D.A.C. 75-02-01.2-23)

(N.D.A.C. 75-02-01.2-25)

The following assets are exempt when determining asset eligibility for TANF households:

1. **Agent Orange Settlement Program** -- Pursuant to Public Law 101-201, Agent Orange settlement payments are exempt.

2. **Basic Maintenance Items** – Basic maintenance items such as clothing, furniture, appliances, and personal effects.

3. **Burial Plots** -- A burial plot for each family member.

4. **Burial Prepayments or Deposits** --Any prepayments or deposits which total $3000 or less, which are designated and maintained by an applicant or recipient for their burial.

5. **Children of Female Vietnam Veterans with Birth Defects Allowances** -- These allowances, paid under Public Law 106-419 are exempt in determining eligibility and level of benefits under any federal or federally assisted program covering children with certain covered birth defects. This statute provides for monthly allowances, based on the degree of disability suffered by the child. The amounts range from $100 to $1272 monthly.

6. **Children of Vietnam Veterans Born with Spina Bifida Payments** -- Payments made pursuant to Public Law 104-204 to children of Vietnam veterans who are born with spina bifida shall be exempt in determining TANF eligibility.

7. **Crime Victim Compensation** -- Crime victim compensation is exempt.

8. **Earned Income Tax Credit** -- Federal Earned Income Tax Credit (EITC) refunds are exempt in the month of receipt and month following receipt.

   Note: These funds become a countable asset beginning the second month following the month of receipt.

9. **Economic Stimulus Tax Rebates** -- Economic Stimulus Tax Rebates are exempt assets in the month of receipt and the following two months.

   Note: These funds become a countable asset beginning the third month following the month of receipt.

10. **Educational Loans, Grants, Scholarships and Stipends** -- Student assistance programs, for both undergraduate and graduate students, are exempt.

    Note: Any stipend received while attending training that is specifically identified to cover the cost of daily living expenses must be counted as unearned income, as it is intended to cover the same basic needs as those provided under TANF.

11. **Home** -- The house or mobile home which is the usual residence of the TANF household. A home is defined as including the land on which it is located provided the acreage does not exceed 20 contiguous acres, if rural, or two (2) contiguous acres, if located in town.

    Temporary absences for reasons of medical necessity, educational plans, or other good cause, usually approved in advance, do not constitute loss of the exemption if the intent is to return to the home.

12. **Income Tax Refunds** -- Federal or state income tax refunds are exempt for a period of 12 months from the month of their receipt.

13. **Indian Per Capita and Judgment Funds** – Indian per capita funds and judgment funds awarded by either the Indian Claims Commission or the Court of Claims after October 19, 1973, while held in trust, are

exempt assets. This includes interest and investment income accrued on such funds.

> **Note:** The funds must be identifiable and distinguishable from other funds. If commingled with any other countable assets, these funds become a countable asset beginning the second month following the month commingled.

Purchases made using per capita or judgment funds and the interest or investment income accrued on such funds, while held in trust are exempt. However, once sold, the item purchased loses its exemption.

(Refer to Section 400-19-55-25, Disregard of Certain Income, for policy on the treatment of Indian Per Capita income.)

14. **Indian Trust or Restricted Land -** Indian Trust or restricted lands are exempt assets. The proceeds from the sale of these lands are also exempt provided the proceeds are held with the original trust. When paid out, the proceeds remain exempt as long as they are not commingled with other funds

15. **Individual Development Accounts (IDA)** – Funds received through a grant made available under Section 403 of the Personal Responsibility and Work Opportunity Act of 1996 (PRWORA – Public Law 104-193) to enable individuals to acquire a lasting asset after saving for an extended period of time. Currently, this grant is being administered by Community Action Programs.

16. **Individual Indian Monies Accounts** -- The value of all interests in Individual Indian Monies Accounts held in trust are exempt from the asset limit pursuant to the Indian Judgment Distribution Act of 1973.

    (Refer to Section 400-19-55-20-15, Countable Unearned Income Types, for policy on the treatment of income from Individual Indian Monies (IIM) accounts.)

17. **Loans** --A loan from any source with written documentation verification that is subject to repayment.

18. **Minor Parents' Parents Assets** – The assets of minor parents' parents shall be exempt in determining TANF eligibility.

19. **Radiation Exposure Compensation Act Settlement Payments** - Payment settlements as a result of the Radiation Exposure Compensation Act (P.L. 101-426) are exempt as long as settlement payments and accrued interest are kept separate and apart from countable assets. Commingling of funds renders the entire account countable as an asset.

20. **Real Property Listed for Sale** - If a TANF household owns real property and the household is making a good faith effort to sell the property, it shall be exempt from the asset limits.

    Steps that demonstrate a "good faith" effort to sell require listing with a real estate agency where such services are available. If such services are not available, the "good faith" effort to sell must be demonstrated by the posting of "For Sale" signs and classified advertisements in local newspapers. Newspaper advertisements must be purchased at least every six months and appear five consecutive days in a daily newspaper or two consecutive weeks in a weekly newspaper. TANF households are required to set a realistic asking price and to publish the asking price. The asking price must be based on market analysis by a realtor, appraisal, or any other method which produces an accurate reflection of fair market value. A "good faith" effort to sell requires the acceptance of any offer that meets or exceeds 75% of the published asking price. Failure to demonstrate a "good faith" effort to sell will result in the loss of the real property asset exemption.

21. **Rental and Utility Rebates and Deposit Refunds** - Rebates and deposits from rental and utility companies are exempt in the month of receipt and month following receipt.

    Note: These funds become a countable asset beginning the second month following the month of receipt.

22. **Retirement Plans** – Funds held in employer-sponsored retirement plans are not countable while an individual is employed with the company holding the retirement plan. However, private retirement plans are countable.

23. **SSI Recipients Assets** - The equity value of all assets owned by any SSI recipient are exempt. Solely or jointly owned assets with an SSI recipient are considered exempt assets.

24. **Tribal High School Graduate/GED Payments** - Payments from Tribes within North Dakota to tribal members who graduate from high school or receive a GED are considered non-recurring lump sum. These payments are an exempt asset in the month following the month of receipt.

25. **Vehicles** - One vehicle limited to car, van, or pick-up normally used as a family vehicle of any equity value. The vehicle with the greatest equity value will be exempted.

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

(Revised 4/1/2012 ML #3309)

View Archives

(N.D.A.C. 75-02-01.2-26)

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 TANF. The household's intent, 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. On-going cases must be periodically reviewed 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 divided by $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 tansfer 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.

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 period of ineligibility that was 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.

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'.

Income 400-19-55-10

Definition of Income 400-19-55-10-05

(Revised 6/1/10 ML #3218)

View Archives

(N.D.A.C. 75-02-01.2-44)

Income is the gain or benefit, earned or unearned, derived from labor, business, capital, or property which is received or is available to the TANF household for current maintenance. It is considered when actually available and when the applicant or recipient has a legal interest in a liquidated sum and has the legal ability to make such sum available for support or maintenance.

Occasionally an employee normally paid on a given day of a month is paid earlier or later than normal. In such instances, income shall be considered as being received on the date the income is normally received.

> **Example #1:** A pay check normally received on the first day of January is paid prior to January 1, due to the holiday. This income should be budgeted as received in January, because January 1 is the normally occurring schedule.

> **Example #2:** An individual usually paid on December 31 is paid after January 1. This income should be considered as received in December because the normally occurring pay schedule is a December date.

Yearly self-employment income must be averaged over the number of months the business was in operation, even if the income is received in fewer months. The income that results from this prorate applies to

applicants and recipients, and is used to determine eligibility and the benefit amount.

Income received on a contractual basis must be averaged over the number of months covered by the contract even if the income is paid in fewer months at the convenience or option of either party. The income that results from this prorate applies to applicants and recipients, and is used to determine eligibility and the benefit amount.

Terminated Source of Income 400-19-55-10-10

(Revised 7/1/12 ML #3334)

View Archives

For purposes of this section:

- Source: An entity from whom income, earned or unearned, is received.
- Terminated: Income, earned or unearned, that stops or ends and is not anticipated to begin again.

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 if it is received in the 1st retrospectively budgeted month.

Example: The 1st and 2nd prospective months are January and February and the 1st retrospectively budgeted month is March.

- If the income ends in January or February and none is received in the calendar month of March, the income is considered a terminated source of income.

- If the income continues to be received in the calendar month of March, it is not considered from a terminated source and January income would be counted when determining March benefits.

If income is not received in the 1st retrospectively budgeted month, but in a later month the individual receives income from the same source (e.g. rehired to same job, begins receiving the same type of unearned income, etc.), the income received during the 1st or 2nd prospective months continues to be considered terminated source income.

Exception: Income received by an individual who is on temporary leave and who expects to return to the same employment when the leave ends is not considered income from a terminated source.

Terminated Source of Income is not counted when retrospective budgeting.

Voluntary or Court Ordered Support payments for children and caretakers (in the case of spousal support) eligible for TANF are assigned to the State of North Dakota upon authorization of the initial month of TANF eligibility. Therefore, once assigned, any support retained by the household for an eligible child or caretaker is treated as a terminated source of income.

The following examples illustrate the treatment of terminated source income under two-month retrospective budgeting.

Example # 1: Applicant With Recurring Income Which Ends During First Prospective Month

Client applies in January and receives $200 unearned income. The unearned income ends during January.

	Prospective		Retrospective		
Benefit Month	JAN	FEB	MARCH	APRIL	MAY
Base Month	JAN	FEB	JAN	FEB	MAR
Need Standard	523	523	523	523	523
Net Income	-200	-0	-0*	-0	-0
TANF Benefit	323	523	523	523	523

* The $200 unearned income received in January is considered income from a terminated source, as it ends in the 1st prospective

month. It is prospectively budgeted in January then corrected, if necessary, when actuals are received. It is not counted again in the first retrospective benefit month (March).

Example #2: Applicant With Recurring Income Which Ends During Second Prospective Month

Individual applies in January and receives $200 unearned income in February. The unearned income ends during February.

	Prospective ➡		Retrospective ➡		
Benefit Month	JAN	FEB	MARCH	APRIL	MAY
Base Month	JAN	FEB	JAN	FEB	MAR
Need Standard	523	523	523	523	523
Net Income	-0	-200	-0	-0*	-0
TANF Benefit	523	323	523	523	523

* The $200 unearned income received in February is considered income from a terminated source as it ends in the 2nd prospective month. It is prospectively budgeted in February then corrected, if necessary, when actuals are received. It is not counted again in retrospective benefit month of April.

Example #3: Applicant With Recurring Income Which Ends During First Or Subsequent Retrospective Months

Individual applies in January and receives $200 unearned income in January, February and March. The final payment from this unearned income source is received in March.

	Prospective ➡		Retrospective ➡			
Benefit Month	JAN	FEB	MARCH	APRIL	MAY	JUNE
Base Month	JAN	FEB	JAN	FEB	MARCH	APRIL
Need Standard	523	523	523	523	523	523
Net Income	-200	-200	-200*	-200	200**	-0
TANF Benefit	323	323	323	323	323	523

* The $200 unearned income received in January and February is considered recurring income and NOT income from a terminated source. It must be budgeted in both the prospective benefit months (January and February) and the retrospective benefit months (March and April).

** The $200 unearned income received in March must be budgeted against the May benefit.

Income Resulting from the Receipt of an Extra Check 400-19-55-10-15

(Revised 6/1/10 ML #3218)

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Income, either earned or unearned, for a month when an individual receives an extra check from a recurring source occasionally causes the TANF case to fail. TANF Policy allows a case to be suspended, rather than closed, when ineligibility will be for one month only. However, if the extra check is received in the first prospective month and results in ineligibility, the month of application must be denied. (See Section 400-19-105-40-50, Budgeting Income Resulting from the Receipt of an Extra Check)

> **Note:** For purposes of this section, an extra check is the receipt of a 3rd or 5th check within a month or when an individual receives an extra check due to the employer changing the designated pay date. The last check received during the month is the extra check.

Lump Sum Unearned Income Payments 400-19-55-10-20

Nonrecurring Lump Sum Payments 400-19-55-10-20-05

(Revised 4/1/2013 ML #3362)

View Archives

(N.D.A.C. 75-02-01.2-24)

Unearned income received on a non-recurring or irregular basis is considered nonrecurring lump sum payments. This income is not countable but, instead, is considered an asset beginning the second month following the month of receipt. For the second month following the month of receipt, the remaining lump sum amount is included with all other countable assets in determining eligibility.

> **Example:** If the non-recurring lump sum payment is received in May, the amount of the lump sum payment remaining as of June 1 is added to the other assets held by the family and reported on the June 5 monthly report when determining eligibility for July. If the total amount of the assets is in excess of the program limits, the family must be notified that their case will be closed as of June 30 unless they furnish proof that the assets have been spent down to program levels by June 30th.

Nonrecurring lump sum payments are limited to only those payments that can reasonably be expected not to occur again. Examples of nonrecurring lump sum payments include, but are not limited to:

- Lump sum payments from Social Security;
- Lump sum payments from Railroad Retirement;
- Lump sum payments from Veterans benefits;
- Lump sum payments from Workforce Safety and Insurance;
- Lump sum payments from Unemployment Compensation;
- Military Re-enlistment payments,
- Insurance settlements;

- Inheritances;
- Contests;
- Gambling winnings;
- Severance pay (represents a nonrecurring compensation outside of regular earnings);
- Employee's withdrawal of a retirement fund taken in a lump sum payment;
- Supplemental Security Income (SSI) back payment; and
- Bonus payments on mineral leases.
- A lump sum child support payment received as a result of .

For treatment of lump sum earned income, see Section 400-19-55-15-10, Earned Income - When Received

Recurring Lump-sum Payments 400-19-55-10-20-10

(Revised 6/1/10 ML #3218)

View Archives

Unearned income received on a recurring or regular basis is considered recurring lump sum payments. This income is countable and must be prorated over the period the payment is intended to cover.

Recurring lump sum payments received after application for TANF are prorated over the number of months the payment is intended to cover.

> **Note:** The prorated lump sum payment must continue to be counted if the case closes and then reopens during the prorate period or within the following prorate period. This prevents cases from being closed temporarily to avoid using the lump sum income.

Examples of recurring lump sum payments include, but are not limited to:

- Land rental income;
- CRP;
- IIM monies;
- Mineral Royalty/Lease Income

For treatment of Earned income lump sum payments, see Section 400-19-55-15-10, Earned Income - When Received

Earned Income 400-19-55-15

Definition of Earned Income 400-19-55-15-05

(Revised 4/1/2013 ML #3362)

View Archives

(N.D.A.C. 75-02-01.2-44)

Earned income is defined as income earned through the receipt of wages, salaries, commissions, bonuses or profit from activities in which an individual is engaged through employment or self-employment. Earned income must entail personal involvement and effort on the part of the applicant or recipient. All countable income must be verified by the household and documented in the case record.

The types of earned income listed below are subject to the earned income disregards, such as the standard employment expense allowance, employment incentives, and child or adult dependent care expense deduction, when appropriate:

1. Wages (including paid sick, vacation and holiday leave but not public or private disability payments), salaries, commissions, bonuses, or profits received as a result of self-employment, subsistence supplemental allowance for members of the armed forces;

2. Earnings from on-the-job training including Job Opportunities and Basic Skills (JOBS);

3. Wages received as the result of participation in the Mainstream and Green Thumb Programs, both funded by the U.S. Department of Labor;

4. Earnings of individuals employed by schools as teachers' aides, etc., under Title I of the Elementary and Secondary Act;

5. Wages received by an individual participating in a Job Corps Program, when the wages are not provided by the Job Corps Program.

6. Wages received from sheltered workshop employment;

7. Loss-of-time private insurance paid for the loss of employment due to illness or injury;

8. Compensation for jury duty;

9. Compensation for plasma donations, participation in medical studies, etc.;

10. Tips. When tips are not shown on wage stub, the recipient's statement as to the amount of tips received each month is adequate if consistent with place, type of employment and number of hours worked;

11. Wages received by an individual or Qualified Service Provider (QSP) for providing services under Family Home Care, when the individual is employed by an agency. (When an individual or QSP is not an employee of an agency, the income is considered self-employment.)

12. Income from boarders;

13. Income from room rentals;

14. Income from employment internships and stipends;

15. In-kind income/non-monetary if the recipient has the option of receiving cash payment or a non-monetary benefit. (e.g. Payment for a service in a form other than money, such as rent, food, or clothing);

16. Income received through the Workforce Investment Act (WIA) or YouthBuild_USA by adult TANF household members, minor parents, and children not attending school full-time is considered earned income and used to determine the TANF benefit.

17. Alternative Trade Adjustment Assistance/Reemployment Trade Adjustment Assistance wage subsidy, provided under the Trade Adjustment Assistance (TAA) Extension Act of 2011, is considered earned income as the individual must be employed to receive this assistance. This wage subsidy is paid to eligible workers over the age of

50 and pays a portion of the individuals wage (the difference between the individual's new wage and old wage).

18. In-store credit/bonuses provided to employees are considered earned income if the employee has the option of receiving a cash payment. The in-store credit/bonus will be disregarded as income if the employee does not have the option of receiving a cash payment.

Earned Income - When Received 400-19-55-15-10

(Revised 6/1/10 ML #3218)

View Archives

(N.D.A.C. 75-02-01.2-50)

Earned income received on a regular basis is considered received in the month in which available and normally received. If the income is irregular, the income is considered received in the month it is actually received.

> **Note:** When the receipt of income varies because of weekends or holidays, the income must continue to be counted in the month it would have normally been received or considered available had there not been a weekend or holiday.

Wages held at the request of an employee shall be considered income in the month normally received.

Income from self-employment received on other than a monthly basis should be determined by a review of the individual's federal income tax return from the previous year and the annual profit converted to 12 equal monthly amounts.

> **Note:** If the tax return does not reflect an entire year's income or it is not indicative of the business's yearly income, monthly income and expenses or ledgers must be used.

Earned Income Received on a Contractual Basis
400-19-55-15-15

(Revised 6/1/10 ML #3218)

View Archives

Regardless of when earned income is received, the total wage amount identified in the contract must be prorated over the period of the contract.

Note: This policy can only be applied when a written employment contract exists.

Example: A contract begins August 23 and ends May 31. Although the first pay is not received until September, begin counting the income in August, which is the first month of the contract period. Conversely, even though the last pay is received in June, do not count any income received in June because the contract period ended May 31.

Documentation/Verification of Earned Income
400-19-55-15-20

(Revised 6/1/10 ML #3218)

View Archives

The primary verification for declared earnings is the employee's pay record (pay stubs, etc.) of wages received from his employer.

The information from Job Service and the Social Security Administration is not always current, but will serve as lead information for follow-up investigation.

Document or other record generally available from the client

- Pay stubs
- Employer's wage records
- Statement from client's employer
- Job Service
- Copy of contract if income is received on a contractual basis.

Earned Income From Self-Employment 400-19-55-15-25

(Revised 8/1/11 ML #3272)

View Archives

(N.D.A.C.75-02-01.2-50(3))

To arrive at the most equitable method for determining the amount of a household's countable earned income from self-employment, it is necessary to consider the type of business activity, expense, and income. Based on this, utilize one of the applicable calculations identified below.

> **Note:** Items such as interest, depreciation, personal business and entertainment expenses, personal transportation, purchase of capital equipment, and payments on the principle of loans for capital assets or durable goods are not business expenses.

1. Self-employed individuals whose business does not require the purchase of goods for resale. An example of this type of business is a person who provides child care services in their own home, a Qualified Service Provider (QSP) who is not an employee of an agency, etc. Such income may be accounted for on a monthly basis, or the income tax return from the previous year may be used if it reflects a full year's operation. When the tax return is used, 1/12th of the annual gross income is monthly earnings. Twenty-five (25%) percent of the gross monthly earnings shall be disregarded to offset the cost of producing the income and will cover such things as additional food, utilities, supplies, etc. The remaining 75% is the gross monthly earnings. The appropriate share percentage must be applied to the gross monthly income based on the number of individuals listed on the self-employment schedules. This is the figure to which the appropriate earned income disregards are applied to arrive at monthly net income.
2. Self-employed individuals whose business requires the purchase of goods for resale. Examples of this type of business enterprise include

Avon, Tupperware, Amway, Mary Kay Cosmetics, etc. Such income may be accounted for on a monthly basis, or the income tax return from the previous year may be used if it reflects a full year's operation. In these instances, subtract the cost of the goods from the gross monthly or annual receipts to arrive at the adjusted gross income. If the cost of goods includes any labor or wage amounts, those amounts must be deducted from the cost of goods before subtracting the cost of goods sold from the gross monthly or annual receipts. When the tax return is used, 1/12th of the annual adjusted gross income is monthly earnings. Twenty-five (25%) percent of the adjusted gross income shall be disregarded to offset the costs of producing the income and will cover such things as sample kits, demonstrations, supplies, etc. Seventy-five (75%) percent of the adjusted gross income will be the monthly income. The appropriate share percentage must be applied to the monthly adjusted gross income based on the number of individuals listed on the self-employment schedules. This is the figure to which the appropriate earned income disregards are applied to arrive at monthly net income.

3. Self-employment income from a room-and-board arrangement. The first $100 per month received from each individual will be disregarded to defray the associated expenses. The remaining amount(s) will be the monthly income to which the appropriate earned income disregards are applied to arrive at the monthly net income.
4. Self-employed individuals in a service business requiring purchase of goods or parts for repair or replacement. These include mechanics, TV repairmen, beauty salons, restaurants, etc. Such income may be accounted for on a monthly basis, or the income tax return from the previous year may be used if it reflects a full year's operation. In this instance, subtract the cost of goods or parts from the gross monthly or annual receipts to arrive at the adjusted gross income. If the cost of goods or parts sold includes any labor or wage amounts, those amounts must be deducted from the cost of goods or parts before subtracting the cost of goods or parts from the gross monthly or annual receipts. When the tax return is used, 1/12th of the annual adjusted gross income is monthly earnings. Seventy-five (75%) percent of the adjusted gross monthly income shall be disregarded to offset the cost of expenses such as heat, lights, phone, rent, or building, etc. Twenty-five (25%) percent of the adjusted gross income will be the monthly income. The appropriate share percentage

must be applied to the monthly adjusted gross income based on the number of individuals listed on the self-employment schedules. This is the figure to which the appropriate earned income disregards are applied to arrive at monthly net income.

5. Income of self-employed individuals received other than monthly. In such cases, income must be established on the basis of the past year's total income to arrive at the amount of income to be anticipated for the current year and reduced to monthly increments. This is the preferred method of considering income arising from self-employment such as farming or other business enterprises. It is first necessary to establish the amount of total annual gross income. For purposes of TANF, annual net income is normally defined as one-fourth of the annual gross income shown on Schedule F, Part I, of U.S. Form 1040, "Individual Income Tax Return," if the business is farming, or annual gross income shown on Schedule C, Part I, of Form 1040, if the business is other than farming.
6. CRP payments and cooperative distributions, which are considered unearned income, should be deducted from the total income figure on Form 1040, Schedule F, and prorated over a 12-month period.
7. After the appropriate percentage disregard is applied to self-employment, income, Capital gains and losses are considered.

Income resulting from the sale of capital items or ordinary gains may be offset by a loss from the sale of capital items. The net result, but not less than zero, must be added to the other annual net income to arrive at total net annual income.

The monthly income is the figure to which the appropriate earned income disregards are applied to arrive at monthly net income.

> **Note:** Capital gains and losses are always counted when considering actual income for a prior period. When using the prior income to estimate income for a prospective period, however, use capital gains and losses that are reasonably expected to occur in the prospective period.

Capital gains, short term and long term, and ordinary gains are found on the federal tax form as follows:

a. Short term capital gains-Schedule D, Part I;
b. Long term capital gains-Schedule D, Part II; and
c. Ordinary gains-Form 1040-Supplemental gains or losses.

The following example demonstrates this process:

Gross annual income (from federal income tax return)	$16,500.00
Net annual income (25% of $16,500)	4,125.00
Capital and other gains	1,200.00
Yearly income	5,325.00
Monthly income (yearly income divided by 12)	443.75

The appropriate share percentage must be applied to the monthly adjusted gross income based on the number of individuals listed on the self-employment schedules. The monthly income is the figure to which the appropriate earned income disregards are applied to arrive at monthly net income.

8. The pro-rata method of determining and deducting monthly income is not practical in instances where the business was only recently established and the federal income tax return for the previous year does not reflect a full year's operation. Similarly, termination or a severe change of the business, such as a decrease or increase in the size of the operation, or an uninsured loss, or other situations which may require special considerations. In these situations, the self-employed individual can report income and cost of goods on a monthly basis, or the TANF Eligibility Worker and self-employed individual can, using the best information available, estimate the affect of the change on the annual income. If the business is a type in which income is received other than monthly, the income must be prorated over a 12-month period.

   No income from any other source may be used to offset a self-employment loss.

9. When determining income based on income tax forms attention should be paid to other sources of income listed on page one of Form 1040. Other types of income that may be reflected on page one of Form 1040 are interest income, dividend income, rental income,

royalty income, etc. Interest, dividend, rental and royalty income are to be considered separately from the self-employment income.

Documentation/Verification of Self-Employment Income 400-19-55-15-25-05

(Revised 6/1/10 ML #3218)

View Archives

Self-employment income is determined by comparing gross receipts minus business expenses or using the income tax return.

Document or other record generally available from the client

- Income Tax return – State and/or Federal
- Self-employment – Bookkeeping records of client
- Sales & expenditure records
- 1099

Student Earned Income Treatment 400-19-55-15-30

(Revised 6/1/10 ML #3218)

View Archives

(N.D.A.C. 75-02-01.2-45(1))

All earned income of any child attending elementary or high school full-time is disregarded, except minor parents who are not residing with the minor parent's parents. The earned income of a minor parent who is not residing with the minor parent's parents is countable in determining the TANF Benefit.

A child is defined as:

1. Under age 18; or
2. Age 18 and a full-time student in elementary or high school, GED course of study, alternative high school or a vocational or technical school that is equivalent to secondary school if, before attaining age 19, such student can reasonably be expected to complete the training curriculum.

Stepparent Income 400-19-55-15-35

(Revised 6/1/10 ML #3218)

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(N.D.A.C. 75-02-01.2-60)

In order to encourage marriage among single-parent households and assist those households when the primary individual in a TANF household marries, the income of the stepparent whose needs were not previously included in the TANF household shall be disregarded in determining the TANF benefit for the first six calendar months, effective the month of the marriage. A six-month disregard of stepparent income is not allowed in situations where a caretaker marries before receiving TANF benefits. The six-month disregard does not apply in double stepparent cases.

Beginning with month seven, the stepparent's income must be considered with determining the TANF benefit. (See Section 400-19-105-40-55, Budgeting of Stepparent Income.)

Unearned Income 400-19-55-20

Definition of Unearned Income 400-19-55-20-05

(Revised 7/1/12 ML #3334)

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(N.D.A.C. 75-02-01.2-54)

Unearned income is income not gained by current labor, service, or skill. Most unearned income is the result of past labor, services, or investments, which have enabled the individual to receive a current benefit or pension. All unearned income must be verified and documented in the case file.

Treatment of Unearned Income 400-19-55-20-10

(Revised 7/1/12 ML #3334)

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(N.D.A.C. 75-02-01.2-54)

All countable unearned income shall be considered available in the month in which it is received. Unearned income is usually received at fixed intervals and at regularly scheduled dates. State or federal assistance payments such as SSI or Social Security received on a recurring basis shall be considered as having been received once a month, even if mailing cycles may cause two payments to be mailed in one month and none in another month.

When a member of the TANF household serves as a representative payee for federal benefits (i.e. SSI, Social Security, Veterans benefits, etc.) for a person or persons who are not members of the TANF household, the benefits paid to the representative payee on behalf of such individual(s) shall not be considered income available to the TANF household.

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

(Revised 4/1/2013 ML #3362)

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The types of unearned income listed below are counted in their entirety when determining TANF eligibility:

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.

   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.)

   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.

2. **Railroad Benefits** - Benefits can include payments for sickness or accident, dependent or survivors' benefits, job insurance, retirement, and funeral expenses. In order to attain a fully insured status and qualify for benefits, an individual must have a minimum of 120 months of railroad employment with 40 full quarters of coverage (10 years).

   Applicants for and recipients of TANF with backgrounds in railroad employment must, whenever appropriate, be referred to the Railroad Retirement Board for an exploration of possible benefits. The Railroad Retirement Board is located in Room 219, Post Office Building, 657 Second Avenue North, Box 383, Fargo, North Dakota 58107. Information about railroad retirement benefits may be obtained by forwarding a written request to the Railroad Retirement Board at the Fargo address.

3. **Workforce Safety and Insurance (WSI), Unemployment Insurance Benefits (UIB), and VA Benefits** – Workforce Safety and Insurance Benefits, Unemployment Benefits, and Veteran's Benefits must be considered in determining the TANF benefit.

   Since WSI and UIB benefits are also paid on an Electronic Benefits Card, income is considered received on the date:

   a. The income is received; or

   b. When available and the recipient has a legal ability to access the income for support or maintenance.

   If the household cannot verify the date of actual receipt, the receipt date is deemed to be either:

a. The date funds were deposited into the account based on a bank statement from U.S. Bank or their personal bank account; or

b. Two working days after the date the WSI or UIB was processed.

4. **Public or Private Disability Payments** – Disability insurance coverage is designed to provide assistance to individuals who are injured, ill, or disabled and unable to work by paying them all or a portion of their salaries. A private disability insurance type of coverage can be obtained through an employer or through the purchase of a private insurance. These plans can provide short-term and long-term disability coverage or both. (e.g. State of North Dakota Disability benefits, AFLAC, CIGNA, Thrivent, etc.)

5. **Cash Contributions and Cash Gifts** --

Cash contributions, regular and irregular, will be counted as unearned income and deducted dollar for dollar from the benefit. This will also include voluntary or court ordered support paid directly to the family by a responsible person or legally responsible obligor.

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.

Cash Gifts - Cash received by household members for special occasions such as birthdays, graduation, confirmation, Christmas, etc. are considered to be complementary in nature and will be disregarded up to $500 per month per household. The cash gift must be related to a special occasion. If the cash gift is not related to a special occasion, it will be counted as a cash contribution and deducted dollar for dollar.

6. **Continuing Education and Job Training through PATH, Inc.** - Continuing Education and Job Training funds through PATH, Inc., a private agency, are money payments that are to be used for rent, school supplies and other living costs. Since this is used to meet the

same basic needs as those provided under TANF, these payments are considered unearned income and not disregarded as a student educational assistance.

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 redetermined 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 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 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.

8. **Proceeds Paid to Tribal Members** - Any proceeds from tribal gaming, gambling establishments, or tribal enterprises distributed to enrolled tribal members (residing on or off a reservation) must be considered unearned income. Payments made to enrolled tribal members from the proceeds of gaming or gambling businesses are not per capita payments; therefore the income cannot be disregarded. (e.g. Three Affiliated Tribal Elderly Payments, Spirit Lake Social Impact Payments, Sisseton-Wahpeton Oyate of the Lake Traverse Reservation District Days and quarterly cash payments from the Food Distribution Program, etc.);

9. **Gaming or Gambling Winnings** - Gaming or gambling winnings from games of chance, such as slot machines, video machines, bingo, poker, black jack, pull tabs, etc. must be considered a non-recurring lump sum payment subject to the asset limitations in the second month following month of receipt. However, if a person receives any of the above on a regular basis, the income is counted as unearned income in the month of receipt.

10. **Individual Indian Monies (IIM)** - Most IIM accounts receive income from the use or sale of a trust asset, such as agricultural or grazing leases, coal production, timber harvesting, and oil and gas leases, gravel pit contract, sales, royalties. Funds can also come from a per capita payment, and from income earned on deposited funds. Some accounts receive proceeds from an estate account following a probate.

    Income received by an individual Indian derived from that Indian's interests in trust or restricted lands will be counted as income. This includes leases on individually owned or restricted Indian lands. The income generally comes from interests in lands allotted to individual Indians many years ago.

    The Omnibus Budget Reconciliation Act of 1993 provides that up to $2,000 per year of this income must be disregarded. Funds in the IIM accounts that do not have a specific exclusion must be counted for TANF. Other moneys deposited in the accounts, such as inheritances, VA, SSA, SSI, gaming profits, per capita payments,etc. are not part of the $2,000 exclusion, as they are either considered countable or excluded assets, or countable or exempt income in the month received.

Beginning January 1, 2003, client statement is an accepted verification of the amount in an IIM account unless one of the following applies:

a. The amount is more than $2000 for the year;

b. The client statement information is questionable; or

c. The IIM account includes countable income such as inheritance, bonuses, and other income that is not derived from leases, trust, or restricted land.

Verification Options

There are three options by which verification may be obtained:

a. Request for verification of IIM account information using form SFN 413, Individual Indian Monies Account. This form will need to be notarized per requirements of the United States Department of the Interior, Office of the Special Trustee for American Indians, Office of Trust Funds Management. These releases are valid for one (1) year and must be renewed annually.

b. Individuals with IIM accounts receive statements from the Office of Trust Funds Management on a quarterly basis. A copy of this form may be requested from the recipient. However, the recipient will not receive the statement if the Office of Trust Funds Management does not have a current address.

c. The individual may obtain a statement of their IIM account directly from the Office of Trust Funds Management through the Bureau of Indian Affairs (BIA) by requesting the information in person or by making a telephone request. In both cases, the individual will need to know their account number and provide at least two forms of identification.

At the time of application, verification of the deposits into the IIM account for the 12 month period prior to the month of application

must be obtained. Deposits such as inheritances, VA, SSA, SSI, gaming profits, etc. must be deducted. Any countable income remaining must be divided by 12 to determine the monthly countable income for the next 12 months.

For on-going cases, a review of the IIM account is required on a yearly basis, when a child turns 18 years of age, when adding an individual to a case, and when the amount in the account reaches the maximum allowable amount or is questionable. Countable income is pro-rated over a 12 month period. Any of the verification options identified above may be utilized to obtain the information.

New Source Income

When new source income is deposited into an individual's IIM account, the countable amount for TANF will be determined as follows:

Verification of the IIM account must be obtained for the most recent FULL 12 month period through one of the three options identified above. Once verification of the IIM account is received, any deposits that will not be counted as IIM income will be subtracted (inheritances, VA, SSA, SSI, gaming profits, etc.). The most current month's countable new source income (or an average if received for multiple months) will be multiplied by 12 and added to all countable deposits for the 12-month period (excluding the new source income deposited into the IIM account). The $2000 disregard will be subtracted and the remaining balance divided by 12 to determine the monthly countable unearned income.

> **Example #1:** In 02/2009, the TANF Eligibility Worker learns that the individual began receiving a new source income in 02/2009 through their IIM account. The TANF Eligibility Worker will request verification of the IIM account for the period of 02/01/2008 thru 02/28/2009 (the most recent FULL 12 month period, plus the current month of 02/2009) to capture the amount of the new source income.

Reviewing the ledger, the TANF Eligibility Worker would determine which income is countable. The new source income deposited in February was $850. Multiplying $850 by 12 equals $10,200. The countable income, not including the new source income, for the FULL 12 month period (02/01/2008 thru 01/31/2009) totals $1,500. The total of income to be considered for the 12 month period is $11,700 ($10,200 plus $1,500). After deducting the $2000 disregarded amount from $11,700, $9,700 must be annualized and the monthly amount of $808.33 counted as unearned income.

Example #2: A new application is received in 07/2009 and the TANF Eligibility Worker requests verification of the IIM account for the period of 07/01/2008 thru 06/30/2009, the most recent FULL 12 month period.

Reviewing the ledger, the TANF Eligibility Worker determines a new source income began to be deposited in 04/2009. The TANF Eligibility Worker would first determine which income is countable. The new source income deposited in April was $850, in May was $790 and in June was $825. The three months of the new source income would be totaled and divided by 3 and the average would be projected for a 12 month period ($2,465 divided by 3 equals $821.67). Multiplying $821.67 by 12 equals $9,860.04. The countable income, not including the new source income, for the 12 month period totals $87.29. The total of income to be considered for the 12 month period is $9,947.33 ($9860.04 plus $87.29). After deducting the $2000 disregard from $9,947.33, $7,947.33 must be annualized and the monthly amount of $662.28 counted as unearned income.

Once a determination of the countable income has been made, TANF must begin counting the income when received and budgeted consistent with the individual's budget methodology.

11. **Refugee Cash Assistance Payments** – Payments received under the Refugee Cash Assistance Program or the Wilson/Fish Alternative Program, received by any member of a TANF household must be

considered as unearned income in the calculation of TANF benefits for that household.

12. **Stipends/Subsistence Payments** - Any stipend/subsistence payment received while attending training that is specifically identified to cover the cost of daily living expenses must be counted as unearned income, as it is intended to cover the same basic needs as those provided under TANF.

13. **State Long Term Care Subsidy** – Individuals receiving a payment of up to $20 from the State Long Term Care Subsidy Program.

14. **Workforce Investment Act (WIA)** - The Workforce Investment Act (WIA) reformed federal job training programs and created a new, comprehensive workforce investment system.

    The groups covered under WIA are as follows:

    - Low income workers – workers on assistance (SNAP, Medicaid, and TANF) or below the poverty level. This group includes the teens working in the summer program.
    - Dislocated workers – farmers, homemakers, etc.
    - Adult Program – employed adults who have not attained self-sufficiency.
    - Youth Program – the program includes activities that promote youth development and citizenship, such as leadership development through voluntary community service opportunities; adult mentoring and follow-up; and targeted opportunities for youth living in high poverty areas. WIA may issue payments to these individuals.

    Many of the programs offered are needs based assistance, on-the-job training, work experience activities, summer employment, and educational training.

    WIA income received by adult TANF household members, minor parents, and children not attending school full-time is considered earned income and used to determine the TANF benefit. WIA income, earned or unearned, is disregarded when received by a dependent

child under the age of 18, or age 18, and a full-time student in elementary or high school, GED course of study, alternative high school or in a vocational or technical school that is equivalent to secondary school if, before attaining age 19, such student can reasonably be expected to complete the training curriculum.

15. **YouthBuild** - Income received by adult TANF household members, minor parents, and children not attending school full-time is considered earned income and used to determine the TANF benefit. YouthBuild income, earned or unearned, is disregarded when received by a dependent child under the age of 18, or age 18 and a full-time student in elementary or high school, GED course of study, alternative high school or in a vocational or technical school that is equivalent to secondary school if, before attaining age 19, such student can reasonably be expected to complete the training curriculum.

16. **Dividends and Interest** – Dividends and Interest derived from savings and checking accounts, investments, and insurance proceeds, but not settlements, paid directly to a TANF household member is counted as unearned income in the month in which it is received.

    Accrued dividends and interest are considered assets rather than income and are subject to the asset limit even if the dividends and interest are later withdrawn.

17. **Money deposited into a Joint Checking or Savings Account** – Money deposited, when the depositor is not a member of the TANF household, is counted as unearned income in the month in which it is deposited.

18. **Conservation Reserve Program (CRP) Income** - When a CRP contract is set up, the full payment may be received by the landlord or operator, or a portion of the payment may be paid to a tenant of the farm. A portion of the payment is allowed to be paid to a tenant when the tenant was farming the land, or had an interest in the property (i.e. was on the previous contract), in the year before the contract was signed. The CRP contract specifies the amount of the payment and to whom the payment is made. For purposes of determining eligibility, only count the share the applicant or recipient receives per the CRP contract. Allowable expenses are those allowable costs of doing

business that are claimed on the applicant or recipients tax return, including property taxes and insurance as a deduction.

19. **Lease Payments** - Payments made to persons for the use of lands occupied or owned by those persons.

    - If the payments are received in equal monthly payments, that amount would be counted as monthly income.

    - If the payments are received annually or received in regular annual totals, but in irregular intervals, the total of the annual income must be prorated over a twelve-month period and one-twelfth of the amount would be counted as monthly income.

20. **Mineral Lease Payments** - Payment from mineral leases is considered unearned income except initial leasing bonus payments.

21. **Trust Income Received on a Regular Basis** – When it is unclear whether an arrangement constitutes a trust, contact the Legal Advisory Unit. Submit all trusts to the Legal Advisory Unit for review and identify who is applying for assistance, send a complete copy of the trust agreement, provide verification of all assets owned by the trust, and provide any other relevant documents or information.

22. **General Assistance** – General assistance paid by cash or check directly to a TANF household, from the county social service office or Bureau of Indian Affairs, is treated as unearned income. General Assistance paid by voucher on behalf of a TANF household by the county social service office or the Bureau of Indian Affairs is disregarded.

23. **Veterans Benefits** - Veteran's pension or compensation, veteran's vocational rehabilitation subsistence payments and military allotments are counted as unearned income.

24. **Private Pensions** – Income from private or employer pensions are counted as unearned income.

25. **Rental Income** – Income from rental of rooms, apartments, or other property is considered unearned income.

Note: Income from room rentals is considered "earned" if the recipient is actively engaged in the venture by such means as making the bed, changing linens, cleaning the room, etc. If the income is determined to be earned, the first $25 of income from each roomer is exempt to defray any associated expenses;

26. **Royalty Income** - Royalty income less mandatory production taxes withheld prior to distribution is counted as unearned income (income taxes withheld are not allowed to reduce the royalty payment);

27. **Trade Readjustment Allowance** – Payments made to individuals under the Trade Adjustment Assistance (TAA) Extension Act of 2011 who are not attending training as a result of being eligible under a training waiver (is under a waiver of the requirement to participate in training as training may be determined not feasible or appropriate and waived as a requirement for basic TRA eligibility) are considered unearned income.

28. **Other Unearned Income** – Other unearned income, received on a regular basis, is counted as unearned income.

Documentation/Verification of Unearned Income 400-19-55-20-15-05

(Revised 6/1/10 ML #3218)

View Archives

The primary verification for Social Security benefits (SSDI or SSI) will be the established Beneficiary Data Exchange (BENDEX) or State Data Exchange (SDX) systems. When circumstances warrant, contact with the Social Security District Office to obtain benefit information may be necessary.

In regard to benefits other than Social Security, (e.g. Unemployment Compensation, Workmen's Compensation, Veteran's Pension, child support, etc.), inquiry should be made with the agency responsible for payment of the benefit. Veteran's benefits should be verified through the Veteran's Administration for appropriate cases.

Document or other record generally available from the client

- SSDI or SSI
- Benefit Check
- Unemployment Compensation award letter
- Pension award notice
- VA award notice
- Correspondence on benefits
- Railroad and Retirement award letter

Verification information from other sources

- BENDEX System
- SDX System
- Social Security District Office
- Job Service North Dakota
- Insurance Company Records

- Lodge or Fraternal Association Records
- Personal and Income Tax Records
- Railroad Retirement Board
- Employer Records
- Union Records
- Workforce Safety and Insurance
- Veteran's Administration
- Lawyer's Record

Child Support Payments

Document or other record generally available from the client

- Divorce or separation papers
- Court Order
- Support Agreement
- Correspondence on support payments

Verification information from other sources

- Court Record
- Receipts for contribution
- Income Tax Returns
- Employer Records of attached wages
- Child Support Enforcement's FACSES ledger
- Child Support Enforcement's U.S. Bank Statement

Disregard of Certain Income 400-19-55-25

(Revised 4/1/2013 ML #3362)

View Archives

(N.D.A.C. 75-02-01.2-45)

The following types of income will be disregarded when determining eligibility for TANF:

1. **Agent Orange Settlement Program** - Pursuant to Public Law 101-201, Agent Orange settlement payments are disregard income for TANF.

2. **Alaska Native Claims Settlement Act** - As provided by Public Law 92-203, any tax exempt portions of payments made as a result of the Alaska Native Claims Settlement Act.

3. **AmeriCorps Payments** - There are three different programs under AmeriCorps. The education awards for college tuition or loan repayment and the living allowances are disregarded from consideration. Eligible individuals for the AmeriCorps income will include students at least 17 years old who have or agree to get a high school diploma and must be a U.S. citizen or permanent resident.

    a. AmeriCorps State and National: Provides funds to local and national organizations and agencies committed to using national service to address critical community needs in education, public safety, health and the environment.

    b. AmeriCorps VISTA: A national service program designed specifically to fight poverty. Founded as Volunteers in Service to America in 1965 and incorporated into the AmeriCorps network of programs in 1993, VISTA has been on the front lines in the fight against poverty in America for more than 40 years.

    c. AmeriCorps NCCC (National Civilian Community Corps): A full-time team-based residential program for men and women age

18-24. Members are assigned to one of five campuses, located in Denver, CO, Sacramento, CA, Perry Point, MD, Vicksburg, MS and Vinton, IA.

4. **Census Income** - Census income is disregarded as income.

5. **Child and Adult Food Program** - The program provides cash reimbursement for meals and snacks to licensed families who provide day care in their homes.

6. **Children of Vietnam Veterans Born with Spina Bifida Payments** - Payments made pursuant to Public Law 104-204 to children of Vietnam veterans who are born with spina bifida shall be disregarded in determining TANF eligibility.

7. **Children of Female Vietnam Veterans with Birth Defects Allowances** - These allowances, paid under Public Law 106-419 must be disregarded as income in determining eligibility and level of benefits under any federal or federally assisted program covering children with certain covered birth defects. This statute provides for monthly allowances, based on the degree of disability suffered by the child. The amounts range from $100 to $1272 monthly.

8. **Combat Pay** - TANF will disregard any additional monies received by a household as the result of the deployment of a service member to a designated combat zone.

TANF counts the gross income for all adult members of the household unit and considers the entire income of the parent temporarily away from home, including a parent in military service.

To determine the amount of service member's income that will be disregarded, compare the amount received before deployment and the amount received after the deployment. The difference between the two amounts is the amount that will be disregarded.

Example: Dad was making $1,000 gross pay before deployment to a combat zone. He now is receiving $1,400. Disregard the additional $400.

Combat Zone Tax Exclusion Areas - Executive Order 12744 (effective January 17, 1991)

Arabian Sea Portion that lies North of 10 degrees North Latitude and West of 68 degrees East Longitude

- Bahrain
- Gulf of Aden
- Gulf of Oman
- Iraq
- Kuwait
- Persian Gulf
- Qatar
- Oman
- Red Sea
- Saudi Arabia
- United Arab Emirates

Direct Support of EO 12744

- Turkey effective January 1, 2003 - December 31, 2005
- Israel effective January 1 - July 31, 2003
- Eastern Med effective March 19 - July 31, 2003
- Jordan effective March 19, 2003
- Egypt effective March 19 - April 20, 2003

Executive Order 13239 (effective September 19, 2001

- Afghanistan

Direct Support of EO 13239

- Pakistan effective September 19, 2001
- Tajikistan effective September 19, 2001
- Jordan effective September 19, 2001
- Incirlik AFB effective September 21, 2001 - December 31, 2005
- Kyrgyzstan effective October 1, 2001
- Uzbekistan effective October 1, 2001
- Philippines (only troops w/orders that reference OEF) effective January 9, 2002
- Yemen effective April 10, 2002
- Djibouti effective July 1, 2002
- Somalia effective January 1, 2004

Executive Order 13119 (effective March 24, 1999)

Public Law 105-21 Establishing Kosovo as Qualified Hazardous Duty Area (March 24, 1999)

- The Federal Republic of Yugoslavia (Serbia/Montenegro)
- Albania
- The Adriatic Sea
- The Ionian Seas north of the 39th parallel

Public Law 104-117 Establishing a Qualified Hazardous Duty Area (November 1995)

- Bosnia
- Herzegovina
- Croatia
- Macedonia

9. **Complementary Program Assistance** - To the extent these do not serve the same purpose as TANF, assistance payments from other programs, agencies, or organizations will not be considered in determining the amount of TANF to be paid. In these complementary program relationships, there must be assurance that no duplication exists between such other assistance and TANF. Non-duplication of assistance shall be assured in relation to:

    a. The different purpose for which the other program or agency grants such aid; or

    b. The need for goods and services that are not included in the TANF benefit. If either of these two conditions are met, complementary assistance by another program, agency, or organization will not constitute duplication.

