

**Service Chapter:** Temporary Assistance for Needy Families 400-19  
**Effective Date:** May 1, 2023

## Overview

Removed from policy using SFN 719 and Statement of Facts as a TANF application. Applications by SFN 719 and Statement of Facts may not be accepted on or after the effective date of this Manual Letter. Added policy electronic signatures are acceptable. Policy changed to Notice of Right to Claim Good Cause is only required at application and when a custodian adds a child(ren) and that custodian has not completed an SFN 443 in the open case. Policy added TANF Monthly Report and annual Review can be accepted prior to the first of the month in which they are due. Clarification added TANF Monthly Report and annual Review can be submitted through the last working day of the month in which they are due. Clarification added TANF Kinship Care case closes and TANF Kinship Care Supportive Services ends on the 90<sup>th</sup> day if a completed background check is not received after 90 days from date of application or date of eligibility whichever is applicable.

## Description of Changes

### **1. Program Brochures 400-19-15-40 – New**

SFN 719 and Statement of Facts removed from policy.

### **2. Application Forms for TANF 400-19-20-10 – New**

SFN 719 and Statement of Facts removed from policy.

### **3. Required Applications in Various Circumstances 400-19-20-20 – New**

SFN 719 and Statement of Facts removed from policy.

### **4. Notice of Action Taken on Applications 400-19-20-35 – New**

SFN 719 and Statement of Facts removed from policy. Reference to legacy system removed.

### **5. Mailing and Return of the Monthly Report 400-19-25-10 – New**

Policy added TANF Monthly Report forms may be submitted through the Department's Website, in person, electronically, by drop box, fax, mail, etc. Policy added that TANF Monthly Report forms may be accepted before the first of the month in which they are due.

### **6. Timeliness of Returned Monthly Report 400-19-25-15 – Clarification, New**

Policy clarified TANF Monthly Report forms can be submitted through the last working day of the month the form is due. Policy added that TANF Monthly Report forms may be accepted before the first of the month in which they are due.

### **7. Treatment of Completed Monthly Report 400-19-25-20 – New**

Policy added electronic or handwritten signature is acceptable on the TANF Monthly Report form.

**8. Review of Eligibility Requirements 400-19-30 – Clarification, New**

Policy added the annual Review forms may be submitted through the Department's Website, to any Human Service Zone and in person, electronically, by drop box, fax, mail, etc. Policy added that annual Review forms may be accepted before the first of the month in which they are due. Policy added electronic or handwritten signature is acceptable on the annual Review form. Policy clarified annual Review forms can be submitted through the last working day of the month in which they are due.

**9. Good Cause' for Refusing to Cooperate 400-19-70-30 – New**

Policy added that the Notice of Right to Claim Good Cause is only required at application or when a custodian included in the open TANF case adds a child(ren) into the case and the custodian has not already signed an SFN 443.

**10. JOBS Employability Plan 400-19-75-40-40 - New**

Policy added electronic or handwritten signature is acceptable on the Employability Plan (EP).

**11. Prospective Budgeting 400-19-105-15 – New**

SFN 719 and Statement of Facts removed from policy.

**12. Revert to Open Following Case Closure 400-19-110-30 – New**

SFN 719 and Statement of Facts removed from policy. Reference to legacy system has been removed.

**13. Obtaining Verification of Unreported Information 400-19-130-15 - New**

SFN 719 and Statement of Facts removed from policy.

**14. Overview 400-19-140-05 – Clarification**

Clarification added case must be closed if background check is not received back after 90 days.

**15. Eligibility Factors for TANF Kinship Care 400-19-140-10 – New**

SFN 719 and Statement of Facts removed from policy.

**16. Denial or Closure of TANF Kinship Care 400-19-140-15 – New**

Added as a denial reason to this section case must be closed if background check is not received back after 90 days.

**17. TANF Kinship Care Supportive Services 400-19-140-20 – Clarification**

Clarification added supportive services ends immediately after the 90<sup>th</sup> day if a background check is not received after the 90<sup>th</sup> day.

**18. Factors of TANF Eligibility that do not Apply to Diversion 400-19-145-15 – New**

SFN 719 and Statement of Facts removed from policy.

**19. SFN 443, Notice of Right to Claim 'Good Cause' 400-19-165-75 – New**

Policy added that the Notice of Right to Claim Good Cause is only required at application or when a custodian included in the open TANF case adds a child(ren) into the case and the custodian has not already signed an SFN 443.