    Types of Complementary Program Assistance include but are not limited to:

    - **Cash**, up to $500 per month per household, received by household members for special occasions such as birthdays, graduation, confirmation, Christmas, etc. (Refer to #5 in Section 400-19-55-20-15, Countable Unearned Income Types)

- **Adoption Assistance Payments/Subsidized Adoption Payments** - Adoption assistance payments are disregarded in determining eligibility and benefit amount for TANF since those funds are intended for a different purpose or for items not included in the TANF . When the adopted child is included in the TANF benefit, the adoption assistance payment is disregarded as income to the .

- **Employer Funded Medical Savings or Health Reimbursement Accounts** - Contributions by an employer into a Medical Savings or Health Reimbursement account are considered complimentary assistance and are disregarded as income to the household.

- **Family Subsidy Payment** - The Family Subsidy Program is a resource to families who maintain a developmentally disabled child at home but incur extraordinary financial obligations. Modest monthly payments to eligible households are intended to offset such expenses as therapy, counseling, respite and day care, related transportation and special clothing equipment and diets. These payments are considered complementary assistance and disregarded as income to the household.
- **Foster Care Payments** - Foster care payments are disregarded in determining eligibility or the amount of the TANF benefit as they are intended for a different purpose or for items not included in the TANF Basic Standard of Need. The foster child cannot be included in the TANF household for any period in which a foster care payment is made.

- **Fund-Raisers** – In order for donations/proceeds resulting from fund raisers or benefit functions conducted by civic, fraternal, religious organizations, etc. on behalf of a TANF household member(s) to be considered complementary assistance, such funds cannot be given or made available to the TANF household. In order to meet the definition of complementary assistance, those funds must be controlled by an organization or an individual not included in the TANF household and used for the payment of expenses on behalf of the household member. Memorials, donations, remembrances, commemorations, etc. received by a household following the death of a family member shall be considered complementary assistance.

- **Job Corps Program** - All wages, living and readjustment allowances, and bonuses issued by the Job Corps Program are provided to offset either past, present, or future expenses which are not included in the TANF Basic Standard of Need. Therefore, Job Corps Program monies are considered complementary in nature and disregarded as income.
- **Sisseton-Wahpeton Oyate Lake Traverse Reservation Food Distribution Program** – The Sisseton-Wahpeton Oyate Lake Traverse Reservation has a Food Distribution Program in which they provide funds to individuals ages 55 and older to assist with purchasing food. Individuals age 55 – 64 receive a $100 and individuals age 65 and older receive $150 per month food coupon. These coupons can be used at only certain stores in the area.

  These monthly food coupons will be disregarded as income for TANF as they are considered Complementary Program Assistance that does not duplicate the purpose of the TANF grant.

- **Subsidized Guardianship Payments** - The Subsidized Guardianship Project is a new program through Children and Family Services (CFS) that began in March 2000. It is designed to serve North Dakota children who are in foster care, but who need a permanency alternative. The program was created in response to the Adoption and Safe Families Act of 1997.

  Subsidized guardianship payments are considered complementary assistance and are disregarded in determining eligibility and the benefit amount of TANF. The child for whom the subsidized guardianship payment is received is not eligible for TANF and cannot be included in the household.

10. **Contributions by an Employee into a Medical Savings Account** - Benefits withdrawn from this type of an account are not counted as income as TANF counts gross income in the month received. Therefore, the funds deposited into the account would have previously been counted as income or received by the HH prior to the month they became TANF eligible.

11. **Crime Victim Compensation** - Crime victim compensation is disregarded as income.

12. **Deposits** - Returned deposits from rental units (apartments, storage unit, etc.) and utility companies are disregarded as income.

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 (43 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.

14. **Donated Food** - The value of foods donated by the U.S. Department of Agriculture (surplus commodities).

15. **Earned Income Tax Credit** - Federal Earned Income Tax Credit (EITC) refunds are disregarded as earned and unearned income unearned income.

16. **Economic Stimulus Tax Rebates** - are disregarded as unearned income.

17. **Educational Loans, Grants, Scholarships and Stipends** - Student assistance programs, for both undergraduate and graduate students, shall be disregarded as income. The following are disregarded:

    a. Title IV aid includes:

    - Pell or BEOG grants.
    - Presidential Access Scholarships (Super Pell).
    - Supplemental Education Opportunity Grants (SEOG).
    - Stafford Loan (formerly Guaranteed Student Loan).
    - PLUS/DEAL loans.
    - Perkins Loans (formerly NDSL).
    - SLS (formerly ALAS).
    - Robert C. Byrd Honor Scholarships.
    - Federal work study income.
    - Bureau of Indian Affairs Grant Program.
    - High School Equivalency Program (HEP).
    - College Assistance Migrant Program (CAMP).

- Upward Bound (Trio Grants).
- National Early Intervention Scholarship and Partnership Program.
- Robert E. McNair Post-Baccalaureate Achievement.
- Stipends funded until Title IV.
- Indian Vocational Education Program (IVEP)

b. Aid that is federally funded but not under Title IV includes:
- Workforce Investment Act (WIA).
- Veteran's benefits or other benefits through the United States Armed Services.
- Reserve Education Assistance Program (REAP)
- Recruitment/Retention of American Indians Into Nursing (RAIN)
- Education funds received through the John H. Chafee Foster Care Independence Program.

c. Aid that is not federally funded includes:
- SELF loan program.
- State work study income.
- Division of Rehabilitation Services.

All aid extended to students by way of scholarships, grants, loans, stipends and awards by federal, state, tribal, civic, fraternal, and alumni sources to pursue training or education, either an undergraduate-level or graduate-level goal, is disregarded. This includes incentives and payments for grades the Spirit Lake Nation issues to individuals attending college.

Note: Any stipend received while attending training that is specifically identified to cover the cost of daily living expenses must be counted as unearned income, as it is intended to cover the same basic needs as those provided under TANF.

18. **Family Home Care** – The Family Home Care Program provides Medicaid eligible persons, who have been determined to need a level of services provided by long term care facilities, with the option of receiving such services at home under Medicaid. Payment for home care services may be made to either the aged or disabled person receiving the services or to the provider of the services. In either

instance, if the service is provided by a non-member of the TANF household, the payment is disregarded for TANF.

> **Note:** Income received by an individual or Qualified Service Provider (QSP) for providing services under Family Home Care when the individual is employed by an agency is considered wages and counted as regular earned income. (When an individual or QSP is not an employee of an agency, the income is considered self-employment.)

19. **Flexible Spending Accounts – Employee Funded** – Benefits withdrawn from this type of an account are not counted as income, as TANF counts gross income in the month received and therefore, the funds deposited into the account would have already been counted as income or were received by the HH prior to the month they became TANF eligible.

20. **General Assistance** - General Assistance paid by voucher on behalf of a TANF household by the county social service office or the Bureau of Indian Affairs. Any General Assistance paid by cash or check directly to a TANF household from the county social service board or Bureau of Indian Affairs must be treated as unearned income.

21. Gift Cards/Gift Certificates **-** Gift cards and gift certificates are disregarded as income.

22. **Homestead Tax Credit** – Refunds from local or tax office paid to low-income individuals who are responsible to pay property taxes or rent, including mobile home lot rent.

23. **Housing Assistance Programs** - The value of any public rent or housing subsidy, which includes HUD Section 8, utility allowances, HUD Public Housing, other HUD Programs, and all state and local government housing subsidies.

24. **Income Tax Refunds** - Federal or state income tax refunds are disregarded as unearned income.

25. **Individual Indian Monies (IIM)** - The Omnibus Budget Reconciliation Act of 1993 provides that up to $2,000 per year of income received

from Individual Indian trust or restricted lands will not be counted as income.

26. **Indian Per Capita Funds** - Per capita payments made to members of Indian tribes under the Indian Tribal Judgment Funds Use and Distribution Act [25 U.S.C. 1407 et seq.], including all interest and investment income accrued on such funds while held in trust, are disregarded.

27. **JOBS (Job Opportunity and Basic Skills) Program Supportive Service Payments** – Supportive Services paid to TANF recipients, either through the TANF grant or Vendor Payment, are considered reimbursements and are disregarded as income.

28. **Loans** - A loan from any source subject to a written documentation requiring repayment by a TANF household member.

29. **Payments to Volunteers** – Payment for services or reimbursement for out-of-pocket expenses made to individual volunteers serving as foster grandparents, senior health aides or senior companions, persons serving in the Service Corp of Retired Executives (SCORE), Active Corps of Executives (ACE), AmeriCorps, and any other programs under Titles I, II, and III of Section 418, Public Law 93-113.

30. **Radiation Exposure Compensation Act Settlement Payments** - Payment settlements as a result of the Radiation Exposure Compensation Act (P.L. 101-426) are disregarded as income.

31. **Reimbursements for Incurred Expenses** - Reimbursements for meals, lodging, transportation, including transportation provided to another person, when providing transportation is not a business venture.

32. **Rental and Utility Rebates and Deposit Refunds** - Rebates and deposits from rental and utility companies are exempt.

33. **SSI (Supplemental Security Income) Benefits** - Recipients of SSI, including presumptive SSI, are not included as members of the TANF household and their income is not used to determine the benefit. If the individual is receiving a zero SSI benefit, the individual is not

considered as receiving SSI benefits for TANF purposes and the individual and the income received is included in the household.

34. **Submarginal Lands** - Public Law 94-114 requires that the income derived from certain submarginal lands (low productivity; infertile) conveyed to Indian tribes and held in trust by the United States be disregarded. The land addressed by this law is located on the Fort Totten and Standing Rock Indian Reservations.

35. **Supplemental Food Assistance** - The value of any supplemental food assistance received under the Child Nutrition Act of 1966, the special food service program for children under the National School Lunch Act and Supplemental Nutrition Assistance Program (SNAP).

36. **Trade Adjustment Assistance (TAA)** - The following payments made to individuals under the Trade Adjustment Assistance (TAA) Extension Act of 2011:

    - Training Readjustment Allowances - A wage subsidy available in the form of weekly cash payments to workers who are enrolled in a full-time training course;

    - Job Search Allowance – A cash allowance provided to workers who cannot find an available job within the commuting area, which is used to cover transportation costs, etc.

      Note: If the individual is participating in the JOBS Program, the Employment Contractor must be notified of the individuals receipt of these funds.

    - Relocation Assistance – A cash allowance provided to workers who have to accept a job outside of their commuting area and relocate.

      Note: If the individual is participating in the JOBS Program, the Employment Contractor must be notified of the individuals receipt of these funds.

    - Health Coverage Tax Credit – A tax credit offered to TAA participants to help pay for the health insurance premiums of the worker and their family.

Note: If the individual is requesting reimbursement for a health insurance premium from TANF, TANF policy will only reimburse the difference between the actual premium amount and the amount of tax credit the individual receives and only that premium for coverage of a TANF eligible unit member.

37. **Tribal High School Graduate/GED Payments** - Payments from a federally recognized tribe to tribal members who graduate from high school or receive a GED are considered non-recurring lump sum. These payments are disregarded as income.

38. **VISTA Payments** – See AmeriCorps

39. **Volunteer Placement Program** - Children in the Volunteer Placement Program are not foster care placements and the parents retain care, custody, and control of the child. The child could be placed in a facility that is not inpatient care including PATH and county foster families or facilities, i.e. Manchester House, Dakota Boys Ranch, Prairie learning Center, etc.

    Children in the Volunteer Placement Program are considered temporarily out of their home with a plan to return to their parental unit. The length of stay in a facility varies depending on the needs of the child. Children placed into a facility under the Volunteer Placement Program are eligible for the $45.00 clothing allowance provided all other factors of eligibility are met for the TANF Program. The out-of-home payment will be part of the TANF benefit paid to the parent/caretaker.

40. **WIC (Supplemental Food Program for Women, Infants, and Children) -** This program provides additional monetary benefits to purchase healthy food for proper growth and development, and helps families choose healthier ways of eating.

41. **Workforce Investment Act (WIA)** - Income, earned or unearned, is disregarded when received by a dependent child under the age of 18 and a full-time student or if, before attaining age 19, is expected to complete high school or vocational training curriculum.

42. **YouthBuild** - Income, earned or unearned, is disregarded when received by a dependent child under the age of 18 and a full-time student or if, before attaining age 19, is expected to complete high school or vocational training curriculum.

Expenses 400-19-55-30

Allowable Expenses for TANF Household Members 400-19-55-30-05

(Revised 6/1/10 ML #3225)

View Archives

(N.D.A.C. 75-20-01.2-53)

TANF household members (excluding stepparents and minor parents' parents) are allowed the following expenses to be deducted from income when calculating benefits:

1. Paid court-ordered child support;
2. Paid court-ordered spousal support; and
3. Child or adult dependent care for paid employment subject to the maximum limits, when those expenses are not paid through the Child Care Assistance Program.

If an expense is deducted from income that was determined to be a terminated source, the expense cannot be allowed when retrospective budgeting unless the expense will continue and is being paid.

Expenses or JOBS supportive services that are reimbursed and included in the TANF benefit cannot be allowed as an expense.

Child or Adult Dependent Care 400-19-55-30-10

(Revised 7/1/12 ML #3334)

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(N.D.A.C. 75-02-01.2-53)

- Child Care -TANF allows a household the option of receiving child care expenses as a deduction from earned or unearned income, or as a reimbursement through the Child Care Assistance Program (CCAP).

  Note: Child Care expenses as a result of employment are the ONLY child care expenses that can be allowed as a deduction from earned or unearned income. Child care expenses for education, training, participating in an allowable JOBS activity, etc., (other than paid employment) cannot be allowed as an expense from earned or unearned income. These expenses must be reimbursed through CCAP.

  A family can switch from using their child care costs as an expense under TANF to requesting reimbursement of their costs through the CCAP any time before the end of the month or before benefits have been issued under TANF or the Child Care Assistance Program. Requests for such a change must be made in writing. However, once benefits are issued under either program, a family cannot request a change.

  Note: When CCAP pays a child care provider a portion of the child care expenses, any amounts not paid by CCAP cannot be allowed as a deduction.

  The amount of the expenses allowed under TANF for the cost of child care, cannot exceed the maximum allowed under CCAP for the Provider Type of 'Center'.

  Requests to allow an expense for the cost of child care provided to children between 13 and 18 years of age will require current, medical

evidence from a physician, psychologist, or clinical specialist that clearly confirms the need.

Any child care expenses that exceed the allowable CCAP maximums can neither be paid through CCAP nor allowed as an income deduction. Child care costs deducted from the TANF gross income cannot be paid through CCAP.

If the employed TANF household member is a non-legally responsible ineligible TANF caretaker, the child care expense cannot be allowed as a deduction. However, the household may apply for assistance under the Child Care Assistance Program.

Child care costs must be verified by use of a completed SFN 616, "Child Care Assistance Program and Child Care Service Report and Bill" (See Forms Appendix), or by obtaining information from provider documents containing the same information. These costs are budgeted prospectively for the initial two months and retrospectively thereafter.

- Adult Dependent Care - The allowable deduction for the cost of adult dependent care for incapacitated adult living in the same home are not to exceed the maximum allowable rate of $610 per month, and will be disregarded from countable household income. However, the incapacitated adult must be an eligible TANF household member receiving TANF benefits.

  Note: Verification must be received from the incapacitated adult's medical provider showing care is required.

Adult Dependent care expenses allowed when determining net household income cannot be paid through essential services or JOBS supportive services.

Adult dependent care costs must be verified and budgeted prospectively for the initial two months and retrospectively thereafter.

Adult dependent care costs shall be verified by obtaining a document signed by the provider which identifies the individual requiring the care, the month of service, the hours of care provided, and expenses incurred.

Child or Dependent Care Providers 400-19-55-30-15

(Revised 6/1/10 ML #3218)

View Archives

(N.D.A.C. 75-02-01.2-53)

Child or dependent care costs cannot be allowed when the provider is the caretaker relative's natural, adoptive or stepchild and is under the age of 21 except in instances in which all of the following conditions are met:

1. The provider does not live in the same home as the TANF household;
2. The provider is emancipated;
3. The provider was not claimed as a dependent on the caretaker relative's most recent federal income tax return;
4. A bona fide employer/employee relationship exists; and
5. The provider is not a member of the caretaker relative's TANF household.

Additionally, child or dependent care costs cannot be allowed when the care is provided by:

1. A natural parent, regardless of where the natural parent resides; or
2. A stepparent who resides in the same home as the TANF household.

Allowable Expense for Stepparents and Minor Parents' Parents 400-19-55-30-20

(Revised 6/1/10 ML #3218)

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Stepparents and minor parent's parents are allowed the following expenses to be deducted from income when calculating countable income to determine the TANF Benefit:

1. Paid court-ordered child support;
2. Paid court-ordered spousal support;
3. Non-household member deductions;
4. Amounts actually being paid to any others not living in the home who are claimed as dependents for income tax purposes;
5. Health insurance premiums.

> **Note:** The enrollment fee and the premium amount paid for Workers with Disabilities Program is not an allowable deduction.

Special Items of Need 400-19-60

Overview 400-19-60-05

(Revised 10/1/10 ML #3241)

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Approved special items of need for eligible TANF household members are considered part of the Total TANF Standard of Need. Special items of need are added to the TANF Basic Standard of Need to arrive at the Total TANF Standard of Need.

> **Example:** The TANF Basic Standard of Need for one caretaker and one child is $328. The family also pays $100 in Health Insurance, which is included in the TANF benefit as a special item of need. The $100 is added to the $328 and results in a Total TANF Standard of Need of $428.00 for this household.

Only eligible TANF household members are eligible for special items of need. Individuals with a participation code of OU (except individuals who are OU due to Pay After Performance), SS, ST, and MP are not eligible for these payments.

> **Exception #1:** Essential Services are also available for the well being of a TANF household member, when the need is due to the medical condition of an individual in the household with the following participation codes:
>
> - SS -- SSI Recipient,
> - OU -- Ineligible Caretaker,
> - DA -- Disqualified Alien, or
> - ST -- Stepparent.
>
> **Exception #2:** The Housing Allowance is a benefit to the TANF household. Therefore, if the household is eligible for TANF, the household will receive the $50 housing allowance.

All special items of need are to be budgeted and paid prospectively or by supplemental payment after verification is received, with the exception of catastrophic events, which are paid through the Vendor Payment process.

> **Note:** Special items of need are not prorated. The TANF benefit will include the full amount of the Special Item of Need.

Types of Special Items of Need 400-19-60-10

(Revised 4/1/2013 ML #3362)

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1. **Child Restraint Seat** (N.D.A.C. 75-02-01.2-67) - State law requires that all children younger than seven be secured in a child restraint seat (car seat or booster seat) when riding in any motor vehicle.

   Child restraint seats are available in many communities through hospitals, public health agencies, and civic organizations. In collaboration with many public health agencies, TANF will reimburse public health agencies for child restraints provided to TANF recipients. The public health agencies must complete SFN 471, Vendor Payment (TANF), Authorization and Request for Payment of Goods and Services and send it to the TANF Eligibility Worker for authorization.

   When a child restraint seat is not otherwise available, the household may purchase one and the cost may be reimbursed as a special item of need supplemental benefit once verification of the purchase amount is provided to the TANF Eligibility Worker.

   > **Note:** When available, recipients may be required to go through public health agencies where they will be educated on the proper use of child restraints. Recipients should be advised about choosing a model that meets all criteria of the Federal Motor Vehicle safety standards. Because some models do not fit all cars, households should be certain that the model being considered for purchase would be suitable for their vehicle. Additional information is available from the North Dakota Department of Health, 1-800-472-2286.

   As a child grows, a larger child restraint seat will be needed. For this reason, TANF can pay for multiple child restraint seats for the same

child, provided one is not available through the local hospitals, public health agencies, and civic organizations.

> **Example:** If an infant car seat was initially paid for, a booster seat may be paid for based on the child's age/size.

2. **Essential Services** (N.D.A.C. 75-02-01.2-64) - The cost of a service considered essential to the well being of a TANF household member, including an SSI recipient or an ineligible caretaker who is not the parent of a child in the household, shall be provided for in the TANF benefit. If the need for the essential service is related to a special need or condition of a household member, the cost can be met through the TANF benefit. The nature of the infirmity or illness must create a condition where the household cannot perform independently, and services will be considered to meet such needs. The necessary service(s) may require a person in the home temporarily or from outside the home to discharge a specific, transitory need. Medical documentation must substantiate the need for essential services.

   Essential services are intended to accommodate such needs as housekeeping duties and/or child/dependent care during a household member's illness or hospitalization, attendant services, and extraordinary costs of accompanying a member of the family to a distant medical or rehabilitation facility.

   > **Note:** Transportation, lodging and meals for individuals who must travel to a distant medical or rehabilitation facility can be paid through Medicaid, with prior approval. If the household fails to obtain prior approval, or if Medicaid denies the claim as the treatment can be obtained within the state, the cost cannot be paid under Essential Services.

   Essential Services:

   a. Can only be paid if all other resources have been exhausted;
   b. Must be based on negotiation with the provider;

   > **Note:** The allowable maximum daily rate for child/dependent care cannot exceed the amount allowed

for emergency foster care, which currently is $30 per day per child;

A provider need not be licensed, self-certified, registered, or an approved relative in order to provide emergency child care. Emergency care that necessitates care of a child shall be limited to three (3) calendar months. Resources other than essential services provided to TANF household members must be explored for placements of longer duration.

3. **GED / High School Graduate Incentive Payment** (N.D.A.C. 75-02-01.2-68) - In order to support the basic philosophy of TANF to promote individual and family self-sufficiency, each eligible TANF household member will receive a $250 one-time-only incentive payment upon completion of high school or general education development (GED) diploma. The individual must be TANF eligible in the month the individual completes high school or GED requirements.

   Verification of completion of high school or GED is required.

4. **Health Insurance Premiums** (N.D.A.C. 75-02-01.2-66) - The cost of a premium for health and hospitalization insurance carried by an individual residing in the home that covers an eligible member of the TANF household can be paid. Health, hospitalization, drug, dental, and/or vision insurance is defined as any contract policy covering loss due to sickness or bodily injury.

   Note: Specific insurance contracts covering loss due to accident, cancer, or disability, to include Workers with Disabilities enrollment fees or premium amounts, are not allowed as a special item of need payment.

   If the policy covers individuals who are not members of the TANF household (stepparents, ineligible caretakers, etc), payment is limited to:

- The portion of the premium for each TANF eligible household member that is allocated by the insurance company; or, if that allocation is unavailable;
- The total premium amount, divided by the number of individuals covered, and then multiplied by the number of TANF eligible household members who are covered by the insurance.

The applicant or recipient must inform the TANF Eligibility Worker of the insurance. In instances where there is more than one health insurance policy for the same coverage, only one policy of the household's choice shall be paid in the TANF benefit. Payment shall begin in the month in which the TANF Eligibility Worker is informed of the insurance and receives verification of the cost.

5. **Health Tracks Reimbursement** (N.D.A.C. 75-02-01.2-73) - TANF recipients, including a Benefit Cap child, who complete the Health Tracks screening are eligible for a $25.00 reimbursement per individual. The reimbursement is available after the completion of the initial screening and the annual Health Tracks screening, provided 12 months have passed between screenings. Completion of the screening, for this purpose, does not include the follow-up appointments or referrals to other physicians that are generated from a screening.

   Example: An initial screening is completed in August and a $25.00 reimbursement is issued as a supplement for August. In order to be eligible for the $25.00 reimbursement again, the individual would need to be screened in August of the following year or thereafter. (August counts as month one (1) of the 12 month period.)

6. **Housing Allowance** – A TANF family (including one whose Primary Individual is a Minor Parent) who has sole responsibility for all housing costs is eligible to receive an additional $50 per month.

   For purposes of this section, a TANF Family includes an individual or group of individuals:

1. Who reside together; and
2. Who are related within the 5th degree by either birth, marriage, or adoption; and
3. Whose needs are included in a TANF benefit (IN) or (OH), or if their needs are not included in the TANF benefit, because the individual is:

    a. In receipt of Supplemental Security Income (SSI) benefits (SS);
    b. An alien who does not meet citizen and alienage requirements (DA - Disqualified Alien);
    c. Ineligible for TANF benefits due to the imposition of a sanction (DI - Disqualified JOBS) or (DM -Disqualified Child Support);
    d. Ineligible for TANF benefit due to being disqualified (DF - Disqualified Fraud), (DD - Disqualified Drug)
    e. Subject to Pay After Performance requirements;
    f. A stepparent (ST) or a legal dependent of a stepparent;
    g. A minor parent's parents (MP) or a legal dependent of the minor parent's parents.
    h. An individual who does not meet the TANF eligibility requirements (e.g. age, citizenship, deprivation, etc.), but is a legal dependent or a legally responsible caretaker of a member of the TANF family (does not include roomers or boarders).

Sole Responsibility for Shelter Costs means the TANF Family is responsible for the full amount of rent or, if purchasing a home, the mortgage, property insurance, property taxes, special assessment, repairs, and improvements of the home.

A TANF family DOES NOT have sole responsibility for shelter costs (and is NOT eligible for the additional $50 Housing Allowance) if:

1. The family receives a subsidy for housing costs, resides in public housing, receives free housing, or is not solely responsible for the assistance unit's housing costs; or

2. The TANF family includes an individual who is at least eighteen years of age and not a member of the family or is not a legal dependent of a member of the TANF household, including a non-legally responsible relative who opts out of receiving TANF Benefits;
3. Any member of the family receives assistance for the payment of housing costs from someone not residing in the family.

> **Exception:** The family receives one month of temporary assistance with their rent or mortgage from an agency (e.g. Community Action, local social service agency, housing/shelter assistance through JOBS supportive services, etc.).

All individuals residing together in the household must be members of the TANF family and the TANF Family must be solely responsible for housing costs in order to be eligible for the $50 Housing Allowance. If anyone other than a member of the TANF family as defined above reside in the household, the TANF family is not considered to have sole responsibility for all housing costs and therefore, is not eligible for the $50 Housing Allowance.

Example #1 – Household consists of mom and three children. No other individuals reside in the household. Mom and her three children are all members of the TANF family. The TANF Family is responsible for rent in the amount of $600 a month. The rent is not subsidized in any way. The household is eligible for the additional $50 Housing Allowance.

> **Note:** If anyone other than a TANF Family member resided in the home, this household would not be eligible for the $50 Housing Allowance.

Example #2 – Household consists of mom, boyfriend, child in common and mom's child from another relationship. All members meet the definition of a TANF Family. The TANF family is responsible for the $600 per month rent. The rent is not subsidized in any way. The family is eligible for the additional $50 Housing Allowance.

Note: If this household did not include a child in common, all members residing in the home would not be members of the TANF family and thus would not be eligible for the additional $50 Housing Allowance.

Example #3 - The family lives in and is buying a home. The family consists of dad and his three children. The family pays the cost of mortgage, property insurance, property taxes, special assessment, repairs, and improvements. Dad's 20-year-old daughter returns home.

a. If the daughter is a legal dependent, the family would be eligible for the additional $50 Housing Allowance even if the daughter contributes towards the housing costs.
b. If the daughter is not a legal dependent the family would not be eligible for the additional $50 Housing Allowance regardless of whether she contributes towards the housing costs; this since she is not considered a member of the family.

Example #4 - A minor parent and her child are living with the minor parent's parent (grandmother). This is a three-generation case. The family resides in the minor parent's parents' home. The family pays the cost of mortgage, property insurance, property taxes, special assessment, repairs, and improvements. This family would be eligible for the additional $50 Housing Allowance.

Example #5 – Mom and her three children live with mom's mother and father. Mom pays the $100 per month rent that is charged.

a. If all reside in one residence, the family is not eligible for the additional $50 Housing Allowance.
b. If Mom and her three children reside in a separate, identifiable residence within the home (apartment), the family is eligible for the additional $50 Housing Allowance.

Example #6 - Mom and her child share a home with Mom's aunt and aunt's child. Both mom and mom's aunt are primary individuals for TANF families. Neither family is eligible for the additional $50 Housing Allowance.

Example #7 – A minor parent and her child are attending and residing at Job Corps in Minot, which provides housing with the training. This family is not eligible for the additional $50 Housing Allowance.

Example #8 - A minor parent and her child are living with the minor parent's parents (grandparents). The grandparents are not eligible for TANF. This family is not eligible for the additional $50 Housing Allowance.

The following circumstances shall not be considered when determining eligibility for the $50 Housing Allowance:

1. The amount of the rental expense;
2. Whether the rent is actually paid when due, provided the individual remains responsible for the entire amount;
3. The individual is responsible to pay shelter expenses other than rent (e.g. upkeep of the home, utilities, etc.).

7. **Special Projects** - In order to support county demonstration projects, two Special Items of Need are available – Special Projects Incentives and Special Projects Work Subsidies. These special items of need are utilized only with approval from State TANF/JOBS Policy staff.
8. **Unforeseen Circumstances** - There are two different Special Items of Need that are defined as Unforeseen Circumstances. These are:

   a. Catastrophic Events (N.D.A.C. 75-02-01.2-65) - In the event of a disaster involving members of the TANF household, the JOBS Employment Contractor or TANF Eligibility Worker, after exploring the availability of property insurance and community

resources, shall authorize the replacement of clothing, furniture, household equipment, and other needed supplies at a level comparable to that maintained by the recipient at the time of the fire, flood, tornado, or other catastrophic event. Community organizations often provide assistance to victims of disasters. The JOBS Employment Contractor or TANF Eligibility Worker should coordinate assistance with local resources.

Payment for the replaced of these items shall be authorized and paid by using SFN 471, Vendor Payment (TANF), Authorization and Request for Payment of Goods and Services.

b. Unforeseen Circumstances - The unforeseen circumstances payment is to be used to reimburse a recipient for a payment made in situations that were beyond the individual's control. State office approval is required before making an unforeseen circumstances payment.

> **Example:** Reimbursement of late fees paid by the recipient, due to TANF benefits not received timely.

JOB Supportive Services 400-19-65

Overview 400-19-65-05

(Revised 6/1/10 ML #3218)

View Archives

(N.D.A.C. 75-02-01.2-90)

Within the limits described in this section, supportive services may be made available to a participant of the Job Opportunity and Basic Skills (JOBS) Program who would be unable to enter into or remain in an allowable work activity. Supportive service cannot be provided without approval from the JOBS Employment Contractor or TANF Eligibility Worker and cannot be provided to a referred individual until the individual's TANF case has been approved.

> **Exception:** Advance Transportation Assistance Payments may be paid to individuals who are sanctioned and who would be unable to complete a proof of performance without that assistance. (See Section 400-19-65-15, Types of JOBS Supportive Services.)

All approved JOBS supportive services are paid directly to the JOBS participant or vendor, as applicable. Please refer to the specific supportive service category below for additional information.

Approval of JOBS Supportive Services 400-19-65-10

(Revised 6/1/10 ML #3218)

View Archives

To obtain approval for a supportive service, an individual must demonstrate, in addition to meeting the requirements for each of the specific supportive service categories, that:

1. The individual is participating in an approved work activity or self-initiated education activity;
2. The expense is necessary; and
3. The cost is reasonable.

Types of JOBS Supportive Services 400-19-65-15

(Revised 7/1/12 ML #3334)

View Archives

1. **Care of Incapacitated Household Members** - Assistance in the purchase of care for an incapacitated or disabled member of the participant's household to whom the JOBS participant owes a legal duty to provide care may be approved, provided:

   a. There is no other individual in the household who can provide the care; and
   b. The incapacitated or disabled household member cannot provide self-care.

   The cost must be negotiated with the provider. The amount paid must be the actual costs incurred but cannot exceed $610.00 per month per incapacitated or disabled household member. Payment for these expenses is made to the vendor utilizing the Vendor Payment process.

2. **Child Care Expense** - Assistance with child care expenses is made available to allow referred individuals to participate in approved work activities or self-initiated educational activities. Child care expenses paid through the Child Care Assistance (CCAP) program must be processed based on the rules of that program with the exception that payment will be made at 100% of the allowable expenses. (Refer to the Child Care Assistance Manual Chapter 400-26.)

   Allowable activities of the parent or caretaker include paid employment, education/training, and/or any approved JOBS or Tribal NEW activities. Child care expenses may be paid through the Child Care Assistance (CCA) Program at 100% of allowable costs for a TANF recipient who is meeting the requirements of JOBS or Tribal NEW and who incurs costs while engaged in other self initiated activities, including school/training.

> **Note:** A participant who is engaged in paid employment may choose to have their child care costs treated as an expense rather than reimbursed through the CCA Program. TANF households who choose to use that disregard and who also incur child care expenses for non-employment activities may have the non-employment expenses paid through the CCA Program. However, the amount paid through the CCA Program when combined with the disregard amount cannot exceed the monthly maximum allowable amount per child per provider per month.

Child care for required JOBS activities or self-initiated educational activities may be allowed for any child living within the household as long as the participant is responsible for the care of that child and no other legally responsible adult residing in home is available or capable to provide the care (ineligible parent or legal guardian).

> **Note:** Child care for SSI or Benefit Cap children whose parent/caretaker is in TANF must be paid for in the Child Care Assistance Program.

Child care expenses for months in which a TANF case is suspended will continue to be processed as if a TANF benefit had been paid. If the child care was not allowed as an expense, it can be paid for two months prior to and the month of suspension.

> **Example:** The TANF benefit is suspended for April due to the receipt of extra check. Child Care for February and April may be paid at 100% of the allowable maximum rate.

When an individual is participating in Tribal NEW and incurs child care expenses, those expenses can be paid through the State or Tribal Child Care Assistance Program. TANF Eligibility Workers need to ensure that payment of these expenses is not made by both programs.

3. **Housing/Shelter Assistance** - Housing/shelter assistance may be used to pay rent or mortgage, a deposit on a rental unit, utility bills to avoid a shut-off or costs to resume service after a shut-off and must

be the payer of last resort. Payment of rent can be made for two months prior to the month of application, the month of application, and one month following the month of application provided the family did not receive TANF in the month prior to the month of application. The family must be able to demonstrate that they will be able to sustain payment of these expenses for future months. (The income remaining after subtracting other expenses must be sufficient to pay the housing/shelter expenses without additional assistance.)

> **Note:** Refer to Job Readiness Assistance (below) for assistance relating to utility shut-offs for ongoing cases.

All requests for assistance with housing/shelter expenses must be submitted to the State TANF/JOBS policy staff for approval. The request must include the calculation for sustainability. Hard copy verification of the expense is required from the family before a payment may be made.

> **NOTE:** Payment of rent or mortgage expenses through supportive services is temporary in nature and not considered subsidized housing.

Payments for Housing/Shelter expenses cannot exceed actual costs and are made to the vendor utilizing the Vendor Payment process. (See Section 400-19-65-35, Vendor Payment Process.)

4. **Job Readiness Assistance** - Job readiness assistance is intended to reimburse participants expenses associated with their preparation for work. Assistance may only be approved by the JOBS Employment Contractor and only when the expenses are necessary to help the individual achieve their employment goals.

   Job readiness assistance may be used to reimburse:

   a. Expenses related to the participant's purchase of employment related clothing;
   b. Expenses for obtaining a drivers license or reinstatement of a driver license;

c. Expenses for utility bills in an ongoing case which are pre-approved by State TANF/JOBS Policy staff, when there is the threat of a utility shut-off; and
d. Other expenses determined by the JOBS Employment Contractor to be reasonable and necessary for employment interviews including transportation, lodging, grooming and clothing.

Job readiness assistance may not be used to pay a participant's fines.

Example: Job readiness assistance may not be used to pay an individual's speeding tickets or a DUI fine. It could, however, be used to pay the registration fee for a DUI seminar or a defensive driver's class that the individual is required to attend prior to re-instatement of the individual's drivers license.

Job readiness assistance may be used to help cover the cost of phone installation charges but may not be used to pay delinquent phone bills. Participants should contact their local telephone company to apply for the Link Up and Lifeline telephone assistance programs.

The Link Up program can reduce an eligible individual's initial charges to hookup primary telephone service by up to 50 percent. The Lifeline program can reduce an individual's monthly phone bill for local service.

Persons qualified for TANF, SNAP, LIHEAP, or Medicaid are eligible for the Link Up or Lifeline programs if the service is made available by the local telephone company.

For additional information regarding the Link Up and Lifeline programs, please refer to:

- Link Up and Lifeline Programs for Tribal Areas (76kb pdf)

  OR

- Link Up and Lifeline Programs (71kb pdf)

Job Readiness Assistance cannot exceed actual costs, up to a maximum of $250 per participant, per state fiscal year (July 1 through June 30). Payment for these expenses is made to the vendor utilizing the Vendor Payment process.

5. **License, Certification, and Examination Fees** - Assistance with professional license, certification, or examinations fees may be allowed when necessary for the participant to become employed, 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.

   License, certification, and examination fee assistance is limited to a maximum of $150 per participant, per state fiscal year (July 1 through June 30) and cannot exceed actual costs. Payment for these expenses is made to the vendor utilizing the Vendor Payment process.

6. **Relocation Assistance** - Relocation assistance may be provided to a JOBS participant if:

   a. The individual has a bona fide offer of employment, verified by the JOBS Employment Contractor, which will increase the individual's potential for increased earnings, job advancement, or permanent employment; or
   b. The individual requests and receives approval from the JOBS Employment Contractor to move from an area of the state with few employment opportunities to another area of the state (or out of state) with greater employment opportunities.

   The relocation should be accomplished in the most economical manner possible taking into consideration the physical abilities of the participant and the participant's family. In most instances, the use of a rental truck or van would be preferred to accomplish the relocation.

   The participant is responsible to provide the following documentation to the JOBS Employment Contractor to justify the proposed relocation expenses:

a. Two estimates of the household moving cost, if utilizing a moving company;
b. An estimate for the use of a non-commercial personal vehicle; and
c. A letter from the employer confirming the individual's employment start date and beginning wage if the relocation request is based on an offer of employment.

The JOBS Employment Contractor must agree that the relocation will increase the individual's potential for becoming employed, obtaining higher wages, job advancement, or permanent employment.

The plan must be approved prior to any expenses being incurred. Expense reimbursement may include but is not limited to:

a. Transportation of household goods via the most economical source;
b. Transportation costs including fuel and other mileage related costs;
c. Relocation of a mobile home; and
d. Security deposits and utility hook-up expenses such as gas, electricity, rent, water, sewer, garbage, and telephone.

Relocation assistance cannot exceed actual costs, up to a maximum of $1000 per household, per state fiscal year, (July 1 through June 30). Payment for these expenses is made to the vendor utilizing the Vendor Payment process.

7. **Tools for Employment** - Assistance for the purchase of tools and/or equipment required for a participant to accept or retain employment may be provided to participants in the JOBS program. The tools become the property of the participant. If the tools are subsequently lost or stolen, the individual is responsible for the costs of their replacement.

   Tools for Employment assistance cannot exceed actual costs, up to a maximum of $150 per participant, per state fiscal year (July 1

through June 30). Payment for these expenses is made to the vendor utilizing the Vendor Payment process.

8. **Transportation Assistance** - Transportation assistance not exceeding $150.00 per month may be paid to a JOBS or Tribal NEW participant in orientation, assessment, a self-initiated educational activity, or any approved work activity including paid employment.

   Transportation assistance may be utilized for monthly transportation expenses for the JOBS participant's private vehicle, public transportation passes, cab fares, or rides provided through an informal arrangement.

   Transportation assistance may be utilized to pay fees or fines which prevent an individual from legally operating a vehicle. Allowable fees may include a reinstatement fee on a suspended license, registration fee for a DUI seminar, defensive driver's class required prior to reinstatement of a driver's license, driver's license exam fee, and vehicle insurance, license, or titles.

   Traffic fines and DUI fines may be paid at the discretion of the JOBS Employment Contractor provided the individual demonstrates the ability to contribute in paying a portion of the fine. The portion of the fine to be paid by the individual will be determined by the JOBS Employment Contractor.

   Once an individual's TANF case has been authorized as TANF eligible and the individual is participating in JOBS, the JOBS Employment Contractor is responsible to determine the participant's anticipated transportation needs and to document the anticipated need on the Employability Plan. Any changes in the participant's anticipated transportation needs should be communicated to TANF Eligibility Worker in writing.

   Note: Once a transportation assistance payment has been issued to an individual, overpayments are not to be established.

This same process is to be followed by Tribal NEW if the Tribal NEW participant will be receiving transportation assistance through the county/state.

If transportation assistance is based on mileage, a monthly stipend or flat amount is not allowed. Instead, a mileage calculation must be identified on the Employability Plan. Transportation assistance based on mileage is calculated by multiplying the number of actual or estimated miles required to support the individual's approved work activity and a self-initiated educational activity by $0.45, the current reimbursement rate for travel under the TANF program.

When public transportation or informal transportation arrangements are used, the participant must review their transportation needs and plan with the JOBS Employment Contractor. If appropriate, the JOBS Employment Contractor will approve the individual's plan.

Payments for Transportation Assistance are issued to the recipients via the TANF ReliaCard or are paid to the vendor utilizing the Vendor Payment process.

Advance Transportation Assistance Payments

The TANF Eligibility Worker shall not provide a transportation assistance payment to an individual who is being referred to JOBS/Tribal NEW until the individual's case has been approved, unless the TANF Eligibility Worker or JOBS Employment Contractor determines that an individual would be unable to participate without receiving transportation assistance.

- When an advance transportation assistance payment is provided to a sanctioned individual who needs to complete a Proof of Performance, the payment should be sufficient to cover the individual's transportation expenses from the time of the referral until the payment can be included in the regular TANF grant (or is provided through Tribal NEW as appropriate).

Note: The TANF Eligibility Worker may decide not to allow another Transportation assistance payment to the individual until the outstanding sanction is cured.

- When an advance transportation assistance payment is provided to a non-sanctioned individual, the advance payment should be sufficient to cover the individual's transportation expenses to attend the Orientation and complete the Assessment and Employability Plan.

When a TANF Eligibility Worker determines the need for an advance transportation payment, the TANF Eligibility Worker is to inform the JOBS Employment Contractor or Tribal NEW Coordinator that an advance payment was made.

9. **Tuition Assistance** - Reimbursement for expenses associated with approved or self-initiated training, including the cost of books, tuition and fees, provided:

   a. Other educational funding sources, including grants and scholarships, have been explored and are exhausted; and
   b. The participant is eligible for TANF benefits.

   Tuition Assistance may not be allowed during periods when an individual is not eligible for financial aid as a result of their actions or inactions. Employment Contractors may contact State TANF policy for guidance in these situations.

   The participant must submit a copy of the financial aid award and an itemized listing of costs for tuition, books, and fees.

   Tuition assistance cannot exceed actual costs, up to a maximum of $1000 per participant, per state fiscal year (July 1 through June 30). Payment for these expenses is made to the vendor utilizing the Vendor Payment process.

10. **Vehicle Repair and Insurance** - Assistance for necessary vehicle repairs and insurance for basic liability coverage may be provided to

participants in the JOBS program and approved by the JOBS Employment Contractor.

Vehicle insurance for basic liability coverage not to exceed one-fourth of the annual premium may be paid to the insurance provider.

The purchase of tires, wheel alignments, or other repairs considered essential for the safe operation of a vehicle may be approved, though normal maintenance such as oil changes, tune-ups, or nonessential vehicle repairs are not allowed.

The costs for repairs must be reasonable and necessary to return a participant's vehicle to operable condition. The JOBS Employment Contractor may request additional information to justify the need for repair, including two estimates.

The vehicle:

a. Must be registered to a mandatory member of the household; and
b. Must be covered by basic liability insurance; and
c. Must be needed by the participant to engage in an approved work activity; and
d. Must be in good general condition and the value of the vehicle justifies repairs.

> **Note:** JOBS Supportive Services may not be used to purchase a vehicle.

Vehicle repair and insurance cannot exceed actual costs, up to a maximum of $500 for a state fiscal year (July 1 through June 30). Payment for these expenses is paid to the vendor utilizing the Vendor Payment process.

Following closure of a TANF case, the individual may continue to be eligible for Post-TANF Supportive Services. (See Section 400-19-155, Post TANF Supportive Services.)

For information about supportive services available to Tribal NEW participants, please see Section 400-19-80-50, Tribal NEW Supportive Services.

For information about providing supportive services to an individual who chooses to participate in JOBS/Tribal NEW pending the outcome of a Fair Hearing, please see Section 400-19-125-15, Requesting a Fair hearing – JOBS Sanction.

JOBS Supportive Services - Suspended Case
400-19-65-20

(Revised 6/1/10 ML #3218)

View Archives

A suspended TANF case is considered to be TANF eligible and the JOBS participant must continue to comply with the JOBS program. A JOBS participant remains eligible for supportive services in the suspend month.

JOBS Supportive Services - Proof of Performance 400-19-65-25

(Revised 6/1/10 ML #3218)

View Archives

Transportation assistance may be authorized during a Proof of Performance (POP) in order to ensure the individual will be able to complete the POP. All other JOBS supportive services are not to be provided to a sanctioned individual.

Once the POP has been completed and the TANF case has been authorized as eligible, the JOBS Employment Contractor or Tribal NEW Coordinator is responsible to determine the participant's anticipated transportation needs and to document the anticipated need on the Employability Plan.

JOBS Supportive Services - Sanctions 400-19-65-30

(Revised 6/1/10 ML #3218)

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JOBS supportive services for allowable activities may continue to be paid until such time as the sanction becomes effective.

JOBS supportive services are not to be provided to a sanctioned individual during the Sanction Penalty Month unless the TANF Eligibility Worker or JOBS Employment Contractor authorizes transportation assistance to help ensure the individual will be able to complete a Proof of Performance (POP).

If a child support sanction is imposed against a JOBS participant, the individual shall continue to receive authorized supportive services until such time as the child support sanction progresses to closure of the TANF case.

Vendor Payment Process 400-19-65-35

(Revised 6/1/10 ML #3218)

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The Vendor Payment Process is the method required by the North Dakota Department of Human Services to pay providers for services rendered on behalf of TANF recipients. Payments are made directly to providers.

In order for a payment to be made to a provider, the provider must complete and submit one of the following W-9 forms to the State TANF Policy office, by mail or fax (701-328-1060). These forms are available as E-forms on the North Dakota website at http://www.nd.gov/eforms/.

- SFN 54309, Individual Payee (Non-Business) Substitute IRS Form W-9.
    - This form is completed if this is an individual provider. For example, an individual that provides child care for a TANF recipient under essential services provision.
- SFN 53656 Business Payee Registration Substitute IRS Form W-9.
    - This form is used for all business providers.

Verification of the expense and the request for payment form SFN 471, Vendor Payment (TANF) Authorization and Request for Payment for Goods and Services must be submitted to the State TANF Policy office by mail or fax (701-328-1060) for processing.

> **Note:** The North Dakota Department of Human Services is tax exempt. Vendors cannot bill the Department or JOBS participants for taxes on goods and services.

If it is unknown whether a provider has completed a W-9 form, Public Assistance Administrative Staff will research the provider list. They may be reached by telephone at (701) 328-2332.

Child Support Enforcement 400-19-70

Legal Base 400-19-70-05

(Revised 6/1/10 ML #3218)

View Archives

Public Law 93-647 added Part D to Title IV of the Social Security Act. In addition to mandating that each state develop and maintain a vigorous child support enforcement effort, the legislation created several eligibility requirements in TANF. These include:

1. Furnishing social security numbers; and
2. Assigning rights to child support; and
3. Cooperating in establishing paternity and securing child support by the caretaker; and
4. Promptly notifying Child Support Enforcement whenever TANF is provided to a child.

Public Law 97-35 expanded support enforcement to include spousal support.

Caretakers of a child are subject to these provisions only when the child receives a TANF benefit.

Born Out of Wedlock 400-19-70-10

(Revised 6/1/10 ML #3218)

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A child is considered to be born out of wedlock when:

- The child is born to a women who is not legally married; or
- The child was born 301 days or more after the marriage is terminated by death, annulment, declaration of invalidity, or divorce, or after a decree of separation is entered by a court.

Paternity 400-19-70-15

(Revised 6/1/10 ML #3218)

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Paternity is considered legally established by marriage, adoption, adjudication in a court proceeding or through voluntary acknowledgement. Prior to authorizing TANF eligibility, the TANF Eligibility Worker must determine whether or not paternity of a child has been established.

- Marriage – If a couple is married when the child is born, the husband is presumed to be the father of the child. In addition, the husband is presumed to be the father of the child if the child is born within 300 days after the marriage is terminated by death, annulment, declaration of invalidity, or divorce, or after a decree of separation is entered by a court. This is true even if the mother claims someone else is or may be the child's biological father.
- Adoption – If a child is adopted, the adopted parent(s) is considered the parent(s) at the time the final order is issued.
- Adjudication – When a child is born out of wedlock, it is the responsibility of Child Support Enforcement to secure an adjudication of paternity in a court proceeding, if necessary. However, an adjudication of paternity may also be secured by an attorney representing either parent.
- Voluntary Acknowledgment of Paternity – SFN 8195, North Dakota Acknowledgment of Paternity, with a revision date of 4/98 or later, is a legal document that unmarried parents may sign to acknowledge paternity of a child. It has the force and effect of a relationship of father and child established through a court. Often, this form is signed in the hospital at the time of the child's birth. The father's name is added to the birth certificate based on the Voluntary Acknowledgment of Paternity.

Assignment of Rights to Support 400-19-70-20

(Revised 6/1/10 ML #3218)

View Archives

(N.D.A.C. 75-02-01.2-33)

Under state law, effective July 1, 1977 through September 30, 2009, applicants for TANF automatically assigned to the state all legal rights to past, present, and future support from any person, whether on behalf of the individual or another family member whose needs are to be included in the TANF benefit.

> **Note:** On October 1, 2009, the State IV-D Office released all assignments for non-TANF months for the period of October 1, 1997, thru September 30, 2009. These arrears are now owed to the family. Any child support collected and applied towards these arrears will be paid to the family.

Effective October 1, 2009 applicants for TANF automatically assign to the state all legal rights to current support from any person, whether on behalf of the individual or another family member whose needs are to be included in the TANF benefit. This assignment of support rights includes support due while benefits are being received. All current support collected on behalf of TANF households must be paid to Child Support Enforcement for distribution in accordance with federal law.

Cooperation in Obtaining Support 400-19-70-25

(Revised 6/1/10 ML #3218)

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(N.D.A.C. 75-02-01.2-33)

A custodian is an individual who has custodial responsibility for a deprived child. A custodian is required to cooperate with the county social service office and with state and other county personnel who have been assigned responsibility for Child Support Enforcement. Normally, a custodian is a caretaker relative. The custodian may or may not have legal custody of the child(ren), but it is the custodian who has physical custody and is related to the child(ren) within the proper degree for TANF household purposes who is required to cooperate. In multi-generational TANF households, more than one individual will have custodial responsibility for deprived children .

Cooperation from a custodian is required with respect to any person on whose behalf a TANF benefit is being applied for or received, and includes:

1. Identifying and assisting in locating the absent parent of a child;
2. Establishing the paternity of a child born out of wedlock;
3. Obtaining support payments for such caretaker and/or child; and
4. Obtaining any other payments or property due such applicant or recipient.

Cooperation on the part of the custodian may include the following:

1. Appearing at the County Social Service office, Child Support Enforcement office, or State's Attorney office, as necessary, to furnish verbal or written information or documentary evidence known to or possessed (or reasonably obtainable) by the custodian which is essential to obtaining support. This includes assisting in establishing a child's paternity.

2. Appearing as a party to or witness at court or other hearings or proceedings necessary to achieve the objectives of Child Support Enforcement.
3. Providing information or attesting to the lack of information, under penalty of perjury. This includes completing and returning paperwork to Child Support Enforcement within the timeframes requested.
4. Submitting any support payments received by the custodian on behalf of the child(ren) or adult in the TANF benefit to Child Support Enforcement after support rights have been assigned and to which they are not entitled. This includes signing and abiding by a repayment agreement relating to the recovery of support erroneously retained.
5. Appearing for a scheduled genetic testing appointment and submitting to such testing.

The efforts of the Child Support Enforcement program to establish paternity and secure support will be consistent with the best interests of the child. The requirement for cooperation is normally satisfied when Child Support Enforcement has reason to believe that the information provided represents all relevant information known or possessed by the custodian.

'Good Cause' for Refusing to Cooperate 400-19-70-30

(Revised 6/1/10 ML #3225)

View Archives

(N.D.A.C. 75-02-01.2-34)

A custodian may have good cause for not cooperating with Child Support Enforcement. Accordingly, all custodians must be given the opportunity to claim a 'good cause' exemption. This is accomplished by providing each with form SFN 443, Notice of Right to Claim 'Good Cause' at the time of application or when a child is being added to an ongoing case. The notice:

1. Briefly summarizes the legislative intent of the Child Support Enforcement program;
2. Defines the custodian's responsibility to cooperate in the support enforcement effort; and
3. Provides a detailed explanation of the procedure for claiming 'good cause'.

The custodian shall be given sufficient time to read the notice(s) and raise questions before signing. Any custodian wishing to claim a 'good cause' exemption shall indicate in writing by completing SFN 446, Request to Claim 'Good Cause'.

If, at the time of application, the custodian claims 'good cause', the custodian's financial needs must be included in the TANF benefit pending the determination of 'good cause'. If good cause is not established, the custodian's financial needs remain in the TANF benefit, a referral is sent to Child Support Enforcement, and the custodian is required to cooperate.

If a determination of 'good cause' for non-cooperation with Child Support Enforcement is pending or has been granted, the Child Support Up-front

Eligibility requirement does not apply. The TANF Eligibility Worker should request the family to complete the forms but cannot deny the application if the forms are not completed and returned. If the forms are completed and returned, they must be sent to the Regional Child Support office.

EVIDENCE NEEDED TO ESTABLISH 'GOOD CAUSE' - There must be evidence to substantiate a claim of 'good cause'. Exemptions on the basis of physical or emotional harm, either to the child or to the custodian which, in turn, could be expected to reduce the custodian's capacity to care for the child, are allowed only for circumstances of a genuine and serious nature. Mere belief that cooperation might result in harm is not a sufficient basis for a finding of 'good cause'. Evidence upon which the County Social Service staff bases a finding of 'good cause' must be supported by written statements and contained in the case record.

It is the custodian's responsibility to provide the TANF Eligibility Worker with the evidence needed to establish 'good cause'. The custodian must be given a minimum of 20 days from the date of their claim to collect the evidence. In exceptional cases the TANF Eligibility Worker may grant additional time when obtaining the evidence proves difficult.

Records of law enforcement, social service, or adoption agencies may be readily available to document instances of rape, physical harm, or pending adoption and are deemed sufficient to substantiate the claim of 'good cause'. However, in situations other than adoption, additional evidence may be required.

Documentation of anticipated emotional harm to the child or custodian may be somewhat more elusive. Whenever the claim is based in whole or in part on anticipated emotional harm, the county social service staff shall consider the following:

1. The present emotional state of the individual subject to emotional harm;
2. The emotional health history of the individual subject to emotional harm;
3. The intensity and probable duration of the emotional harm;

4. The degree of cooperation to be required;
5. The extent of involvement of the child in the paternity establishment or support enforcement activity to be undertaken.

TANF ELIGIBILITY WORKER ROLE IN OBTAINING EVIDENCE – While the obligation to produce evidence necessary to support a 'good cause' claim remains the custodian's basic responsibility, the custodian may request the TANF Eligibility Worker to assist in obtaining evidence. The TANF Eligibility Worker must actively assist in obtaining evidence when the individual is not reasonably able to do so and promptly notify the custodian if additional evidence or documentation is necessary. The custodian may be able to provide specifics as to the type of document or record that they believe may be available to support the claim and its source.

The TANF Eligibility Worker is obligated to assume direct responsibility for investigating a 'good cause' claim when the custodian's claim is believed to be authentic even though confirming evidence may not be available. This need may occur when the claim is based on a fear of serious physical harm and the claim is believed by the TANF Eligibility Worker. Such investigation will be conducted without requiring corroborative evidence by the custodian, and may involve a careful review of the case record, evaluation of the credibility of the custodian's statements, and/or a confidential interview with an observer who has good reasons for not giving a written statement. Based on such an investigation and professional judgment, the TANF Eligibility Worker may find that good cause exists without the availability of absolute corroborative -- evidence.

During the investigation of a 'good cause' claim, care must be taken to ensure that the location of the custodian and child(ren) are not revealed.

GOOD CAUSE CLAIMS TO BE PROCESSED PROMPTLY - Except for extenuating circumstances, the determination of whether 'good cause' exists must be made with the same degree of promptness as is the determination of other factors of eligibility (within 30 days). While the 'good cause' claim is pending, the TANF Eligibility Worker may not deny, delay, or discontinue assistance. Prior to making a final determination, County Social Service staff are required to provide Child Support Enforcement staff the opportunity to review and comment on the findings

and basis for the proposed decision. However, the final determination rests with County Social Service staff.

Determinations concerning claims of good cause require the use of the decision-making principles found in N.D.A.C. § 75-02-01.2-12. These principles must be applied to the individual's statements and information to determine if the requirements of good cause are met. (To review the Good Cause Decision-Making Principles see Section 400-19-05, Definitions.)

CHILD SUPPORT ENFORCEMENT STAFF TO BE INFORMED OF 'GOOD CAUSE' STATUS - It is essential that the TANF Eligibility Worker keep Child Support Enforcement staff informed on the status of all 'good cause' claims. This includes:

1. Promptly notifying Child Support Enforcement of all custodians who claim 'good cause' and requesting suspension of child support activity pending a determination;
2. Promptly reporting to Child Support Enforcement all cases in which a 'good cause' determination has been made for refusal to cooperate. Once 'good cause' is determined, no child support activity may be pursued unless at a future time it is determined that 'good cause' no longer exists; and
3. Promptly notifying Child Support Enforcement of all cases in which it has been determined that 'good cause' for refusing to cooperate does not exist and that child support activity can begin or resume.

CLAIMANTS OF 'GOOD CAUSE' TO BE INFORMED OF DECISION - The custodian must be advised, in writing, of the county social service staff's final decision that 'good cause' does or does not exist and the basis for the findings. If 'good cause' was determined not to exist, the communication must remind the custodian of the obligation to cooperate with Child Support Enforcement's efforts. The communication must also advise the custodian of their right to appeal the decision. In the event the custodian does appeal, Child Support Enforcement shall be advised to delay its activity until the results of the appeal are known. The written communication to the custodian whose claim to an exemption has been

denied should also include a statement of the right to withdraw the application or have the case closed.

> **Note:** The TANF Eligibility Worker will need to manually create the appropriate Good Cause Determination notice through the automated computer system.

PERIODIC REVIEW OF 'GOOD CAUSE' CLAIMS - Cases in which 'good cause' was previously found to exist must be reviewed at a minimum of every 12 months. Rather than routinely conducting full scale re-reviews on every case, however, a complete follow-up needs to be done on only those claims in which the original finding of 'good cause' was based on a circumstance that is subject to change. If good cause is found to continue to exist, the claimant must be informed of the decision in writing.

If it is found that circumstances have changed so that 'good cause' no longer exists, the custodian must be advised of the decision, in writing, and afforded the opportunity to cooperate, withdraw from the program, or appeal the decision. Child Support Enforcement must be informed if:

1. The custodian agrees to cooperate so child support activity can begin;
2. The custodian withdraws from the program which will result in the TANF referral closing; or
3. The custodian appeals the decision which will result in Child Support Enforcement's delaying its activity until the results of the appeal are known.

If, in an ongoing case, the custodian claims 'good cause' and a sanction has not been imposed, the custodian's needs must be included in the TANF benefit pending the determination of 'good cause'.

- If 'good cause' is established, Child Support Enforcement is informed of the determination, the custodian is not required to cooperate and their financial needs continue to be included in the TANF benefit.
- If 'good cause' is not established, the custodian is required to cooperate and their financial needs continue to be included in the TANF benefit.

- If Child Support Enforcement sends notification of non-cooperation and 'good cause' is approved, the sanction is not imposed and the custodian's financial needs continue to be included in the TANF benefit.

  Note: The TANF Eligibility Worker must contact the Help Desk for assistance to delete the sanction.

- If Child Support Enforcement sends notification of non-cooperation and 'good cause' is denied, the sanction must be imposed effective the first day of the future benefit month.

  Note: The TANF Eligibility Worker must contact the Help Desk for assistance to impose the sanction.

Prompt Referral to Child Support Enforcement 400-19-70-35

(Revised 6/1/10 ML #3218)

View Archives

(N.D.A.C. 75-02-01.2-33)

Federal law requires that Child Support Enforcement be notified promptly of any child whose eligibility is based on at least one parents' continued absence from the home.

> **Note:** Children who are subject to Pay After Performance Requirements are given a participation code of 'OU'. A referral is not made to Child Support Enforcement until the child meets the Work Requirement and is determined eligible for TANF. Any child support received by Child Support Enforcement on behalf of that child during the period the child is 'OU' due to Pay After Performance requirements will be released to the household and must be counted as income.

A referral to Child Support Enforcement is required for any child whose deprivation is based on the absence of a parent. A referral to Child Support Enforcement is not required when both parents are in the home and deprivation is based on incapacity, disability, or age. When a child's deprivation is changed from incapacity to absence of a parent, a referral to Child Support Enforcement is required for all children affected by the change in deprivation.

A referral to Child Support Enforcement is not required for SSI or benefit cap children who reside in the household because these children are not included in the TANF benefit.

A custodian under age 18 who resides outside their parental home and whose needs are included in the TANF benefit assigns rights to support against their parents as well as the parent or alleged father of any deprived child for whom the custodian cares. In this instance, referrals are sent to Child Support Enforcement. At the time the custodian attains age 18, the assignment of rights to support and referral against the parents of the 18-year old end.

The Department of Human Services utilizes automated computer systems to transmit and receive referrals and information for all children deprived of parental support and care due to continued absence. The referral information sent to Child Support Enforcement is used to establish paternity, locate the absent parent(s), and establish a support order. The referral is transmitted the same evening TANF benefits are issued. Additionally, Child Support Enforcement will alert the TANF Eligibility Worker any time information is received that may affect eligibility (i.e. absent parent address the same as the child, etc).

Non-Cooperation with Child Support Enforcement 400-19-70-40

(Revised 8/1/11 ML #3272)

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If Child Support Enforcement notifies the TANF Eligibility Worker of the custodian's failure to cooperate, the TANF Eligibility Worker must use this information when determining the custodian's eligibility for assistance.

A custodian who refuses to cooperate with Child Support Enforcement is ineligible to receive TANF and a sanction will be imposed. If the custodian continues to refuse to cooperate, the sanction will progress to case closure. The custodian has the right to appeal that decision. (See Section 400-19-95, Sanctions for Non-Compliance with Child Support.)

Children age 16 or older who are not attending school full time are subject to the four (4) months of Pay After Performance (PAP) requirements and are given a participation code of 'OU'. A referral is not made to Child Support Enforcement (CSE) until the child meets the Work Requirement and is determined eligible for TANF. If a CSE non-cooperation alert is received for a child who has a participation code of 'OU', the custodian of the 'OU' child cannot be sanctioned.

If the child's custodian has not cooperated with CSE at the time the child is no longer subject to PAP requirements, a CSE sanction must be imposed effective with the first month the child is no longer subject to the PAP requirements.

> **Note:** Vision will not automatically create the CSE Sanction. Contact System Support and Development for assistance.

If the child for whom the custodian is not cooperating leaves the household, the sanction must be ended effective the last day of the month the child left the household.

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

Overview 400-19-75-05

(Revised 6/1/10 ML #3218)

View Archives

(N.D.A.C. 75-02-01.2-82)

The Job Opportunity and Basic Skills (JOBS) Program is the companion program to the Temporary Assistance for Needy Families (TANF) Program. It combines components of education, training, and employment to enable participants to become self-sufficient.

Unless first determined exempt or granted 'good cause' for nonparticipation, all individuals must, as a condition of eligibility, comply with the requirements of JOBS or a Tribal Native Employment Works (NEW) Program. (For additional information regarding the Tribal Native Employment Works (NEW) Program, See Section 400-19-80.)

Exempt, Excluded and Non-Exempt Individuals 400-19-75-10

Exempt Individuals 400-19-75-10-05

(Revised 7/1/12 ML #3334)

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(N.D.A.C. 75-02-01.2-87)

Under Federal TANF law, the following individuals are exempt and are not required to participate in the JOBS or Tribal NEW programs:

1. Individuals age 65 or older in receipt of TANF.

   Note: A 65 year-old work eligible individual is included in the state's work participation rate, even though the individual is considered exempt under North Dakota TANF law, rule and policy.

2. Parents or caretaker relatives personally providing full-time care for a child who is under the age of 2 months and who have not received the lifetime maximum exemption of 12-months as a caretaker of a newborn.

   Note #1: Such parents or caretaker relatives are considered exempt through the end of the 2nd month from their child's date of birth.

   Note #2: When a household includes two parents, only one parent can claim this exemption . When applicable, this exemption applies to the non-disabled, non-aged, or non-incapacitated parent.

3. Children under the age of 16.

4. Children age 16 and older and who are currently enrolled or have been accepted as full-time students for the next school term in an elementary or secondary school or in a vocational or technical school that is equivalent to secondary school and who, by the last day of the month of their 19th birthday, will:

    a. Complete their training curriculum from a secondary school in order to receive a high school diploma or GED, or

    b. Complete their training a a vocational or technical school that is equivalent to secondary school.

        Note: Individuals age 16 or older who are pursuing a GED must participate in JOBS.

Exempt Individuals Who Choose to Volunteer 400-19-75-10-10

(Revised 8/1/11 ML #3272)

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Exempt individuals who are informed of the value of the services provided by the JOBS or Tribal NEW Program (job search, job readiness, work experience, etc., and the possible reduction in the number of months applied to the lifetime, 12-month, caretaker exemption) may choose to volunteer. Individuals who volunteer are also able to access JOBS supportive services.

Those individuals who volunteer must be referred to the JOBS or Tribal NEW Program provided they are otherwise eligible for assistance.

Individuals who are exempt and volunteer to participate in the JOBS or Tribal NEW Program are subject to the same requirements as are non-exempt individuals.

> **Note:** At the time an exempt volunteer who is participating loses their exempt status, a SFN 323, JOBS Status Change or the automated JOBS Status Change form must be sent to the JOBS Employment Contractor or Tribal NEW Coordinator indicating the individual is no longer exempt. Notification must also be sent to the JOBS participant.

Individuals who are exempt and volunteer to participate in the JOBS or Tribal NEW Program and who subsequently fail to participate must have their status changed to exempt (deselect the 'Volunteer' checkbox in the automated computer system). A new referral must be created should that same individual, while still exempt, choose to be referred.

> **Note:** A new referral must be created at the time an exempt individual who volunteered but did not comply, is no longer exempt.

A JOBS sanction cannot be imposed on an exempt individual who chooses to volunteer in the JOBS Program as the individual is not required to meet the JOBS requirements.

Excluded Individuals 400-19-75-10-15

(Revised 10/1/10 ML #3241)

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Under Federal TANF law, the following individuals are not required to participate in the JOBS or Tribal NEW programs and are excluded when calculating the state's work participation rate:

1. A minor parent and not the head-of-household (IN);
2. An alien who is ineligible to receive assistance due to their immigration status (DA);
3. A recipient of Supplemental Security Income (SSI), including presumptive SSI (SS);
4. A recipient of Social Security Disability (SSDI) benefits (IN);
5. A parent or spouse whose substantial continuous presence in the household is necessary to care for a disabled family member living in the home to whom the individual seeking good cause owes a legal duty to provide care. The disabled family member must have a condition, verified by reliable medical evidence, which does not permit self-care, care by another household member, or care provided as supportive services. (IN) (See Section 400-19-75-10-15-05 "Verified Providers of Care to Disabled Family Members" for additional information).

> **Note:** Only those individuals with participation codes of 'IN' can volunteer to participate in the JOBS program.

Verified Provider of Care to a Disabled Family Member 400-19-75-10-15-05

(Revised 7/1/12 ML #3334)

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For purposes of this section:

- "Parent" means a parent or caretaker relative who would otherwise be considered a non-exempt caretaker, including a Pay After Performance caretaker.
- "Disabled" or "Disability" means the existence of a verifiable physical or mental impairment.
- "Family member" means an individual who is within the fifth degree of relationship to the 'parent'.
- "Living in the home" means physically residing within the home of the 'parent' or spouse.
- "State Exemption Determination Team (SEDT)" means the Public Assistance Director and the TANF/JOBS Policy Administrator(s).
- "Legal Duty to Provide Care" means an individual whose legal responsibility to provide care to an individual is conveyed by marriage, parentage or by court order.

  Note: Unless ordered by the court, a parent's 'Legal Duty to Provide Care' ends:

  1. For a child who turns age 18, the month following the month the child turns age 18; or
  2. For a child who is age 18 and will complete their training curriculum from a secondary school or vocational or technical school that is equivalent to

secondary school by the last day of the month of their 19th birthday, the month following the month the child completes their training curriculum.

The TANF program shall exclude from participation in the JOBS Program a parent or spouse who is providing care to a disabled family member if:

1. The disabled family member is "living in the home" and the parent or spouse has a "legal duty to provide care"; and

2. The SEDT has determined that the "family member's" disability supports the parent's or spouse's need to provide care to the disabled family member.

   NOTE: When such a determination is made, the SEDT shall select the Verified Provider of Care (VP) exemption reason on the JOBS window. Only State TANF Policy may select the VP exemption reason.

Requests to have the SEDT grant VP exemption to an individual may be initiated by the disabled family member's parent or spouse, the TANF Eligibility Worker, or the JOBS Employment Contractor, as described below.

Required Process For Determining If A Parent or Spouse Should Be Considered A Verified Provider Of Care To A Disabled Family Member:

1. The parent or spouse must provide current medical documentation verifying the family member's disability and supporting the parent or spouse's need to remain at home to provide full-time care to the disabled family member.

2. The TANF Eligibility Worker or JOBS Employment Contractor must forward a completed copy of SFN 451 "Eligibility Report on Disability/Incapacity" along with all available medical documentation to the SEDT requesting that VP exemption be granted to the parent or spouse.

3. The SEDT will determine if the VP exemption will be granted. If the SEDT grants VP exemption to the parent or spouse, the parent or

spouse will not be required to participate in the JOBS or Tribal NEW programs.

4. The SEDT will inform the TANF Eligibility Worker and JOBS Employment Contractor of the determination. If VP exemption is granted, the TANF Eligibility Worker is informed of:

   a. The date of the next scheduled review; and

   b. The information that must be provided to complete the review.

Non-Exempt (Work Eligible) Individuals 400-19-75-10-20

(Revised 6/1/10 ML #3225)

View Archives

(N.D.A.C. 75-02-01.2-84)

All individuals who are not exempt or excluded shall be referred to the JOBS or Tribal NEW program as determined appropriate, and are required to participate to the best of their abilities. Non-exempt individuals are defined as:

1. Any adult receiving assistance under TANF, including individuals subject to Pay after Performance requirements;
2. Any minor child head of household receiving assistance under TANF;
3. Any non-recipient caretaker living with a child receiving assistance, including:
    - A caretaker who is sanctioned due to non-compliance with work requirements (DI)
    - A caretaker who is disqualified due to intentional program violations (DF)
    - A caretaker who is disqualified due to being a fleeing felon (DD)
    - A caretaker who is disqualified due to a drug felony (DD)
    - A caretaker who is disqualified due to parole or probation violation (DD), or
    - A caretaker who is disqualified for non-compliance with Child Support Enforcement (DM)

    NOTE: A caretaker is not eligible to participate in the JOBS Program if their participation code is 'DA' 'SS', 'ST', 'MP' or 'OU', except those who are 'OU' as a Pay After Performance caretaker.

4. Any child, age 16 and older, who is not attending school or who is pursuing a GED.

Good Cause Decision-Making Principles for JOBS 400-19-75-15

(Revised 6/1/10 ML #3218)

View Archives

(N.D.A.C. 75-02-01.2-12.)

Determinations concerning claims of good cause require the use of the decision making principles found in N.D.A.C. § 75-02-01.2-12. These principles must be applied to the individual's statements and information to determine if the requirements of good cause are met. (To review the Good Cause Decision-Making Principles see Section 400-19-05, Definitions.)

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

(Revised 7/1/2012 ML #3334)

View Archives

(N.D.A.C. 75-02-01.2-103)

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, 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 2 (two) times the maximum allowable amount as determined by the Child Care Assistance program for the Provider Type of 'Center'.

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

Good Cause - Family Violence Option 400-19-75-20-05

(Revised 6/1/10 ML #3218)

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The provisions of the family violence option contained in the Personal Responsibility and Work Opportunity Act of 1996 and N.D.C.C. § 50-09-31, provides that:

1. All TANF applicants and recipients must be informed of the family violence option; and
2. All applicants must be screened to determine if they are past or present victims of family violence or are at risk of further family violence; and
3. Individuals with positive screening results must be referred to a local family violence, sexual assault organization (See DN 1332, Family Violence Option brochure, for a listing of available family violence resource centers) for safety planning and supportive services; and

   Note: If the individual referred to a local family violence, sexual assault organization for safety planning and supportive services refuses to comply with the referral, the TANF Eligibility Worker must document that a referral was offered and declined.

4. Determine if good cause exists to waive participation in the JOBS program.
   - A referral to JOBS or Tribal NEW must be made if it is determined that participation will not place the individual and their family at risk of family violence. However, the individual may be placed under a Modified Employability Plan. (See Section 400-19-75-40-40-05, Modified Employability Plans.)
   - Good cause must be granted if it is determined that participation is likely to place the individual and their family at risk of further family violence.

> **Note:** Good cause will continue only until such time as it is determined that participation will not place the individual and their family at risk of further family violence.

The TANF Eligibility Worker is ultimately responsible to make a good cause determination and should do so with assistance and input from the applicant/recipient and staff from the local family violence resource center or other service providers, as appropriate.

In the event that the TANF Eligibility Worker is unable to determine whether a victim of family violence should be referred or not referred to the JOBS program, the TANF Eligibility Worker may forward all pertinent documentation to the SEDT for assistance.

> **Note:** Cases involving potential family violence are not to be referred to the State Review team.

Refer to DN 1332, 'The Family Violence Option' brochure for additional information on the Family Violence Option as it relates to good cause for non-participation in the JOBS or Tribal NEW.

Good Cause - State Review Team (SRT) 400-19-75-20-10

(Revised 6/1/10 ML #3225)

View Archives

When a claim of good cause for non-participation in JOBS or Tribal NEW is based on a medical reason, either the TANF Eligibility Worker or JOBS Employment Contractor must complete SFN 451 'Eligibility Report on Disability/Incapacity' and request the individual provide medical evidence. This information must be submitted to State TANF Policy to ensure all necessary information is included with the request. Once State TANF policy determines all necessary information is received, the information will be forwarded to the State Review Team (SRT) for a determination.

> **Note:** While it is the responsibility of the applicant or participant to ensure that medical evidence is provided for review by the SRT, the TANF Eligibility Worker or JOBS Employment Contractor may assist the individual in obtaining this information.

Depending on the type and severity of a non-exempt individual's physical, mental, emotional, or intellectual impairment, the individual will be expected to fully participate or participate at a reduced level in JOBS or Tribal NEW, pending the decision from the SRT.

> **Note:** In special circumstances, the State TANF Policy staff may approve good cause pending the decision from the SRT.

If the SRT determines that an individual's impairment could affect the individual's ability to fully participate in JOBS or Tribal NEW, the SRT will recommend that the individual's physician, counselor, health care or other qualified professional be contacted to determine a reasonable level of involvement and expectations for remediation of the individual's physical, mental, emotional, or intellectual impairment.

The TANF Eligibility Worker must share the SRT's recommendation with the JOBS Employment Contractor and the JOBS Employment Contractor must

ensure that appropriate accommodations are made for the individual and that the Employability Plan reflects the individual's functional capabilities and work limitations.

Good Cause - Incapacity vs. Incapacity of a Parent/TANF Eligibility 400-19-75-20-15

(Revised 6/1/10 ML #3218)

View Archives

(N.D.A.C. § 75-02-01.2-18)

(N.D.A.C. § 75-02-01.2-103)

Incapacity of a parent is the basis for determining TANF eligibility for a two-parent family with a child(ren) in common. If either of the parents is determined incapacitated by the State Review Team (SRT), deprivation exists. However, such a determination does not convey good cause to the incapacitated parent for non-participation in the JOBS program.

Before an incapacitated parent may be considered to have good cause for non-participation in the JOBS program, a determination must be made that the parent's physical, mental, emotional, or intellectual impairment is serious enough to prevent any involvement in the JOBS program.

If an incapacitated parent is capable of working or participating in the JOBS program activities at any level, the parent should be referred to the JOBS program. Based on the incapacitated parent's work assessment and recommendations from the TANF Eligibility Worker, the SRT, or other professionals, the individual will then be required to participate in JOBS activities that best match the parent's abilities.

> **Example:** A father and mother with a child in common who have been determined to be otherwise eligible request TANF benefits based on deprivation related to the father's medical condition.
>
> The TANF Eligibility Worker will send a completed SFN 451, Eligibility Report On Disability/Incapacity, along with current medical documentation (e.g. actual copies of clinical visits, medical or

psychological reports, etc.), to the SRT to determine if the father is incapacitated and, if so, whether good cause for non-participation in the JOBS program should be granted.

> **Note:** Both the Incapacity and JOBS Good Cause boxes should be checked on the SFN 451.

Review of the SFN 451 and the father's medical records by the SRT results in their determination that he is incapacitated but that his incapacity is not serious enough to totally prevent him from working or participating in any JOBS program activities.

Based on the father's incapacity, the family is determined to be eligible to receive TANF. Since the father's incapacity is not serious enough to totally prevent him from participating in the JOBS program, good cause is not granted. Both the mother and the father are referred to the JOBS program and the referrals should include the SRT's recommendation, if any.

> **Note:** If, in the above example, the SRT had determined that the incapacitated father's physical or mental impairment was serious enough to totally prevent him from participating in the JOBS program, the SRT would have recommended that good cause be granted for non-participation in JOBS and would have established future review dates and expectations for remediation of his physical, mental, emotional, or intellectual impairment.

Good Cause for Non-Participation - Approved
400-19-75-20-20

(Revised 6/1/10 ML #3218)

View Archives

When a request for good cause for non-participation in the JOBS program is approved, the reason approved and the date for the next review must be documented in the casefile.

Upon receipt of a determination from the State Review Team (SRT), the State Exemption Determination Team (SEDT) or when the determination is made by the TANF Eligibility Worker:

- If a JOBS referral has not been made, the TANF Eligibility Worker must select the appropriate good cause reason and enter the Expected End Date on the JOBS window. The individual must be sent notification which includes:
  - The decision;
  - The good cause expected end date; and
  - The information that will need to be submitted and the due date by which the information must be submitted should they wish to continue their claim of good cause.

    Note: The reason of Verified Provider of Care (VP) can only be selected by State TANF Policy staff.

- If a JOBS referral has been made, the TANF Eligibility Worker must select the appropriate good cause reason and enter the Expected End Date on the JOBS window, and create a JOBS Status Change Form informing the JOBS Employment Contractor of the approval. The individual must be sent notification which includes:
  - The decision;
  - The good cause expected end date; and

- The information that will need to be submitted and the due date by which the information must be submitted should they wish to continue their claim of good cause.

  Note: The reason of Verified Provider of Care (VP) can only be selected by State TANF Policy staff.

Good Cause for Non-Participation - Denied
400-19-75-20-25

(Revised 6/1/10 ML #3218)

View Archives

When a request for good cause for non-participation in the JOBS program is denied, the denial reason must be documented in the casefile.

Upon receipt of a determination from the State Review Team (SRT), the State Exemption Determination Team (SEDT) or when the determination is made by the TANF Eligibility Worker:

- If a JOBS referral has not been made, the individual must be sent notification of the decision. A JOBS referral must be created immediately and the individual informed of the requirement to participate.
- If a JOBS referral has been made, the individual must be sent notification of the decision which includes the requirement for their continued participation. A copy of the letter should be forwarded to the JOBS Employment Contractor.

Good Cause for Non-Participation - Denied - Resulting in a Modified Employability Plan 400-19-75-20-30

(Revised 6/1/10 ML #3218)

View Archives

When a request for good cause for non-participation in the JOBS program is denied, the JOBS Employment Contractor may determine that the individual can only participate at a reduced level. A Modified Employability Plan is developed based on the medical or psychological information provided. (See Section 400-19-75-40-40-05, Modified Employability Plan.)

Hours of Participation 400-19-75-25

(Revised 6/1/10 ML #3218)

View Archives

(N.D.A.C. § 75-02-01.2-84)

(N.D.A.C. § 75-02-01.2-87)

All referred individuals are required to participate in approved and countable work activities within the JOBS or Tribal NEW program Referred individuals will be expected to meet their minimum average hours of participation, as indicated below.

Non-exempt individuals who are involved in the JOBS program must complete a minimum average of 30 hours per week in approved work activities with the following exception:

- A single parent or caretaker relative of a child under age six who is personally caring for that child and is the only parent or caretaker relative in the household is required to participate in an approved work activity for a minimum average of 20 hours per week.

  Note: If the only child is unborn, the individual is required to participate 30 hours per week.

A caretaker who is married or a single head-of-household under age 20:

1. Who participate in education that is directly related to employment will be considered fully engaged in work if the individual participates for an average of at least 20 hours per week during a month (JOBS Work Activity of Education Directly Related to Employment).
2. Who attends secondary school or a vocational or technical school that is equivalent to secondary school will be considered engaged in and meeting their 20 or 30 hour minimum work requirements (JOBS Work

Activity of Satisfactory Attendance at a Secondary School Leading to a HS Diploma or GED).

Some individuals may be unable to meet the required minimum work hours as a result of physical or mental impairments, disabilities, or due to experiencing family violence. These individuals will be placed under a Modified Employability Plan allowing the individual to participate at a reduced level. Individuals who are meeting the expectations of their Modified Employability Plans shall be considered to be fully complying with their TANF minimum work requirement even though they are not meeting the federal work requirements. (See Section 400-19-75-40-40-05, Modified Employability Plan.)

The JOBS Employment Contractor may require participation in multiple work activities or require the individual to work sufficient hours throughout the month in order to ensure that an individual meets the minimum average weekly hours.

Work Activities 400-19-75-30

(Revised 6/1/10 ML #3218)

View Archives

(N.D.A.C. 75-02-01.2-85)

All referred individuals are required to participate in one or more work activities for periods of time necessary to allow a participant to complete tasks that will move them directly into employment.

Following are the allowable work activities within the JOBS program:

1. Unsubsidized Employment;
2. Subsidized public or private sector employment
3. On the Job Training;
4. Public or private work experience;
5. Job Search and job readiness activities;
6. Community Service;
7. Vocational Training;
8. Education directly related to employment for a participant under age 20 who has not completed high school or received a GED;
9. Satisfactory attendance at secondary school or in a course of study leading to a GED for a participate under age 20;
10. Providing child care services to another participant engaged in a community service program; and
11. Job skills training directly related to employment.

JOBS Status Change 400-19-75-35

(Revised 10/1/10 ML #3241)

View Archives

SFN 323, JOBS Status Change form, or the automated computer system generated JOBS Status form may be used by the TANF Eligibility Worker and the JOBS Employment Contractor to communicate and document pertinent information regarding a JOBS participant. The JOBS Status Change Form may be used:

1. When a permanent record is needed to document approval for adjustments in supportive services;
2. To verify whether or not a Pay After Performance individual met the work participation requirements;
3. To notify the JOBS Employment Contractor that an application has been denied or a case has been closed; and
4. To report employment or other changes.

Referrals to the JOBS Program 400-19-75-40

Overview 400-19-75-40-05

(Revised 6/1/10 ML #3218)

View Archives

(N.D.A.C. 75-02-01.2-88)

Any individual who is not exempt from the Job Opportunities and Basic Skills (JOBS) program and anyone who volunteers must be referred to the JOBS program. Referrals may be made only after the individual is determined otherwise eligible for assistance.

The JOBS or Tribal NEW referral includes the tasks that are required to be completed and outlines the potential consequences for noncompliance with those requirements.

Referrals for Non-Sanctioned Individuals
400-19-75-40-10

(Revised 6/1/10 ML #3218)

View Archives

Referred individuals MUST:

1. Contact the JOBS program within seven (7) calendar days from the print date of the referral to schedule an appointment to enroll; and
2. Attend the scheduled appointment to complete the program orientation, initial assessment, and employability plan, unless they are determined to have good cause for not attending.

An individual who is referred to JOBS or Tribal NEW (including individuals whose exemption or good cause has ended) are required to contact JOBS or Tribal NEW to schedule an initial appointment within seven (7) days from the print date of the referral. The contact must be made prior to the close of business of the JOBS or Tribal NEW office's last working day within the required seven (7) calendar day period.

> **Note:** The day after the referral print date is considered day one of the seven (7) calendar day period.

This period shall be extended one working day for each workday the JOBS or Tribal NEW office is closed only due to severe weather or other emergencies.

> **Note:** The seven (7) calendar day period shall NOT be extended due to agency closings related to weekends, Federal, State or Tribal holidays.

> **Example:** A new TANF applicant is being referred to JOBS or Tribal NEW. The individual's JOBS or Tribal NEW referral form is printed on Monday, June 27. Based on the seven (7) calendar day period, the

individual would be required to contact JOBS or Tribal NEW by Monday, July 4. However, JOBS or Tribal NEW office will be closed on Monday, July 4, due to the Independence Day holiday. Because the referral period can only be extended due to severe weather or other emergencies, the individual is required to contact JOBS or Tribal NEW by the close of business on Friday, July 1 (the last working day within the seven (7) calendar day period).

Referrals for Sanctioned Individuals 400-19-75-40-15

(Revised 10/1/10 ML #3241)

View Archives

Referred individual MUST:

1. Contact the JOBS program within seven (7) calendar days from the print date of the referral to schedule an appointment to enroll; and
2. Attend the scheduled appointment to complete the program orientation, initial assessment, and employability plan; and
3. Complete their Proof of Performance unless they are determined to have good cause.

An individual who is referred to JOBS or Tribal NEW (including individuals whose exemption or good cause has ended) is required to contact JOBS or Tribal NEW to schedule an initial appointment within seven (7) days from the print date of the referral. The contact must be made prior to the close of business of the JOBS or Tribal NEW office's last working day within the required seven (7) calendar day period.

> **Note:** The day after the referral print date is considered day one of the seven (7) calendar day period.

This period shall be extended one working day for each workday the JOBS or Tribal NEW office is closed only due to severe weather or other emergencies.

> **Note:** The seven (7) calendar day period shall NOT be extended due to agency closings related to weekends, Federal, State or Tribal holidays.

> **Example:** A new TANF applicant is being referred to JOBS or Tribal NEW. The individual's JOBS or Tribal NEW referral form is printed on Monday, June 27. Based on the seven (7) calendar day period, the

individual would be required to contact JOBS or Tribal NEW by Monday, July 4. However, JOBS or Tribal NEW office will be closed on Monday, July 4, due to the Independence Day holiday. Because the referral period can only be extended due to severe weather or other emergencies, the individual is required to contact JOBS or Tribal NEW by the close of business on Friday, July 1 (the last working day within the seven (7) calendar day period).

Referrals When an Individual's JOBS Status Changes 400-19-75-40-20

(Revised 6/1/10 ML #3218)

View Archives

A new JOBS referral must be created when an individual's JOBS status changes due to the following situations:

1. An individual is no longer determined exempt from participation;
2. An individual who is exempt from participation chooses to volunteer;

   Note: A new referral must also be created when an exempt individual who volunteered, did not comply during the volunteer period, and has become nonexempt.

3. An individual who is no longer determined excluded from participation;
4. An individual's good cause period has ended and continued good cause has not been established.

When completing the referral process, see Section 400-19-75-40-10, Referrals for Non-Sanctioned Individuals and Section 400-19-75-40-15 for Referrals for Sanctioned Individuals.

JOBS or Tribal NEW Participant Moves to Another County 400-19-75-40-25

(Revised 7/1/2012 ML #3334)

View Archives

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 within seven (7) calendar days from the print date of the new JOBS referral.

Sending County:

Consistent with Service Chapter 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. 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.

Resuming Participation in JOBS or the Same Tribal NEW Program After a Move to Another County 400-19-75-40-25-05

(Revised 6/1/10 ML #3218)

View Archives

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. Individuals must resume involvement in JOBS or Tribal NEW without any break in service. The individual who moves must resume their participation within seven (7) calendar days from the print date of the new JOBS or Tribal NEW referral. The day after the referral print date is considered day one of the seven (7) calendar day period. This period shall be extended one for each workday the JOBS office is closed due to severe weather or other emergencies.

> **Note:** The seven (7) calendar day period shall NOT be extended due to agency closings related to weekends, Federal, State or Tribal holidays.

If an individual fails to resume participation with the new JOBS Employment Contractor or Tribal NEW within seven (7) calendar days from the print on the JOBS or Tribal NEW referral, the JOBS Employment Contractor or Tribal NEW Coordinator is responsible to initiate the good cause determination process and recommend sanction, if appropriate.

Resuming Participation With a New Tribal NEW Program After a Move to Another County 400-19-75-40-25-10

(Revised 6/1/10 ML #3218)

View Archives

When an individual moves from one county to another, participation in Tribal NEW is considered a continuation of service and the individual is not treated as a new participant. Individuals must resume involvement in Tribal NEW without any break in service. The individual who moves must resume their participation within seven (7) calendar days from the print date of the new JOBS or Tribal NEW referral. The day after the referral print date is considered day one of the seven (7) calendar day period. This period shall be extended one working day for each workday the JOBS office is closed due to severe weather or other emergencies.

> **Note:** The seven (7) calendar day period shall NOT be extended due to agency closings related to weekends, Federal, State or Tribal holidays.

> **Note:** Tribal NEW is also responsible to send a copy of the individual's new Service Plan (SP) to the county within 30 days from the print date of the JOBS or Tribal NEW referral. If an individual's SP is not received within 30 calendar days, the TANF Eligibility Worker must contact Tribal NEW to request a copy. (Refer to the Tribal NEW Coordinators' Directory.

If an individual fails to resume participation with the new Tribal NEW program within seven (7) calendar days from the print on the JOBS or Tribal NEW referral, Tribal NEW shall immediately return the referral to the TANF Eligibility Worker. The TANF Eligibility Worker must initiate the good cause determination process.

Failure or Refusal to Enroll or Participate in the JOBS or Tribal NEW Program 400-19-75-40-30

(Revised 6/1/10 ML #3225)

View Archives

(N.D.A.C. 75-02-01.2-102)

A failure or refusal of a non-exempt individual to participate in the JOBS or Tribal NEW program occurs any time the individual:

1. Fails to attend a scheduled appointment;
2. Fails to participate in an approved work activity;
3. States an unwillingness to participate in any approved work activity;
4. Fails to contact the Employment Contractor within seven (7) calendar days from the print date of the referral to schedule an appointment to begin involvement in the program;
5. Refuses, despite apparent ability, to maintain satisfactory progress in any approved work activity; or
6. Fails to comply with the requirements of the Employability Plan (EP);

When an individual fails or refuses to participate in JOBS or Tribal NEW, the individual shall be provided an opportunity to present any good cause reason prior to the imposition of a sanction. Either the TANF Eligibility Worker or the JOBS Employment Contractor may oversee the good cause determination process.

1. The JOBS Employment Contractor oversees the good cause determination process for individuals enrolled in the JOBS Program.

   Exception: When an individual moves and must resume participation in a new Tribal NEW program, the TANF Eligibility Worker is responsible to initiate the good cause determination process and impose a sanction, if appropriate. (See Section

400-19-75-40-25-10, Resuming Participation With a New Tribal NEW Program after a Move to Another County.

2. The TANF Eligibility Worker oversees the good cause determination process when an individual fails to enroll in the JOBS program. The JOBS Employment Contractor must return the JOBS or Tribal NEW referral to the TANF Eligibility Worker.

   Exception: When an individual moves and must resume participation in the same Tribal NEW, Tribal NEW is responsible to initiate the good cause determination process and recommend sanction, if appropriate. (See Section 400-19-75-40-25-05 Resuming Participation in JOBS or the Same Tribal NEW Program after a Move to Another County.

   Note: A good cause determination meeting is not required in instances where an individual fails to comply with JOBS Up-front eligibility requirements (which may include completion of a Proof of Performance). (See Section 400-19-75-40-35-05, TANF Eligibility Worker Responsibility.)