## **Policy Section Updates**

### **1. Program Brochures 400-19-15-40**

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

- "TANF"
- "JOBS"
- "The Family Violence Option"
- "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."~~

### **2. Application Forms for TANF 400-19-20-10**

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

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

### **3. Required Applications in Various Circumstances 400-19-20-20**

~~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 ~~A~~ completed Monthly Report or a Statement of Facts, or ~~and~~ 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 reapply 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

#### **4. Notice of Action Taken on Applications 400-19-20-35**

Human Service Zones Counties must use forms and notices developed by the Department of Health and Human Services (DHHS) 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.~~

#### **5. Mailing and Return of the Monthly Report 400-19-25-10**

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. Recipients have the option of completing and submitting their Monthly Report on-line through the Department's Website.

Monthly report forms may be received, filed and maintained at any Human Service Zone within the state, based on what is most convenient for the applicant or recipient.

Monthly report forms may be submitted in person, electronically, by drop box, fax, mail, etc.

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 business day.

**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 accepted but held for registration and processing until the first working day of the month in which it is due be considered incomplete and must be returned to the household.

Example: A completed TANF monthly report form due in September is received August 30. On the first working day in September the TANF monthly report form can be registered and can be processed.

In disregard to when the household submits the TANF monthly report form, the household is required to report all changes in household circumstances within 5 days of learning of the change, except when reporting the birth of a newborn, in which the household has 10 days. (See policy at 400-19-25-30, Reporting Changes).

**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.

## 6. Timeliness of Returned Monthly Report 400-19-25-15

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

**7. Treatment of Completed Monthly Report 400-19-25-20**

TANF Eligibility Worker shall review the monthly report when received to determine if all questions have been answered, ensure the form is signed and dated 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.

Electronic or handwritten signature is acceptable on the TANF Monthly Report form.

If the monthly report fails to include verification of work-related child or dependent care, or child support or alimony the report is considered complete, but the child and dependent care or child support or alimony 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.)

**8. Review of Eligibility Requirements 400-19-30**

Eligibility for every TANF household is redetermined each month using the TANF Monthly Report. The purpose of the Annual 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 process. An interview is not required when completing the Annual Review.

Eligibility workers shall review the annual Review form when received to determine if all questions have been answered, ensure the form is signed and dated and all necessary verifications are attached.

**Note:** Lack of information for income and expenses for the prospective month does not constitute an incomplete annual Review.

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

Electronic or handwritten signature is acceptable on the annual Review form.

The automated computer system provides an alert to the eligibility worker when an Annual Review is due and automatically sends notification to the TANF household advising 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 the annual Review is due.

Recipients have the option of completing and submitting their annual Review on-line through the Department's Website.

Annual Review forms may be received, filed and maintained at any Human Service Zone within the state, based on what is most convenient for the applicant or recipient.

Annual Review forms may be submitted in person, electronically, by drop box, fax, mail, etc.

An annual Review form submitted during normal business hours is considered received on the date submitted. When an annual Review form is submitted after business hours, during the weekend, or on a holiday, the annual Review form is considered received on the next business day.

**Note:** The eligibility worker must document the date an annual Review form is filed by recording the date received on the form.

Upon receipt of a completed annual Review form:

- If the annual Review form 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 annual Review must be processed no later than the last working day of the month in which it was received. (e.g. If a completed annual Review form is received by June 5th, the annual Review must be processed no later than the last working day of June.)
- If the annual Review form was not submitted timely, but was submitted during the month it is due, the annual Review must be processed as soon as possible, but no later than 30 days following the date received.

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

Human service zones must use forms and notices developed by the Department of Health and Human Services (DHHS) for the purposes of informing and advising clients of the status of their annual Review and their rights and responsibilities.

Annual Review forms Monthly reports are due on the 5th of the month or the first working day after the 5th if the 5th falls on a weekend or holiday. However, completed annual Reviews monthly reports can be submitted to the Human Service Zones through the last working county offices on any day of the month in which they are due.

If an annual Review is submitted prior to the 1<sup>st</sup> day of the month in which is due, the annual Review form must be accepted but held for registration and processing until the first working day of the month in which it is due.

Example: An annual Review due in September is submitted on August 30. On the first working day in September the annual Review can be registered and can be processed.

In disregard to when the household submits the annual Review, the household is required to report all changes in household circumstances within 5 days of learning of the change, except when reporting the birth of a newborn, in which the household has 10 days. (See policy at 400-19-25-30, Reporting Changes).