Good Cause Determination Process for Non-Compliance with JOBS/Tribal NEW 400-19-75-40-35

(Revised 6/1/10 ML #3218)

View Archives

(N.D.A.C. 75-02-01.2-80)

(N.D.A.C. 75-02-01.2-103)

When an individual fails or refuses to comply with the requirements of JOBS or Tribal NEW, the individual shall be provided an opportunity to present the good cause reason prior to the imposition of a sanction. The JOBS Employment Contractor, Tribal NEW Coordinator, and the TANF Eligibility Worker will use the Decision-Making principles in Section 400-19-05, Definitions, to determine if the individual has good cause for failure to comply with the requirements of the JOBS program.

TANF Eligibility Worker Responsibility
400-19-75-40-35-05

(Revised 6/1/10 ML #3218)

View Archives

When an individual is required to contact JOBS or Tribal NEW and then fails to schedule or schedules but does not show for the appointment, the JOBS Employment Contractor or Tribal NEW Coordinator is responsible to notify the TANF Eligibility Worker.

1. When an individual fails to contact JOBS or Tribal NEW as required, and the JOBS Up-front eligibility requirement applies, the individual's TANF application shall be denied.

   Note: A good cause determination meeting is NOT held in this instance since the individual's failure to comply does not result in a sanction but, instead, denial of the TANF application.

2. When an individual fails to contact JOBS as required and the JOBS Up-front eligibility requirement does NOT apply:

   a. The TANF Eligibility Worker is responsible to send a Good Cause Determination notice to the individual within two (2) days from the date of receipt of written notification of non-compliance.
   b. The individual is required to schedule an appointment and meet with the TANF Eligibility Worker within seven (7) calendar days from the print date of the good cause determination notice to show good cause for the failure or refusal to participate. The meeting may be held by phone or in person.

      Note: Since individuals must be allowed ‘due process’, good cause meetings cannot be held prior to the individuals scheduled meeting unless the individual requests the meeting be rescheduled to an earlier date. Documentation of the individuals request to reschedule must be included in the casefile.

c. After assessing the good cause claim and information received during the good cause meeting, the TANF Eligibility Worker has the following options:

   i. When good cause for non-cooperation exists, the individual will be re-referred to JOBS or Tribal NEW (A new referral must be created.); or
   ii. When good cause exists for continued non-participation in JOBS or Tribal NEW, a review date must be established to re-evaluate the basis for good cause; or
   iii. When it is determined that good cause does not exist, the TANF Eligibility Worker will impose a JOBS sanction.

d. If an individual fails or refuses to participate in the good cause determination process, or if the TANF Eligibility Worker determines that the individual did not show good cause for the initial failure or refusal to participate, the TANF Eligibility Worker shall notify the individual of the sanction. (See Section 400-19-85-15, Imposing a JOBS Sanction on an Open Case, when the JOBS Employment Contractor makes the good cause determination)

JOBS Employment Contractor/Tribal NEW Coordinator Responsibilities 400-19-75-40-35-10

(Revised 6/1/10 ML #3218)

View Archives

The JOBS Employment Contractor or Tribal NEW Coordinator is responsible to oversee the good cause determination process for individuals already involved in JOBS or Tribal NEW who are not complying with JOBS or Tribal NEW requirements.

The JOBS Employment Contractor or Tribal NEW Coordinator is responsible to send a Good Cause Determination notice to the individual within two (2) days after learning of the individual's failure or refusal to comply. The JOBS Employment Contractor or Tribal NEW Coordinator must meet with the JOBS or Tribal NEW participant within seven (7) days from the date the notice is sent to determine good cause. The meeting may be held by phone or in person.

A Good Cause Determination notice shall offer the individual an opportunity to show good cause for the failure or refusal to comply and must state:

1. The date, time, place, and reason for the Good Cause Determination meeting with the JOBS Employment Contractor or Tribal NEW Coordinator; and

   Note: The TANF Eligibility Worker should review the Good Cause Determination notice to ensure the inactions leading to the non-compliance are included in the Employability Plan (EP).

2. A sanction will be recommended if the participant:

   a. Does not attend the good cause meeting; or
   b. Does not show good cause for failure or refusal to participate, as required.

> **Note:** Since individuals must be allowed 'due process', good cause meetings cannot be held prior to the individuals scheduled meeting unless the individual requests the meeting be rescheduled to an earlier date. Documentation of the individuals request to reschedule must be included in the casefile.

The JOBS Employment Contractor or Tribal NEW Coordinator is responsible to review the individual's good cause claim, if presented, to determine if a recommendation for sanction is appropriate. If the JOBS Employment Contractor or Tribal NEW Coordinator determines that good cause exists, written notification must be sent to the TANF Eligibility Worker and the participant advising that a sanction will not be recommended, and that the participant:

1. Is re-engaged in work activities under the JOBS or Tribal NEW Program; or
2. Has demonstrated that limitations exist that warrant a modified EP. The JOBS Employment Contractor, Tribal NEW Coordinator or the TANF Eligibility Worker also may pursue temporary excusal from participation in JOBS or Tribal NEW. (See Section 400-19-75-20-10, Good Cause – State Review Team (SRT).)

If the JOBS Employment Contractor or Tribal NEW Coordinator determines that the individual did NOT participate in the good cause determination process, or the individual participated but did NOT show good cause for the failure or refusal to participate, written documentation will be provided to the TANF Eligibility Worker recommending that a sanction be imposed. A detailed chronological history of the individual's failure or refusal to participate, the individual's good cause reason (if a good cause reason was provided), and any actions taken by the JOBS Employment Contractor or Tribal NEW Coordinator must be included.

> **Note:** A sanction recommended by Tribal NEW has the same impact on a participant, and will be processed by the TANF Eligibility Worker in the same manner, as a sanction recommended by the JOBS program.

JOBS Employability Plan 400-19-75-40-40

(Revised 6/1/10 ML #3218)

View Archives

The JOBS Employment Contractor shall develop an Employability Plan (EP) in consultation with the participant and others, as appropriate. (An EP is not a contract and the participant's signature is not required in order for the plan to be enforced.) The EP shall establish the individual's employment goals based on the work assessment and the individual's plan for obtaining and retaining unsubsidized employment with a wage great enough to become self-sufficient. The EP must outline the steps necessary for the participant to move into allowable work activities that match the individual's capabilities based on any identified physical, mental, emotional, or intellectual impairment.

The cooperation, assistance, and consultation of the participant are important to the appropriateness of the EP but are not required. An individual refusing to sign an EP is still required to comply with its requirements. For participant's who refuse to sign, an attempt must be made to obtain a signature, as a signed plan should be on file in case of appeal situations.

> **Note: If an EP is completed by telephone, the JOBS Employment Contractor will send the unsigned EP to the TANF Eligibility Worker with a note that the signature is being pursued. The TANF Eligibility Worker should follow the requirements of the unsigned EP.**

The initial EP must be completed within seven (7) calendar days from the date of the initial meeting between the JOBS Employment Contractor or Tribal NEW Coordinator and the participant. Copies of the initial EP should be provided to the participant and the TANF Eligibility Worker.

The Employability Plan must:

1. Contain an employment goal to move the participant immediately into approved work activities that match the participant's capabilities based on any identified physical, mental, emotional, or intellectual impairment;
2. Describe any reasonable accommodations needed to enable the participant to comply with program requirements;
3. Describe the supportive services to be provided to enable the participant to comply with program requirements;
4. Describe the steps to be taken by the participant to achieve self-sufficiency; and
5. Describe the progress the participant has made since the previous Employability Plan.

EP's should be a fluid document that reflects changes in the JOBS participant's life. The EP must be reviewed a minimum of two times per year, and relevant changes made based on the individual's progress and needs.

Whenever an individual needs to complete a Proof of Performance (POP), whether they are an applicant or recipient, the JOBS Employment Contractor must document on the EP the length of the POP period and the steps necessary to cure the JOBS Sanction.

For information regarding a Tribal NEW participant's EP, please see Section 400-19-80-35, Tribal NEW Service Plans.

Modified Employability Plan 400-19-75-40-40-05

(Revised 10/1/10 ML #3241)

View Archives

A Modified EP allows an individual to participate in the JOBS Program at a reduced level, even though the individual's participation does not meet federal participation requirements. A Modified Employability Plan (EP) can be created for participants:

1. When there is current, clear and specific medical documentation that identifies the individual's physical, mental, emotional, or intellectual impairment(s);

   Note: The medical documentation does not need to be provided by a licensed physician. Any qualified professional working within the physical, mental, emotional, or intellectual fields can provide the medical documentation.

2. For 60 days following the date of entry into the United States as a Qualified Alien, when the Qualified Alien has Limited English Proficiency (LEP); or

   Note: If the Qualified Alien is proficient in the english language, a modified plan would not be applicable.

3. For individuals subject to Family Violence, who are participating in family violence counseling.

   Note: When a Modified EP is created for individuals subject to Family Violence, participation in family violence treatment activities are countable hours for federal reporting purposes.

Tribal Native Employment Works (NEW) Program 400-19-80

Overview 400-19-80-05

(Revised 6/1/10 ML #3218)

View Archives

(N.D.A.C. 75-02-01.2-86)

Tribal Native Employment Works (NEW) programs are sister programs to the State JOBS program and are available to TANF eligible enrolled or enrollable members of tribes. An individual who participates in a Tribal NEW program shall meet all work requirements described in this section.

When individuals are required to participate in the Tribal NEW Program, the Tribal NEW Memorandum of Understanding (MOU) along with the policy defined in this section should be referenced. (See Section 400-19-165-165, Tribal NEW Memorandum of Understanding.)

Tribal NEW Memorandum of Understanding 400-19-80-10

(Revised 6/1/10 ML #3218)

View Archives

A Tribal NEW Memorandum of Understanding (MOU) has been made and entered into by and between:

1. The Standing Rock Sioux Tribe, Spirit Lake Sioux Tribe, Three Affiliated Tribes, Turtle Mountain Band of Chippewa - Tribal Native Employment Works (NEW) programs, hereafter referred to collectively as Tribal NEW; and
2. The North Dakota County Director's Association representing the State's fifty three county social service boards (CSSB); and
3. The State of North Dakota acting through its North Dakota Department of Human Services (NDDHS), Office of Economic Assistance.

The purpose of the MOU is to:

1. Define the responsibilities of the parties with respect to the administration and coordination of North Dakota's TANF Program and the Tribal NEW programs within North Dakota;
2. Outline the interaction between the Department, county social services, and the four (4) Tribal NEW programs within North Dakota; and
3. Define the specific referral criteria to be used when making referrals to the Tribal NEW programs within North Dakota.

To view this document, see Section 400-19-165-165, Tribal NEW Memorandum of Understanding. A signed copy of the document is maintained by the North Dakota Department of Human Services.

Referrals to Tribal NEW Programs 400-19-80-15

(Revised 4/1/2013 ML #3362)

View Archives

The Tribal Native Employment Works (NEW) Programs may provide services to Native Americans, as defined in the Memorandum of Understanding (MOU). Based on the TANF State Plan, effective October 1, 2007, participants in the Tribal NEW programs are excluded in the work participation rate calculation.

All individuals referred must contact Tribal NEW within seven (7) days from the date of the referral and attend their scheduled appointment to develop a Tribal NEW service plan.

If the individual fails to comply, Tribal NEW must immediately return the referral to the TANF Eligibility Worker. The TANF Eligibility Worker must:

1. In the case of a new application, deny the application; or
2. In an ongoing case, the good cause determination process must be initiated and a sanction imposed if good cause is not shown.

Based on each tribe's service area, Tribal NEW programs in North Dakota agree to serve Native American TANF clients from their own Tribe as well as any other federally-recognized Tribe. Individuals should be referred to the Tribal NEW program based on the following:

1. Standing Rock Sioux Tribal New will provide services to Native American TANF recipients from Standing Rock Sioux tribe as follows:

    a. Native American TANF recipients who are attending or planning to attend either post-secondary or vocational education regardless of where they are attending school in the State; and

b. Native American TANF recipients age 20 or older, residing in Sioux County who do not have a high school diploma or GED;

2. Spirit Lake Sioux Tribal program will provide services to Native American TANF recipients from the Spirit Lake Sioux tribe as follows:

   a. Native American TANF recipients who are attending or planning to attend either post-secondary or vocational education, regardless of where they are attending school in the State; and
   b. Native American TANF recipients who reside in Benson County who have completed high school or GED and are actively enrolled in higher education;

3. Three Affiliated Tribal NEW program will provide services to Native American TANF recipients from Three Affiliated Tribes as follows:

   a. Native American TANF recipients who are attending or planning to attend either post-secondary or vocational education, regardless of where they are attending school in the State;
   b. Native American TANF recipients residing in Dunn, McKenzie, McLean, Mercer, or Mountrail counties who have completed high school or a GED and express an interest in further education;

   c. Native American TANF recipients residing in Dunn, McKenzie, McLean, Mercer, or Mountrail counties whose TANF eligibility is expected to end within the next 12 months;
   d. Native American TANF recipients who are residing in Dunn, McKenzie, McLean, Mercer, or Mountrail counties who are age 20 or older and do not have a high school diploma or GED;

4. Turtle Mountain Band of Chippewa (TMBC) Tribal NEW program will provide services to Native American TANF recipients from the TMCB as follows:

   a. Native American TANF recipients who are attending or planning to attend either post-secondary or vocational education, regardless of where they are attending school in the State;
   b. Native American TANF recipients residing within Rolette County, who are age 25 or older, and who express an interest in pursuing a high school diploma or GED;

c. Native American TANF children over age 16 residing within Rolette County who are a dependent of a Tribal NEW participant and who have dropped out of school;
d. Native American TANF clients residing within Rolette County who are attending post secondary or vocational education.

Example #1: A Native American TANF recipient from the Standing Rock Sioux Tribe, who is residing in Ft. Yates, ND, and attending or planning to attend post-secondary education should be referred to the Standing Rock Tribal NEW program.

Example #2: A Native American TANF recipient from the Standing Rock Sioux Tribe, who is residing in Belcourt, ND, and attending or planning to attend post-secondary education should be referred to the Standing Rock Tribal NEW program.

Example #3: A Native American TANF recipient from the Standing Rock Sioux Tribe, who is residing in Fargo, ND, and attending or planning to attend post-secondary education, should be referred to the Standing Rock Tribal NEW program.

5. Native American TANF clients from out-of-state tribes who are residing in North Dakota and are attending or planning to attend either post-secondary or vocational education should be referred to the Tribal NEW program designated to serve out-of-state tribal members, as identified below:

   a. Native American TANF clients from out-of-state tribes who are residing in North Dakota and are attending or planning to attend post-secondary or vocational education in Dickinson, Minot, New Town, or Williston should be referred to the Three Affiliated Tribes Tribal NEW program.
   b. Native American TANF clients from out-of-state tribes who are residing in North Dakota and are attending or planning to attend post-secondary or vocational education in Belcourt, Mayville, or Grand Forks should be referred to the Turtle Mountain Tribal NEW program.

c. Native American TANF clients from out-of-state tribes who are residing in North Dakota and are attending or planning to attend post-secondary or vocational education in Devils Lake, Ellendale, Jamestown, Ft. Totten, Fargo, Valley City, or Wahpeton should be referred to the Spirit Lake Tribal NEW program.
d. Native American TANF clients from out-of-state tribes who are residing in North Dakota and are attending or planning to attend either post-secondary or vocational education in Bismarck or Ft. Yates should be referred to the Standing Rock Tribal NEW program.

If, for any reason, a TANF client is not accepted for enrollment in the Tribal NEW program, Tribal NEW staff must immediately notify the referring county social service office of that fact. The TANF client must then be referred to the State JOBS program by the TANF Eligibility Worker.

Individuals who are referred to Tribal NEW must comply with TANF Up-front Eligibility requirements as outlined in Section 400-19-35-10. Those individuals, who fail to comply with the TANF Up-front Eligibility requirements, will have their TANF application denied.

Individuals who are sanctioned through Tribal NEW must cure the sanction through the Tribal NEW program if they are required to be referred to Tribal NEW, based on the criteria defined in Section 400-19-80-15, Referrals to Tribal NEW Programs. If the individual is not required to be referred to Tribal NEW the individual can cure their sanction through State JOBS.

Individuals who were sanctioned through State JOBS and are required to be referred to Tribal NEW will be allowed to complete their Proof of Performance through Tribal NEW.

Continuation of Services - Tribal NEW Program 400-19-80-20

(Revised 6/1/10 ML #3218)

View Archives

Individuals who are referred to the Tribal NEW program are to remain with the Tribal NEW program until:

1. The TANF case has closed for a full calendar month; or
2. The goals and objectives identified in their Tribal NEW Service Plan have been completed (e.g. the client has completed their education); or
3. The goals and objectives identified in their Tribal NEW Service Plan are no longer applicable (e.g. the individual has dropped out of post-secondary education or no longer plans on completing the educational program).

When an individual has completed the goals and objectives or the goals and objectives are no longer applicable, the individual must be referred to the State JOBS program unless the individual:

1. Becomes exempt; or
2. Has been granted good cause for non-participation in the JOBS program; or
3. Meets the referral criteria defined in Section 400-19-80-15, Referrals to Tribal NEW Programs.

See section 400-19-165-160 to view the Tribal NEW Coordinators Directory

Transferring Individuals from State JOBS to Tribal NEW 400-19-80-25

(Revised 6/1/10 ML #3218)

View Archives

A TANF recipient is identified as a Tribal NEW participant based on the JOBS Type Field selection of 'Tribal' on the JOBS window in the automated computer system. Tribal NEW participants are excluded from the work participation rate requirements for federal reporting purposes every month in which the JOBS Type selection of 'Tribal' displays on the JOBS window.

When creating a referral to the Tribal NEW program in ongoing TANF cases, it is imperative that the change of the JOBS Type field from 'State' to 'Tribal' is made in the benefit month equal to the current calendar month and not the future benefit month. Changing the JOBS Type field to 'Tribal' in the benefit month equal to the current calendar month allows the individual to be identified as a Tribal NEW participant for federal reporting (and excluded), so these individuals no longer negatively affect the work participation rate requirement in the month of transition from the State JOBS program to the Tribal NEW program.

> **Example:** A Native American individual begins post-secondary education in August and is required to be referred to Tribal NEW. In the benefit month of August, the JOBS Type must be changed from 'State' to 'Tribal' and a Tribal NEW referral created.

Transferring Individuals from Tribal NEW to State JOBS 400-19-80-30

(Revised 6/1/10 ML #3218)

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When an individual is no longer participating in the Tribal NEW program and needs to be referred to the State JOBS program, it is imperative that the change in the JOBS Type field on the JOBS window from 'Tribal' to 'State' be made in the future benefit month and not the benefit month equal to the current calendar month.

> **Example:** A Native American individual completes post-secondary education in May and is now required to be referred to State JOBS. In the benefit month of June, the JOBS Type must be changed from 'Tribal' to 'State' and a referral to State JOBS created.

Creating the 'State' JOBS referral in this manner also allows the JOBS Employment Contractor additional time to assist the 'State' JOBS participant in meeting the required number of hours in approved work activities by the actual start date of the identified 'State' JOBS month for federal reporting purposes.

For TANF federal reporting purposes, a TANF recipient is identified as a Tribal NEW participant based on the JOBS Type selection of 'Tribal' on the JOBS window in the automated computer system. Tribal NEW participants are excluded from the work participation rate requirement for federal reporting purposes every month in which the JOBS Type selection of 'Tribal' displays on the JOBS window.

Tribal NEW Service Plans 400-19-80-35

(Revised 6/1/10 ML #3218)

View Archives

Tribal NEW shall provide the TANF Eligibility Worker with a copy of each TANF Tribal NEW participant's initial Service Plan (SP) no later than 30 calendar days after the date of referral. Since the SP identifies a participant's need for child care and transportation assistance it is very important that the TANF Eligibility Worker receive a copy of a participant's SP as soon as possible.

Tribal NEW may approve an SP for a Tribal NEW participant residing in a Tribal NEW service area to complete education outside that service area. The SP must be approved prior to relocation. The SP must specify the approved training, beginning and ending dates, and include a class schedule at the beginning of each school term.

Tribal NEW must advise the county immediately if there is any change in school status. If a Tribal NEW participant withdraws from school and continues to reside in a non-tribal NEW service area, the individual may continue to be a Tribal NEW participant if the SP is revised and received by the TANF Eligibility Worker during the full calendar month following the date of the individual's withdrawal from school.

If the SP is not revised within the allotted time or if Tribal NEW terminates the individual's participation in Tribal NEW, the individual must be referred to the State JOBS Program.

At a minimum, the Tribal NEW Coordinator must provide updated copies of the SP's for all Tribal NEW participants to the appropriate TANF Eligibility Worker, as follows:

1. For a participant in educational activities, a copy of the participant's updated SP must be provided in the month prior to the first month of each school term;
2. For a participant involved in non-educational activities, a copy of an updated SP must be provided at least once every 6 months; and
3. For a participant who is moving from one area of the state to another an SP that includes the activity and relocation must be approved prior to relocation.

   Note: The receiving county social service office is required to create a new referral to Tribal NEW program and the participant is expected to continue involvement in Tribal NEW.

4. All SPs must identify the TANF Tribal NEW participant's approved activity or activities, scheduled hours, start date for each activity, the expected completion date for each activity, anticipated supportive services provided by Tribal NEW, and requests for state childcare and transportation assistance.

Tribal NEW Sanctions 400-19-80-40

(Revised 6/1/10 ML #3218)

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A sanction recommended by Tribal NEW will have the same impact on an individual and will be processed in the same manner as a sanction recommended by the State JOBS program. The process for imposing a sanction against a Tribal NEW participant is the same as that described in Section 400-19-85-15, Imposing a JOBS or Tribal NEW Sanction an Open Case or Section 400-19-85-20, Imposing a JOBS or Tribal NEW Sanction on a Closed Case.

Once a referred TANF client keeps the initial appointment with Tribal NEW, the TANF client will be considered a Tribal NEW participant. If the participant then fails to comply with the requirements of the Tribal NEW Service Plan, Tribal NEW staff shall determine if the participant had good cause for failure to comply.

1. If Tribal NEW determines the participant had good cause for the failure to comply, a recommendation for sanction will not be made and the participant will be expected to continue involvement in Tribal NEW.
2. If Tribal NEW determines that the participant did not have good cause for the failure to comply, Tribal NEW shall recommend a sanction be imposed against the participant. Tribal NEW shall include a written detailed chronological history of the individual's failure or refusal to participate, the individual's good cause reason (if a good cause reason was provided), and any actions taken.

When action is taken to reduce a Tribal NEW participant's TANF grant, the individual has a right to appeal the adverse action. An appeal regarding a TANF grant reduction will be heard by the Office of Administrative Hearings in accordance with N.D.A.C. § 75-01-03. For additional information regarding the appeal process, see Section 400-19-125-15, Requesting a Fair Hearing – JOBS or Tribal NEW Sanction.

A Tribal NEW participant may also have appeal rights with respect to decisions or actions made within the Tribal NEW program. Tribal NEW participants should be encouraged to speak with the Director of their respective Tribal NEW program to determine their right to and process for appeals within Tribal NEW.

Curing Tribal NEW Sanctions and Proof of Performance (POP) 400-19-80-45

(Revised 6/1/10 ML #3218)

View Archives

If a Tribal NEW participant is sanctioned and Tribal NEW is willing to continue working with the participant, the participant must cure the sanction by completing a POP (compliance for a minimum of ten days is required) by the end of the Sanction Penalty Month.

- If the sanction is not cured as required, the participant's entire TANF case will be closed at the end of the Sanction Penalty Month and both the sanctioned participant and the participant's household will be ineligible for TANF in the month following the Sanction Penalty Month (Month of Ineligibility).

If a Tribal NEW participant is sanctioned and Tribal NEW program is not willing to continue working with the participant, the participant must be referred to the State JOBS program. The sanctioned participant must cure the sanction by completing a POP (compliance for a minimum of 10 days is required) by the end of the Sanction Penalty Month.

- If the sanction is not cured by the end of the Sanction Penalty Month, the participant's entire TANF case will be closed and both the sanctioned participant and the participant's household will be ineligible for TANF in the month following the Sanction Penalty Month (Month of Ineligibility).

Individuals who were sanctioned through Tribal NEW must cure the sanction through the Tribal NEW program if the individual is required to be referred to Tribal NEW based on the criteria defined in Section 400-19-80-15, Referrals to Tribal NEW Programs. If the individual is not required to be referred to Tribal NEW, the individual can cure their sanction through State JOBS.

Tribal NEW Supportive Services 400-19-80-50

(Revised 6/1/10 ML #3218)

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A Tribal NEW participant may choose to receive child care assistance through the Child Care Assistance Program and transportation assistance through TANF instead of receiving those supportive services through the Tribe. All other available supportive services are to be provided through the Tribal NEW program.

If a Tribal NEW sanction is imposed against an individual, the individual may continue to receive authorized supportive services through TANF for allowable Tribal NEW activities until the sanction becomes effective.

An individual who chooses to participate in Tribal NEW during the appeal of a sanction may continue to receive child care assistance through the Child Care Assistance Program and transportation assistance through TANF based on the individual's actual involvement in Tribal NEW.

For additional information on providing supportive services to a Tribal NEW participant during the appeal process, see Section 400-19-125-15, Requesting a Fair Hearing – JOBS or Tribal NEW Sanction.

Transportation Assistance for Tribal NEW Participants 400-19-80-55

(Revised 8/1/11 ML #3272)

View Archives

Transportation Assistance of up to $150.00 per month may be paid to a Tribal NEW participant when approved by the Tribal NEW Coordinator and authorized by the TANF Eligibility Worker.

Transportation assistance may be utilized for monthly transportation expenses for the Tribal NEW participant's private vehicle, public transportation passes, cab fares, or rides provided through an informal arrangement.

Transportation assistance may be utilized to pay fees or fines which prevent an individual from obtaining or legally operating a vehicle. Allowable fees may include a reinstatement fee on a suspended license, registration fee for a DUI seminar, defensive driver's class required prior to reinstatement of a driver's license, driver's license exam fee, and vehicle insurance, license, or titles.

Traffic fines and DUI fines may be paid at the discretion of the Tribal NEW Coordinator provided the individual demonstrates the ability to contribute in paying a portion of the fine. The portion of the fine to be paid by the individual will be determined by the Tribal NEW Coordinator.

Once an individual's TANF case has been authorized as TANF eligible and the individual is participating in Tribal NEW, the Tribal NEW Coordinator is responsible to determine the participant's anticipated transportation needs and to document the anticipated need on the Tribal NEW service plan. Any changes in the participant's anticipated transportation needs should be communicated to the TANF Eligibility Worker in writing.

Note: Once a transportation assistance payment has been issued to an individual, overpayments are not to be established.

If transportation assistance is based on mileage, a monthly stipend or flat amount is not allowed. Instead, a mileage calculation must be identified on the Service Plan. Transportation assistance based on mileage is calculated by multiplying the number of actual or estimated miles required to support the individual's approved work activity and a self-initiated educational activity by $0.45, the current reimbursement rate for travel under the TANF program.

When public transportation or informal transportation arrangements are used, the participant must review their transportation needs and plan with the Tribal NEW Coordinator. If appropriate, the Tribal NEW Coordinator will approve the individual's plan.

Payments for Transportation Assistance are issued to the recipients via the TANF ReliaCard or are paid to the vendor utilizing the Vendor Payment process.

Advance Transportation Assistance Payments

The TANF Eligibility Worker shall not provide a transportation assistance payment to an individual who is being referred to Tribal NEW until the individual's case has been approved, unless the TANF Eligibility Worker or Tribal NEW Coordinator determines that an individual would be unable to participate without receiving transportation assistance.

- When an advance transportation assistance payment is provided to a sanctioned individual who needs to complete a POP, the payment should be sufficient to cover the individual's transportation expenses from the time of the referral until the payment can be included in the regular TANF grant (or is provided through Tribal NEW as appropriate).

Note: The TANF Eligibility Worker may decide not to allow another Transportation assistance payment to the individual until the outstanding sanction is cured.

- When an advance transportation assistance payment is provided to a non-sanctioned individual, the advance payment should be sufficient to cover the individual's transportation expenses to attend the Orientation and develop the Tribal New service plan.

When a TANF Eligibility Worker determines the need for an advance transportation payment, the Eligibility Worker is to inform the Tribal NEW Coordinator that an advance payment was made.

Post-TANF Supportive Services for Tribal NEW Participants 400-19-80-60

(Revised 6/1/10 ML #3218)

View Archives

Following case closure, a former Tribal NEW participant may be eligible for Post-TANF Supportive Services. Tribal NEW does not determine eligibility for Post-TANF Support Services. Instead, determining eligibility for and issuing payment of Post-TANF Supportive Services is the responsibility of the TANF Eligibility Worker. (See Section 400-19-155, Post-TANF (Formerly Transitional) Supportive Services.)

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

Overview 400-19-85-05

(Revised 6/1/10 ML #3218)

View Archives

(N.D.A.C. 75-02-01.2-61)

(N.D.A.C. 75-02-01.2-79)

In order to assist households in becoming self-sufficient, individuals in receipt of TANF are required to participate in the Job Opportunity and Basic Skills (JOBS) or Tribal Native Employment Works (NEW) program. Individuals who fail or refuse to comply with the requirements of the JOBS program, without good cause, may be sanctioned.

A sanction may be imposed against individuals who fail to show good cause for failure or refusal to participate, as required. A sanction serves as a natural and logical consequence for an individual's noncompliance with TANF program requirements. The consequences of a sanction are the same regardless of how many times an individual may have been sanctioned.

If the sanctioned individual is:

1. A caretaker, the sanctioned individual remains included in the household size and the income and assets must be considered when determining eligibility. The Standard Employment Expense Allowance and the Time Limited Percentage are applied to the earned income of the sanctioned individual;
2. A dependent child, the sanctioned individual remains included in the household size and the income and assets must be considered based on criteria for counting income and assets for dependent children. (See Section 400-19-55-15-25, Student Earned Income Treatment.)

Note: If the sanctioned individual is the only dependent child in the TANF case, the caretaker may still be eligible for TANF.

Regardless of whether the individual is a caretaker or dependent child, the financial needs of the sanctioned individual are deducted when determining the assistance payment for the remainder of the household.

If the sanctioned individual is a parent or other caretaker relative, assistance payments for the remaining members of the TANF case may be in the form of protective payments. (See Section 400-19-120-35, Protective Payments.)

All sanctions are imposed against and follow the responsible individual. The first month of a sanction period is referred to as the Sanction Penalty Month. A Sanction Penalty Month runs from the effective date of a sanction through the last day of that month.

If the sanctioned individual does not cure the sanction prior to the end of the Sanction Penalty Month, the sanction may progress to closure of the entire TANF case effective the last day of the Sanction Penalty Month. This is referred to as Sanction Progression.

If a sanction leads to closure of the entire TANF case, the household will be ineligible for assistance for the month following the Sanction Penalty Month. This is referred to as the Month of Ineligibility.

Adequate notice is required when imposing a sanction.

An individual sanctioned for non-cooperation with Child Support Enforcement will be required to comply with the JOBS program requirements. Likewise, individuals sanctioned for JOBS will be required to cooperate with Child Support Enforcement.

Determining Whether a Sanction is Appropriate 400-19-85-10

(Revised 6/1/10 ML #3218)

View Archives

Prior to imposing a sanction the Eligibility Worker must determine whether:

- The individual was properly notified of their opportunity to show good cause;
- The results of the good cause determination were documented; and,
- The individual failed to show good cause (or failed to take advantage of the opportunity to show good cause).

Sanctions cannot be imposed upon individuals who are not responsible for meeting TANF program requirements.

Imposing a JOBS or Tribal NEW Sanction on an Open Case 400-19-85-15

(Revised 8/1/11 ML #3272)

View Archives

Effective June 1, 2005, once a JOBS or Tribal NEW sanction takes effect; it will remain in effect until:

1. It is cured, as required, by the sanctioned individual;
2. The sanctioned individual becomes exempt; or
3. The sanctioned individual is granted good cause.

A recommendation for sanction is received from the JOBS Employment Contractor or Tribal NEW Coordinator. When recommending a sanction, the JOBS Employment Contractor or Tribal NEW Coordinator must provide the TANF Eligibility Worker with written documentation supporting the sanction recommendation, including a detailed chronological history of the individual's failure or refusal to participate along with any action(s) taken by the JOBS Employment Contractor or Tribal NEW Coordinator.

Before a JOBS sanction may be imposed against an individual, the individual must be given an opportunity to show good cause through the good cause determination process. The final determination to impose a JOBS sanction remains with the TANF Eligibility Worker.

> **NOTE:** When a sanction has been recommended by the JOBS Employment Contractor or Tribal NEW Coordinator, the TANF Eligibility Worker will not conduct another good cause determination but is responsible to review the case (as described in the previous paragraph) to determine if a sanction is appropriate.

The TANF Eligibility Worker must make a sanction determination within five (5) working days from the receipt of the Recommendation for Sanction form. Once the Eligibility Worker has made a decision, the form must be

completed, indicating the decision, and returned to the JOBS Employment Contractor.

> **Note:** An exempt volunteer may not be sanctioned for non-cooperation.

Prior to imposing a sanction recommended by a JOBS Employment Contractor or Tribal NEW Coordinator, the TANF Eligibility Worker must:

1. Review the documentation received from the JOBS Employment Contractor or Tribal NEW Coordinator to ensure that the individual was provided an opportunity to present their good cause claim;
2. If a good cause claim was made, the TANF Eligibility Worker must determine whether they are in agreement with the JOBS Employment Contractor or Tribal NEW Coordinator's preliminary determination that the individual failed to show good cause.

When a sanction is imposed, the sanctioned individual's financial needs are removed from the household's TANF benefit for one month. This is referred to as the Sanction Penalty Month. If eligible, the financial needs of the remainder of the household can be met during the Sanction Penalty Month.

The sanctioned individual must serve the one-month penalty even if the individual becomes exempt, is granted good cause, or cures the sanction. (See Section 400-19-85-35, Effect of Exemption, Temporary Good Cause and Changes in Participation on JOBS or Tribal NEW Sanctions, for additional information.)

> **Note:** A JOBS or Tribal NEW sanction becomes fixed in time as of the effective date, and the Sanction Penalty Month must be served. When the TANF case which progressed to close is later reverted to open, the Sanction Penalty Month is applicable and must be served. (See Section 400-19-110-30, Revert to Open Following Case Closure.)

If a sanctioned individual with a participation code of 'OU' (due only to Pay After Performance), DI, DM, DD, DF, OH, fails to cure a sanction with a cure date equal to the Sanction Penalty Month (by successfully completing

a Proof of Performance), the entire TANF case will close at the end of the Sanction Penalty Month. This is referred to as Sanction Progression.

If a sanction progresses to case closure, the entire household will be ineligible for TANF in the month following the Sanction Penalty Month. This is referred to as the Month of Ineligibility.

> **Example:** An individual is sanctioned effective January 1st. The individual's financial needs are removed from the household's January TANF benefit. The individual does not cure the sanction in the Sanction Penalty Month (January), the entire TANF case closes January 31st.
>
> If the sanctioned individual reapplies for TANF during the month of February (the Month of Ineligibility), the application is denied. The entire household is ineligible for TANF during the month of February. (See Section 400-19-85-35, Effect of Exemption, Temporary Good Cause and Changes in Participation on JOBS Sanctions).

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. Instead, a JOBS or Tribal NEW sanction will result in the creation of an overpayment. The TANF Eligibility Worker must wait until the first day of the next month to impose the sanction which will become effective for the benefit month equal to the current calendar month. The TANF JOBS Sanction notice will provide the household with adequate notice of the adverse action.

> **Note:** 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. If the individual continues to be out of compliance, a new recommendation for sanction should be made and the sanction process is to start over.

Sanctions under TANF follow the responsible individual.

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

(Revised 4/1/2012 ML #3309)

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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 and 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 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.

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

(Revised 4/1/2012 ML #3309)

View Archives

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 send a TANF JOBS Sanction notice no later than the close of business on the 3rd to the last 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.)

Exception to the Requirement to Serve the Month of Ineligibility Following a JOBS or Tribal NEW Sanction 400-19-85-30

(Revised 8/1/11 ML #3272)

View Archives

TANF policy allows an exception to the regular sanction policy to permit a sanctioned individual in receipt of regular TANF Benefits the opportunity to cure their JOBS or Tribal NEW sanction in the Month of Ineligibility.

> **Note:** This exception does not apply to individuals in receipt of Transition Assistance as their case must be closed when a JOBS sanction is imposed.

This exception is allowed when:

1. The TANF Eligibility Worker determines that a household is ineligible for TANF in the Sanction Penalty Month due to excess income; and
2. The household's income would have caused ineligibility for TANF even if a sanction had not been imposed; and
3. The household reapplies for TANF in the Month of Ineligibility.

When the exception is applied:

1. The TANF Eligibility Worker shall refer the sanctioned individual to the JOBS or Tribal NEW program.
2. The sanctioned individual is required to successfully complete a Proof of Performance (POP) within 30 days from the date of application unless it is determined that there are extenuating circumstances. If extenuating circumstances exists, the TANF Eligibility Worker should allow the individual additional time to successfully complete the POP.

> **NOTE:** The TANF Eligibility Worker may extend the 30-day time limit for processing a TANF application due to extenuating

circumstances, such as timing delays on the part of the county, JOBS, or Tribal NEW. See Section 400-19-20-30, Timeliness Standards for Processing TANF Benefits, for additional information on this topic.

3. If the sanctioned individual successfully completes the POP, as required, the TANF Eligibility Worker must enter a cure date equal to the last day of the Sanction Penalty Month.

Example #1: An individual's sanction for non-compliance becomes effective in April (Sanction Penalty Month). The TANF case closed March 31 due to excess earned income and would have closed for excess income even if the sanction had not been imposed. The household reapplies for TANF in April. The April application must be denied as the household continues to be retrospectively budgeted and has excess income. The sanctioned individual cannot begin a POP in April.

On May 1, the household reapplies for TANF. Since the reason for the March 31 case closure meets the exception, a referral to JOBS or Tribal NEW must be made to complete a POP. If the individual completes a POP and the household is otherwise eligible, TANF benefits can be authorized for May (which would have been the Month of Ineligibility had this not met the exception criteria).

Example #2: An individual's sanction for non-compliance becomes effective in April (Sanction Penalty Month). The TANF case closed March 31 due to excess earned income and would have closed for excess income even if the sanction had not been imposed. The individual began a POP period in March and successfully completes it in April. The household reapplies for TANF in April. The April application must be denied as the household continues to be retrospectively budgeted and has excess income.

On May 1, the household reapplies for TANF. Since the reason for the March 31 case closure meets the exception, a referral

must be made to JOBS or Tribal NEW. Since the individual completed the POP in April, if the individual meets TANF Up-front and the household is otherwise eligible, TANF benefits can be authorized for May (which would have been the Month of Ineligibility had this not met the exception criteria).

Effect of Exemption, Temporary Good Cause or Changes in Participation on JOBS and Tribal NEW Sanctions 400-19-85-35

(Revised 6/1/10 ML #3218)

View Archives

If an individual becomes exempt or is granted good cause from JOBS or Tribal NEW participation in the month prior to the Sanction Penalty Month, the TANF Eligibility Worker shall not impose the sanction and the individual will remain eligible if all other factors of eligibility are met.

If an individual becomes exempt or is granted good cause from participation effective in the Sanction Penalty Month, the individual remains sanctioned (DI) during the Sanction Penalty Month. The TANF Eligibility Worker shall End the sanction with an end date equal to the last day of the Sanction Penalty Month, thus preventing the case from closing due to Sanction Progression.

If an individual becomes exempt or is granted good cause from JOBS or Tribal NEW effective in the Month of Ineligibility, the individual must serve the one month of ineligibility. The TANF Eligibility Worker shall End the sanction with an end date equal to the last day of the Month of Ineligibility and the individual would not be required to complete a Proof of Performance (POP).

If an individual becomes exempt or is granted good cause from participation in JOBS or Tribal NEW effective in any month following the Month of Ineligibility, upon reapplication, the TANF Eligibility Worker shall End the sanction with an end date equal to the last day of the Month of Ineligibility, and the individual would not be required to complete a POP.

If a sanctioned individual timely reports a change that occurs in the Sanction Penalty Month which results in their participation changing to ST,

MP, DA or SS for the Month of Ineligibility, the sanction must be Ended the last day of the Sanction Penalty Month and the case cannot progress to close.

A participant who is not a parent but is a caretaker within the 5th degree of relation cannot avoid the effects of a sanction by electing to 'opt out' of receiving TANF benefits. If a Recommendation for Sanction is received in a month the caretaker has chosen to be included in the TANF benefit, the sanction must be imposed, if appropriate. The individual becomes ineligible (DI) and must serve their Sanction Penalty Month.

1. If the POP is successful, the sanction will be Ended the last day of the Sanction Penalty Month and the individual can 'opt out' the month following the Sanction Penalty Month.
2. If the sanctioned individual does not begin, or begins and does not successfully complete a POP, the case would close and the household would serve their Month of Ineligibility

> **Note:** If the household reapplies after the Month of Ineligibility, the individual can choose to 'opt out' at that time and the sanction would be Ended the last day of the Month of Ineligibility.

Minor Dependent Child and Minor Parent JOBS and Tribal NEW Sanction Policy 400-19-85-40

(Revised 6/1/10 ML #3218)

View Archives

A minor dependent child age 16 and older or a minor parent is subject to sanction under the JOBS or Tribal NEW Program if it is determined that the individual failed without good cause to attend high school, GED, a secondary school, a vocational or technical school that is equivalent to secondary school, or participate in an approved activity.

All JOBS or Tribal NEW Sanction policies apply to these individuals.

Curing a JOBS or Tribal NEW Sanction 400-19-90

Overview 400-19-90-05

(Revised 6/1/10 ML #3218)

View Archives

(N.D.A.C. 75-02-01.2-79 (3) (5) & (6))

A sanction will progress to case closure when the sanctioned individual does not cure the sanction with a cure date equal to the last day of the Sanction Penalty Month.

A JOBS or Tribal NEW sanction is cured only when the responsible individual demonstrates that the failure to cooperate or participate, as required, has been corrected through a Proof of Performance (POP).

To cure a sanction and avoid case closure based on Sanction Progression, a sanctioned individual must successfully complete a POP, as appropriate, with a cure date equal to the Sanction Penalty Month. To have a cure date equal to the Sanction Penalty Month a sanctioned individual must:

1. Begin and successfully complete a POP prior to the Sanction Penalty Month; or
2. Begin a POP prior to and successfully complete it within the Sanction Penalty Month; or
3. Begin and successfully complete a POP within the Sanction Penalty Month; or
4. Begin a POP in the Sanction Penalty Month and successfully complete it in the Month of Ineligibility.

An individual who is sanctioned through State JOBS and meets the referral criteria for Tribal NEW will be allowed to complete their POP through Tribal NEW.

Proof of Performance (POP) 400-19-90-10

(Revised 6/1/10 ML #3225)

View Archives

A Proof of Performance (POP) is a specific period of time, of not less than 10 and not more than 30 days, during which a sanctioned individual can cure their JOBS or Tribal NEW sanction by demonstrating successful participation in the program. It is the responsibility of the sanctioned individual to contact the JOBS Employment Contractor or Tribal NEW Coordinator to begin the process of curing the sanction.

A sanctioned individual is required to complete a POP Period. To complete a POP period, the individual must comply with the requirements of their JOBS Employment Plan/Tribal NEW Service Plan for the entire period. The length of the POP period is determined based on the number of sanctions that have been imposed against that individual. TANF policy recommends POP periods of:

- A minimum of 10 calendar days for the first JOBS sanction; and
- Fifteen (15) calendar days for all subsequent JOBS sanctions.

The expectations for the POP as well as its anticipated end-date shall be outlined on the individual's JOBS Employability Plan (EP) or Tribal NEW Service Plan. When appropriate, information from the previous Plan should be included in the new Plan. A copy of the Plan shall be provided to the participant as well as to the TANF Eligibility Worker.

A POP is considered "started" the day an individual meets with the JOBS Employment Contractor or Tribal NEW Coordinator, in person or by phone, to create the Plan and outline the expectations for the POP.

For new and reapplications: A new referral is required. Only one POP (JOBS or Tribal NEW) may be attempted per application.

1. If a sanctioned individual successfully completes the POP, eligible members of the household are provided a TANF benefit prorated from the application date.

   Note: The TANF Eligibility Worker enters a sanction cure date equal to the application date.

2. If a sanctioned individual fails to comply or does not complete all requirements outlined in the Plan, the POP is considered to be incomplete, the application must be denied, and the individual must reapply if they wish to receive future benefits.

For ongoing cases, in order to avoid the Month of Ineligibility, a POP must begin no later than the last day of the Sanction Penalty Month and be successfully completed.

Note: A new referral must not be created in the Sanction Penalty Month as the case is still open and the current referral remains in effect.

Individuals may attempt multiple POP periods during the Sanction Penalty Month. If an individual fails or refuses to comply or does not complete all requirements outlined in the Plan, the POP is considered to be incomplete. The individual must begin and successfully complete a new POP in order to cure the sanction. For each new POP, a new Plan must be developed.

Example: An individual is sanctioned effective January, which is the Sanction Penalty Month. The individual meets with the JOBS Employment Contractor or Tribal NEW Coordinator on January 5th to create a Plan which outlines the expectations for the POP. The individual complies with the requirements listed in the Plan for five days and then fails or refuses to continue. The POP is considered to be incomplete. The case will close, effective January 31, for 'Sanction Progression'.

On January 15th, the sanctioned individual contacts the JOBS Employment Contractor or Tribal NEW Coordinator to begin a new POP. A new Plan is developed. The individual complies with the requirements of the Plan and the POP is considered successfully completed. The household will remain eligible and the case will not progress to close.

Curing a JOBS or Tribal NEW Sanction Prior to the Sanction Penalty Month 400-19-90-15

(Revised 6/1/10 ML #3218)

View Archives

If an individual is not exempt or been granted good cause, the sanctioned individual may complete a Proof of Performance (POP) prior to the Sanction Penalty Month. When the POP is successfully completed and the sanction cured prior to the Sanction Penalty Month, the sanctioned individual's financial needs will not be included in the grant for the Sanction Penalty Month. However, the individual will not be required to serve the Month of Ineligibility.

When a sanction is imposed for the future month (created in the automated computer system), the individual is expected to continue participation in the JOBS or Tribal NEW, until the case is closed.

> **Note:** To avoid the case from closing at the end of the Sanction Penalty Month, the TANF Eligibility Worker must enter a cure date equal to the Sanction Penalty Month.

Curing a JOBS or Tribal NEW Sanction in the Sanction Penalty Month 400-19-90-20

(Revised 6/1/10 ML #3218)

View Archives

If an individual is not exempt or been granted good cause, the sanctioned individual may complete a Proof of Performance (POP) during the Sanction Penalty Month.

1. When the sanctioned individual begins and successfully completes their POP in the Sanction Penalty Month, the sanctioned individual's financial needs will not be included in the grant for the Sanction Penalty Month. However, the individual will not be required to serve the Month of Ineligibility.

   Note: The TANF Eligibility Worker must enter a cure date equal to the Sanction Penalty Month.

   - If the TANF Eligibility Worker does not process the case until after the case closed, the case will need to be reverted to open and a cure date equal to the Sanction Penalty Month entered. (See Section 400-19-90-40 for information regarding Reverting to Open a JOBS or Tribal NEW Sanction Progressed Closed Case.)
2. When the sanctioned individual begins a POP in the Sanction Penalty Month and successfully completes it in the Month of Ineligibility, the sanctioned individual's financial needs will not be included in the grant for the Sanction Penalty Month. However, the individual will not be required to serve the Month of Ineligibility.

   Note: The TANF Eligibility Worker must enter a cure date equal to the Sanction Penalty Month.

   - Since the TANF Eligibility Worker could not process the case until after the case closed, the case will need to be reverted to open and a cure date equal to the Sanction

Penalty Month entered. (See Section 400-19-90-40 for information regarding Reverting to Open a JOBS or Tribal NEW Sanction Progressed Closed Case.)

A sanctioned individual's needs cannot be included in the grant during the Sanction Penalty Month even if the individual completes the tasks necessary to cure the sanction.

Sanction Impact When Reapplication Occurs During the Sanction Penalty Month 400-19-90-25

(Revised 6/1/10 ML #3218)

View Archives

If an otherwise eligible, sanctioned individual reapplies for TANF during the Sanction Penalty Month, the otherwise eligible members of the household may not receive a TANF benefit until the sanctioned individual meets the JOBS Up-front eligibility requirement, to include a Proof of Performance (POP). A new JOBS or Tribal NEW referral must be created and sent.

A sanctioned individual must:

1. Contact the JOBS Employment Contractor or Tribal NEW Coordinator within seven (7) days from the print date of the referral and schedule an appointment to begin a POP; and
2. Start the POP as scheduled; and
3. Comply with the requirements of the POP; and
4. Fully complete the POP. (Due to the timeframe to complete a POP, the 30 day application processing timeframe may need to be extended.)

If the sanctioned individual does not successfully complete the POP, the sanctioned individual has NOT met the JOBS Up-front eligibility requirement and the TANF application will be denied.

If the sanctioned individual successfully completes the POP, the individual has met the JOBS Up-front eligibility requirement and the TANF Eligibility Worker must enter a sanction cure date equal to the Sanction Penalty Month.

A sanctioned individual's needs cannot be included in the grant during the Sanction Penalty Month even if the tasks necessary to cure the sanction are completed.

Curing a JOBS or Tribal NEW Sanction in the Month of Ineligibility 400-19-90-30

(Revised 6/1/10 ML #3218)

View Archives

If a sanctioned individual reapplies for TANF during the Month of Ineligibility, the sanctioned individual is not allowed to cure the sanction. The application must be denied unless the individual meets the criteria identified in Section 400-19-85-30, Exception to the Requirement to Serve the Month of Ineligibility Following a JOBS or Tribal NEW Sanction.

> **NOTE:** If the 'Exception to Imposing a JOBS Sanction' policy is allowed and the individual is referred to the JOBS or Tribal NEW program, processing of the sanction will follow policy defined in Section 400-19-90-35, Curing a JOBS or Tribal NEW Sanction in a Month following the Month of Ineligibility.

Curing a JOBS or Tribal NEW Sanction in a Month Following the Month of Ineligibility 400-19-90-35

(Revised 6/1/10 ML #3218)

View Archives

If a TANF case progresses to close due to a JOBS or Tribal NEW sanction, an otherwise eligible, sanctioned individual will be required to cure the outstanding sanction following the Month of Ineligibility before anyone in the household may be eligible for a TANF benefit. A new JOBS or Tribal NEW referral must be created as the sanctioned individual must complete a Proof of Performance (POP).

A sanctioned individual (JOBS or Tribal NEW) must:

1. Contact the JOBS/Tribal NEW program within seven days from the print date of the referral and schedule an appointment to begin a POP; and
2. Start the POP as scheduled; and
3. Comply with the requirements of the POP; and
4. Fully complete the POP.

> **Note:** Due to the timeframe to complete a POP, the 30 day application processing timeframe may need to be extended. To prevent the automated computer system from auto-denying the application, the Eligibility Worker must run the HH Comp process in initial mode.

If the sanctioned individual successfully completes the POP as required, a cure date equal to the application date is entered and the household is provided a TANF benefit prorated from the application date.

If the sanctioned individual fails to complete these tasks, the application shall be denied.

Reverting to Open a JOBS or Tribal NEW Sanction Progressed Closed Case 400-19-90-40

(Revised 6/1/10 ML #3218)

View Archives

The TANF Eligibility Worker may revert to open a case during the Month of Ineligibility if the sanctioned individual and the household remain otherwise eligible for TANF and:

1. The TANF Eligibility Worker is informed by JOBS or Tribal NEW that an individual started a Proof of Performance (POP) prior to the Month of Ineligibility and subsequently completed it; or
2. An individual timely reported a change that occurred prior to the Month of Ineligibility which resulted in the individual being exempt; or
3. An individual provided information which resulted in approval of the good cause request prior to the Month of Ineligibility.

Once the TANF case has been reverted to open, the TANF Eligibility Worker must enter the sanction cure date equal to the last day of the Sanction Penalty Month. The TANF Eligibility Worker should contact the JOBS Employment Contractor or Tribal NEW Coordinator immediately to inform them that the individual's case was reverted to open and the individual's current JOBS status. The TANF Eligibility Worker may share this information with the JOBS Employment Contractor or Tribal NEW Coordinator by telephone, email, or through the use of an SFN 323 – JOBS Status Change.

Appealing a JOBS Sanction 400-19-90-45

(Revised 6/1/10 ML #3218)

View Archives

TANF clients have the right to appeal an adverse action as a direct result of a JOBS sanction. (See Section 400-19-125, Appeals and Fair Hearings for additional information.)

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

Overview 400-19-95-05

(Revised 4/1/2013 ML #3362)

View Archives

(N.D.A.C. 75-02-01.2-79)

To benefit the household and assist in leading them to self-reliance, individuals in receipt of TANF are required to cooperate with enforcement of Child Support services. Individuals who fail to meet the Child Support Program requirements will be sanctioned.

A sanction serves as a natural and logical consequence for an individual's noncompliance with TANF program requirements. The consequences of a sanction are the same regardless of how many times an individual may have been sanctioned.

If the sanctioned individual is:

1. A caretaker, the individual remains included in the household size and their income and assets must be considered when determining eligibility. The Standard Employment Expense Allowance and the Time Limited Percentage are applied to the individual's earned income.

2. A dependent child who is minor parent, the sanctioned individual remains included in the household size and their income and assets must be considered based on criteria for counting income and assets for dependent children. (See Section 400-19-55-15-30, Student Earned Income Treatment.)

The financial needs of the sanctioned individual are deducted when determining the assistance payment for the remainder of the household regardless of whether the sanctioned individual is a caretaker or a dependent child who is a minor parent.

If the sanctioned individual is a parent or other caretaker relative, assistance payments for the remaining members of the TANF case may be in the form of protective payments. (See Section 400-19-120-35, Protective Payments.)

All sanctions are imposed against and follow the responsible individual. The first month of a sanction period is referred to as the Sanction Penalty Month.

If the sanctioned individual does not cure the sanction prior to the end of the Sanction Penalty Month, the sanction may progress to closure of the entire TANF case effective the last day of the Sanction Penalty Month. This is referred to as Sanction Progression.

If a sanction leads to closure of the entire TANF case, the household will be ineligible for assistance for the month following the Sanction Penalty Month. This is referred to as the Month of Ineligibility.

Ineligible caretakers who do not cooperate with Child Support Enforcement for the child(ren) for whom they are receiving TANF, will be sanctioned. Those individual's needs are not being met through the TANF benefit so the Sanction Penalty Month will not apply but the Month of ineligibility will apply.

Adequate notice is required for all sanctions.

An individual sanctioned for non-cooperation with Child Support Enforcement will be required to comply with the JOBS program requirements. Likewise, individuals sanctioned for JOBS will be required to cooperate with Child Support Enforcement.

If the child for whom the custodian is not cooperating leaves the household, the sanction must be ended effective the last day of the month the child left the household.

> **Note:** If the child left prior to the effective date of the sanction, the sanction must be deleted.

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

(Revised 7/1/2012 ML #3334)

View Archives

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

1. 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 three 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.

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

(Revised 4/1/2012 ML #3309)

View Archives

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 prior to the 3rd to the last , 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.

Effect of Good Cause and Changes in Participation on Child Support Enforcement Sanctions 400-19-95-20

(Revised 6/1/10 ML #3218)

View Archives

If the custodian claims 'good cause' (See Section 400-19-70-30, 'Good Cause' for Refusing to Cooperate) or their participation code changes to ST or MP after receipt of non-cooperation from CSE, the Sanction must be:

1. Deleted if the claim is received or the participation code change occurs prior to the sanction effective date or in the Sanction Penalty Month; or

   Note: The TANF Eligibility Worker must contact the Help Desk for assistance to delete the sanction.

2. Ended the last day of the month prior to the month in which the claim was received or the participation code change occurs if the claim was received or participation code changed after the Sanction Penalty Month.

Once a 'good cause' decision is rendered:

1. If the claim of 'good cause' is denied, the sanction must be imposed effective the first day of the month following the month of the determination.

   Note: The TANF Eligibility Worker must contact the Help Desk for assistance to impose the sanction.

2. If the claim of 'good cause' is approved:

   a. For the month prior to the Sanction Penalty Month, the sanction must not be imposed and the individual will remain eligible if all other factors of eligibility are met.

Note: Since the automated computer system creates CSE sanctions, the TANF Eligibility Worker must contact State TANF Policy for approval to delete the sanction.

b. For the Sanction Penalty Month, the individual remains sanctioned for Child Support (DM) and the sanction must be Ended the last day of the Sanction Penalty Month.

Note: The TANF Eligibility Worker must update the Cooperation Code to 'Good Cause' on the Child Support Cooperation/Paternity Window off of the Absent Parent Maintenance Window, and End the Child Support sanction on the Update Sanctions Window with an end date equal to the last day of the Sanction Penalty Month, thus preventing the case from closing due to Sanction Progression.

c. For the Month of Ineligibility, the individual must serve the one month of ineligibility and the sanction must be Ended the last day of the Month of Ineligibility.

Note: The TANF Eligibility Worker must update the Cooperation Code to 'Good Cause' on the Child Support Cooperation/Paternity Window off of the Absent Parent Maintenance Window, and End the Child Support sanction on the Update Sanctions Window with an End date equal to the last day of the Month of Ineligibility.

An individual who is not a parent but is a caretaker within the 5th degree of relation cannot avoid the effects of a sanction by electing to 'opt out' of receiving TANF benefits.

- If the sanction is not resolved prior to the 1st day of the Sanction Penalty Month, the individual becomes ineligible (DM) and must serve their Sanction Penalty Month.
- If the sanction is not resolved by the last day of the Sanction Penalty Month, the case will progress to close. The household must serve the Month of Ineligibility.

- If the household reapplies after the Month of Ineligibility, the individual can choose to 'opt out' at that time and the sanction would be Ended the first day of the month following the Month of Ineligibility.

Curing a Child Support Enforcement Sanction
400-19-95-25

(Revised 6/1/10 ML #3218)

View Archives

A sanction will progress to case closure when the sanctioned individual does not cure the sanction by the last day of the Sanction Penalty Month.

A sanction may only be considered cured upon notification from Child Support Enforcement that the sanctioned individual is cooperating in obtaining child support and, if necessary, establishing paternity.

If an individual cooperates with Child Support Enforcement (CSE) prior to the effective date of a sanction, the CSE sanction must be deleted.

> **Note:** The TANF Eligibility Worker must contact the Help Desk for assistance to delete the sanction.

Curing a Child Support Sanction in the Sanction Penalty Month 400-19-95-25-05

(Revised 6/1/10 ML #3218)

View Archives

Once a sanction becomes effective, the sanctioned individual must serve the penalty during the Sanction Penalty Month. The day Child Support Enforcement (CSE) determines an individual to have cooperated with their requirements is entered as a cure date on the Sanction Window. Even if the sanction is cured by the last day of the Sanction Penalty Month, the sanctioned individual's financial needs will not be included in the grant for the Sanction Penalty Month. However, the case will not progress to close and the individual will not be required to serve the Month of Ineligibility.

Curing a Child Support Sanction in the Month of Ineligibility 400-19-95-25-10

(Revised 6/1/10 ML #3218)

View Archives

When a sanctioned individual reapplies for TANF during the Month of Ineligibility, the application must be denied since the Month of Ineligibility must be served. However, the sanctioned individual may cure the sanction by resolving the issues that caused the sanction.

Ending a Child Support Enforcement Sanction After the Month of Ineligibility and a Medicaid Referral Closed or was not Made 400-19-95-25-15

(Revised 10/1/10 ML #3241)

View Archives

When a sanctioned individual reapplies for TANF after the Month of Ineligibility and the Medicaid referral closed or was not made prior to TANF reapplication, the Child Support Enforcement sanction must be Ended effective the last day of the Month of Ineligibility. Child Support Up-front Eligibility requirements apply. (See Section 400-19-35-15, Child Support Up-front Eligibility.)

> **Note:** Effective July 1, 2010, Medicaid only makes referrals to Child Support to pursue Medical Support in certain circumstances.

Curing a Child Support Sanction in a Month Following the Month of Ineligibility, Medicaid Remains Open, and a Referral was Made 400-19-95-25-20

(Revised 8/1/11 ML #3272)

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When a sanctioned individual reapplies for TANF in a month following the Month of Ineligibility, Medicaid remains open, and a Referral that was made to Child Support for Medicaid remains active, Child Support Up-front Eligibility requirements apply. In addition, the individual must comply with requirements to cure any outstanding sanction. (See Section 400-19-35-15, Child Support Up-front Eligibility.)

- If the individual meets the Child Support Up-front Eligibility Requirements, a cure date equal to the Application date must be entered on the Sanction window upon notification from Child Support Enforcement.

> **Note:** Effective July 1, 2010, Medicaid only makes referrals to Child Support to pursue Medical Support in certain circumstances. If a Child Support Referral was not made for Medicaid, or if the referral was made but is no longer active, see section 400-19-95-25-15 for processing.

Reverting Child Support Sanction Progression Cases to Open 400-19-95-30

(Revised 6/1/10 ML #3218)

View Archives

The TANF Eligibility Worker may revert a case to open during the Month of Ineligibility if the sanctioned individual and the household remain otherwise eligible for TANF if:

1. The TANF Eligibility Worker receives notification from Child Support Enforcement that an individual cooperated with Child Support program requirements by the end of the Sanction Penalty Month, or
2. A change was reported timely that occurred prior to the Month of Ineligibility which resulted in removal of a child from the TANF household. The child removed must be the child for whom a caretaker was not cooperating with Child Support Enforcement, or
3. An individual submitted a claim for 'good cause' prior to the end of the Sanction Penalty Month which was subsequently approved.

> **Note:** Once the TANF case has been reverted to open the sanction must be Cured (#1) or Ended (#2 and #3) effective the last day of the Sanction Penalty Month.

Appealing a CSE Sanction 400-19-95-35

(Revised 6/1/10 ML #3218)

View Archives

TANF clients have the right to appeal an adverse action as a direct result of a CSE sanction. (See Section 400-19-125-10, Requesting a Fair Hearing - Other than JOBS Sanction)

Multiple Sanctions, Participation Change, and Out-of-State Sanctions 400-19-100

Multiple Sanctions and Participation Change 400-19-100-05

(Revised 10/1/10 ML #3241)

View Archives

A household may have multiple sanctions. The sanction with the earliest effective date will drive the Sanction Penalty Month, case closure, and the Month of Ineligibility. If a household has multiple sanctions, all sanctions must be cured to prevent sanction progression.

If a JOBS and child support sanction are effective the same date, the individual must resolve the issues for both to avoid the case progressing to close. If the individual resolves the issue in one but not the other, the unresolved sanction will cause the case to progress to close.

If there is more than one sanction and the individual becomes exempt or granted good cause for one requirement but not all requirements, the case will progress to close.

Individuals Sanctioned for Non-compliance with TANF Work Requirements or Child Support Enforcement (CSE) in Another State 400-19-100-10

(Revised 10/1/10 ML #3241)

View Archives

When an individual moves to North Dakota from another State and applies for TANF, sanctions for non-compliance with TANF Work Requirements or Child Support Enforcement imposed and in effective in the other state shall not be imposed in North Dakota.

TANF Budgeting 400-19-105

Overview 400-19-105-05

(Revised 6/1/10 ML #3218)

View Archives

(N.D.A.C. 75-02-01.2-47)

The process by which a household's financial needs are determined is known as budgeting. If income exceeds the Total TANF Standard of Need, no need or eligibility exists. If income is insufficient, financial need exists.

Income of household members for whom benefits are requested must be combined and considered in determining TANF eligibility and benefits.

Definition of Need 400-19-105-10

(Revised 6/1/10 ML #3218)

View Archives

The TANF benefit for the initial month may include current need only, and cannot include need from prior months. The Total TANF Standard of Need represents amounts of income, by household size, considered by the North Dakota Department of Human Services (NDDHS) to be necessary for a standard of living compatible with decency and health.

The six basic items of need, which represent 100% of the TANF Basic Standard of Need as currently defined by the department, are: Shelter, food, clothing, personal needs, household supplies, and fuel and utilities.

Prospective Budgeting 400-19-105-15

(Revised 4/1/2012 ML #3309)

View Archives

(N.D.A.C. 75-02-01.2-56)

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.

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

(Revised 4/1/2012 ML #3309)

View Archives

(N.D.A.C. 75-02-01.2-57)

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 that existed during the corresponding base month (the initial month) which 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 during the corresponding base month (the second prospective month) which 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.

Earned Income Disregards 400-19-105-25

(Revised 6/1/10 ML #3218)

View Archives

(N.D.A.C. 75-02-01.2-51(2))

Standard Employment Expense Allowance

Reasonable costs associated with maintaining employment are considered. A standard employment expense allowance of 27% or $180.00 whichever is greater of gross earnings has been established to defray costs associated with employment, including transportation, uniforms, social security, tax withholding, etc. This standard allowance applies to earned income of each adult household member, a minor parent, stepparents, parents of minor parents, and non-student dependent children.

Time Limited Percentage

TANF provides an employment incentive that affords a greater reward for the employed individual and TANF household. The time-limited percentage (TLP) disregard is for a 13-month period. The decrease in the time-limited percentage results in an increase in the amount of earned income counted in determining the TANF benefit.

Except for stepparents and the parents of a minor parent, all employed TANF household members with countable earned income will receive disregards from the earned income beginning the first month earned income is used in the benefit calculation, as follows:

1. For months 1 through 6, 50%;
2. For months 7 through 9, 35%;
3. For months 10 through 13, 25%; and
4. Beginning month 14, none of the earned income is disregarded in the eligibility determination and benefit calculation.

> **Note:** Once an individual receives 13 months of the TLP disregard, the individual will not be eligible to receive it again.

If the household member receives the time-limited percentage for a period of less than 6 consecutive months, the 13-month disregard cycle begins again at the fifty percent (50%) level.

If the household member receives the time-limited percentage of 50% for a period of 6 consecutive months, the remaining months of the 13-month time-limited percentage disregard cycle continues regardless of employment status.

> **Note:** Once the TLP has been applied and the benefit paid, the TLP count cannot be removed.

A TANF case suspended for a month because of an extra check, a benefit less than $10, or a zero benefit month, will neither count as a TLP month nor break the 6 consecutive month cycle.

Net Income Eligibility Test 400-19-105-30

(Revised 4/1/2012 ML #3309)

View Archives

(N.D.A.C. 75-02-01.2-48)

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 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.

Payments in Whole Dollars 400-19-105-35

(Revised 6/1/10 ML #3218)

View Archives

(N.D.A.C. 75-02-01.2-42)

(N.D.A.C. 75-02-01.2-43)

The TANF benefit calculation is rounded down to the nearest whole dollar. Individual needs and income shall be computed in their exact amounts with the rounding-down process being the final step in the computation.

TANF benefits, $10 or greater, are issued for any benefit month. In instances in which net need is computed to be less than $10.00, the household is considered an eligible household though a benefit is not issued. This may occur in the initial month due to proration or in ongoing cases where income is used to determine the payment.

TANF Budgeting Procedures in Various Circumstances 400-19-105-40

Legally Responsible Relatives who are Ineligible Caretakers 400-19-105-40-05

(Revised 6/1/10 ML #3218)

View Archives

(N.D.A.C. 75-02-01.2-63)

A child may reside with a legally responsible relative whose needs are excluded from the TANF benefit because the individual is:

1. An ineligible Alien;
2. Disqualified for fraud due to an intentional program violation,
3. Disqualified for being a fleeing felon;
4. Disqualified for having a drug felony;
5. Disqualified due to parole or probation violation;
6. Disqualified due to non-participation in the JOBS Program; or
7. Disqualified for non-cooperation with Child Support Enforcement,

The TANF benefit is intended to meet the needs of all eligible individuals in the TANF household. In the instance of an individual whose needs are deleted from the unit for one of these reasons, that individual's income and assets must be considered when determining eligibility for the remaining eligible household members. The income disregards and employment incentives are allowed for the income of the individual who has been disqualified.

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

(Revised 4/1/2012 ML #3309)

View Archives

(N.D.A.C. 75-02-01.2-63)

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 does not reside in 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'.

SSI Recipient who is a Caretaker 400-19-105-40-15

(Revised 6/1/10 ML #3218)

View Archives

(N.D.A.C. 75-02-01.2-63)

A caretaker who is in receipt of SSI is an ineligible caretaker who cannot have their needs met by TANF. Their income and assets are not considered in the determination of the household's eligibility or benefits.

Budgeting of Newborn 400-19-105-40-20

(Revised 6/1/10 ML #3225)

View Archives

N.D.A.C. 75-02-01.2-58

The needs of a newborn will be added to the household as of the date of birth if:

1. A written request is received within 10 days of the birth, and

2. The SSN or application for SSN, verification of birth/relationship, and identity are received within 30 days of the written request. In addition, the signed SFN 403, notice of Right to Claim 'Good Cause'.

A written request is defined as:

- A signed statement from the recipient; or
- The receipt of any of the required verifications; or
- Listing the individual on the Monthly report, filed timely.

When a newborn is reported on the monthly report **and** the birth is reported timely (within 10 days of the date of birth), consider the written request to have been made on the first day of the month in which the monthly report was received, provided the monthly report was received by the normal deadline of the 5th day of the month (or the first after the 5th day of the month if the 5th day falls on a weekend or holiday).

> **Note:** The newborn will be added effective the date of birth if the requirement verifications are received within 30 days from the date of the written request.

Example #1: A baby was born on June 21st. The household reports the birth on the Monthly report received by July 5th and include all required verification. The baby is added as of the date of birth because the written request was deemed to be received within 10 days since the information was included on the timely monthly report. A supplemental benefit is issued to the household for June and July to meet the financial needs of the baby.

Note: The date entered in the 'Date Reported' field in the automated computer system is July 1.

When a newborn is reported on other than a monthly report and the birth is reported timely (by a written request that is received within 10 days of the birth), the newborn will be added effective the date of birth, if the required verifications are received within 30 days from the date of the written request.

Example #1: A baby was born on June 15th. The household provides a written request to add the baby on June 20th. The required verifications are provided on June 30th; the baby is added as of the date of birth June 15th, because the written request was received within 10 days, and verifications provided within 30 days. A supplemental benefit is issued to the household for June and July to meet the financial needs of the baby.

Note: The date entered in the 'Date Reported' field in the automated computer system is June 20th.

Example #2: A baby was born on June 15th. The household provides a written request to add the baby on June 20th. The required verifications are not provided until July 24th. Since the verifications were not provided within 30 days from the written request, the baby is added effective July 24th and the benefit for the entire household will be prorated from July 24th.

Note: The date entered in the 'Date Reported' field in the automated computer system is July 24th.

If the newborn is not reported timely (within 10 days from the date of birth), the newborn will be added effective the date of the written request if the required verifications are received within 30 days from the written request.

If the newborn is not reported timely (within 10 days from the date of birth), and is reported the month following the month of birth, the entire case will be prorated from the date of the written request, provided all verifications are received within 30 days from the date of the written request.

Note: When a Monthly Report, received timely (by the 5th date of the month), reports the birth of a child, but the birth occurred more than 10 days prior to the 1st day of the month in which the timely report is received, consider the written request to have been made on the date the monthly report is received.

Example #1: A baby was born on June 15th. The household reports the birth on the Monthly Report received by July 5th and includes all required verifications.

- The baby is not eligible to received TANF for June as the birth was not reported timely.
- The baby is added effective July 5th because the birth was not reported timely and both mom and the baby's needs are prorated from July 5th.

Note: The date entered in the 'Date Reported' field in the automated computer system is July 5th.

Example #2: A baby is born on February 25th. The household submits a written statement reporting the birth on March 10th and all verifications are received within the 30 days. Benefits for the month of March are prorated from March 10th, the date of the written request.

- The baby is not eligible to receive TANF for February as the birth was not reported timely.

- The baby is added effective March 10th because the birth was not reported timely and both mom and the baby's needs are prorated from March 10th.

  Note: The date entered in the 'Date Reported' field in the automated computer system is March 10th.

If the newborn is not reported until after the month following the month of birth, the entire month following the month of birth is an overpayment.

Example: A baby is born on February 25th, and the birth is not reported until April 5th and all verifications are received within the 30 days from the date of the written request.

- A supplement for the newborn is not issued for February, nor is February an overpayment.
- The benefits for the month of March are an entire overpayment for the household because the newborn is a mandatory household member.
- The entire case will be prorated from the date of the written request, April 5th.

  Note: The date entered in the 'Date Reported' field in the automated computer system is April 5th.

Required verifications must be received before adding the newborn. The 'Date Reported' that is entered into the automated computer system is the date the written request is received provided the required verifications are received within 30 days.

Exception: Whether or not the baby is reported timely, if the required verifications are not received within 30 days from the date of the written request, the 'Date Reported' must be updated to equal the date the verifications are received.

Upon receipt of a report of the birth of a baby, if the required verifications have not been received, immediately issue an advance (10-day) notice to the household to close the case since the newborn is a mandatory household member.

- If the required verifications are not received by the end of the report month, the case will close.
    - If the case closed and the required verifications are received within 30 days from the report date, the case must be reverted to open and continued eligibility determined.

If the birth of the baby is not reported within 10 days following the expected date of birth of the unborn, an advance (10-day) notice must be sent to the household to close the case since the newborn is a mandatory household member.

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

(Revised 4/1/2012 ML #3309

View Archives

(N.D.A.C. 75-02-01.2-62)

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 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 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 5 days from the date the child returned home.

Budgeting for Persons Being Added to the Household 400-19-105-40-30

(Revised 4/1/2013 ML #3362)

View Archives

(N.D.A.C. 75-02-01.2-58)

Except in the case of newborns, TANF households are required to report all individuals, who enter their household within 5 days from the date of entry. The date of the verbal request must be documented in the case record as it is considered a request for benefits. (For budgeting information when adding a newborn, see Section 400-19-105-40-20, Budgeting of Newborn.)

Except in the case of newborns, the needs of an individual will be added to the household as of the date of the verbal request if:

1. A written request is received within 10 days from the date of the verbal request, and

2. The required verifications are received within 30 days of the written request.

A written request is defined as:

- Listing the individual on the monthly report; or
- A signed statement from the recipient; or
- The receipt of any of the required verifications.

When a written request is received within 10 days from the date of the verbal request but the required verifications are not received within 30 days from the written request, the individual is added to the household effective the date the required verifications are received.

When a written request is not received within 10 days from the date of the verbal request and the required verifications are received within 30 days from the written request, the individual is added to the household effective the date of the written request.

When a written request is not received within 10 days from the date of the verbal request and the required verifications are not received within 30 days from the written request, the individual is added to the household effective the date the required verifications are received.

When an individual's entry to the home is reported on the monthly report, filed timely (by the 5th day of the month, or the first 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 day of the month in which the report is received, the request is deemed to have been made timely.

When an individual is reported on the monthly report **and** the household's report of the individual's entry is timely (within 5 days from their date of entry), the request is deemed to have been made on the first day of the month in which the monthly report was received provided the monthly report was received by the normal deadline of 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).

> **Note:** The individual will be added effective the date of entry if the required verifications are received within 30 days from the date of the written request.
>
> **Example:** An individual entered the household on June 28th. The household includes the individual on the Monthly Report received by July 5th along with all required verifications. The individual is added effective June 28th [the date of entry is deemed to be reported within 5 days since the information was included on a monthly report filed timely]. A supplemental benefit is issued to the household for June and July to meet the financial needs of the individual.

> **Note:** The date entered in the 'Date Reported' field in the automated computer system is July 1st.

If the household verbally reports an individual entered the household, but does not provide a written request within 10 days or the required verifications are not received within 30 days from the date of the written request, an advance (10-day) notice must be sent to the household to close the case if the individual is a mandatory household member.

Eligible individuals who are added to an existing TANF household must have their needs met as if they are applicants.

- If the individual being added to an existing TANF household received TANF benefits in North Dakota or another State in the month prior to the month being added, the individual's benefit must be determined effective the 1st day of the month of request, or prorated from the date of eligibility, whichever is later.
- If the individual being added to an existing household did not receive TANF benefits in the previous month, the individual's benefits are prorated from the date of request to be added or the date of eligibility, whichever is later.

If the individual being added to an existing TANF household did not receive TANF benefits or received TANF benefits in another state in the previous month, the individual's income and expenses are budgeted prospectively for the first 2 months. For the 3rd and subsequent months, the individual's income and expenses are budgeted retrospectively.

Individuals whose benefit was prospectively budgeted must have that month's benefit re-budgeted using their actual income and expenses.

- If the verified amounts of income or expenses are different from the amounts used to determine the benefit for the first month the individual was added (the individual's first prospective month), the benefit 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.

- If the verified amounts of income or expenses are different from the amounts used to determine the benefit for the second month the individual was added (the individual's second prospective month), the benefit 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.

If the individual being added to an existing household received TANF in North Dakota in the previous month, the individual's income and expenses are budgeted retrospectively, unless the initial month in the new case is the individual's second month of eligibility.

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

(Revised 4/1/2012 ML #3309

View Archives

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 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 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 5 days from the date the individual returned home.

Budgeting for the Month in Which an Absent Parent Returns or Recipient Marries 400-19-105-40-40

(Revised 8/1/11 ML #3272)

View Archives

(N.D.A.C. 75-02-01.2-20)

An ongoing case is considered eligible for the entire month if eligible for any day of the month. Therefore, changes in the deprivation factor which occur as the result of an absent parents' return or the marriage of the TANF recipient do not affect eligibility in the month in which the change occurs.

Return of the Absent Parent or the Recipient Marries is Timely Reported

The household is required to report an absent parent or stepparent who enters a TANF household within 5 days from the date of entry and the absent parent or stepparent must be added to the household effective the month of entry. The absent parent or stepparent's presence is ignored if their addition results in a decreased benefit or ineligibility for the month of entry.

Listing the individual on the monthly report, filed timely, is also considered a written request.

- If the monthly report lists a new household member, consider the request to have been made on the first day of the month in which the monthly report was received provided the monthly report was received by the normal deadline of the 5th day of the month (or the first after the 5th day of the month if the 5th day falls on a weekend or holiday). If the monthly report is not filed timely, the request to add the new person is not timely and the benefit, if any, will be

prorated from the date the monthly report was received, which is the date of the written request.

When the absent parent who enters the home claims to be incapacitated, if the case passes the income and asset tests:

1. Eligibility is determined for that month as if the absent parent were not present.
2. Medical-social information to determine incapacity is submitted to the State Review Team.
3. The TANF case is closed, effective the last day of the month in which the parent returned.

> **Note:** If the State Review Team finds the absent parent to be incapacitated, the case is reverted to open, the absent parent is included, and the underpayment is authorized. Benefits for the Absent Parent begin either effective the date of the absent parent's entry to the home or the date the request to add the absent parent was made, whichever is later.

When the absent parent who enters the home is disabled or determined incapacitated:

- If income, assets, or other circumstances do not result in a decreased benefit, the individual's needs are included, effective with the month of entry.
- If income, assets, or other circumstances cause ineligibility for the month of entry, the needs of the absent parent are not included in the month of return. The case must be closed effective the last day of the month in which the absent parent returned.
- If income, assets, or other circumstances cause a reduction of benefits for the month of entry, the absent parent is not included for the month of return. The absent parent must be added effective the 1st day of the month following the month of return.

If the written request or required verifications are not received, an advance (10-day) notice must be sent to the household to close the case.

Return of the Absent Parent or the Recipient Marries is Not Timely Reported

If the household does not timely report the return of the absent parent or the presence of a stepparent, the absent parent or stepparent must be added to the TANF household as of the date of entry. No retroactive additional benefits for the TANF household are permitted for the month of entry. Effective the benefit month following the month of entry, if the addition of the individual results in decreased benefits or ineligibility, the appropriate overpayment(s) must be calculated.

Budgeting for Persons Leaving the Household
400-19-105-40-45

(Revised 7/1/12 ML #3334)

View Archives

(N.D.A.C. 75-02-01.2-59)

Individuals leaving the household will be eligible through the month in which they leave. If a TANF household reports a mandatory TANF household member has or will leave the household during the benefit month, that individual must be included in the household for the benefit month in which the individual left, and removed effective the month following.

> **Note:** Children are eligible through the month of their 18th birthday or, if age 18 and a full-time student in a secondary school or a vocational or technical school that is equivalent to secondary school, will, before the end of the calendar month in which the student attains age 19:
>
> a. Complete their training curriculum from a secondary school in order to receive a high school diploma or GED, or
>
> b. Complete their training at a vocational or technical school that is equivalent to secondary school

If a family reports that a mandatory TANF household member will be leaving or has left the household, it will be necessary to determine the prospective eligibility for the remaining household members for the month following the month in which the individual left.

- If the household is found to be prospectively eligible, the individual who left must be removed from the household. The TANF benefit amount for the remaining household members shall be determined considering the income and expenses of the remaining household

members, excluding the income, expenses, and needs of the individual who left.

- If no prospective eligibility for the remaining household exists, the case must be closed.

These provisions also apply when a child leaves a TANF household and is placed in foster care. If, prior to the out-of-home placement, the child received TANF benefits and foster care payments are later made for the same month, the TANF benefit received for that month is not considered an overpayment.

Note #1: This duplication of benefits can only occur for the month of removal. If duplicate benefits are paid beyond the month of removal, TANF overpayments must be established.

Note #2: When a child exits a foster care setting to return to the TANF household, the TANF Eligibility Worker must verify the last day for which Foster Care payments were made in order to prevent duplicate benefits. Eligibility for the child begins the first day following the last day for which a Foster Care payment was made.

Budgeting Income Resulting from the Receipt of an Extra check 400-19-105-40-50

(Revised 8/1/11 ML #3272)

View Archives

(N.D.A.C. 75-02-01.2-49(4))

Applicant

A household may receive an extra check from a recurring income source such as employment, Unemployment Insurance Benefits, Workers Compensation, etc. If the receipt of an extra check is expected to result in ineligibility for one month only, the case may be suspended.

During the month in which the Application is received, if the extra check is received in the first prospective month and results in ineligibility, the request must be denied. For households anticipating the receipt of an extra check in the second prospective month that results in ineligibility, the correct procedure is to prospectively suspend the household or case and the third month becomes the second prospective month. All of the checks are to be entered prospectively.

> **Note:** By definition, the last check received during the month is the extra check.

When an extra check is counted in the first or second prospective months and the household was authorized eligible for a TANF benefit for the month the extra check was received and counted, the extra check (the last check received) is not counted when the case is retrospectively budgeted.

If the TANF household is ineligible the month following the suspension, (the third month) the case must be closed, or if eligible, authorized as Transition Assistance. Case suspension is only allowed when the household received an extra check from a recurring source is ineligible for one month only.

Ongoing

If the household receives an extra check that is expected to cause ineligibility for one month only, the case is suspended for one month. The household does not receive a benefit; the month does not count towards the lifetime limit. By definition, the last check received during the month is the extra check.

To determine if ineligibility is caused by the extra check, calculate the budget using all but the last check received in the month.

1. If the TANF cases passes without the last check received in the month, recalculate the budget including the last check received in the month. If the TANF case fails when including the last check received in the month, the TANF case should be suspended for the future month provided the failure for extra check is for one month only.
2. If the TANF case fails without the last check received in the month, recalculate the budget including the last check received in the month and allow the case to move to Transition Assistance for the future month, if applicable.

This policy also applies to TANF households who reapply for TANF in the month following the month of closure when the case continues to be budgeted retrospectively.

If a TANF case is reinstated following a one-month suspension, all factors of eligibility except income and expenses are considered prospectively in determining eligibility. If prospective eligibility exists, the amount of the benefit is determined retrospectively under two-month retrospective budgeting.

Budgeting of Stepparent Income 400-19-105-40-55

(Revised 6/1/10 ML #3218)

View Archives

(N.D.A.C. 75-02-01.2-60)

When the Primary Individual marries while in receipt of TANF benefits, the income of the stepparent (ST) who was not previously included in the TANF household shall be disregarded in determining the TANF benefit for the first six calendar months, effective the month of the marriage. No six-month disregard of stepparent income is allowed in situations where a primary individual marries before receiving TANF benefits.

> **Note:** The six-month disregard does not apply in double stepparent cases.

The following disregards apply in month seven (7), to the income of those stepparents who meet the above criteria or immediately for those who do not meet the above criteria:

1. Twenty-seven percent or $180.00 (standard work expenses) whichever is greater of the stepparent's gross earned income;
2. A non-household member deduction, equal to an amount from the TANF Basic Standard of Need Table, for:
   a. The support of the stepparent; and
   b. All other persons living in the home for whom the stepparent has a legal duty to support and whose needs are not included in the eligibility determination of the benefit.
3. Court-ordered alimony/spousal and child support payments, including arrearages, actually being made to or on behalf of persons not living in the household;
4. Amounts actually being paid to any others not living in the home and who are claimed as dependents for federal income tax purposes; and

5. Health insurance premiums and child care expenses not paid by any other source.

The remaining income shall be used in determining the TANF benefit.

If the stepparent is included as part of the TANF household, the stepparent budgeting procedures do not apply. In this instance, the income of the stepparent is treated the same as other members of the TANF household.

TANF Benefit Calculation 400-19-110

TANF Standard of Need 400-19-110-05

(Revised 6/1/10 ML #3218)

View Archives

(N.D.A.C. 75-02-01.2-35)

TANF uses a standardized and simplified method for determining need. The TANF Basic Standard of Need is applied to all households. The six basic items of need, which represent 100% of the TANF Basic Standard of Need as currently defined by the department, are:

- Shelter;
- Food;
- Clothing;
- Personal needs (e.g. combs, toothbrushes, razor blades, sanitary supplies, and haircuts);
- Household supplies (e.g. cooking utensils, laundry, bedding, and towels); and
- Fuel and utilities.

TANF BASIC STANDARD OF NEED CHART

No. of Care Takers	Number of Children											For each added child
	0	1	2	3	4	5	6	7	8	9	10	+1
0	0	163	238	310	385	457	532	605	679	752	826	72
1	232	328	427	523	620	717	814	911	1,008	1,105	1,201	96
2	328	427	523	620	717	814	911	1,008	1,105	1,201	1,299	96

Determining the Standard of Need in Various Circumstances 400-19-110-10

(Revised 6/1/10 ML #3218)

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Household composition and size determines the Standard of Need to be used when determining eligibility for TANF Benefits. TANF cases, where the Caretaker/Relative chooses to be excluded from the TANF Benefit or has been disqualified and cannot cure the disqualification are referred to as 'Child Only Cases'.

- Households where the Caretaker/Relative(s) has a participation code of 'OU', 'SS', 'DA', 'DD', or 'DF', will be considered 'Child Only Cases'. When determining the grant amount using the TANF Basic Standard of Need Chart, the row for -0- Eligible Caretakers will be utilized.
- Households where the Caretaker/Relative(s) is eligible, whether or not the caretaker is subject to Pay After Performance, or has a Participation Code of 'DI' (Disqualified – JOBS Sanction) or 'DM' (Disqualified – Child Support), will not be considered 'Child Only Cases'. The Caretaker/ Relative will be included in the Standard of Need, and a deduction of $232 for one Caretaker or $328 for two caretakers will be made from the TANF Basic Standard of Need.

The following case types illustrate the appropriate TANF Basic Standard of Need:

1. If the only legally responsible caretaker is eligible (IN) for TANF, the TANF Basic Standard of Need is based on one caretaker and the number of eligible children.
2. If the only legally responsible caretaker is a pregnant woman and is eligible (IN) for TANF and in her third trimester with no other eligible children, the TANF Basic Standard of Need is based on one caretaker with zero children.

> **Note:** If the pregnant legally responsible caretaker has other eligible TANF children, the TANF Basic Standard of Need does not consider the needs of the unborn.

3. If the only legally responsible caretaker is disqualified for reasons of non-compliance with JOBS or Child Support (DI or DM) the TANF Basic Standard of Need is based on one caretaker and the number of eligible children.
4. If a child is determined to be a Benefit Cap child, even though that child is not eligible to receive a TANF benefit, the child is included in the TANF Basic Standard of Need. The TANF Basic Standard of Need is based on one caretaker, the Benefit Cap child, and any other eligible children.
5. If the only legally responsible caretaker is subject to the Pay After Performance (PAP) requirements, the TANF Basic Standard of Need is based on one caretaker and the number of eligible children.
6. If the only legally responsible caretaker is disqualified for reasons of their Alien, Drug or Fraud status, (DA, DD, or DF), the TANF Basic Standard of Need is based on zero caretakers and the number of eligible children.
7. If the only legally responsible caretaker is an SSI recipient (SS) the TANF Basic Standard of Need is based on zero caretakers and the number of eligible children.
8. If a child, who is a mandatory household member in the TANF household, is an SSI recipient (SS), the child is not TANF eligible and is not included in the TANF Basic Standard of Need. The TANF Basic Standard of Need is based on the caretaker and any other eligible children.

In each of the above situations instances, if there are two legally responsible caretakers, the TANF Basic Standard of Need is based on the status of each caretaker and the number of eligible children.

The following case types illustrate the appropriate TANF Basic Standard of Need when the caretaker is non-legally responsible:

1. If the non-legally responsible caretaker is eligible (IN) for TANF, the TANF Basic Standard of Need is based on one caretaker and the number of eligible children for whom TANF is requested.
2. If the eligible, non-legally responsible caretaker is subsequently disqualified for reasons of non-compliance with JOBS or Child Support (DI or DM), the TANF Basic Standard of Need is based on one caretaker and the number of eligible children for whom TANF is requested.
3. If the non-legally responsible caretaker opts out (OU) for TANF, the TANF Basic Standard of Need is based on zero caretakers and the number of eligible children for whom TANF is requested.
4. If the ineligible, non-legally responsible caretaker is disqualified for reasons of non-compliance with Child Support (OU) the TANF Basic Standard of Need is based on zero caretakers and the number of eligible children for whom TANF is requested.
5. If the non-legally responsible caretaker opts in for TANF and is disqualified for reasons of their Drug or Fraud status (DD, DF), the TANF Basic Standard of Need would be for zero caretakers and the number of eligible children for whom TANF is requested.

A household consisting of eligible caretaker(s) and children may have related children residing with them for whom the caretaker has no legal responsibility but who are also eligible for a TANF benefit. In this instance, the TANF Basic Standard of Need is determined by combining the total number of eligible children residing in the household with the appropriate number of eligible caretakers.

TANF Financial Eligibility Determination 400-19-110-15

(Revised 6/1/10 ML #3218)

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In order to be eligible for TANF benefits, the household must pass TANF Financial Eligibility. At the time the TANF Financial Eligibility Determination is calculated, the $45 Out of Home Allowance and Special Items of Need are added to the appropriate TANF Basic Standard of Need to determine the Total TANF Standard of Need.

TANF Financial Eligibility is determined as follows:

1. The $45 Out of Home Allowance and Special Items of Need are added to the TANF Basic Standard of Need to arrive at the Total TANF Standard of Need.
2. The Total Countable Income (sum of countable unearned and earned income), the Benefit Cap Deduction and the Sanction Penalty Deduction are subtracted from the Total TANF Standard of Need.

    - If the remaining amount is zero or less, the TANF household fails the TANF Financial Eligibility Determination and the application must be denied or the case closed.
    - If the remaining amount is greater than zero, the household passes the TANF Financial Eligibility Determination; the TANF Benefit Calculation is performed.

Example:

TANF Basic Standard of Need	-	328.00 (1 caretaker and 1 child)
OH Allowance	=	0.00
TANF Special Items of Need	+	100.00
Total TANF Standard of Need	=	428.00
Total Countable Income	-	365.00
Benefit Cap Deduction	-	0.00
Sanction Penalty Deduction	-	0.00
Remaining Amount	=	73.00

Since the Remaining Amount is greater than zero, this household passes TANF Financial Eligibility and the benefit is calculated.

TANF Benefit Calculation Method 400-19-110-20

(Revised 4/1/2013 ML #3362)

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If the TANF household passes the TANF Financial Eligibility Determination, the TANF benefit calculation is computed as follows:

1. The monthly gross earned income of the household is calculated according to the rules found in this chapter.
2. A standard work expense disregard of the greater of 27% or $180.00 is subtracted from the household's gross earned income.
3. A time-limited percentage is subtracted from the remaining earned income to arrive at the countable earned income amount. (See 17-55-40, Employment Disregards, for the time-limited percentage disregard cycle.)
4. Unearned income is added to the countable earned income amount to determine the total countable income for the household.
5. A Non-household member deduction is subtracted when calculating stepparent and minor parent budgeting, if applicable.
6. The following allowable expense amounts are subtracted from the total countable income to arrive at the adjusted net income:

    - Paid child or spousal support by a TANF household member,
    - Child or adult dependent care for paid employment subject to the maximum limits,

        Note: When the Child Care Assistance Program (CCAP) pays a child care provider a portion of the child care expenses, any amounts not paid by CCAP cannot be allowed as a deduction.

    - Stepparent or Minor Parent budgeting allows the following additional expenses:
        - Health insurance premiums;

- Amounts paid to any others not living in the home, but claimed as dependents on income tax returns, if applicable.

7. The TANF Basic Standard of Need, plus the $45 Out of Home Allowance if applicable is totalled, to arrive at the Total Standard of Need.

   Note: Individuals eligible for the $45.00 Out of Home Allowance are not included in the household size when identifying the TANF Basic Standard of Need amount from the TANF Basic Standard of Need Chart in Manual Section 400-19-110-05.

8. The Benefit Amount to which any prorate applies is arrived at by subtracting the adjusted net income from the Basic Standard of Need plus Out of Home Allowance.

   To arrive at the Adjusted Benefit Amount, from the prorated benefit subtract:

   - The Benefit Cap Deduction amount; and
   - The Sanction/Work Requirement Deduction amount.

9. The following are added to the TANF Benefit/Prorated Benefit Amount to arrive at the Adjusted Net Benefit amount:
   - Special Items of Need, and
   - Kinship Care Supportive Services

   Note: If the case is Transition Assistance, the TANF Benefit/Prorate Benefit Amount will be zero and the TANF Special Items of Need are added to the Transition Assistance payment.

10. Recoupment amounts (either a percentage of the Standard of Need or a fixed dollar amount) are subtracted from the Adjusted Net Benefit to arrive at the Benefit Amount.

    a. If a correction to a previously paid benefit is being computed,
       - The Benefit Amount will display the revised benefit; and

- The original amount paid will display in the Previously Paid field; and
- The previously paid benefit will be subtracted from the Benefit Amount to arrive at the Net Benefit Amount.

11. If this budget is not a correction, the Benefit Amount is carried to the Net Benefit Amount field.
12. JOBS Supportive Services are added to the Net Benefit Amount to arrive at the Benefit Issued Amount.

Note: If a correction to a previously paid JOBS Supportive Service is being computed,

- The JOBS Supportive Services will display the revised benefit; and
- The original JOBS Supportive Services paid will display in the Previously Paid JOBS Supportive Services to arrive at the Net Supportive Services.

13. If this budget is not a correction to JOBS Supportive Services, the Net Supportive Services are added to the Net Benefit Amount to arrive at the Benefit Issued.

EXAMPLE:

Household consists of a caretaker and one dependent child. The household reports earned income of $1000 per month and a $100 Health Insurance Premium

1.	Total Gross Earned Income		1000.00
2.	Standard Work Expense	-	270.00 (1000 x27%)
3.	TANF TLP Disregard	-	365.00 (730 x 50%)
3.	Countable Earned Income	=	365.00
4.	Unearned Income	+	0.00

4.	Total Countable Income	=	365.00
5.	Non-HH Member Deduction	-	0.00
6.	Expenses	-	0.00
6.	Adjusted Net Income	=	365.00
7.	Standard of Need	-	328.00 (1 caretaker and 1 child)
7.	OH Allowance	+	0.00
7.	Adjusted Net Income	-	365.00
8.	Benefit Amount	=	0.00
8.	Prorated Benefit Amount	=	0.00
8.	Benefit Cap Deduction	-	0.00
8.	Sanction/Wrk Req Dedction	-	0.00
8.	Adjusted Benefit Amount	=	0.00
9.	TANF Special Items of Need	+	100.00
9.	Kinship Care	+	0.00
9.	Transition Assistance	=	0.00
9.	Adjusted Net Benefit	=	100.00
10.	Recoupments	-	0.00
10.	Benefit Amount	=	100.00
10.	Previously Paid	-	0.00
11.	Net Benefit Amount	=	100.00

12.	JOBS Supportive Services	+	0.00
12.	Previously Paid JOBS SS	-	0.00
12.	Net Supportive Services	=	0.00
13.	Benefit Issued	=	100.00

The minimum TANF benefit is $10.00. If the benefit is less than $10.00, a benefit will not be issued. This includes benefits for the initial month that are less than $10.00 due to prorate.

Note: The $10.00 minimum benefit rule does not apply to JOBS Supportive Services.

Prorate for Initial TANF Benefit and Adding Persons 400-19-110-25

(Revised 8/1/11 ML #3272)

View Archives

(N.D.A.C. 75-02-01.2-20)

Benefits for an applicant household applying for TANF are prorated from the date of application or date of eligibility whichever is later. If there has not been a break in TANF assistance received in North Dakota for at least one full calendar month, benefits will be determined consistent with the prospective or retrospective budgeting methodology that applies for the case. (See sections 400-19-105-15 Prospective Budgeting; or Section 400-19-105-20 Two-month Retrospective Budgeting.

When an individual is added to an ongoing case, the individual's benefits are prorated from the date of request to be added or the date of eligibility, whichever is later. If the individual being added to an existing TANF household received TANF benefits in North Dakota or another State in the month prior to the month being added, the individual's benefit must be determined effective the 1st day of the month of request.

The following describes how prorated benefits are determined:

Prorating Cases - The automated computer system determines the prorated benefit amount for a case by:

1. Adding the TANF Basic Standard of Need (plus the $45 OH Allowance if applicable) for the household size;
2. Subtracting the total countable income to arrive at the Benefit Amount;
3. Determining dollar amount for which the case is not eligible based on the benefit start date; and

4. Subtracting that amount from the Benefit Amount.

Example: The household of one caretaker and three dependent children applies for TANF July 10th. The household has $500 earned income per month and a $100 Health Insurance Premium. The caretaker is subject to Pay After Performance (PAP) requirements.

Total Gross Earned Income		500.00
Standard Work Expense	-	180.00 (500 x 27%)
TANF TLP Disregard	-	160.00 (320 x 50%)
Countable Earned Income	=	160.00
Unearned Income	+	0.00
Total Countable Income	=	160.00
Non-HH Member Deduction	-	0.00
Expenses	-	0.00
Adjusted Net Income	=	160.00
Standard of Need	-	523.00 (1 caretaker and 3 children)
OH Allowance	+	0.00
Adjusted Net Income	-	160.00
Benefit Amount	=	363.00
Prorated Benefit Amount	=	257.00 (363.00 - 105.38) (9 days divided by 31 = 29.03 %; 363.00 x 29.03 = 105.38 is the amount ineligible for)

Benefit Cap Deduction	-	0.00
Sanction/Wrk Req Dedction	-	232.00
Adjusted Benefit Amount	=	25.00
TANF Special Items of Need	+	100.00
Kinship Care	+	0.00
Transition Assistance	+	0.00
Adjusted Net Benefit	=	125.00
Recoupments	-	0.00
Benefit Amount	=	125.00
Previously Paid	-	0.00
Net Benefit Amount	=	125.00
JOBS Supportive Services	=	0.00
Previously Paid JOBS SS	-	0.00
Net Supportive Services	=	0.00
Benefit Issued	=	125.00

Note: When prorating benefits, the percentage of the month for which the case is not eligible is determined. Since the household applied on the 10th day of the month, this means the household is not eligible for 9 days of the month.

Prorating for Individuals - The automated computer system determines the Standard of Need for all members of the household including the new person being added, and subtracts countable income to determine the new benefit amount. The old benefit amount (prior to the new person being added) is then subtracted from the new benefit amount (after the new

persons is added). The result is then prorated based on the benefit start date for the new member being added.

> **Note**: To determine the prorated amount, the automated computer system determines how much of the month's benefit the individual is not eligible for and subtracts that amount from the new benefit amount.

Prorating for Cases and Individuals

When a household is prorated from the application date (case prorating) and an individual is prorated from a date after the application date (individual prorating), the automated computer system will first determine case prorating by prorating all members present in the household at the time of the application.

> **Note**. The system does this by determining how much of the month the household is not eligible for and then subtracts the result from the benefit amount (TANF Basic Standard of Need (plus the $45 OH allowance when applicable) minus any countable income)).

The system then completes the individual prorating for the person eligible from the date of entry to the household following the policy listed above. The individuals prorated amount is added to the prorated amount of the other household members to arrive at the total benefit amount.

This occurs when there is a new application and an individual is added to the household on a date after the application date. The date of eligibility for the added household member(s) will be different from the date of application for the other household members.

(Refer to the TANF Benefit Prorate Table on the County Intranet under TANF Hard Cards.)

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

(Revised 4/1/2013 ML #3362)

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When reverting a case to open, a completed monthly report is required, there is no prorating of benefits and the 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 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 Review - Used only in instances in which the case closed when the review was completed before the last work day of the month but the TANF Eligibility Worker did not enter the 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 the following instances:

   a. An individual was determined exempt or was approved for 'Good Cause' from participation in the JOBS program prior to the first day of the proposed 'Month of Ineligibility';
   b. The case closed because a JOBS sanction progressed to close and the sanctioned individual:

      i. Began and successfully completed their Proof of Performance (POP) in the Sanction Penalty Month
      ii. Began a POP in the Sanction Penalty Month and successfully completed it in the Month of Ineligibility.

   Refer to Section 400-19-90-20 for policy regarding Curing a JOBS or Tribal NEW Sanction in the Sanction Penalty Month.

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

Overview 400-19-115-05

(Revised 4/1/2012 ML #3309)

View Archives

(N.D.A.C. 75-02-01.2-09)

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.

Advance (10-Day) and Adequate Notice 400-19-115-10

(Revised 8/1/11 ML #3272)

View Archives

- Advance (10-Day) Notice of Adverse Actions

  With the exceptions outlined later in this section, each household must receive an advance (10-day) notice of any proposed action that would adversely affect eligibility or TANF benefit amount. 'Advance' means that a written notice of a planned termination, reduction, or suspension of a TANF benefit must be mailed at least ten (10) days in advance of the date on which the action would be taken. This gives the household an opportunity to discuss the situation with staff, obtain further explanation or clarification of the proposed action, or present facts to show that the planned action is incorrect. The household member(s) may appear on their own behalf or be represented by legal counsel, relative, friend, or any other spokesperson of their choice.

- Advance (5-Day) Notice When Probable Fraud Exists

  When staff obtains facts through objective collateral sources indicating the likely existence of fraud, advance notices of proposed termination, reduction, or suspension need be mailed only five (5) days in advance of the date the action is to be taken. This shorter period allows for prompt corrective action when probable fraud situations are uncovered.

- Exceptions to Advance (10-Day) and Adequate Notice Requirements

  In the following situations, the TANF Eligibility Worker may dispense with the requirement of sending **either** an advance (10-day) or adequate notice. However, in these situations, a notice must be sent to the household no later than the date the action takes effect:

1. Factual information exists confirming the death of a household member or of the payee when there is no other relative to serve as new payee;
2. Information furnished by the primary individual in a monthly report calls for the reduction or termination of benefits, or the primary individual fails, without good cause, to submit a complete or timely monthly report;
3. The primary individual provides a signed, clearly written statement (other than on a monthly report) or e-mail communication, providing information that requires a termination, reduction, or suspension;
4. A household member enters a state institution, occupants of which cannot legally receive public assistance;
5. The primary individual's whereabouts are unknown and mail directed to the primary individual is returned by the post office indicating no forwarding address. The TANF benefit must, however, be made available if the whereabouts become known during the payment period covered by the returned check;
6. There is factual information that responsibility for providing assistance has been accepted by another state or jurisdiction;
7. A child in the household is placed in foster care or a child is removed from the home by court order;
8. A special item of need or JOBS supportive service is terminated at the end of a specified period;
9. Benefits are reduced or terminated following the imposition of an Intentional Program Violation;
10. Benefits are reduced or terminated following the imposition of a child support or JOBS sanction; or
11. Upon receipt of factual information confirming that the household is no longer a resident of the state.

- Adequate Notice/Sanction

An applicant or recipient must receive adequate notice of any decision made regarding their TANF benefit when an Advance (10-day) notice is not required. "Adequate" means a written notice that includes a statement of the action the county social service office

intends to take, the reasons for the intended action, the specific reference(s) supporting such action, the right to a fair hearing, and the circumstances under which assistance is continued if a hearing is requested. Adequate notice must be sent to the household no later than the date the action takes effect.

To ensure that the household is provided notice of a sanction prior to the reduction of the TANF benefit, the TANF Eligibility Worker must create and send **either** a TANF JOBS Sanction or TANF Child Support Sanction notice no later than the close of business on the 3rd to the last of a month. This will allow the household to receive the sanction notice no later than the date it would normally receive its TANF benefit.

Since the sanction notice addresses case closure for non-cooperation with Child Support Enforcement or the JOBS Program, the household need not be sent an additional closing notice upon case closure.

Proper Notification When Reducing Benefits or Closing Cases 400-19-115-15

(Revised 6/1/10 ML #3225)

View Archives

If information reported by the household on the Monthly Report, or in writing, results in ineligibility for the next benefit month, the case must be either suspended (if due to an extra check) or closed. The effective date of the suspension or closing is the last day of the current benefit month. The notice must be mailed no later than the date the action takes effect.

Except for those notification requirements related to action taken upon imposition of a Sanction, any information received by the TANF Eligibility Worker that is not reported by the household on the Monthly Report, nor is it submitted in writing, that results in ineligibility requires issuance of an advance (10-day) notice before the case can be closed or suspended.

- If the notice can be generated 10 days prior to the regular TANF payment date, the effective dates of the closing or suspension are the same as in the previous paragraph.
- If an advance (10-day) notice cannot be generated within 10 days prior to the regular TANF payment, a payment must be issued. The effective date of the closing or suspension is the last day of the next benefit month.

If a change in household circumstances results in ineligibility or a reduced benefit amount and the TANF Eligibility Worker is unable to send an adequate or advance (10-day) notice to reduce or terminate benefits due to time constraints, the TANF benefit must be authorized and paid. However, any benefit paid to a household not eligible for such benefit amount shall be considered an overpayment subject to recoupment. (See Section 400-19-130, Overpayments and Underpayments.)

Exception #1: An Advance (10-Day) or Adequate notice is not required when the reason cited on the latest notice informed the household of a decrease in benefits or case closure and the reason(s) continues to be valid.

> **Note:** If the reasons cited are no longer valid and the household reports a change that would result in a new adverse action, the notification requirements in Section 400-19-115-10, Advance (10-Day) and Adequate Notice must be followed.

Exception #2: An Advance (10-Day) or Adequate notice is not required if the household was sent an Advance (10-Day) or Adequate notice to terminate benefits and later that same month the household reports a change (or submits their monthly report) that results in the household receiving a benefit that is less than the benefit received in the prior month.

Regardless of the notice being sent, the TANF Eligibility Worker must ensure that the North Dakota Administrative Code (N.D.A.C.) is included on the notice.

TANF Payment Process 400-19-120

Authorizing Payments 400-19-120-05

(Revised 6/1/10 ML #3218)

View Archives

Once eligibility has been determined, initial and all subsequent payments must be authorized monthly in order for the automated computer system to issue a payment electronically onto the debit card (or by check if the case has a protective payee).

Payee 400-19-120-10

(Revised 6/1/10 ML #3218)

View Archives

(N.D.A.C. 75-02-01.2-70)

Each TANF household must have a designated payee. That payee may be:

1. A natural or adoptive parent or other caretaker relative, eligible or ineligible, designated as the primary individual with whom a deprived child lives;
2. A stepparent when the natural or adoptive parent or any other caretaker relative, eligible or ineligible, is not present in the household;
3. A minor parent residing in the parental home where there is no TANF eligibility for anyone other than the minor parent and the minor parents' child(ren).

   Note: In this situation the minor parent should be listed as the primary individual); or

4. A protective payee under conditions described in this chapter.

Completion of Payment 400-19-120-15

(Revised 6/1/10 ML #3218)

View Archives

(N.D.A.C. 75-02-01.2-71(1))

TANF benefits transmitted electronically are transferred into accounts on all days other than Saturday, Sunday, and federal holidays. Funds will be available on the recipient's debit card within approximately 48 hours following issuance.

For cases where payment is being made under protective payee provisions:

1. If the payment is an initial or supplemental benefit, a TANF benefit is considered complete as of 12:01 a.m. on the day following the date authorized.
2. If the payment is the regular monthly benefit, a TANF benefit is considered complete as of 12:01 a.m. on the first day of the month.

In the event of the death of a payee after that time, the payment is still considered completed.

Issuance of Payments 400-19-120-20

(Revised 6/1/10 ML #3218)

View Archives

Benefits for the first month of eligibility are disbursed through immediate issuance which occurs every workday.

Benefits for the second and subsequent months are usually regular issuance. Regular issuance deadline is the second to the last workday of each month. To ensure that TANF benefits are paid on the first workday of each month the job that processes regular issuance is run the evening of the second to the last workday of each month.

> **Exception:** If the second or subsequent month's benefits are authorized after regular issuance deadline, the benefits are disbursed through immediate issuance.

Once a benefit has been issued, the case cannot be closed prior to the last day of the month for which a payment is made.

Unrestricted Payment of TANF Benefits 400-19-120-25

(Revised 8/1/11 ML #3272)

View Archives

(N.D.A.C. 75-02-01.2-69)

The unrestricted money payment is the basic method for providing assistance to eligible households. Money payments are payments made to the primary individual (PI) through electronic funds transfer or by check through a protective payee, and are issued at regular intervals with no restrictions as to the use of the funds.

> **Note:** The Primary Individual must have a Social Security Number (SSN) in order for TANF benefits to be issued through use of the electronic funds transfer. For households where the PI does not have an SSN, payment of the TANF benefits must be issued through the protective payee process until the PI receives their SSN.
>
> Once the SSN is received, enter the SSN and remove the Protective Payee data. That information will then be sent to US Bank who will set up an account and issue the household a TANF ReliaCard.

Electronic Payment Card

The North Dakota Department of Human Services has determined that issuing Visa branded debit cards enhances self-sufficiency by expanding TANF clients' knowledge of banking systems, avoidance of check loss, and promoting cost-effectiveness as compared to the cost of printing checks. Debit cards provide a fast, secure, and efficient method of distributing TANF benefits while ensuring recipients a convenient and safe way to access their money.

The electronic payment card is a prepaid debit card that replaced the TANF check process. The exception to the prepaid debit card is protective payee situations. Protective payee cases will continue to receive TANF benefits by check.

Upon authorization of a TANF initial or supplemental benefit or an underpayment, two processes occur.

1. A demographic file of each new recipient is transmitted to US Bank in the evening of each work day. Upon receipt of the demographic file, US Bank prints and sends a Visa debit card to be delivered within 3 to 5 U.S. Mail days from the date the case is authorized (for new cases) or when a new card is requested by the payee. Total time, from transmission of card account information to receipt of card by recipient averages 5 business (U.S. Mail) days.
2. A benefit file of each recipient who is due benefits is transmitted to the Bank of North Dakota. The following day, the Bank of North Dakota sends the funds to US Bank electronically and US bank deposits the funds to the debit card. Funds are transferred into accounts on all days except Saturdays, Sundays, and federal holidays. Funds will be available to the recipient approximately 24 hours after U.S. Bank receives them.

Upon authorization of a TANF benefit for ongoing cases for regular issuance, funds are transferred the second to the last working day of the month and are available the first working day of each month.

Electronic payment cards will contain the name of the primary individual in the household. To distinguish the card from other program cards, the TANF card displays a wagon wheel.

Closing a TANF case does not invalidate the electronic payment card and the funds remain available.

TANF households receive information on the use of the card, fees related to the card and privacy information upon receipt of the card from U.S. Bank.

Payment Corrections

When a TANF household returns a TANF benefit or the family received a child support payment that should have been retained, the following steps must be completed to correct the payment:

1. The card holder cashes out the Electronic Payment Card.
2. The card holder returns the funds to the county social service office by cash, check, or money order.
3. The TANF Eligibility Worker establishes an overpayment for the months the TANF household is returning the benefit received.

   Note: If the case remains open, State TANF Policy must be contacted prior to setting up a recoupment plan.

4. The county social service office will complete SFN 827, Credit Form, and send a check or money order to the North Dakota Department of Human Services Fiscal Administration for processing.
5. The North Dakota Department of Human Services Fiscal Administration will apply the funds to the overpayment.

   Note: A TANF month established as an overpayment remains a TANF count month for the lifetime limit.

Returning a TANF benefit does not guarantee the family will receive child support payments.

Alternatives to Unrestricted Money Payments
400-19-120-30

(Revised 10/1/10 ML #3241)

View Archives

As described in Section 400-19-120-25, Unrestricted Payment of TANF Benefits, the unrestricted money payment is the basic method for providing assistance payments. A small number of recipients manage their money in a manner that is clearly detrimental to the well being of their children, themselves, or other household members. An alternative to unrestricted money payment principles, which can assist such recipients in managing their financial affairs is protective payments.

Protective Payments 400-19-120-35

(Revised 10/1/10 ML #3241)

View Archives

(N.D.A.C. 75-02-01.2-69(2))

While Protective Payments are optional, they are an alternative to issuing benefits directly to recipients. Protective payments direct a recipient's assistance benefits to a third party, referred to as a Protective Payee, rather than the recipient. The Protective Payee is responsible to pay for the recipient's needs up to the amount of the benefit.

Protective Payments allow the TANF Eligibility Worker, under certain conditions, to request a third party to act for the recipient in receiving and managing payments. This departure from the unrestricted money payment principle can be used in any of the following circumstances:

1. The primary individual has demonstrated such inability to manage funds that the health and safety of the child(ren), themselves, or other household members are being seriously compromised; or
2. The primary individual has failed, without "good cause," to cooperate with Child Support Enforcement and/or JOBS; or
3. The primary individual is administratively disqualified for fraud.

When the Protective Payment method is utilized, the TANF Eligibility Worker and the recipient must agree on the selection of the designated payee. If they are unable to agree on the selection or a protective payee cannot be secured, the TANF Eligibility Worker may continue to make the TANF payment to the primary individual.

The Protective Payment is designed for TANF recipients who have the capacity to learn to manage their funds more efficiently. This method

should not be utilized for a period of more than 2 months, while the individual is receiving services to improve money management (attending budget counseling, instructions on purchasing necessary items, etc.). See Section 400-19-120-55, Services to Improve Money Management.

When a primary individual has failed, without “good cause”, to cooperate with Child Support Enforcement and/or JOBS or is administratively disqualified for fraud, the Protective Payment method may be utilized for longer periods. The Protective Payee method is not intended for recipients whose limitations will likely prevent them from learning how to manage their own affairs. In these situations, long term assistance should be pursued from outside agencies to assist the individual in managing their benefits.

Mismanagement of Funds 400-19-120-40

(Revised 6/1/10 ML #3218)

View Archives

(N.D.A.C. 75-02-01.2-69(2)(b))

Nonpayment of bills may be used as an indication that mismanagement exists. However, a determination of such mismanagement will not be made solely on the fact that bills are not paid on a timely basis. All relevant considerations must be taken into account, including but not limited to:

1. Whether the household has experienced some emergency or extraordinary event for which it was appropriate for available funds to be spent; or
2. Whether expenses for necessary bills exceed the recipient's benefit and other income; or
3. Whether the household has withheld the payment as a reasonable exercise of consumer rights when there is a legitimate dispute as to whether terms of an agreement have been met.

Examples of evidence of mismanagement of funds are:

1. Continued inability to plan and distribute necessary expenditures over the usual planning period; or
2. Continued evidence that the child(ren) are not properly fed, clothed, or housed, and that expenditures for them are made in such a way as to threaten their chances for healthy growth and development; or
3. Persistent failure to meet obligations for housing, food, utilities, school supplies, and other essentials; or
4. Repeated evictions or the repeated incurring of debts with attachments or levies made against current income.

Selection of Protective Payee 400-19-120-45

(Revised 6/1/10 ML #3218)

View Archives

(N.D.A.C. 75-02-01.2-69(3))

The TANF Eligibility Worker has authority to appoint and remove the protective payee who receives the TANF payment. Selection of a suitable person to manage a household's funds is particularly important. Since the success of this procedure depends in large measure on the harmony and mutual respect between the protective payee and the primary individual (PI), selection of the protective payee should be made by the household and, if this is not practical, at least with their participation and consent.

The protective payee holds a position of trust and responsibility, comparable in many ways to that of a court-appointed guardian. Since the individual selected to receive the payment handles money vital to the well-being of the household and deals with information that is highly confidential, the protective payee must be a person of unquestioned integrity and reliability. Ideally, such person shall have demonstrated an interest in the household and have the ability to inspire the confidence and respect necessary to motivate the household toward improved money management. It is important that the protective payee have the capacity for establishing and maintaining a positive relationship with the household. This individual should also be familiar with ordinary household budgeting, have experience in purchasing food, clothing, and other essentials, and be sufficiently accessible to the household to give effective service.

A person selected to serve in this capacity may be a relative, friend, neighbor, home economist, or a member of the clergy, church, or community service group. The person may also come from public or voluntary social agencies. The use of staff members from the county social service office as substitute payees is permissible when no other suitable person is available. To avoid the possibility of conflict of interest, however,

neither the director of the county social service office nor the person determining financial eligibility for the household may serve as protective payee. For the same reason, landlords, grocers, and other vendors of goods and services dealing directly with households cannot serve in this capacity.

There is no provision for reimbursing a protective payee for the service or for expenses incurred.

Role of Protective Payee 400-19-120-50

(Revised 6/1/10 ML #3218)

View Archives

The person who serves as protective payee for a household assumes a responsibility to the recipient and to the TANF Eligibility Worker. In accepting the appointment, the protective payee has responsibility for assuring the TANF payment is spent for the maximum benefit of the household and for working cooperatively with the household and TANF Eligibility Worker in fulfilling this role.

The protective payee has authority to make decisions about the expenditures of TANF payments. While the protective payee has an obligation to determine the manner in which the payment is to be spent, the educational objective of the relationship makes it desirable for the head of household to participate in such decisions, and have an opportunity to discuss expenditures before they are made. The protective payee may either spend the money on behalf of the household or supervise the household's use of the payment. In either instance, the protective payee performs a teaching and supervisory function. The protective payee may find it desirable in some instances to give a portion of the benefit to the recipient to discharge selected financial obligations and to pay for certain other needs on behalf of the household.

Services to Improve Money Management 400-19-120-55

(Revised 6/1/10 ML #3218)

View Archives

Services directed toward increasing the household's ability to manage money should be made available. Such services may include instruction in household budgeting, purchasing of food and clothing, home furnishings, repair of clothing and equipment, and balanced diets. The services may be provided by the protective payee, social worker, or other auxiliary staff, such as homemakers, or home economists.

The protective payee and the TANF Eligibility Worker share responsibility for developing a plan to improve a household's capacity for handling money. They also have joint responsibility for evaluating the protective payment service and progress, if any, being made by the household in overcoming money management problems.

The protective payee's responsibility shall be defined in writing by the use of SFN 429, "Memorandum of Agreement to Establish Protective Payments," with copies to the protective payee and household. This should be supplemented by discussion with the protective payee and the recipient of the specific responsibilities of all parties, the objectives of the protective payment plan, and the nature and frequency of the reporting expected.

The TANF Eligibility Worker is responsible for identifying situations in which the problems and needs are manifested beyond the ability of the protective payee to handle and for planning more appropriate services.

Safeguarding Information 400-19-120-60

(Revised 6/1/10 ML #3218)

View Archives

Information concerning a household's need for protective payments is highly confidential and must be safeguarded against improper disclosure. Release of information to the protective payee from county social service office records must be limited to facts about the household's situation that are essential to fulfilling the protective payee's responsibility to the household. Information about the household's history, such as the legitimacy of children, circumstances of previous marriages, facts concerning relatives, medical data, etc., shall be disclosed only when required for the welfare of the household or for the protection of the protective payee. The information shared may vary according to the type of help offered the household and the protective payee's personal or professional qualifications.

The need to respect the household's right to confidentiality must be explained to the prospective protective payee. Agreement to accept responsibility to guard personal information, whether given by the household or by the county social service office, must be made a condition for the selection of a protective payee.

Periodic Review of Protective Payment Cases
400-19-120-65

(Revised 6/1/10 ML #3218)

View Archives

(N.D.A.C. 75-02-01.2-69(3)(d))

Because of the temporary nature of protective payments, the status of each household receiving them must be reviewed as often as necessary but at least every six months to determine if the protective payee is performing satisfactorily and if:

1. The household should be restored to unrestricted money payment status because of improved ability to manage funds; or
2. Protective payments should continue.

In instances in which the appointment of a protective payee is a result of disqualification or sanction of the primary individual, the use of a protective payee shall be terminated upon verification that the disqualification or sanction of that individual has ended.

Limit on Duration of Protective Payments 400-19-120-70

(Revised 10/1/10 ML #3241)

View Archives

Except in the situation of mismanagement of funds by individuals who have the capacity to learn to manage their funds more efficiently, there is no limitation in the length of time a household may receive a protective payment resulting from failure without good cause to comply with the requirements of the TANF program. Such household may be returned to unrestricted money payment status only upon compliance with TANF eligibility requirements by the head of household.

Opportunity for Fair Hearing Relating to Protective Payee 400-19-120-75

(Revised 6/1/10 ML #3218)

View Archives

A TANF recipient for whom it has been decided that a protective payee is necessary shall be notified by mail of their right to a fair hearing. Such person may appeal to the Department of Human Services on the basis of either the determination of the need to make protective payments or of the choice of protective payee.

Payment 400-19-120-80

(Revised 6/1/10 ML #3218)

View Archives

Protective payments are identified in the automated computer system and made payable to the protective payee in the following manner:

- Primary Individual Name
- Protective Payee Name
- Protective Payee Address

It is necessary for the protective payee to arrange for an endorsement of the check by the recipient.

Safe Delivery of Checks 400-19-120-85

(Revised 6/1/10 ML #3218)

View Archives

To ensure safe delivery, payments are delivered by postal authorities to the addresses of protective payees, unless some other type of delivery is requested. Any check not deliverable to the protective payee within 30 days of issuance shall be returned to the state office for cancellation.

Endorsement of Checks 400-19-120-90

(Revised 6/1/10 ML #3218)

View Archives

(N.D.A.C. 75-02-01.2-71(2))

The check must be properly endorsed by the recipient and the protective payee, or by the recipients legally appointed guardian or properly appointed power of attorney, except after death. Improperly endorsed checks will normally be refused by banks, and if they do go through, they will be returned through normal banking channels for proper endorsement. Checks must be signed exactly as written and in ink.

Endorsement by a legally appointed guardian to whom the check is payable will be made as follows:

- Guardian Name, Legal Guardian of Primary Individual Name

  Example: Mary Smith, Legal Guardian of Joy Smith.

Endorsement by a properly appointed power of attorney will be made as follows:

- Attorney in Fact Name, Attorney in Fact for Primary Individual Name

  Example: John Q. Public, Attorney in Fact for Joy Smith

Endorsement in Event of Death/Absent of Payee
400-19-120-95

(Revised 6/1/10 ML #3218)

View Archives

(N.D.A.C. 75-02-01.2-71(3))

In the event of the recipient's or protective payee's death or absence before an issued check has been properly endorsed, the check can be endorsed for one month in the following manner, in order of preference:

1. By the surviving spouse, if such person has been living with the payee; or
2. By the director of the county social service office, if there is no surviving spouse.

Whenever one of the preceding methods of endorsement is used, the completed and signed statement below must appear on the back of the check immediately following the endorsement:

Above endorsement approved and

payment authorized on MM/DD/YYYY

_____ CSSB Director

Checks not so endorsed will be returned when presented for payment.

A payment or any portion of the payment not needed shall be promptly returned to the Department of Human Services, Fiscal Administration.

Lost, Destroyed, or Stolen Checks 400-19-120-100

(Revised 7/1/12 ML #3334)

View Archives

(N.D.A.C. 75-02-01.2-71(5))

If the payee is reasonably certain that a check has been lost (TANF benefit not received within 7 days from the date mailed), stolen, or destroyed, the check can be reissued. To request the check be reissued, the TANF Eligibility Worker must submit the following information to State TANF Policy:

1. The check number (obtained from the TANF Issuance History (ISHI) screen in TECS;
2. The check date (obtained from the TANF Issuance History (ISHI) screen in TECS;
3. The check amount; and
4. The name of the TANF recipient.

Upon receipt, the information is forwarded to the Fiscal Administration Unit to begin the process of reissuing the check. Fiscal Administration requests a stop-payment order be placed against the check allegedly lost, stolen, or destroyed. Once Fiscal Administration completes their procedures, a new check will be issued with the next immediate issuance.

> **Note #1:** In these cases, overpayments shall not be established. Instead, Fiscal Administration will make all the proper adjustments.

> **Note #2: If the original check is located after the stop payment order is in place, the recipient shall not cash the check. It must**

be promptly forwarded to Fiscal Administration for cancellation.

Canceled TANF Checks – If a recipient wants to return a check to the Department of Human Services, the TANF Eligibility Worker must complete SFN 773 – Cancellation of Warrants or Checks, and send it, along with the check to the Department of Human Services Fiscal Administration. The cancellation form includes the recipient's name and address, case number, the amount of the check, and the reason the check is being returned. Do not set up overpayments. Fiscal Administration will make the proper adjustments.

Refund Checks – If an individual makes payment by personal check, cashier's check, etc. (the check must be made out to the North Dakota Department of Human Services) towards an established overpayment, complete SFN 827, Credit Form and send the check or money order to the North Dakota Department of Human Services Fiscal Administration for processing. The form includes the individual's name and address, the amount of the check, and the month the overpayment occurred or the program to apply the payment towards. Fiscal Administration will offset the overpayment in the automated computer system.

Electronic Payments Cards - If the recipient received benefits electronically, the benefits cannot be canceled because the card was lost, destroyed, or stolen. This is an issue between the recipient and U.S. Bank.

If an individual does not want the TANF benefit, the benefit cannot be canceled. The individual may cash out the amount of the benefit and return the funds by check or money order to the county. (See the Payment Corrections section in Section 400-19-120-25, Unrestricted Payment of TANF Benefits).

Mailing of Checks to County Social Service Office 400-19-120-105

(Revised 6/1/10 ML #3218)

View Archives

The mailing of a recipient's check to the county social service office is permitted to accommodate the request of a household or in a situation in which the household's whereabouts is unknown. This practice, however, must be kept to a minimum because of the potential issue of a restricted payment.

Appeals and Fair Hearing 400-19-125

Overview 400-19-125-05

(Revised 6/1/10 ML #3218)

View Archives

An individual may appeal an adverse action of TANF or Diversion by submitting a signed written request to the agency within 30 days from the date of the notice of adverse action. An individual is not required to use SFN 162 – Request for Hearing – when filing an appeal. However, the individual's request for a hearing must be made in writing and signed. When a written request for a hearing is received within 10 days from the date of the notice of adverse action, benefits may continue.

The following adverse actions are appealable:

1. Denial of TANF benefits;
2. Reduction in TANF benefits (including benefit reductions due to Child Support or JOBS Sanctions;

   Note: A Tribal NEW participant may also have appeal rights with respect to decisions or actions made within the Tribal NEW program. Tribal NEW participants should be encouraged to speak with the Director of their respective Tribal NEW program to determine their right to and process for appeals within Tribal NEW.

3. Closing of TANF case;
4. Denials of Child Support Enforcement 'Good Cause' claims;

   Note: The 'Good Cause Denied – Child Support Enforcement' Notice sent to the custodian includes their rights to appeal the decision, withdraw the application, or have the case closed. In the event the custodian does appeal, Child Support

Enforcement shall be advised to delay its activity until the results of the appeal are known.

5. Denial of claims of Incapacity or JOBS 'Good Cause' rendered by the State Review Team;
6. Denial of a TANF Lifetime Limit Exemption;

   Note: When an exemption from the 60-month lifetime limit is denied, an applicant or recipient may request a fair hearing in writing within 30 days from the date of the adverse action. However, assistance is not continued pending the fair hearing.

7. Overpayments of Benefits Paid;
8. Denial, Reduction or Closing of Diversion;

   Note: If Diversion is denied or the case closed, benefits may not be provided pending the fair hearing. If benefits are reduced, benefits may only be continued based on the reduced level.

9. The determination of the need to make protective payments or of the choice of protective payee;
10. Any other negative action imposed against a household except when the sole issue is one of state or federal law requiring automatic benefit adjustments for classes of recipients (unless the reason for an individual appeal is incorrect benefit computation).

Requesting a Fair Hearing - Other than JOBS Sanction 400-19-125-10

(Revised 8/1/11 ML #3272)

View Archives

When an individual appeals an adverse action, other than JOBS, the individual has the right to make a written request for a fair hearing within 30 calendar days from the print date of the notice of adverse action.

When a fair hearing is requested in writing within 10 days from the print date of the notice of adverse action, assistance must be continued pending the fair hearing decision except in the following circumstances:

1. The household fails to meet other eligibility requirements except JOBS during the appeal process;
2. The recipient unconditionally withdraws or abandons the fair hearing request;
3. The department reverses the proposed action without a hearing;
4. The department determines, based upon the record of the claimant's fair hearing, that the issue involved is one of state or federal law or a change in state or federal law.
5. After an appeal is filed and prior to the decision rendered, a change in the recipient's benefits occurs and the recipient fails to file a timely request for a fair hearing after they are notified of that subsequent change.
6. When the appeal is due to a denial, reduction or closure of Diversion. (See Section 400-19-145-55, Diversion Appeals.)

When an individual submits a written request for a fair hearing within 10-calendar days from the print date of the notice of adverse action, the individual's TANF benefit must be restored at the level the household would have been eligible to receive without implementing the proposed adverse action which is being appealed, pending the outcome of the fair hearing.

> **Note:** If two adverse actions were taken that reduced the households benefit and the household only appeals one of the adverse actions, the restored benefit level will reflect the change in benefits that results from the adverse action that was not appealed.

The TANF Eligibility Worker must create and send a "TANF Benefits Pending Hearing Decision" notice immediately unless the individual requests to have their benefits reduced.

If an individual submits a written appeal within 10 days and the individual's needs have already been removed from the household's TANF benefit, the TANF Eligibility Worker shall create an underpayment for that month and issue a supplemental payment to the household.

> **Note:** An otherwise eligible individual and their household shall continue to receive a monthly TANF benefit pending the outcome of the fair hearing.

When the individual requests a fair hearing, the fair hearing will be conducted by the Office of Administrative Hearings in accordance with N.D.A.C. 75-01-03.

Requesting a Fair Hearing - JOBS or Tribal NEW Sanction 400-19-125-15

(Revised 8/1/11 ML #3272)

View Archives

When a JOBS Sanction is imposed, TANF recipients are informed, via the TANF JOBS Sanction notice, of their right to appeal. While a JOBS sanction is not appealable, the adverse effects of a JOBS sanction are appealable.

When an individual appeals the adverse action resulting from the imposition of a JOBS sanction in a timely manner (within 10-calendar days from the print date of the sanction notice) any action to reduce the individual's TANF benefit (based on the sanction penalty) must be placed on hold pending the outcome of the Fair Hearing unless the individual requests to have their benefit reduced.

> **Note:** If the individual's needs have already been removed from the household's TANF benefit, the TANF Eligibility Worker shall create an underpayment for that month and issue a supplemental payment to the household. An otherwise eligible individual and their household shall continue to receive a monthly TANF benefit pending the outcome of the fair hearing.
>
> The TANF Eligibility Worker must create and send a "TANF Benefits Pending Hearing Decision" notice immediately after placing the individual's sanction on hold. Doing so will provide official notice to the individual that if the individual completes a Proof of Performance, prior to the end of the Sanction Penalty Month, it will reduce the financial consequences of the sanction, in the event that the individual loses the appeal.

Even though an individual's sanction may have been placed on hold, it is in the sanctioned individual's best interest to cure the sanction during the Sanction Penalty Month. Doing so will reduce the consequences of the sanction in the event the individual loses the appeal.

> **Note:** Even though a sanction may have been placed on hold, additional sanctions can be imposed during the appeal period. An individual would have to appeal the adverse action resulting from the imposition of each additional sanction.

If an individual's fair hearing request is not considered timely but is received within 30 days from the print date of the sanction notice, the fair hearing request will be honored, but the sanction will not be placed on hold and the effects of the sanction will be imposed. If the individual fails to cure the sanction prior to the last day of the Sanction Penalty Month, the case will close.

Participation in JOBS or Tribal NEW During a Pending Fair Hearing 400-19-125-20

(Revised 6/1/10 ML #3218)

View Archives

An otherwise eligible individual may choose to participate in JOBS or Tribal NEW during the appeals process.

Example #1: An individual is sanctioned effective 01/01. The individual appeals in a timely manner and the sanction is placed on hold. The individual voluntarily participates in JOBS or Tribal NEW and completes a POP with a cure date equal to the Sanction Penalty Month.

On 03/28 the Administrative Law Judge upholds the county's decision to impose the sanction. The TANF Eligibility Worker changes the sanction to active and enters a cure date equal to the Sanction Penalty Month.

As a result, it is determined that the individual received an overpayment equal to the individual's financial needs during the Sanction Penalty Month only. The case does not fail at the end of March and the individual is expected to continue participation in JOBS or Tribal NEW.

Example #2: An individual is sanctioned effective 01/01. The individual appeals in a timely manner and the sanction is placed on hold. The individual chooses to not participate in JOBS or Tribal NEW at any time during the appeal process.

On 03/28 the Administrative Law Judge upholds the county's decision to impose the sanction. The TANF Eligibility Worker changes the sanction to active. Because the sanction was not cured in the

Sanction Penalty Month or any subsequent months, the TANF Eligibility Worker processes the appropriate overpayments through March and the case fails at the end of March.

Example #3: An individual is sanctioned effective 01/01. The individual appeals in a timely manner and the sanction is placed on hold. The individual chooses to not participate in JOBS or Tribal NEW during the Sanction Penalty Month.

On 02/15 the individual volunteers to begin participating in JOBS or Tribal NEW. No referral is needed if the individual is in an ongoing case. Even though a referral is not required, the TANF Eligibility Worker contacts JOBS or Tribal NEW to let them know that the individual is asking to return and asks the coordinator to keep them informed of the individual's involvement.

On 03/02 the Administrative Law Judge upholds the county's decision to impose the sanction. The TANF Eligibility Worker changes the sanction to active.

The TANF Eligibility Worker contacts JOBS or Tribal NEW and is told that the individual resumed their participation on 02/18 and that the individual has been cooperating with program requirements since that time.

The TANF Eligibility Worker decides that since the goal of JOBS/Tribal NEW is to help individuals become self-sufficient, and the individual has been cooperating in JOBS or Tribal NEW for at least 10 consecutive days, the sanction should be cured effective 03/02.

In this particular case, the start-date of the POP (02/18) cannot be entered as the cure date because an individual is not allowed to cure a sanction during the Month of Ineligibility. (For information regarding an exception to this policy, see Section 400-19-85-30, Exception to the Requirement to Serve the Month of Ineligibility Following a JOBS or Tribal NEW Sanction).

Because the sanction was cured effective 03/02, the sanction will result in an overpayment equal to the sanctioned individual's financial needs for the Sanction Penalty Month, plus a total overpayment for the Month of Ineligibility.

The March benefits are not considered an overpayment. The case does not fail at the end of March and the individual is expected to continue participating in JOBS or Tribal NEW.

An individual who chooses to participate in JOBS or Tribal NEW during the appeal process will continue to receive authorized supportive services payments (paid through the county/state) as reimbursement for expenses related to actual participation in JOBS.

If an individual chooses not to participate in JOBS or Tribal NEW during the appeal process, JOBS supportive services payments, with the possible exception of childcare assistance, are not to be made available to the individual.

To provide transportation assistance to an individual who has chosen to participate in JOBS during the appeal process, and avoid having that payment later be viewed as an overpayment if the individual loses the appeal, the TANF Eligibility Worker should go into the benefit month prior to the appeal to process the transportation assistance payment.

Fair Hearing Process 400-19-125-25

(Revised 7/1/12 ML #3334)

View Archives

When adverse action is taken against an individual in the TANF/JOBS Program and the individual requests a fair hearing, the hearing will be conducted by the Office of Administrative Hearings in accordance with N.D.A.C. § 75-01-03. (Refer to Administrative Manual Section 448-01-30, Procedures for Appeals and Fair Hearings for additional information.)

The following procedure should be followed when a TANF recipient requests a fair hearing:

1. If the individual submits their request to the county social service office, the request form should be date stamped upon receipt and both the envelope (the postmarked envelope is needed to determine the timeliness of the individual's request) and the Request for Hearing form should be immediately mailed to the DHS Appeals Supervisor at the address noted below;

2. If the individual hand delivers their request to the county, the request form should be:

    a. Date stamped upon receipt, with a notation made on the form that it was hand delivered; and

    b. Immediately mailed to the DHS Appeals Supervisor at the address noted below, along with a completed SFN 1784, Appeal Background Report and pertinent documents relating to the appeal; and

        Note: If a completed SFN 1784, Appeal Background Report is not submitted, you will be sent a form by the Appeals Supervisor requesting the report be completed and mailed, along with any other pertinent documents

relating to the appeal (e.g. 'good cause' determination letters, sanction notices, etc.) to:

Appeals Supervisor
DHS Legal Advisory Unit
600 East Boulevard Avenue, Dept. 325
Bismarck, ND 58505-0250

The TANF Eligibility Worker must notify the DHS Legal Advisory Unit Appeals Supervisor if the appellant is represented by legal counsel to ensure that legal counsel is also provided for the county. However, if the TANF Eligibility Worker believes that legal counsel is necessary in cases where the appellant is not represented, a request with rationale for counsel must be sent to the DHS Legal Advisory Unit Appeals Supervisor at 600 East Boulevard Avenue, Dept. 325, Bismarck, ND 58505-0250.

If the request for a fair hearing is the result of a JOBS Sanction, the TANF Eligibility Worker must arrange to have appropriate JOBS staff testify at the fair hearing. The TANF Eligibility Worker and/or JOBS Employment Contractor are responsible to compile a chronological written history of the individual's involvement and non-compliance with the regular TANF or JOBS program requirements.

When an appeal is the result of a decision by the JOBS Program and the Employment Contractor is expected to participate in the appeal hearing, upon receipt of the 'Notice of Hearing and Specification of Issue' the Eligibility Worker must:

1. Contact the Employment Contractor and obtain information used by the Employment Contractor to make their determination, and

2. Submit the information to the Administrative Law Judge.

Upon receipt of the date, time and place of the hearing, the Eligibility Worker must notify the Employment Contractor of those details.

Results of the Fair Hearing 400-19-125-30

(Revised 7/1/12 ML #3334)

View Archives

Upon receipt of the order, signed by the Executive Director of the Department:

- If the individual wins the appeal, a financial penalty is not applied to the case. If the appeal was a result of imposing a JOBS Sanction, the Sanction Status is updated to 'Removed', which allows the action to be tracked while rendering the sanction ineffective.

  Note: The TANF Eligibility Worker must contact State TANF Policy and request the Sanction Status be updated to 'Removed'.

- In the event that an individual loses the appeal, any amount paid to the recipient pending the fair hearing decision shall be considered an overpayment, subject to recovery. The amount of such overpayment is the amount of additional benefits paid to the household while awaiting the decision of the fair hearing authority.

  Note: A copy of the signed 'Order' is sent to the recipient and meets the notification requirements. Therefore, once the signed 'Order;' is received, an additional Advance (10-Day) or Adequate Notice is not required to take the action based on the 'Order'. However, if losing the appeal results in an overpayment, the TANF Overpayment Notice must be sent, as well as the TANF Closure notice, if applicable.

- In the event that an individual loses the appeal, supportive services paid during the appeal process are not to be considered an overpayment and are not to be subject to recoupment.

Overpayments and Underpayments 400-19-130

Overview 400-19-130-05

(Revised 6/1/10 ML #3218)

View Archives

(N.D.A.C. 75-02-01.2-71)

When a payment is determined to be incorrect, each benefit month that is incorrect must be reworked, using the policies and procedures that were in effect for the payment month. Reworking an incorrect benefit month may result in an overpayment or underpayment.

The overpayment or underpayment is the difference between the benefit amount the client actually received and the benefit amount the client should have received.

Reasons When an Overpayment May Need to be Established 400-19-130-10

(Revised 6/1/10 ML #3218)

View Archives

The following is a partial listing of reasons an overpayment may need to be established:

- Reworking 1st and 2nd pro months for a case or recipient when actual circumstances, income and expenses have been verified.
- Individuals entering or leaving a household, but not reported timely.
- The birth of a newborn has not been reported timely.
- Unreported assets, income or expenses.
- Duplicate Foster Care and TANF Benefits received beyond the month the child is removed from the TANF household.
- When a child over age 18 or over drops out school and the household does not report timely.
- Anytime a change is reported that results in decreased benefits and insufficient time prevents an advance (10-day) or adequate notice from being provided to the household.

Obtaining Verification of Unreported Information 400-19-130-15

(Revised 6/1/10 ML #3218)

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In instances where the household has failed to provide information that is necessary to determine eligibility, the following process may be used:

1. When unreported information is received, regardless of the source, the household must be sent notification requesting verification of the questionable information.

   Note: Requested verification may include, but is not limited to, members of the household, place of residence, when income started and ended, whether the income continues, the owner of the asset, the current value of the asset or if the information is in error.

   If the household fails to respond to the appropriate notice within 30 days, an advance (10-day) notice must be sent to the household advising the household their case will be closed. The verification process must continue and the TANF Eligibility Worker must contact the source to verify the information.

2. If the verification cannot be obtained from the household, send a letter to the source requesting the verification and include a Release of Information.

   Note: Release of Information forms include SFN 970, Multi-Agency Authorization to Disclose Information, SFN 1059, Authorization to Disclose Information. A Release of Information is also included on the SFN 405, Application for Assistance, SFN 719, TANF Request for Benefits, and the Statement of Facts.

3. If the information was revealed by IEVS and verification from the source cannot be obtained:

   Income:

   a. For earned income, use the quarterly wage match and divide that figure by three to determine the monthly amount of income to use.
   b. For unearned income, divide that figure by the number of months in the 'Reported Period' of the IEVS alert to determine the monthly amount of income to use.

   Assets:

   a. If the total of the unreported and reported assets are less than the TANF asset limit, no further action is required.
   b. If the total of the unreported and reported assets are more than the TANF asset limit, the assets must be counted for each month of the 'Reported Period' of the IEVS alert, which will result in a complete overpayment for each month.

Once verification of the unreported income and/or assets is received, or the calculation completed as indicated in #3 above, the case must be reworked for the affected month(s) and overpayments established.

Note: The process of determining monthly income or assets defined in #3 above can only be used when the source is IEVS.

If a client does not cooperate by providing actual information or the verification cannot be obtained through other sources, the TANF Eligibility Worker must use the best estimate or the best information available to determine the amount of the incorrect payment.

An overpayment is a benefit which a household received that exceeds the amount for which they are eligible. The TANF Eligibility Worker must promptly take all reasonable and practical steps to correct all overpayments.

> **Note:** Anytime an overpayment is discovered, a determination must be made whether or not to pursue an Intentional Program Violation. (See Section 400-19-135-10, Intentional Program Violation.)

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.

If the overpayment is a result of unreported earned income or earnings that were not reported timely, the individual loses all earned income disregards when reprocessing benefit months affected by the unreported income. The TANF Eligibility Worker must select the 'Apply TANF Loss of Disregard' indicator on the Income Window in the automated computer system to apply the loss of disregards.

> **Note:** The earned income disregards consist of the 27% (or $180 whichever is greater) deduction, the time-limited percentage (TLP) deduction, and all job-related expenses (e.g. child care).

With the exception of JOBS Transportation, overpayments must be established for all JOBS Supportive Services or Special Items of Need.

Once the benefit has been recalculated and authorized, the TANF Eligibility Worker must create the Recoupment Plan by:

1. Entering the appropriate 'Error Code';
2. Selecting the Recoupment Method ('Monthly Amount' or 'Percent');
3. Authorizing the Recoupment Plan; and
4. Sending the Notification of Overpayment notice.

Notification of Overpayment 400-19-130-20

(Revised 6/1/10 ML #3218)

View Archives

Once the case is reworked for the affected month(s) and overpayments established, the household must be sent the 'Notification of Overpayment' notice. This notice informs the household of the amount of the overpayment, the reason for the overpayment, and that future TANF benefit will be reduced until the overpayment is fully recovered.

> **Note:** TANF does not send a Demand for Payment notice. The recoupment method is established by the state at the appropriate percentage of the Total TANF Standard of Need (which includes the $45 OH allowance and Special Items of Need), unless the households chooses to repay at a rate which equals or exceeds the appropriate percentage.

Recoupments 400-19-130-25

(Revised 4/1/2012 ML #3309)

View Archives

(N.D.A.C. 75-02-01.2-71(6))

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.

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

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 a 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.

Bankruptcy and Overpayments 400-19-130-30

(Revised 6/1/10 ML #3218)

View Archives

Upon receipt of notification of a Chapter 7 or Chapter 13 bankruptcy filing, all recovery actions must be discontinued against the petitioner. However, recoupment from a TANF household will continue if at least one responsible member is not part of the bankruptcy action.

When State Office TANF Policy receives notification, the Recoupment Method on the Budget Recoupments Window is created with the reason of 'Bnkruptcy Filed/Dshcr'. Upon entry of the 'Bnkruptcy Filed/Dshcr' recoupment method, no further recoupment is made.

Once the Bankruptcy proceedings are final:

- If the court discharges the claim, no further action is required.
- If the court does not discharge (i.e. dismiss) the claim, State TANF Policy reinstates the previous recoupment method, and recovery action against the responsible person resumes.

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

(Revised 4/1/2012 ML #3309)

View Archives

Unless the overpayment was the result of fraud, including fraud involving the crimes of theft and making false statements in a governmental matter, the county agency may suspend efforts to collect overpayments from an individual or household no longer receiving TANF if:

a. The amount of the overpayment is less than $35; or
b. Recovery is determined not to be cost effective after a reasonable effort to recover has failed. A "reasonable effort" means that, at a minimum, the individual no longer receiving assistance is notified as to the amount of and reason for the overpayment and is requested to make repayment.

In cases involving fraud, every effort must be made to recover the overpayment, regardless of the amount involved.

The county social service office must maintain information concerning all former recipients who have outstanding overpayments. If these individuals begin receiving assistance again, recoupment of the overpayments is required.

Underpayments 400-19-130-40

(Revised 6/1/10 ML #3218)

View Archives

An underpayment is a correction to benefits paid a household who was originally paid less than they were eligible to receive. The TANF Eligibility Worker shall take prompt action to authorize underpayments to current recipients, or to those who would have been eligible if the error causing the underpayment had not occurred.

Note: An underpayment can totally offset an overpayment.

Underpayments must be established based on the date discovered and whether or not the household is entitled to additional benefits.

1. If the household timely reports a change (orally or in writing) to the county agency and all necessary information related to the event is provided timely, an underpayment, if applicable, must be established effective with the month of change.

   Note: If not reported timely, underpayments, if applicable, must be established beginning the month the change is reported and all necessary information is received.

2. The county agency discovers a TANF benefit was calculated incorrectly due to an agency error, an underpayment, if applicable, must be established for the month(s) calculated in error.
3. The county agency receives notification from the Administrative Law Judge or a court of law, of a favorable decision on behalf of the client. Underpayments must be established, if applicable, based on the directive included in the favorable decision.

Intentional Program Violation (IPV) 400-19-135

Overview 400-19-135-05

(Revised 4/1/2012 ML #3309)

View Archives

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.

Intentional Program Violation 400-19-135-10

(Revised 6/1/10 ML #3218)

View Archives

An Intentional Program Violation (IPV) is defined as "an action by an individual, for the purpose of establishing or maintaining eligibility for TANF or for increasing or preventing a reduction in the amount of assistance.

In order to determine if an individual(s) has committed an IPV, that individual must have intentionally:

1. Made a false or misleading statement, misrepresented, concealed, or withheld facts.

   Examples:

   - A source of income or assets
   - A household member

2. Committed any act intended to mislead, misrepresent, conceal, or withhold facts that constitutes a violation of the TANF program or any State statute.

   Example: Trafficking of the Electronic Payment Card or PIN

The use of the term "intentionally" in the regulations does not mean the TANF Eligibility Worker has the burden of proving that an individual intended to commit a fraudulent act. The TANF Eligibility Worker does not have to prove a deliberate intent to defraud. An individual's signature on the application or monthly report attests to providing full information and to understanding the reporting requirements.

Example: Intent is satisfied if an individual is aware of the mandatory reporting requirements, but for whatever reason did not report.

If an individual does not report a change within five calendar days of such change, a program violation may have occurred. An IPV may exist regardless of whether an overpayment is established. There is no requirement that an overpayment exist when pursuing IPV.

If it is learned through the Income Eligibility Verification System (IEVS) or any other source and later verified that a recipient received earned income during a previous month or months when TANF was received and the income had not been reported, the case must be reworked for the month(s); and if it is determined to be an intentional program violation, the late penalty applies.

Fraud 400-19-135-15

(Revised 6/1/10 ML #3218)

View Archives

Fraud is defined as 'the crime of deliberate deception for the purpose of establishing or maintaining eligibility for TANF or for increasing or preventing a reduction in the amount of assistance. Fraud is determined to be a crime based on decision made in a court of law.

Types of Intentional Program Violations 400-19-135-20

(Revised 1/1/11 ML #3246)

View Archives

An IPV disqualification can be established in the following three ways:

1. Administrative Disqualification Hearing (ADH) is pursued when an individual is suspected of intentionally withholding information that results in improperly establishing or maintaining eligibility for TANF benefits. ADH procedures should be initiated in instances when there is sufficient documentary evidence to substantiate that an individual has committed one or more acts of intentional program violation.
    - Waiver of Hearing - An individual has the right to waive an Administrative Disqualification hearing. The worker must possess sufficient evidence to warrant holding a disqualification hearing before allowing an individual to waive the hearing.
        - Waiver A - Allows an individual to admit to the facts and accept the disqualification period.
        - Waiver B – Allows an individual to accept the disqualification without admitting to the facts.

    In order to waive their Administrative Disqualification Hearing, the individual must sign either part A or B of the waiver located on Page 3 of SFN 1940, TANF/SNAP Notice of Intentional Program Violation. A signed waiver is a statement that the household has been informed a disqualification penalty will result.

    Section 400-19-135-30, Initiating Administrative Disqualification Hearing Process, explains the Administrative Disqualification Hearing process.

2. Court Conviction – Fraud is a result of an individual being convicted in federal or state court of having made a fraudulent statement or

representation which results in improperly establishing or maintaining eligibility for TANF benefits.

Upon receipt of the judgment:

- If the judgment includes a TANF disqualification period, impose the disqualification following the TANF disqualification timeframes. (See Section 400-19-135-40, Disqualification Time Frames.)

- If the judgment does not include a disqualification period, the TANF Eligibility Workers must forward the following information to the Appeals Supervisor to process the findings under the Intentional Program Violation (IPV) provisions:

  - Criminal Complaint;
  - Judgment or Order; and
  - A cover letter detailing the violation and providing the name, address, and Vision Case and Client ID # number. Inclusion of any prior disqualifications should also be noted.

  The Appeals Supervisor must then process the Findings and Order for the disqualification which the Executive Director signs.

Upon receipt of the Findings and Order, signed by the Executive Director of the Department, the TANF Eligibility Worker must impose the disqualification following the TANF disqualification timeframes. (See Section 400-19-135-40, Disqualification Time Frames.)

3. Disqualification for Fraudulent Representation of Residence – Any individual convicted in federal or state court after July 1, 1997, of having made a fraudulent statement or representation with respect to their place of residence in order to receive TANF, Medicaid, SNAP or SSI simultaneously from two or more states shall be disqualified from TANF for a period of 10 years, effective the date of conviction. In addition to the court conviction, the individual shall also be referred

for an Intentional Program Violation (IPV). Since the individual was convicted in federal or state court, the period of disqualification for the IPV will remain 10 years if it is the individual's first or second, and permanently, if it is the individual's third.

- If the court conviction does not include the period of disqualification, the TANF Eligibility Worker must forward the following information to the Appeals Supervisor to process the findings under the Intentional Program Violation (IPV) provisions:
    - Criminal Complaint;
    - Judgment or Order; and
    - A cover letter detailing the violation and providing the name, address, and Vision Case and Client ID # number. Inclusion of any prior disqualifications should also be noted.
- Upon receipt of the Findings and Order, signed by the Executive Director of the Department, the period of disqualification for the IPV will remain 10 years if it is the individual's first or second, and permanently, if it is the individual's third.

If an individual is not convicted in federal or state court, but has made a fraudulent statement or representation after July 1, 1997, with respect to their place of residence in order to receive TANF simultaneously from two or more states, the 10 year penalty cannot be applied. However, the individual shall be referred for Intentional Program Violation (IPV). If it is the individual's first IPV, the disqualification penalty is 1 year, if it is the second IPV, the disqualification penalty shall be 2 years. If it is the individual's third IPV, the penalty is a permanent disqualification.

Regardless of the type of IPV, the appropriate Notice of Disqualification must be sent to the household notifying the household that an individual is disqualified and/or assistance will be reduced or ended. The conviction and disqualification information and copies of supporting documents (including conviction information) must be recorded in the casefile. If a disqualified

person moves from one county to another, include disqualification information in the case transfer information.

After a disqualification hearing, there are no further appeal procedures available through the Administrative Hearing Process. The determination of Intentional Program Violation cannot be reversed by a subsequent hearing. The individual, however, is entitled to seek relief in a court of appropriate jurisdiction. The period of disqualification may be subject to stay or other action which would delay the imposition of the disqualification.

Evidence Evaluation 400-19-135-25

(Revised 6/1/10 ML #3218)

View Archives

The following procedure is suggested to evaluate the evidence to determine if a violation has been committed:

1. Review the case and all evidence with the eligibility supervisor, director, or the regional representative of Economic Assistance.
2. If the evidence is sufficient for referral to the hearings officer, the referral shall be made regardless of any legal action planned against the household member.

Initiating Administrative Disqualification Hearing Process 400-19-135-30

(Revised 6/1/10 ML #3218)

View Archives

The Administrative Disqualification Hearing process should be initiated in instances when there is sufficient documentary evidence to substantiate that an individual has committed one or more acts of intentional program violation. The following procedures are recommended:

1. The TANF Eligibility Worker shall complete the first portion of SFN 1940, TANF/SNAP Notice of Suspected Intentional Program Violation, including:

    a. The household member against whom evidence of a violation exists.

        Note: In most instances this will be the household member who has completed the application, monthly report form, or any other appropriate materials used in the eligibility process which contained false information or omitted necessary facts.

    b. What information was provided that is deemed incorrect, or

    c. What facts existed that were not revealed;

    d. How that information was submitted by the household;

    e. When that information was offered by the household.

2. Completion of the "description of evidence' on page 2 should be brief and to the point:

    a. What information/verifications have been secured that dispute the accuracy of the household's statements;

b. When and with whom discussions are conducted, the outcomes of which contradict the household's statements;

c. What documents were provided that should have included information not revealed, and when were they submitted.

Note: If more room is needed, use a second sheet.

Many disqualifications involve unreported wages, so a typical example will be:

Page 1: You submitted reports for (identify the month or months and year) on (identify the date received in the agency) which you certified that no household member had income from employment. We now have wage information which shows that (name of household member) was employed by (name of employer) and had income from that employment during those months.

Page 2: We now have verification that (name) was employed during the period (date) to (date) and received income in the amounts: ($).

3. The TANF Eligibility Worker must attempt to hold a meeting with the household member to discuss the suspected IPV within two (2) weeks of establishing the suspected IPV.

Note: The preferred method for arranging the meeting is to send the household member a notice through the automated computer system.

If the individual suspected of an Intentional Program Violation attends the meeting, the individual shall be given a copy of the DN 1087, Legal Service Organizations. This serves to meet the federal requirement that individuals being considered for Administrative Disqualification be notified of the availability of free legal assistance.

- If during the meeting it is determined there was no Intentional Program Violation, SFN 1940, TANF/Notice of Suspected

Intentional Program Violation is placed in the casefile with a notation that it was not forwarded for further action along with a summary of the explanation as provided by the individual. However, any overpayments must still be established and recovered.

- If, during the meeting, the absence of any satisfactory explanation by the individual leads the TANF Eligibility Worker to believe that the violation did occur, the SFN 1940, TANF/Notice of Suspected Intentional Program Violation will be given to the individual, along with an explanation and the consequences relating to the signing of Part A or B of the Waiver of Hearing.

  The TANF Eligibility Worker must explain that signing Part A or B of the Waiver of Hearing will result in specific program disqualification:

  - 12 months on the 1st violation,
  - 24 months for a 2nd violation, and
  - Permanently for a 3rd violation.

  Continued eligibility for TANF requires that at least one member of the household retains TANF eligibility.

  Only the individual(s) found to have committed the violation or who signed the waiver or the consent agreement in court cases, and not the entire household, shall be disqualified; the disqualified individual's income and assets will continue to be used in determining eligibility and benefit amount for the remaining eligible household members.

  i. If during the meeting the individual suspected of an Intentional Program Violation signs the Waiver of Hearing:
     - Provide the individual a copy of SFN 1940, TANF/SNAP Notice of Intentional Program Violation, and
     - Mail the SFN 1940, TANF/SNAP Notice of Intentional Program Violation, detailing the violation to the

Appeals Supervisor, North Dakota Department of Human Services, Judicial Wing, 600 East Boulevard Avenue, Bismarck, ND 58505-0250.

Note: If Part B is signed, a cover letter detailing why the individual signed Part B rather than Part A must also be sent to the Appeals Supervisor.

ii. If during the meeting, the individual suspected of an Intentional Program Violation refuses to sign the Waiver of Hearing:

- Explain that a hearing will be held, usually by telephone, though the individual may request that a hearing officer be present by so indicating on the SFN 1940 TANF/SNAP Notice of Intentional Program Violation.

- Give the individual a copy of the SFN 1940 TANF/SNAP Notice of Intentional Program Violation.

- Mail the original along with a letter detailing the violation, copies of relevant parts of the monthly report, statement of facts or the Application for Assistance (SFN 405), copies of any verification you obtained, etc., to the Appeals Supervisor, North Dakota Department of Human Services, Judicial Wing, 600 East Boulevard Avenue, Bismarck, ND 58505-0250.

Note: It will not usually be necessary to copy the entire monthly report, as long as it is identified.

3. If the individual suspected of an Intentional Program Violation fails to respond within two weeks to a request for a meeting or agrees to a meeting but fails (without satisfactory explanation within three days after the scheduled meeting) to appear for the meeting:

- Forward the SFN 1940 TANF/SNAP Notice of Intentional Program Violation, along with a letter detailing the violation, to the Appeals Supervisor, North Dakota Department of Human Services, Judicial Wing, 600 East Boulevard Avenue, Bismarck, ND 58505-0250.

Prior to receipt of a disqualification decision, the household will continue to participate at the same benefit level as any other household while awaiting a disqualification decision. Recoupment of any overpayment continues to be collected at the rate of 10%. Full repayment of the overpayment does not stop the disqualification procedure from taking place.

4. If the notice is returned as undeliverable or with no forwarding address, the IPV shall not be forwarded to the Legal Advisory Unit for a hearing, as an IPV hearing cannot be scheduled by the Office of Administrative Hearings (OAH) if notice cannot be mailed and received (notice was returned as undeliverable or with no forwarding address) by the recipient.

   - The IPV information shall be placed in the casefile until an address is known, at which time the TANF Eligibility Worker can begin the proceedings.

Appeals Supervisor Action 400-19-135-35

(Revised 6/1/10 ML #3225)

View Archives

Upon receipt of the SFN 1940, TANF/SNAP Notice of Intentional Program Violation:

1. If the Waiver of Hearing was signed, the Appeals Supervisor will review and approve the signed Waiver of Hearing, and notify the individual of the reason for and the effective date of the disqualification, whether the case is currently open or closed. Notification will be sent to the county to impose the disqualification.
2. If a Waiver of Hearing was not signed:

    a. The Appeals Supervisor will schedule a hearing to be conducted either by phone or with a hearing officer present.

        Note: The household is entitled to a postponement of up to 30 days. If the hearing is postponed, the above time limits will be extended for as many days as the hearing is postponed.

    b. If the individual or the individual's representative fails to appear for the scheduled hearing, without good cause, the hearing will still be conducted as scheduled. Good cause is determined by the Appeals Supervisor.
    c. If the Hearing Officer determines the individual has committed the violation, the Appeals Supervisor will notify the individual of the disqualification reason.

Upon receipt of the hearing decision, the county must take appropriate action.

Note: The TANF Eligibility Worker must receive the order which is signed by the Executive Director of the North Dakota Department of Human Services prior to taking any action.

Disqualification Time Frames 400-19-135-40

(Revised 6/1/10 ML #3218)

View Archives

Upon receipt of the hearing decision, the county shall impose the required penalty whether the case is currently open or closed.

Individuals who have committed an IPV will be disqualified from receiving TANF benefits for the following time periods:

- 12 months for the 1st offense.
- 24 months for the 2nd offense.
- Permanently for the 3rd or subsequent offense.

The start date of the disqualification period is determined by the Appeals Supervisor. Imposing the disqualification is required even if it means that some individuals may not be affected by the disqualification (e.g. SSI recipient).

When a disqualification penalty has been imposed against an individual, the period of disqualification shall continue uninterrupted until completed. When an overpayment exists, regardless of the household's eligibility for benefits, the household shall continue to be responsible for repayment of the overpayment which resulted from this violation.

Disqualification Penalty 400-19-135-45

(Revised 6/1/10 ML #3218)

View Archives

The individual convicted of fraud is the only household member disqualified. Other household members may remain eligible.

When applying the disqualification penalty:

1. The disqualified individual's financial needs are removed,
2. Income and assets of the disqualified individuals continue to be considered when determining eligibility and the benefit amount for the remainder of the household, and
3. The income disregards continue to apply to the disqualified individual income when determining if the remaining household members are eligible.

Overpayments are recovered through a reduction of the Total TANF Standard of Need including $45 OH allowance and special items of need. The rate of recovery for Intentional Program Violations is 20%.

Disqualification in Another State 400-19-135-50

(Revised 6/1/10 ML #3218)

View Archives

(N.D.A.C. 75-02-01.2-72(8))

A disqualification penalty imposed on an individual in another state shall be used in determining the appropriate disqualification penalty for an individual in North Dakota. A person who, on any basis, is found to have committed an IPV by a state administration, disqualification proceedings, or by a federal or state court must be subject to the penalties provided in N.D.A.C. 75-02-01.2-72(2) & (5) and the individual's needs may not be included in the TANF benefit.

1. If another state takes action against an individual and the individual is found guilty of fraud or an IPV, the TANF Eligibility Worker must impose the proper IPV disqualification in North Dakota, provided the TANF Eligibility Worker becomes aware of the action.
2. If the individual is under a disqualification for an IPV in another state when they move to North Dakota and the individual served a portion of the disqualification in the other state, the individual must serve the remainder of the penalty in North Dakota, provided the TANF Eligibility Worker is aware of the disqualification.
    - To accomplish this, the TANF Eligibility Worker must create a Disqualification in the automated computer system, with a type of 'IPV – Out of State' and enter the disqualification period assigned by the other state.

3. If the individual has an IPV and served the disqualification period in another state before coming to North Dakota, the penalty must be entered into the automated computer system.
    - To accomplish this, the TANF Eligibility Worker must create a Disqualification type of 'IPV – Out of State (SV) and enter the appropriate number of completed Out of State IPV's in the

automated computer system, provided the TANF Eligibility Worker is informed of this.

4. An individual disqualified permanently due to having 3 or more IPV's in another state continues to be disqualified in North Dakota.
   - To accomplish this in the automated computer system, the TANF Eligibility Worker must create a Disqualification type of 'IPV – Out of State(SV) and enter the appropriate number (3) of completed Out of State IPV's, provided the TANF Eligibility Worker is informed of this.

5. An individual disqualified for having made a fraudulent statement or representation with respect to the place of residence of the individual in order to receive assistance simultaneously from 2 or more States continues to be disqualified in North Dakota, provided the TANF Eligibility Worker is informed of this.
   - To accomplish this in the automated computer system, the TANF Eligibility Worker must create a Disqualification type of 'Dual Benefits-Court and enter the start date. The system will default a 10-year period. The TANF Eligibility Worker will need to contact State TANF/JOBS policy staff to have the period updated to match the other state's disqualification period.

     Note: All of this is predicated on the assumption that either the client or the other state agency informs North Dakota of the previous IPV or fraud action.

TANF Kinship Care 400-19-140

Overview 400-19-140-05

(Revised 4/1/2012 ML #3309)

View Archives

(N.D.A.C. 75-02-01.2-02.2)

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.

Social Worker Role 400-19-140-05-05

(Revised 6/1/10 ML #3218)

View Archives

The Social Worker has the primary role in determining whether a child is placed in Foster Care or TANF Kinship Care. When pursuing placement into TANF Kinship Care, the Social Worker must:

1. Provide families potentially eligible for TANF Kinship Care Assistance with SFN 405, Application for Assistance or SFN 719, TANF Request for Benefits with a completed Month Report or Statement of Facts, program information, and the verification requirements under the TANF program.
2. Forward, to the appropriate TANF Eligibility Worker, a copy of:

    a. The SFN 423, Kinship Placement, and
    b. The signed SFN 424, Kinship Care Agreement, and
    c. The approved SFN 426, Kinship Care Study, and
    d. A copy of the court order, and
    e. A signed SFN 405, Application for Assistance or SFN 719, TANF Request for Benefits with a completed Month Report or Statement of Facts.

3. Participate in a face-to-face interview at the time of application for TANF.
4. Annually review pertinent aspects of placement with the TANF Eligibility Worker.
5. Determine the need for supportive services and forward to the TANF Eligibility Worker along with a payment recommendation.
6. Communicate the status of the placement and that placement in TANF Kinship Care remains appropriate.
7. Notify the TANF Eligibility Worker of the date and time of quarterly Permanency Planning meetings.
8. Notify the TANF Eligibility Worker of any changes that may affect ongoing eligibility such as but not limited to:
    - A change in the child's residency,

- A change in the child's school status,
- A change in individuals living in the home,
- A change in the legal status of the Kinship Care child, and
- A change or addition of income of a child on TANF Kinship Care.

TANF Eligibility Worker Role 400-19-140-05-10

(Revised 6/1/10 ML #3218)

View Archives

The TANF Eligibility Worker has the primary role in determining eligibility for TANF Kinship Care. The TANF Eligibility Worker shall:

1. Upon receipt of required information and forms from the Social Worker, inform the Kinship Care family and the Social Worker of the date and time of the face-to-face interview.
2. Forward copies of correspondence, eligibility determinations, benefit determinations and supportive service reimbursements to the Social Worker.
3. Notify the Social Worker if issues arise that may jeopardize continued eligibility such as no monthly report, not cooperating with Child Support Enforcement and/or JOBS requirements, not providing required information/verification, etc.
4. Participate in quarterly Permanency Planning meeting, as appropriate.
5. Review supportive service requests with the Social Worker. The TANF Eligibility Worker has the final decision making authority on TANF program eligibility requirements and supportive service payments.

Eligibility Factors for TANF Kinship Care 400-19-140-10

(Revised 10/1/10 ML #3241)

View Archives

TANF Kinship Care financial assistance consists of the TANF benefit and TANF Kinship Care supportive services.

There must be a court order placing care, custody and control of a child with a County Social Services, Division of Juvenile Services (DJS), or with the Executive Director, Department of Human Services.

A child must be placed with a caretaker relative within the fifth degree of relationship and meet all TANF eligibility requirements. The caretaker relative may choose to be an eligible caretaker or may choose to be an ineligible caretaker. If the caretaker relative chooses to be an eligible caretaker, they must meet all TANF eligibility requirements and if eligible, would receive a TANF benefit.

All factors of TANF eligibility apply including but not limited to:

1. Up-Front eligibility requirements.
2. Child Support Enforcement requirements;
3. Income and asset considerations;
4. Monthly reporting requirements;
5. JOBS Program requirements, if the caretaker relative chooses to receive TANF;

The Kinship Care caretaker relative must physically reside with the child and must take reasonable steps to secure all earned rights benefits to which the child may be entitled to, and redirect all monies to which the child is eligible including but not limited to Social Security benefits (i.e. survivors benefits or disability benefits) or Veteran's benefits.

A child in receipt of Supplemental Security Income (SSI) is not eligible for TANF Kinship Care assistance.

The caretaker relative may not receive a TANF benefit with TANF Kinship Care supportive services and Foster Care payments for the same child for the same month.

A caretaker relative may request their case be switched from Kinship Care to regular TANF or from regular TANF to Kinship Care effective with the future benefit month. However, in order for a case to be changed from regular TANF to Kinship Care, all of the Kinship Care requirements must be met. Refer to Section 400-19-140-05, Overview - TANF Kinship Care.

> **Note:** Once the Regular TANF or Kinship Care benefit has been paid, the case cannot be switched from Kinship Care to regular TANF or from regular TANF to Kinship Care when reworking the paid benefit month.

To request TANF Kinship Care assistance, SFN 405, Application for Assistance or SFN 719, TANF Request for Benefits with a completed Month Report or Statement of Facts must be signed by the caretaker relative. Eligibility for TANF Kinship Care may be established on the date the county office receives the signed request or date of eligibility whichever is later.

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

(Revised 4/1/2012 ML #3309)

View Archives

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.

TANF Kinship Care Supportive Services 400-19-140-20

(Revised 7/1/12 ML #3334)

View Archives

Supportive services may provide reimbursements within the limits established by the department under the Foster Care program. Any approved supportive services reimbursement will be paid retroactively and will require proof of costs incurred. Eligibility for TANF Kinship Care supportive services is the date of application or the date of eligibility whichever is later.

Once Kinship Care Study, Child Abuse and Neglect Background Check, Kinship Placement, and Kinship Care Agreement are completed, supportive services can be paid and continue to be paid until the 90th day, when results of the Criminal Background Check are required. In order for supportive services to continue beyond the 90th day, the Social Worker must provide verification of a successful Criminal Background Check on the adult with whom the child is placed. A successful Criminal Background Check may include confirmation of a criminal background; however, the offense and date of conviction may not warrant denial of a kinship care placement. Payment of supportive services will be prohibited beyond the 90th day if the TANF Eligibility Worker has not received the results of the Criminal Background Check or received confirmation that the adult with whom the child was placed has a criminal background.

TANF Kinship Care supportive services provide reimbursement for:

1. Child Care - Child care may be reimbursed to the caretaker as a TANF Kinship Care supportive service or as an expense from earned income. Effective with the benefit month of August 2011, there is no maximum on the amount of child care that can be reimbursed or allowed as an expense, provided the costs are reasonable and comparable to the market rate for the area.

a. Reimbursement is available for the caretakers paid employment, a combination of paid employment and education/training, or work search where care is necessary unless the spouse of the caretaker, the child's biological or adoptive parent, or an individual (loco parentis) acting in the place of a child's parent resides in the home and is available to provide the child care.

b. The child care provider must be a licensed, certified, registered or an approved relative provider unless the TANF Eligibility Worker and Social Worker determine conditions prevent care from being provided outside the home or verified barriers prevent child care arrangements outside the home.

c. The Kinship Care child to whom care is provided must be younger than 13 years of age. (Requests for reimbursement for care provided to children between 13 and 18 years of age will require current, medical evidence from a physician, psychologist, or clinical specialist that clearly confirms the need).

Payment of Child Care expenses is issued through the automated computer system as a TANF benefit and not through the Child Care Assistance Program.

2. Clothing Allowance Reimbursement - Initial and Special:

a. Initial Clothing Allowance - During the first five months after the child enters a TANF Kinship Care arrangement, the child's clothing needs can be met with an initial clothing allowance, if needed. The initial clothing allowance must be requested and prior approval received. A list of clothing purchases and receipts must be submitted to the county for reimbursement. Approval for the initial clothing allowance should be included in the permanency planning document. The system limits the amount a payment may be made based on the age of a child but does not keep track of the five month period. Tracking the five month period is a manual process and should be kept in the TANF Kinship Care casefile.

Note: Once a child receives the initial clothing allowance, they should not receive it again while residing within the same foster home. While it is expected that clothing purchased and reimbursed by Kinship Care follows the child, an additional allowance may be authorized if the child moves to a new foster home.

b. Special Clothing Allowance - A special clothing allowance (should the need arise) may be authorized to replace clothing lost in a fire, flood, theft, or other disasters, or for sudden spurts of growth. The special clothing allowance rate is for emergency and extraordinary circumstances and should rarely be used in meeting the needs of the child. The supportive service is not an entitlement, but an exception.

c. Following are the allowable rates for the initial and special clothing allowance (should the need arise) established under Family Foster Care:
   - Children ages 0 – 4 years of age $150 maximum per year per child.
   - Children ages 5 – 12 years of age $225 maximum per year per child.
   - Children ages 13 – over 18 or 18* $300 maximum per year per child.

3. Emergency Needs - Payment for emergency needs may be reimbursed to meet expenses for which non-payment would threaten the placement as determined by the TANF Eligibility Worker and Social Worker, and cannot exceed $500. The $500 is a one-time option that may be reimbursed in one payment or several payments not to exceed a total of $500. Reimbursement for miscellaneous expenses will be allowed only if the Kinship Care caretaker requested and received specific approval from the TANF Eligibility Worker and Social Worker prior to the services being provided. Some examples of items that may qualify in this category are a bed, bedding, crib, highchair, damage by a child in Kinship Care placement, etc.

4. Legal Fees - Legal fees incurred by the caretaker relative necessary to obtain legal guardianship of the TANF Kinship Care child can be paid under supportive services. Funds designated for this purpose, are

currently administered by NDDHS Children and Family Services (CFS) and CFS is first payer before TANF Kinship Care. Reimbursement for legal fees may be allowed only if the caretaker relative requested and received specific approval from the TANF Eligibility Worker and Social Worker prior to the services being provided. TANF Kinship Care supportive services are payer of last resort for these expenses. Reimbursement may not exceed $700. Normally this supportive service is available once per placement.

5. School Supplies/Activity fees/Allowable Irregular Maintenance - Payment may be made under supportive services for:

   a. School supplies or activity fees charged for participation in school and community activities (e.g. uniforms or supply rentals, activity fees, transportation costs, school pictures, field trips, school supplies, class ring, prom dress/tux, camps, music lessons/lease/purchase of musical instruments).

   b. Allowable irregular maintenance payments may be for personal incidentals of the child such as personal hygiene items, cosmetics, over the counter medications, special dietary foods, infant and toddler supplies (including high chairs and diapers), and miscellaneous items.

   Following are the allowable rates established under Family Foster Care:

      i. Children ages 0 – 4 years of age $200 per year
      ii. Children ages 5 – 12 years of age $500 per year
      iii. Children 13 and over 18 or 18* $700 per year

6. Transportation Costs - Payment of transportation costs may be reimbursed on travel for the TANF Kinship Care child for reasonable travel to the child's parental home for visitation or other travel expenses as identified in the permanency plan. The allowable reimbursement rate for travel is $0.45 per mile.

Diversion 400-19-145

Overview 400-19-145-05

(Revised 6/1/10 ML #3218)

View Archives

(N.D.A.C. 75-02-01.2-02.1)

On September 1, 2006, North Dakota implemented Diversion as a means to provide short-term emergency benefits and services to families during a 'specific crisis or episode of need'. Individuals eligible under Diversion are not included in the State's work participation rate.

Prior to October 1, 2008, Diversion was considered TANF assistance. Diversion is not assistance under title 45, Code of Federal Regulations, Part 260-31, and is not a benefit for purposes of North Dakota Century Code, Section 50-09-06.1. Therefore, effective October 1, 2008, changes to Diversion policy were implemented to no longer consider Diversion as TANF assistance.

Diversion benefits and services:

1. Are designed to deal with a specific crisis situation or episode of need;
2. Are not intended to meet recurrent or ongoing needs; and
3. Will not extend beyond four months in a 12 month period.

Diversion is provided to qualified families for the duration of the crisis or episode of need. This will allow individuals to clear up problems that might push them further into poverty.

Factors of Eligibility 400-19-145-10

(Revised 1/1/11 ML #3246)

View Archives

'Specific Crisis or Episode of Need' is defined as a nonrecurring, short-term family emergency. To be eligible for Diversion, families must have a 'Specific Crisis or Episode of Need' caused by one of the following:

1. Temporary reduction or loss of income (earned or unearned) which results in the families inability to pay rent and utilities or the threat of possible or persistent homelessness, eviction, and/or utility shut-off.

   In order to be considered 'temporary', the individual must:

   a. Have secured employment that will allow the household to regain self-sufficiency; or
   b. Have employment to which they will return once the crisis or episode of need has passed; or
   c. Verify the anticipated receipt of unearned income that will allow the household to regain self-sufficiency.

2. Disaster, which may consist of tornado, fire, flood, etc. The disaster does not have to be one which was federally declared.
3. Unmet needs (e.g. appropriate work or school attire, special clothing, or tools; moving expenses to accept a job offer or to be closer to work, automotive repair, fee for job placement services, etc.) which are integral to accepting or maintaining employment or to attend work or training activities that will allow the household to become self-sufficient.

All TANF applicants or re-applicants that have been determined to meet the non-financial and financial eligibility factors for TANF and are identified as

having a 'specific crisis or episode of need' will be processed under Diversion guidelines with the following exceptions:

1. A caretaker relative in a child only case (OU);

   Note: If an ineligible Kinship Care caretaker experiences a 'Specific Crisis or Episode of Need', she may request the Kinship Care case be closed and apply for Diversion. However, if the Kinship Care case remains closed for more than a full calendar month, and upon closure of the Diversion she requests to receive Kinship Care, all factors of Kinship Care must be again met.

2. A minor parent and not the head-of-household (Head of Household is MP or OU);
3. An alien who is ineligible to receive assistance due to the alien's immigration status (DA);
4. A recipient of Supplemental Security Income (SSI) benefits, including presumptive SSI benefits (SS);
5. A recipient of Social Security Disability (SSDI) benefits (IN);
6. A parent providing care for a disabled family member living in the home provided that the need for such care is supported by documentation from a qualified professional. See Section 400-19-75-10-15-05, Verified Provider of Care to Disabled Family Member, for additional information (IN);
7. Parents or caretaker relatives, personally providing fulltime care for a child who is under the age of 2 months, through the last day of the 2nd month from the child's date of birth.(IN)
8. Caretakers who will meet the criteria for referral to one of the four Tribal NEW programs within the state must be in the TANF program and immediately referred to the appropriate Tribal NEW program. (See Section 400-19-165-155, Tribal NEW Memorandum of Understanding.)
9. A caretaker that is employed at the time of application, and is reasonably expected to fail for excess income when determining eligibility the second prospective month.

   Note: Eligibility for the first prospective month must be determined under TANF so eligibility for Transition Assistance

can be pursued if a caretaker fails TANF due to excess earned income in the second prospective month.

10. A household in which at least one member is in receipt of Kinship Care.
11. Families where the caretaker has received 60 months of TANF.

    Note: The family may apply for TANF under the exemption criteria to continue receiving assistance beyond 60 months.

12. A caretaker that needs to cure an outstanding JOBS, Tribal NEW, or Child Support sanction, or reapplies during a sanction penalty month, must be in the TANF program. During a month of ineligibility due to a sanction, a family is not eligible for Diversion. A family must be TANF eligible to receive Diversion.

    Note: If determined appropriate in a sanction penalty month, the sanctioned individual's TANF case may be closed at the end of the sanction penalty month provided the sanction is cured. The individual may be eligible under Diversion the month following case closure.

If an ongoing Diversion case has a caretaker that was 'IN' and becomes 'DA', 'OU', 'MP' or 'SS', the Diversion case must be closed.

Example: A caretaker that was receiving Diversion has a participation code of 'IN'. If the caretaker starts receiving SSI, the participation code would change to 'SS'. The Diversion case would be closed. The household would be moved to TANF for the future month.

If there are two caretakers in a case and only one of the caretakers become 'DA', 'OU', 'MP', 'SS' or 'ST', the case may remain a Diversion case.

Example: Diversion case with an incapacitated parent with both parents in the household. The participation code for both parents would be 'IN'. The incapacitated parent starts receiving SSI and the participation code changes to 'SS', the family may continue to be Diversion eligible, provided the family continues to meet all factors of eligibility for Diversion .

Once approved under Diversion, the Diversion case must be closed when the 'specific crisis or episode of need' has been resolved, or the individual has received 4 months of Diversion benefits in the previous 12 month period.

Factors of TANF Eligibility that do not Apply to Diversion 400-19-145-15

(Revised 6/1/10 ML #3218)

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All existing TANF rules apply to Diversion cases except for the following:

1. Cooperation in obtaining child support or establishing paternity for any child member of the family is not required. A Diversion month will not have a Child Support Enforcement referral. This means child support will not be assigned, unreimbursed public assistance (UPA) does not apply and there cannot be a child support sanction imposed. However, a family may pursue Child Support Enforcement services without a referral. Any child support received by the family is considered unearned income and must be used to determine a Diversion benefit.
2. Individuals who receive Diversion are not required to participate in the Job Opportunities and Basic Skills (JOBS) program.
3. A month in which Diversion is received does not count toward the TANF 60-month lifetime limit. All months of Diversion are considered non-assistance and cannot count towards the lifetime limit.
4. TANF Benefit Cap provisions do not apply to Diversion as of October 1, 2008.
5. If the family requests to receive TANF for the month following the month a Diversion case closes:

    a. The case will continue in retro budgeting cycle and SFN 719, "TANF Request for Benefits" and a completed Monthly Report or a Statement of Facts, or SFN 405, "Application for Assistance," is required.
    b. All TANF rules apply such as face-to-face interview (the face-to-face interview is optional if there is no break in assistance of one full calendar month) and Up-front JOBS and Child Support.
    c. The case cannot be worked in the automated computer system until the next month and the case will continue in the retrospective budget cycle without being prorated.

Note: Proration of TANF benefits would apply if the family applies for benefits anytime after the first day of the month following closure of the Diversion Case.

6. There must be a closure when going from TANF to Diversion and vice versa.

   Example 1: (Diversion to TANF) The family received two months of Diversion in October and November. The Monthly Report is received in November and the TANF Eligibility Worker determines that the family no longer has a 'specific crisis or episode of need'. The Diversion case is closed the end of November. The TANF Eligibility Worker obtains an SFN 719, "TANF Request for Benefits" and utilizes the Monthly Report to approve TANF effective December 1st

   Example 2: (TANF to Diversion): Ongoing TANF case. The TANF Eligibility Worker determines the family has a 'specific crisis or episode of need' and should be on Diversion. After discussing with the caretaker the benefits of receiving Diversion, the TANF case is closed for client request. An SFN 719, "TANF Request for Benefits" along with the monthly report or a Statement of Facts may be used as the application.

7. The Time Limited Percentage (TLP) earned income disregard will remain at 50 percent for Diversion, unless at the time of TANF closure, the household received six months of TLP in their thirteen-month cycle. If they received six months of TLP in their thirteen-month cycle, the count will continue to increment while on Diversion.

Diversion Four-Month Limitation 400-19-145-20

(Revised 6/1/10 ML #3218)

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A family may receive up to four months of Diversion within a 12-month period. The months may be consecutive or non-consecutive. The four months will consist of looking at the prior 12-months. The month of application for Diversion is considered month one of the 12-month look back period. The 12-month rolling calendar progresses with each passing month, dropping off one month at the end of the 12-month rolling calendar and adding one month to the front of the 12-month rolling calendar. This cycle continues uninterrupted even while the individual is not participating. A Diversion case will close after four months of benefits in a 12-month period have been received.

> **Example:** Household received Diversion during August, September, October and November of prior year. Household reapplies in August of current year. To determine rolling count, the current application month of August is count month one. Counting backwards 12 months, August of current year through September of prior year would be the 12-month look back period (August of prior year would be dropped off in rolling count.) September, October, and November of the prior year would be Diversion count months one, two and three consecutively. Since the household did not receive a fourth count month during the 12 month look back period of September of last year through August of current year, the household is eligible for a fourth month of Diversion, which is the application month of August of current year.
>
> When determining eligibility for the prospective month of September, based on the rolling count, the automated computer system would drop off September of prior year in the rolling count and the new 12-month look back period would be October of prior year through September of current year. Since the household received Diversion in October and November of prior year and in August of current year,

the household is eligible for the fourth month of Diversion in September of current year.

In September when determining eligibility for October, based on the rolling count, the automated computer system would drop off October of prior year in the rolling count and the new 12-month look back period would be November of prior year through October of current year. Since the household received Diversion in November of prior year and in August and September of current year, the household is eligible for the fourth month of Diversion in October of current year.

In October when determining eligibility for November, based on the rolling count, the automated computer system would drop off November of prior year in the rolling count and the new 12-month look back period would be November of current year through December of prior year. Since the household received Diversion in August, September and October of current year, the household is eligible for the fourth month of Diversion in November of current year.

In November when determining eligibility for December, based on the rolling count, the automated computer system would drop off December of prior year in the rolling count and the new 12-month look back period would be January of current year through December of current year. Since the household received Diversion in August, September, October and November of current year, the household is ineligible for Diversion in December due to receiving the four-month maximum in a 12-month period.

The four-month count follows the caretaker of a case. A caretaker with Diversion months from a prior case will carry those months along to a new case.

> **Example:** A double stepparent case where one of the caretakers and a child enters into their own case, the Diversion months counted in the new case will be the count the caretaker had in the previous case.

Example: Two caretakers from two previous cases start a new case together. The caretaker with the larger number of Diversion months received will be the count used in the new case.

A Diversion denial, suspend month, or zero benefit will not count towards the four-month limit.

Diversion Supportive Services 400-19-145-25

(Revised 4/1/2012 ML #3309)

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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 round up and if under 50 cents round down).

1. Housing/Shelter Assistance: Housing/shelter assistance may be used to pay rent or mortgage payments, a deposit on a rental unit, utility bills to avoid a shut-off, or a utility shut-off and must be the payer of last resort. Payment of rent can be made for two months prior to the application month, the month of application, and one month following the application month. The family must be able to demonstrate that they will be able to sustain payment of these expenses for future months. (The income remaining after subtracting other expenses must be sufficient to pay the housing/shelter expenses without additional assistance.)

   All requests for assistance with housing/shelter expenses must be submitted to the State TANF/JOBS policy staff for approval. The request must include the calculation for sustainability. Hard copy verification is required from the family before a payment may be made.

   NOTE: Payment of rent or mortgage expenses through Supportive Services are temporary in nature and not considered subsidized housing.

   Payments for Housing/Shelter expenses cannot exceed actual costs and are made to the vendor utilizing the Vendor Payment process. (See Section 400-19-65-35, Vendor Payment Process, for instructions when processing Vendor Payments.)

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 $150 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.)

3. Disaster Related Expenses – In the event of a disaster involving members of the Diversion household, the TANF Eligibility Worker, after exploring the availability of property insurance and community resources, shall authorize the replacement of clothing, furniture, household equipment, and other needed supplies at a level comparable to that maintained by the recipient at the time of the fire, flood, tornado, or other catastrophic event. Community organizations often provide assistance to victims of disasters. The TANF Eligibility Worker should coordinate assistance with local resources.

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

4. Emergency Household Needs – The Emergency Household Needs supportive service is limited to a monthly amount of $430.00.

   This supportive service may be used for items not covered under any of the other supportive services and is to be used for expenses that are not recurring, including but not limited to costs associated with counseling, case management, peer support (e.g. AA, Al-Anon,

Cancer Support groups, etc.), job retention, job advancement and other employment-related services including transportation costs.

5. Unforeseen Circumstances - The unforeseen circumstances payment is to be used to reimburse a recipient for a payment made in situations that were beyond the individual's control. State office approval is required before making an unforeseen circumstances payment.

   Example: Reimbursement of late fees paid by the recipient, due to Diversion benefits not received timely.

6. Child Restraint Seat - State law requires that all children younger than seven be secured in a child restraint seat (car seat or booster seat) when riding in any motor vehicle. A seat belt may be substituted for children younger than seven who weigh more than 80 pounds and are more than 57 (4'9") inches tall. A child three (3) through ten (10) years of age must be protected by either a safety seat or seat belt.

   Child restraint seats are available in many communities through hospitals, public health agencies, and civic organizations. In collaboration with many public health agencies, reimbursement may be made to public health agencies for child restraints provided to Diversion recipients. The public health agencies must complete SFN 471, Vendor Payment (TANF), Authorization and Request for Payment of Goods and Services and send it to the TANF Eligibility Worker for authorization.

   When a child restraint seat is not otherwise available, the household may purchase one and the cost may be reimbursed as a special item of need supplemental benefit, once verification of the purchase amount is provided to the TANF Eligibility Worker.

   Note: When available, recipients may be required to go through public health agencies where they will be educated on the proper use of child restraints. Recipients should be advised about choosing a model that meets all criteria of the Federal Motor Vehicle safety standards. Because some models do not fit all cars, households should be certain that the model being considered for purchase would be suitable for their vehicle.

Additional information is available from the North Dakota Department of Health, 1-800-472-2286.

As a child grows, a larger child restraint seat will be needed. For this reason, Diversion can pay for multiple child restraint seats for the same child, provided one is not available through the local hospitals, public health agencies, and civic organizations.

Example: If an infant car seat was initially paid for, a booster seat may be paid for based on the child's age/size.

7. Essential Services - The cost of a service considered essential to the well being of a Diversion household member, including an ineligible caretaker or SSI recipient who is not the parent of a child in the household, shall be provided for in the Diversion benefit. If the need for the essential service is related to a special need or condition of a household member, the cost can be met through the benefit. The nature of the infirmity or illness must create a condition where the household cannot perform independently, and services will be considered to meet such needs. The necessary service(s) may require a person in the home temporarily or from outside the home to discharge a specific, transitory need. Medical documentation must substantiate the need for essential services.

   Essential services are intended to accommodate such needs as housekeeping duties and/or child/dependent care during a parent's illness or hospitalization, attendant services, and extraordinary costs of accompanying a member of the family to a distant medical or rehabilitation facility.

   Note: Transportation, lodging and meals for individuals who must travel to a distant medical or rehabilitation facility can be paid through Medicaid, with prior approval. If the household fails to obtain prior approval, or if Medicaid denies the claim as the treatment can be obtained within the state, the cost cannot be paid under Essential Services.

   Essential Services:

   - Can only be paid if all other resources have been exhausted;
   - Must be approved by State TANF/JOBS policy staff; and

- Should be based on negotiation with the provider;

  Note: The allowable maximum daily rate for child/dependent care cannot exceed the amount allowed for emergency foster care, which currently is $30 per day per child;

A provider need not be licensed, self-certified, registered, or an approved relative in order to provide emergency child care. Emergency care that necessitates care of a child shall be limited to three (3) calendar months. Resources other than essential services provided to Diversion household members must be explored for placements of longer duration.

8. GED/High School Graduate Incentive Payment - Each eligible TANF household member will receive a $250 one-time-only incentive payment upon completion of high school or general education development (GED) diploma. The individual must be Diversion eligible in the month the individual completes high school or GED requirements.

   Verification of completion of high school or general education development diploma (GED) diploma is required.

9. Health Insurance Premiums - The cost of a premium for health and hospitalization insurance carried by an individual residing in the home, that covers an eligible member of the Diversion household, can be paid.

   Health, hospitalization, drug, dental, and/or vision insurance is defined as any contract policy covering loss due to sickness or bodily injury. However, it does not include specific health insurance contracts covering loss due to accident, cancer, or disability. In addition, Workers with Disabilities enrollment fees or premium amounts are not allowed as a special item of need payment.

   If the policy covers individuals who are not members of the Diversion household (stepparents, ineligible caretakers, etc), payment is limited to:

- The portion of the premium for each Diversion eligible household member that is allocated by the insurance company; or, if that allocation is unavailable;

- The total premium amount, divided by the number of individuals covered, and then multiplied by the number of Diversion eligible household members who are covered by the insurance.

The applicant or recipient must inform the TANF Eligibility Worker of the insurance. In instances where there is more than one health insurance policy for the same coverage, only one policy of the household's choice shall be paid in the Diversion benefit. Payment shall begin in the month in which the TANF Eligibility Worker is informed of the insurance and receives verification of the cost.

10. Health Tracks Reimbursement - Diversion recipients who complete the Health Tracks screening are eligible for a $25.00 reimbursement per individual. The reimbursement is available after the completion of the initial screening and the annual Health Tracks screening, provided 12 months have passed between screenings. Completion of the screening, for this purpose, does not include the follow-up appointments or referrals to other physicians that are generated from a screening.

    Example: An initial screening is completed in August and a $25.00 reimbursement is issued as a supplement for August. In order to be eligible for the $25.00 reimbursement again, the individual would need to be screened in August of the following year or thereafter.

    Note: August would count as month one (1) of the 12 month period.

Child Care Expenses 400-19-145-30

(Revised 7/1/12 ML #3334)

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Child Care expenses cannot be paid as a supportive service under Diversion. However, these expenses may be allowed as a disregard from earned income, or paid through the Child Care Assistance Program (CCAP).

If the client requests the child care expenses be allowed as a disregard from earned income, the deduction cannot exceed the maximum allowable under CCAP for the Provider Type of 'Center'.

If the client requests child care expenses be paid through CCAP, a CCAP application is required before payment may be made, and all CCAP rules apply including licensing and registration requirements. Payment is allowed up to 100% of the charges, up to the maximum allowed based on the child's age and type of setting.

Diversion Financial Eligibility Determination 400-19-145-35

(Revised 6/1/10 ML #3218)

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Financial Eligibility for Diversion benefits is determined utilizing the same financial eligibility calculation as TANF. (See Section 400-19-110-15, TANF Financial Eligibility Determination.)

Budgeting for Diversion Benefits 400-19-145-40

(Revised 8/1/11 ML #3272)

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If the household passes the financial eligibility determination, the Diversion benefit calculation is computed as follows:

1. The amount of the benefit will be the total amount of the Diversion Types created on the Supportive Services/Special Items of Need Window.
2. Recoupment amounts (either a percentage of the Standard of Need or a fixed dollar amount) are subtracted from the Diversion Benefit to arrive at the Net Diversion Benefit.

EXAMPLE:

Household consists of a caretaker and one dependent child. Household is eligible for the $430 Emergency Needs and $150.00 Transportation.

Total Amount of Diversion Types	580.00
Recoupment Amount	0.00
Net Diversion Benefit	580.00

Diversion Closure 400-19-145-45

(Revised 6/1/10 ML #3218)

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With the exception of those items identified in Section 400-19-145-15, Factors of TANF Eligibility that do not Apply to Diversion, all other TANF rules apply to Diversion. In addition to Diversion cases closing for not meeting the requirements of TANF that apply to Diversion, a Diversion Case must be closed:

- When a determination has been made that the 'specific crisis or episode of need' has been resolved, or if the individual is determined to have a recurrent need. If the closure is due to the individual having a recurring need, eligibility for the month following the month of closure must be determined under the TANF program.

  When closing a case due to the individual no longer having a 'specific crisis or episode of need', and the client has not received 4 months of Diversion in a 12-month period, the reason of 'Other' should be used to close the case. Following is recommended wording to add to the notice:

"Closing Diversion to Open TANF":

"It has been determined that you have a recurring need and continued assistance is needed. Therefore, your Diversion is being closed. Eligibility will be determined under Temporary Assistance for Needy Children (TANF) effective MMDDYYYY).

This action is based on 45 CFR 260.31 (b) (6))"

"Closing Diversion and Not Opening TANF"

"It has been determined that you no longer have a temporary need due to a 'specific crisis or episode of need' and continued assistance is no longer needed. Therefore, your Diversion is being closed.

This action is based on 45 CFR 260.31 (b)(1)."

- When a Diversion recipient has received 4 months of Diversion in the preceding 12-month period, the individual's case must be closed. The Automated Computer System does determine this reason and automatically creates the failure reason of 'Maximum Diversion'.

See Section 400-19-115-10, Advance (10-Day) and Adequate Notice, for additional information.

Diversion Overpayments and Underpayments
400-19-145-50

(Revised 6/1/10 ML #3218)

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Overpayments must be established and recoupment plans entered and authorized for incorrect payments. Diversion is not assistance or a benefit, but paid through supportive services. Therefore, the automated computer system will not recoup Diversion supportive services from future Diversion or TANF benefits.

Underpayments for Diversion must be made to pay a supportive service for a prior month.

Diversion Appeals 400-19-145-55

(Revised 6/1/10 ML #3218)

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Individuals have the right to appeal any adverse action regarding their Diversion Benefits. (See Section 400-19-125-10, Requesting a Fair Hearing – Other than JOBS Sanction for additional information.)

When an individual appeals an adverse action regarding their Diversion Benefit:

1. If Diversion is denied or the case closed, benefits cannot be continued pending the hearing decision.
2. If Diversion is reduced, benefits may only be continued based on the reduced level, pending the hearing decision.
3. If Diversion has been paid for the maximum 4 months in the preceding 12-month period and notice to close has been sent, if the individual appeals the closure, benefits may not continue pending the fair hearing.

Transition Assistance 400-19-150

Overview 400-19-150-05

(Revised 6/1/10 ML #3218)

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(N.D.A.C. 75-02-01.2-02.3)

North Dakota implemented a Transition Assistance program effective August 1, 2007, to promote job retention by providing an extended period of cash benefits to qualified TANF households, thus assisting them in attaining self-sufficiency and, thereby, eliminating the need for future government benefits. Transition Assistance is TANF, and is an extension of an ongoing TANF case that fails for excess earned income.

Factors of Eligibility 400-19-150-10

(Revised 4/1/2013 ML #3362)

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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

   Note: Households cannot become eligible for Transition Assistance in an application month. Therefore, a household is not eligible for Transition if the case closed at the end of the month prior to the month the family applied for TANF and was determined ineligible.

   Example: Ongoing TANF case closed December 31st. The family reapplies for TANF in January and is found ineligible for TANF due to excess earned income. The application must be denied as the household cannot be found eligible for Transition as it is an application month.

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.

3. The household no longer has countable earned income.

If, during a Transition Assistance period, the household receives an extra check from a recurring source of income and counting the extra check results in a TANF grant of under $200.00, the household remains eligible for Transition Assistance. The Transition Assistance benefit is not suspended, the month counts towards the six consecutive month period, and the household is eligible for the $200.00 Job Retention benefit, JOBS Supportive Services and Special Items of Need.

Transition Assistance cannot be approved or, once approved cannot continue and 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 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. Instead, 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.

Once a benefit is paid, the case cannot be switched from Transition Assistance to "regular" TANF or "regular" TANF to Transition Assistance, 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.

Factors of TANF Eligibility that do not Apply to Transition Assistance 400-19-150-15

(Revised 6/1/10 ML #3218)

View Archives

All TANF eligibility requirements apply to Transition Assistance cases **except** for the following:

1. A family may not receive Transition Assistance and a “regular” TANF and/or Kinship Care benefit in the same month.
2. A Diversion Assistance case failing for excess income is not eligible for Transition Assistance.
3. Only recipients become eligible for Transition Assistance. Households cannot become eligible for Transition Assistance in an application month.
4. The Time Limited Percentage (TLP) earned income disregard will remain at 50 percent for Transition Assistance unless at the time of TANF ineligibility the household received six months of TLP in their thirteen-month cycle. If they received six months of TLP in their thirteen-month cycle, the count will continue to increment while on Transition Assistance.
5. There is no case closure/reapplication requirement when transitioning from “regular” TANF to Transition Assistance or from Transition Assistance to “regular” TANF.
6. Outstanding TANF or Transition Assistance overpayments will not be recouped from a Transition Assistance benefit.

Transition Assistance Six-Month Consecutive Limitation 400-19-150-20

(Revised 6/1/10 ML #3218)

View Archives

There is no limit on the number of months a household can receive Transition Assistance during their TANF 60-month lifetime limit. However, the maximum number of consecutive months for Transition Assistance cannot exceed six.

A Transition Assistance case may close after receiving six consecutive months of Transition Assistance or the household may remain eligible for ongoing assistance under “regular” TANF provided all eligibility requirements continue to be met.

Transition Assistance Supportive Services 400-19-150-25

(Revised 8/1/11 ML #3272)

View Archives

Available Transition Assistance Supportive Services consist of:

1. Job Retention – A monthly amount of $200.00 will be paid unless the caretaker has a participation code of 'DD', 'DF' or 'DM'.

   Note: When the Stepparent's earned income results in eligibility for Transition Assistance, the Job Retention must be entered next to the natural or adoptive parent in the automated computer system.

2. Transportation – A transportation allowance of up to $150.00 per month may be paid. The amount of the transportation allowance will be determined by the JOBS Employment Contractor.

   Note: Only caretakers participating in the JOBS Program are eligible to receive the transportation allowance.

Transition Assistance Supportive Services for job retention and transportation will be paid prospectively.

Effective with the Benefit Month of August 2011, child care expenses must be paid through the Child Care Assistance Program (CCAP), based on the rules of that program. (Refer to the Child Care Assistance Manual Chapter 400-26.). Child care expenses will no longer be paid directly to recipients using a debit card.

Special Items of Need 400-19-150-30

(Revised 6/1/10 ML #3218)

View Archives

TANF special items of need (e.g. reimbursement for child restraint seats, essential services, health insurance premiums, health tracks and GED/HS diploma incentives, housing allowance, etc.) may also be paid to recipients of Transition Assistance. (See Section 400-19-60, Special Items of Need.)

Post-TANF Supportive Services 400-19-155

(Revised 4/1/2013 ML #3362)

View Archives

(N.D.A.C. 75-02-01.2-90)

Post-TANF 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 participate in the JOBS 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 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 individuals 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.

When a household has been determined ineligible for TANF benefits that resulted in apparent eligibility for Post-TANF Supportive Services:

- If the household has not yet received any Post-TANF Supportive Services, the household is not eligible for Post-TANF.
- If the household already received Post-TANF Supportive Services, payments must cease effective the date ineligibility is determined. In all cases, notification must be sent to the household.

Post-TANF Transportation Supportive Services 400-19-155-05

(Revised 8/1/11 ML #3272)

View Archives

The JOBS Employment Contractor or TANF Eligibility Worker may approve Transportation Supportive Services. The maximum, monthly Transportation Supportive Service payment may not exceed $150.00.

Transportation Supportive Services may be utilized for monthly transportation expenses for the individual's private vehicle, public transportation passes, cab fares, or rides provided through an informal arrangement.

Transportation assistance may be utilized to pay fees or fines which prevent an individual from legally operating a vehicle. Allowable fees may include a reinstatement fee on a suspended license, registration fee for a DUI seminar, defensive driver's class required prior to reinstatement of a driver's license, driver's license exam fee, and vehicle insurance, license, or titles.

Traffic fines and DUI fines may be paid at the discretion of the JOBS Employment Contractor or TANF Eligibility Worker provided the individual demonstrates the ability to contribute in paying a portion of the fine. The portion of the fine to be paid by the individual will be determined by the JOBS Employment Contractor or TANF Eligibility Worker.

> **Note:** Once a transportation assistance payment has been issued to an individual, overpayments are not to be established.

If transportation Supportive Services are based on mileage, a monthly stipend or flat amount is not allowed. Instead, a mileage calculation must be identified on the Employability Plan or documented in the case file if

calculated by the TANF Eligibility Worker. Transportation assistance based on mileage is calculated by multiplying the number of actual or estimated miles required to support the individual's approved work activity and a self-initiated educational activity by $0.45, the current reimbursement rate for travel under the TANF program.

Payments for Transportation Supportive Services are issued to the recipients via the TANF ReliaCard or are paid to the vendor utilizing the Vendor Payment process.

Post-TANF Discretionary Supportive Services
400-19-155-10

(Revised 6/1/10 ML #3218)

View Archives

The JOBS Employment Contractor or TANF Eligibility Worker may approve the use of Discretionary Supportive Services to meet legitimate needs of the client. Over the course of the six (6) month period, actual costs up to a maximum of $400 may be approved by the JOBS Employment Contractor or TANF Eligibility Worker. No more than $400 may be approved per case, per state fiscal year (July 1 – June 30).

> **Note:** The $400 Discretionary Supportive Service amount is in addition to any JOBS Supportive Services the individual may have received while in receipt of TANF or Transition Assistance.

Appropriate uses of Discretionary Supportive Services includes, but are not limited to such things as: vehicle repair and insurance; relocation assistance; additional assistance with transportation costs; purchase of employment related clothing; and tools for employment; etc.

Assessment, Social Contract and Case Planning 400-19-160

(Revised 6/1/10 ML #3218)

View Archives

(N.D.A.C. 75-02-01.2-74)

Effective February 1, 2010, TANF Eligibility Workers are no longer required to complete a case assessment and develop a social contract. JOBS Employment Contractors are responsible to complete an in-depth assessment on each referred individual.

If a TANF Eligibility Worker chooses to, they may continue to complete a case assessment by utilizing SFN 740, Initial/Strength/Full Assessment or SFN 501, TANF Re-assessment. This is a self-reporting process by the household, and the results are based on the household's responses.

> **Note:** Both of the above forms are available as E-forms on the North Dakota website at http://www.nd.gov/eforms/

The TANF Eligibility Worker can continue to manually create non-mandatory services. The Referrals Window in the automated computer system will continue to display the mandatory services of JOBS and Child Support Enforcement, and the non-mandatory services created by the TANF Eligibility Worker.

Appendix 400-19-165

Form SS-5, Application for a Social Security Number Card 400-19-165-05

(Revised 6/1/10 ML #3218)

View Archives

Form SS-5, Application for Social Security Number designed by the Social Security Administration, must be completed by anyone applying for a social security number (SSN) or for a replacement of a lost or destroyed card. It may also be used to request a change in an individual's social security record. A completed Form SS-5, 'Application for Social Security Number' and evidence of age, identity, and United States citizenship (or legal alien status) constitute a formal application for a number.

Form SS-5, 'Application for Social Security Number' may be made at any district office of the Social Security Administration. However, since each member of a TANF household must either have a number or prove that an application for a number has been made, county social service office staff may find it expedient to assist the applicant in completing the form. This will help to ensure that the form is completed properly and that unnecessary delays are avoided. The completed form, together with required evidence of age, identity, and citizenship may be either mailed or delivered personally by the applicant to the Social Security Administration's district office. In return, the county social service office will be notified by the district office via Form 5028, 'Evidence of Application for Social Security Number Card' or other means that these materials were received and that the application for an SSN will be processed.

Completion of Form SS-5, 'Application for Social Security Number', is largely self-explanatory although detailed instructions are attached to the form. The form must be dated and signed by the applicant. The state code (35), a two-digit county number, and zeros shall be entered with red ink on the line identified as "NPN" in the lower right-hand corner of the form. An

illustration of a Burleigh County entry for TANF is 35-080000000. Any zero appearing in the case number must be shown with a vertical line drawn through (0) to allow the computer to distinguish it from the letter "0."

Application for a Social Security Number Card (82kb pdf)

This document will be presented in Adobe Acrobat and require the Adobe Acrobat reader. If you do not currently have Adobe Acrobat reader installed, you may download a free copy by clicking the Get Adobe Reader icon below.

SFN 74, Child Support Information 400-19-165-10

(Revised 6/1/10 ML #3218)

View Archives

SFN 74, Child Support Information form asks for information needed to provide accurate and efficient Child Support services for the family.

A separate form must be completed for each absent parent (or alleged father).

The form is organized into 6 sections:

A. Custodial Parent or Other Caretaker Information
B. Noncustodial Parent Information
C. Children Information
D. Information from a custodian who is a parent.
E. Information from a custodian who is not a parent
F. Statement and Signature

In all cases, the custodian must complete Sections A, B, C, D or E, and F.

The custodian must complete the form to the best of their ability. It is not expected the custodian will be able to complete every question in every case. If a question is not answered, the custodian should note, '?', 'unknown', 'I don't know' or otherwise make notes to show the question was not missed or otherwise not answered.

Section A. Information about the Custodial Parent or Other Caretaker of the Children

- This section gathers information about the custodian of the children.

Section B. Information about the Noncustodial Parent

- This section gathers information about the absent parent (or the alleged father) of the children.
- Some of information in this section is particularly important if the Child Support program needs to find the absent parent or the absent parent's income, either right away or at some time in the future.
- The full name, SSN, date of birth, and employer are a few of the most important data elements in this section. If those data elements are not completed, the other information gathered becomes extremely important in being able to provide quality Child Support services.
- The custodian needs to read each question and complete it as best as possible. Although in some cases, the custodian may state they know nothing about the absent parent, many times the custodian has important information without realizing how important the information is.
- No piece of information should be considered too trivial to include on the form. A single piece of information may be sufficient to complete the puzzle in the Child Support program. There are Child Support staff who specialize in locating absent parents and they have been able to successfully locate absent parents with as little information as a first name and past employer or a name and a unique tattoo.
- If the custodian is unsure who the father is because there are multiple possibilities, a separate Child Support Information form must be completed for each alleged father.
- Regarding the question, 'Does Noncustodial Parent have any other children?' only children not in the TANF household should be listed.

Section C. Information about the Children of the Noncustodial Parent Listed in Section B. This section gathers information about each child of the noncustodial parent (or alleged father) who is listed in Section B.

Section D. The parent completes this section (otherwise skip to Section E)

- Either this section or Section E must be completed by each custodian.

- If the custodian is the mother or father of the children, the custodian must complete this section.

Section E. If they are not the parent, complete this section (otherwise skip to Section F)

- Either this section or Section D must be completed by each custodian.
- If the custodian is someone other than the mother or father of the children, the custodian must complete this section. Examples of custodians who would complete this section include grandma, aunt, and stepparent.

Section F. Statement and Signature

- The custodian must sign and date each completed form.
- Once the form is considered complete, it must be sent to the appropriate regional Child

SFN 150, "60-Month Lifetime Exemption Background Report" 400-19-165-15

(Revised 6/1/10 ML #3218)

View Archives

SFN 150, 60-Month Lifetime Exemption Background Report form is used to submit a request to exempt a household from the 60-month lifetime limit. The form plus information to substantiate the request must be submitted to the State Exemption Determination Team (SEDT) for a final decision.

This form is available through the Department of Human Services and may also be obtained electronically via E-Forms. (53kb pdf)

E-Forms are presented in Adobe Acrobat and require the Adobe Acrobat reader. If you do not currently have Adobe Acrobat reader installed, you may download a free copy by clicking the Get Adobe Reader icon below.

SFN 162, Request for Hearing 400-19-165-20

(Revised 6/1/10 ML #3218)

View Archives

SFN 162, Request for Hearing form is used when a TANF Applicant or Recipient chooses to request a fair hearing due to action taken regarding TANF benefits.

This form is available through the Department of Human Services and may also be obtained electronically via E-Forms. (54kb pdf)

E-Forms are presented in Adobe Acrobat and require the Adobe Acrobat reader. If you do not currently have Adobe Acrobat reader installed, you may download a free copy by clicking the Get Adobe Reader icon below.

DN 248, Temporary Assistance for Needy Families (TANF) Brochure 400-19-165-25

(Revised 6/1/10 ML #3218)

View Archives

DN 248 is available through the Department of Human Services. It may also be printed locally using the link shown above.

The Temporary Assistance for Needy Families Program brochure is presented in Adobe Acrobat and requires the Adobe Acrobat reader. If you do not currently have Adobe Acrobat reader installed, you may download a free copy by clicking the Get Adobe Reader icon below.

SFN 323, JOBS Status Change 400-19-165-30

(Revised 6/1/10 ML #3218)

View Archives

SFN 323, JOBS Status Change form is used to relay information regarding a JOBS participant between the JOBS Employment Contractors and TANF Eligibility Workers

This form is available through the Department of Human Services and may also be obtained electronically via E-Forms. (60kb pdf)

E-Forms are presented in Adobe Acrobat and require the Adobe Acrobat reader. If you do not currently have Adobe Acrobat reader installed, you may download a free copy by clicking the Get Adobe Reader icon below.

DN 403, Acknowledgment of Nonrepresentation 400-19-165-35

(Revised 6/1/10 ML #3218)

View Archives

DN 403, Acknowledgment of Nonrepresentation form explains to TANF recipients that the attorneys who work in the Child Support program do not represent the custodian, but rather the attorneys represent the state's interests.

It explains that the Child Support attorneys will not be able to help with matters such as child custody or visitation.

It explains that custodians have the right to their own attorney, at their own expense.

It is based on state law that says Child Support attorneys represent the state's interests and there is no attorney-client relationship between the Child Support attorney and any parties of a court action.

It is important for custodians to understand the Child Support attorneys do not represent them.

Each custodian must sign and date this document.

A County Social Service Office staff member must fill in the custodian's Client ID in the Agency Use Only box at the bottom of the document and send the original to the appropriate regional Child Support unit.

SFN 413, Individual Indian Monies Account 400-19-165-40

(Revised 6/1/10 ML #3218)

View Archives

SFN 413, Individual Indian Monies Account form is to obtain definite information from Indian agencies about deposits made to and balances remaining in IIM Accounts. This information is necessary to determine eligibility and benefit amount and lends itself to prorating based on income received during a previous 12-month period.

The upper portion of the form is to be completed by the TANF Eligibility Worker. The form must be signed by the applicant/recipient who then sends or takes it to the superintendent of the Indian agency for completion.

> **Note:** The household may choose to sign a Release of Information permitting the TANF Eligibility Worker to obtain the needed data from the Indian agency directly. SFN 413, signed by the applicant/recipient, must also be used when this method is followed.

The bottom portion of the form is completed by appropriate officials of the Indian agency.

IIM accounts for persons enrolled at the Fort Totten and Turtle Mountain Indian agencies are maintained in the Aberdeen, South Dakota, Area Office. Accounts for persons enrolled by the Fort Berthold and Standing Rock agencies are maintained by each of those agencies.

This form is available through the Department of Human Services and may also be obtained electronically via E-Forms. (71kb pdf)

E-Forms are presented in Adobe Acrobat and require the Adobe Acrobat reader. If you do not currently have Adobe Acrobat reader installed, you may download a free copy by clicking the Get Adobe Reader icon below.

SFN 414, Subsidized Employment Agreement 400-19-165-45

(Revised 6/1/10 ML #3218)

View Archives

SFN 414, Subsidized Employment Agreement form is used by the JOBS Employment Contractors, when placing an individual into subsidized employment, so the JOBS program can reimburse the employer for the employee's wages, up to a maximum of the minimum wage.

This form is available through the Department of Human Services and may also be obtained electronically via E-Forms. (71kb pdf)

> **Note:** E-Forms are presented in Adobe Acrobat and require the Adobe Acrobat reader. If you do not currently have Adobe Acrobat reader installed, you may download a free copy by clicking the Get Adobe Reader icon below.

SFN 419, Request to Division of Vital Statistics for Confidential Verification of Birth 400-19-165-50

(Revised 6/1/10 ML #3218)

View Archives

Verification of birth for individuals born in North Dakota can be obtained:

1. In the TECS Computer system through the interface with Vital Statistics, for individuals born in North Dakota.
2. By utilizing SFN 419, Request to Division of Vital Statistics for Confidential Verification of Birth form. This form must be sent to Division of Vital Statistics, North Dakota Department of Health, Judicial Wing, 1st Floor, 600 East Boulevard Avenue, Bismarck, North Dakota 58505.

A stamped, self-addressed envelope will facilitate a prompt reply. The identifying information about the person should be completed in full by the county social service office before submission to Vital Statistics.

This form is available through the Department of Human Services and may also be obtained electronically via E-Forms. (57kb pdf)

> **Note:** E-Forms are presented in Adobe Acrobat and require the Adobe Acrobat reader. If you do not currently have Adobe Acrobat reader installed, you may download a free copy by clicking the Get Adobe Reader icon below.

SFN 420, Request to Division of Vital Statistics for Confidential Verification of Death 400-19-165-55

(Revised 6/1/10 ML #3218)

View Archives

SFN 420, Request to Division of Vital Statistics for Confidential Verification of Death form is to be used to obtain death information from the Division of Vital Statistics, North Dakota Department of Health, Judicial Wing, 1st Floor, 600 East Boulevard Avenue, Bismarck, North Dakota 58505.

A stamped, self-addressed envelope will facilitate a prompt reply. The identifying information about the person should be completed in full by the county social service office before submission to Vital Statistics.

This form is available through the Department of Human Services and may also be obtained electronically via E-Forms. (57kb pdf)

E-Forms are presented in Adobe Acrobat and require the Adobe Acrobat reader. If you do not currently have Adobe Acrobat reader installed, you may download a free copy by clicking the Get Adobe Reader icon below.

Request for Verification of Marriage 400-19-165-60

(Revised 6/1/10 ML #3218)

View Archives

SFN 421, Request for Verification of Marriage form is to be used in some instances in which it is necessary to identify the children of a mother's former marriage. Thus, if the birth information of the children does not coincide with the mother's present name, the fact that it did coincide with the mother's name during a previous marriage is established. The form is directed to the office of the county judge in the county in which the marriage is said to have occurred.

This form is available through the Department of Human Services and may also be obtained electronically via E-Forms. (55kb pdf)

E-Forms are presented in Adobe Acrobat and require the Adobe Acrobat reader. If you do not currently have Adobe Acrobat reader installed, you may download a free copy by clicking the Get Adobe Reader icon below.

SFN 422, Request for Verification of Divorce 400-19-165-65

(Revised 6/1/10 ML #3218)

View Archives

SFN 422, Request for Verification of Divorce form is to be used for the purpose of securing verification of divorce as the cause of continued absence from the home. The form is also used to verify the custody arrangement, as well as the alimony and/or support payments. The form is directed to the office of the county judge in the county in which the divorce occurred.

This form is available through the Department of Human Services and may also be obtained electronically via E-Forms. (54kb pdf)

E-Forms are presented in Adobe Acrobat and require the Adobe Acrobat reader. If you do not currently have Adobe Acrobat reader installed, you may download a free copy by clicking the Get Adobe Reader icon below.

SFN 429, Memorandum of Agreement to Establish Protective Payment 400-19-165-70

(Revised 6/1/10 ML #3218)

View Archives

SFN 429, Memorandum of Agreement to Establish Protective Payments form is used if the protective payee method is needed as an alternative payment method.

Regulations require a protective or vendor payment whenever a TANF recipient (1) persistently mismanages their funds to the detriment of the children's best interests, or (2) refuses without "good cause" to comply with the terms of the TANF contract. This agreement briefly defines the conditions under which the protective payee agrees to serve and provides minimum identifying information about the household that is helpful to all parties concerned.

A copy of the completed and signed agreement shall be given to the recipient and the protective payee, and filed in the recipient's case record.

This form is available through the Department of Human Services and may also be obtained electronically via E-Forms. (42kb pdf)

E-Forms are presented in Adobe Acrobat and require the Adobe Acrobat reader. If you do not currently have Adobe Acrobat reader installed, you may download a free copy by clicking the Get Adobe Reader icon below.

SFN 443, Notice of Right to Claim 'Good Cause' 400-19-165-75

(Revised 6/1/10 ML #3218)

View Archives

SFN 443, "Notice of Right to Claim 'Good Cause,'" is used to inform TANF applicants of their right under Section 208 of Public Law 94-88 to claim an exemption from the requirement to cooperate with the child support enforcement effort if they believe that by doing so they would be acting contrary to the best interests of their child(ren). The form must be given to all TANF custodian's as part of the application process. The notice briefly summarizes the legislative intent of child support enforcement and the applicant's obligation to cooperate in the support collection effort and describes the circumstances under which cooperation may be "against the best interests" of the child(ren) and provides examples of the kinds of evidence necessary to substantiate a claim of good cause.

The applicant should be allowed sufficient time to read the notice, ask questions, and sign and date the document.

The signed and dated original notice shall be filed in the applicant's case record as documentation that the notice was in fact received. The canary-colored copy shall be given to the applicant.

This form is available through the Department of Human Services and may also be obtained electronically via E-Forms. (34kb pdf)

E-Forms are presented in Adobe Acrobat and require the Adobe Acrobat reader. If you do not currently have Adobe Acrobat reader installed, you may download a free copy by clicking the Get Adobe Reader icon below.

SFN 446, Request to Claim Good Cause 400-19-165-80

(Revised 6/1/10 ML #3218)

View Archives

SFN 446, Request to Claim 'Good Cause form, is the means by which an applicant or recipient formally advises the county social service office that they wish to claim an exemption from the requirement to cooperate with the child support enforcement effort. The form, which is largely self-explanatory, provides the TANF custodian the opportunity to describe the circumstances which they believe will have a bearing on the claim.

The signed and dated original request is to be given to the applicant or recipient. The canary-colored copy shall be filed in the case record as documentation that the request for an exemption was in fact made. The pink copy is to be forwarded to the Regional Child Support Enforcement Agency as a directive that child support activity is to be delayed until such time as the good cause issue is resolved.

This form is available through the Department of Human Services and may also be obtained electronically via E-Forms. (44kb pdf)

E-Forms are presented in Adobe Acrobat and require the Adobe Acrobat reader. If you do not currently have Adobe Acrobat reader installed, you may download a free copy by clicking the Get Adobe Reader icon below.

SFN 451, Eligibility Report on Disability/Incapacity 400-19-165-85

(Revised 6/1/10 ML #3218)

View Archives

SFN 451, Eligibility Report on Disability/Incapacity is generally used by the county social service office in reporting current personal and employability factors and conditions about an applicant or family applying for assistance based on disability or incapacity. The form is also used when a review of eligibility is requested by the State Review Team or is desired by the county social service office. In order that the State Review Team is supplied with information that is complete and current, each question on the form must be answered fully.

SFN 451 is to be completed in duplicate, with the original submitted to the Department of Human Services. A copy is retained in the county social service office's case record.

> **NOTE:** Other types of eligibility documents such as narrative reports may be substituted for SFN 451 provided all information asked for in the SFN 451 is incorporated into the report.

Following are instructions for the proper completion of SFN 451:

SECTION I. Information in this section identifies the case information, such as case name, address, case number, the date of application, and the medical approval date.

SECTION II. Information in this section concerns only the person whose physical or mental disability or incapacity is the basis of eligibility for assistance.

- Name, Birth Date, and Sex - Self-explanatory.

- Race – Check the appropriate race of the person whose physical or mental disability or incapacity is the basis of eligibility. If an individual is of mixed ancestry, check all that apply.
- Marital Status, Education and Training - Self-explanatory.
- State Institutions - As requested, indicate if the applicant or recipient is or has been a resident at a state institution and give dates of entry and release, if applicable.
- Benefits - Check if the applicant or recipient receives benefits (monetary and/or medical) from any of the sources listed.
- Employment - All questions relate to the employment record and capacities of the applicant or recipient, the applicant or recipient's future employability and/or Employability Plans. A description of the specific types of work the applicant or recipient has done, as described by the person, and the types of physical and/or mental stresses they have placed upon the person are desirable in visualizing and evaluating the employment factors.

SECTION III. This section pertains to the applicant or recipient and their family, if any, in terms of their living arrangements. Facts about housing can help evaluate the effect of the environment on the medical and social condition of the applicant/recipient. A description of certain individual and/or family problems such as social and financial difficulties and poor family relationships help to better understand and evaluate the person's total stresses and how they may relate to the individual's physical and/or mental functioning.

SECTION IV. The information requested here focuses on the physical and/or mental problems as stated by the applicant or recipient and, equally as important, as observed by the worker. A person's own attitude and disability is of great importance and has much to do with determining motivation for improving their position in or returning to the labor market.

If the applicant or recipient is in need of personal care, indicate what the specific activity limitations are that require that care.

If the applicant's or recipient's primary disability or incapacity appears to be of a psychological, psychiatric or social nature, current psychological,

psychiatric, vocational rehabilitation, or social evaluations should be submitted.

Include any additional relevant information not provided elsewhere which may assist the State Review Team in reaching an equitable decision on eligibility. This must include the worker's recommendations concerning approval or denial and the appropriateness of a referral to Vocational Rehabilitation.

This form is available through the Department of Human Services and may also be obtained electronically via E-Forms. (180kb pdf)

E-Forms are presented in Adobe Acrobat and require the Adobe Acrobat reader. If you do not currently have Adobe Acrobat reader installed, you may download a free copy by clicking the Get Adobe Reader icon below.

SFN 471, "Vendor payment (TANF) Authorization and Request for Payment of Goods and Services 400-19-165-90

(Revised 6/1/10 ML #3218)

View Archives

SFN 471, Vendor Payment (TANF) Authorization and Request for Payment of Goods and Services, is to be used where payment is made directly to a vendor. Directions for completing the form are as follows:

Section I. Vendor Information:

- List the name, address, and telephone number of the Vendor who provided the service.
- List the name and address of the TANF recipient who received the services.
- List the date the service was provided, a description of the items or services and the amount claimed. Once all are listed, enter the Total Amount Claimed.

Section II. Client Information:

- List the TANF recipient's name, case number and social security number.

Section III. Authorized Agency (County/Contractor Information)

- The person (Employment Contractor, County Director or a Designee) must sign who authorized payment of the service provided must sign, date, and list the name of the agency for whom they work.

Section IV. State Information:

- This is for State Office use only.

Upon completion of the form, send to the state office for processing.

This form is available through the Department of Human Services and may also be obtained electronically via E-Forms. (84kb pdf)

E-Forms are presented in Adobe Acrobat and require the Adobe Acrobat reader. If you do not currently have Adobe Acrobat reader installed, you may download a free copy by clicking the Get Adobe Reader icon below.

SFN 616, Child Care Billing Report 400-19-165-95

(Revised 6/1/10 ML #3218)

View Archives

SFN 616, Child Care Billing Report form is to be used to verify child and adult dependent care expenses reported by TANF households. This form is used for JOBS, employment, training, and school-related child and adult dependent care.

This form is available through the Department of Human Services and may also be obtained electronically via E-Forms. (166kb pdf)

E-Forms are presented in Adobe Acrobat and require the Adobe Acrobat reader. If you do not currently have Adobe Acrobat reader installed, you may download a free copy by clicking the Get Adobe Reader icon below.

DN 891, North Dakota Kinship Care Program 400-19-165-100

(Revised 6/1/10 ML #3218)

View Archives

DN 891 is available through the Department of Human Services. It may also be printed locally using the link shown above.

The North Dakota Kinship Care Program brochure is presented in Adobe Acrobat and requires the Adobe Acrobat reader. If you do not currently have Adobe Acrobat reader installed, you may download a free copy by clicking the Get Adobe Reader icon below.

SFN 970, Multi-Agency Authorization to Disclose Information 400-19-165-105

(Revised 6/1/10 ML #3218)

View Archives

The purpose of the SFN 970 is to request information on a specific individual from multiple agencies. Information requested must be required to determine eligibility and benefit level.

This form is available through the Department of Human Services and may also be obtained electronically via E-Forms. (166kb pdf)

> **Note:** E-Forms are presented in Adobe Acrobat and require the Adobe Acrobat reader. If you do not currently have Adobe Acrobat reader installed, you may download a free copy by clicking the Get Adobe Reader icon below.

SFN 1059, Authorization to Disclose Information 400-19-165-110

(Revised 6/1/10 ML #3218)

View Archives

The purpose of the SFN 1059 is to request information on a specific individual from a single agency. Information requested must be required to determine eligibility and benefit level.

This form is available through the Department of Human Services and may also be obtained electronically via E-Forms. (166kb pdf)

> **Note:** E-Forms are presented in Adobe Acrobat and require the Adobe Acrobat reader. If you do not currently have Adobe Acrobat reader installed, you may download a free copy by clicking the Get Adobe Reader icon below.

DN 1087, Legal Service Organizations 400-19-165-115

(Revised 6/1/10 ML #3218)

View Archives

The purpose of the DN 1087 is to advise individuals suspected of having committed intentional program violation of the availability of free legal services.

A copy of this form is to be provided to such individuals at the time of the meeting as described in the policy.

This form is available through the Department of Human Services in paper form or through the County Intranet.

DN 1332, The Family Violence Option (Brochure) 400-19-165-120

(Revised 6/1/10 ML #3218)

View Archives

DN 1332 is available through the Department of Human Services. It may also be printed locally using the link shown above. The brochure is presented in Adobe Acrobat and requires the Adobe Acrobat reader. If you do not currently have Adobe Acrobat reader installed, you may download a free copy by clicking the Get Adobe Reader icon below.

SFN 1784, Appeal Background Report 400-19-165-125

(Revised 6/1/10 ML #3218)

View Archives

The purpose of the SFN 1784 is to advise the Appeals Supervisor of the reason for an appeal and the program(s) being affected by the appeal.

This form is available through the Department of Human Services and may also be obtained electronically via E-Forms. (78kb pdf)

E-Forms are presented in Adobe Acrobat and require the Adobe Acrobat reader. If you do not currently have Adobe Acrobat reader installed, you may download a free copy by clicking the Get Adobe Reader icon below.

SFN 1940, TANF/SNAP Notice of Suspected Intentional Program Violation 400-19-165-130

(Revised 6/1/10 ML #3218)

View Archives

The SFN 1940 is intended to:

1. Notify an individual in writing when that individual is suspected of having committed intentional program violation;
2. Provide a means of waiving the right to a hearing if an individual suspected of intentional program violation wishes to waive their right to an administration disqualification hearing;
3. Assign a hearing time if the right to an administrative disqualification hearing is not waived; and
4. To allow an individual who desires that a hearing officer be present at the hearing, rather than having a telephone hearing, to indicate that desire.

Form completion instructions:

Pages 1 and 2 are to be completed by the county initiating the administrative disqualification hearing procedure. The form is to be signed in this section, by an Eligibility Worker, Supervisor, or County Director who will be present at the meeting with the individual suspected of having committed intentional program violation.

Page 3, the "waiver of hearing" section, , either A or item B, is to be signed if the individual wishes to waive their right to an administrative disqualification hearing.

Page 4, the individual suspected of intentional program violation must sign on this page if the individual does not waive their right to a hearing and desires that a hearing officer be present at the hearing, rather than a telephone hearing.

If an administrative disqualification hearing is scheduled, the Appeals Referee Supervisor will complete "notice of hearing" and so advise the suspected individual.

Form distribution:

- Original
  - If it is decided at the time of the meeting that there was no intentional program violation - file original and all copies in casefile along with a notation of the results of the meeting.
  - If the right to hearing is waived, or if there is to be a hearing - forward to Appeals Referee Supervisor.
- 1 Copy - If the right to a hearing is waived, or if there is to be a hearing - give to the accused individual signing the form.
- 1 Copy - Casefile.

This form is available through the Department of Human Services and may also be obtained electronically via E-Forms. (80kb pdf)

E-Forms are presented in Adobe Acrobat and require the Adobe Acrobat reader. If you do not currently have Adobe Acrobat reader installed, you may download a free copy by clicking the Get Adobe Reader icon below.

DN 1990, JOBS Work Requirements for Recipients of the TANF Program 400-19-165-135

(Revised 6/1/10 ML #3218)

View Archives

DN 1990 is available through the Department of Human Services. It may also be printed locally using the link shown above.

The JOBS brochure is presented in Adobe Acrobat and requires the Adobe Acrobat reader. If you do not currently have Adobe Acrobat reader installed, you may download a free copy by clicking the Get Adobe Reader icon below.

SFN 2828, First Report of injury 400-19-165-140

(Revised 6/1/10 ML #3218)

View Archives

SFN 2828 is used by the JOBS Employment Contractors, for individuals participating in Community Service or Work Experience Activities and become injured while participating in these activities.

First Report of Injury (34 kb pdf)

This form is available electronically by using the link shown above. The form is presented in Adobe Acrobat and requires the Adobe Acrobat reader. If you do not currently have Adobe Acrobat reader installed, you may download a free copy by clicking the Get Adobe Reader icon below.

Life Estate and Remainder Interest Table 400-19-165-145

(Revised 6/1/10 ML #3218)

View Archives

Click here to view and/or print this interest table.

Link up and Lifeline Program (Non-Tribal)
400-19-165-150

(Revised 6/1/10 ML #3218)

View Archives

This document is available electronically through the link shown above. This document is presented in Adobe Acrobat and requires Adobe Acrobat reader. If you do not currently have Adobe Acrobat reader installed, you may download a free copy by clicking the Get Adobe Reader icon below.

Link Up and Lifeline Programs (71kb pdf)

Link up and Lifeline Programs (Tribal) 400-19-165-155

(Revised 6/1/10 ML #3218)

View Archives

This document is available electronically by using the link shown above. This document is presented in Adobe Acrobat and requires Adobe Acrobat reader. If you do not currently have Adobe Acrobat reader installed, you may download a free copy by clicking the Get Adobe Reader icon below.

Link Up and Lifeline Programs for Tribal Areas (76kb pdf)

TANF Benefit Prorate Table 400-19-165-160

(Revised 6/1/10 ML #3218)

View Archives

Click here to view and/or print the TANF Benefit Prorate Table.

Tribal NEW Memorandum of Understanding
400-19-165-165

(Revised 6/1/10 ML #3218)

View Archives

This document is available electronically through the link shown above. A signed copy of the document is maintained by the Department of Human Services.

The Tribal NEW MOU outlines the interaction between, the Department, county social services, and the four Tribal NEW programs in the State. The MOU contains the specific referral criteria that are to be used when making referrals to Tribal NEW.

Tribal NEW Memorandum of Understanding (93 kb rtf)

Tribal NEW Coordinators' Directory 400-19-165-170

(Revised 6/1/10 ML #3218)

View Archives

This Directory is available electronically through the link shown below and may be printed locally.

This Directory includes the Tribal NEW Coordinator's names, mailing addresses, phone numbers, fax numbers, and email addresses.

Tribal NEW Coordinator Directory (7 kb rtf)