#### 9. 'Good Cause for Refusing to Cooperate 400-19-70-30

A custodian may have 'good cause' for not cooperating with the Child Support Division. Accordingly, all custodians must be given the opportunity to claim a 'good cause' exemption. This is accomplished by providing each custodian with form SFN 443, Notice of Right to Claim 'Good Cause': at

- at the time of application or;
- when a custodian included in the open case adds a child into the case and the custodian has not already signed an SFN 443. ~~is being added to an ongoing case.~~

The notice:

1. Briefly summarizes the legislative intent of the Child Support Division 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 or when a custodian's child is added, 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 the Child Support Division, and the custodian is required to cooperate.

If a determination of 'good cause' for non-cooperation with the Child Support Division is pending or has been granted, the Child Support Up-front Eligibility requirement does not apply. The 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 Division.

**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 Human Service Zone 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 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 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 Human Service Zone 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.

**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 eligibility worker to assist in obtaining

evidence. The 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 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 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 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 eligibility worker may not deny, delay, or discontinue assistance. Prior to making a final determination, Human Service Zone staff are required to provide Child Support Division staff the opportunity to review and comment on the findings and basis for the proposed decision. However, the final determination rests with Human Service Zone 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 DIVISION STAFF TO BE INFORMED OF 'GOOD CAUSE' STATUS** - It is essential that the eligibility worker keep the Child Support Division staff informed on the status of all 'good cause' claims. This includes:

1. Promptly notifying the Child Support Division of all custodians who claim 'good cause' and requesting suspension of child support activity pending a determination;
2. Promptly reporting to the Child Support Division 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 the Child Support Division 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 ~~h~~Human ~~s~~ervice ~~z~~Zone 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 the Child Support Division's efforts. The communication must also advise the custodian of their right to appeal the decision. In the event the custodian does appeal, the Child Support Division 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.

**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 Division 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 the Child Support Division'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, the Child Support Division 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 the Child Support Division 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.
- If the Child Support Division Enforcement sends notification of non-cooperation and 'good cause' is denied, the sanction must be imposed effective the first day of the future benefit unless the sanction is received on or after the third to the last working day of the month, then the sanction is imposed the first day of the future month.

## 10. JOBS Employability Plan 400-19-75-40-40

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.

Electronic or handwritten signature is acceptable on the 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.

## 11. Prospective Budgeting 400-19-105-15

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

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

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

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

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

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

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

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

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

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

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

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

## 12. Revert to Open Following Case Closure 400-19-110-30

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

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

1. Adequate Child Support - Used only in instances in which the case closed effective the last day of the first prospective month because the household anticipated child support in the second prospective month that resulted in ineligibility. The case can be reverted to open if the household contacts the TANF Eligibility Worker no later than the last work day of the month following the month in which the closing was effective (i.e., case closed effective November 30; household must contact TANF Eligibility Worker by December 31) to report that child support was either not received as previously anticipated or was received in a lesser amount.
2. Excess Income - Used only in instances in which the case closed effective the last day of the first prospective month because the household anticipated income in the second prospective month that resulted in ineligibility. The case can be reverted to open if the household contacts the TANF Eligibility Worker no later than the last work day of the month following the month in which the closing was effective (e.g. Case closed effective November 30; household must contact TANF Eligibility Worker by December 31) to report that income was either not received as previously anticipated or was received in a lesser amount.
3. Non-Receipt of Monthly Report - Used only in instances in which the case was closed when the completed monthly report was received in the county office before the last working day of the month but the TANF Eligibility Worker did not register the report as received. (e.g. Case closed effective November 30 due to reason of non-receipt of monthly report, but a completed monthly report was received by November 30).
4. Fail to Complete 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 ~~E~~ligibility ~~W~~orkers can revert a case to open in the [automated computer system 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"](#) [SFN 405, "Application for Assistance," or the Electronic Application](#) is required. (See Section [400-19-20-20](#), Required Applications in Various Circumstances.)

### 13. Obtaining Verification of Unreported Information [400-19-130-15](#)

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 ~~E~~ligibility ~~W~~orker 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:

1. For earned income, use the quarterly wage match and divide that figure by three to determine the monthly amount of income to use.
2. 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:

1. If the total of the unreported and reported assets are less than the TANF asset limit, no further action is required.
2. 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.
4. If the income information was revealed by PARIS and verification from the source cannot be obtained:
  - a. For earned and unearned income:
    - i. If the monthly amount of the benefit is listed in the alert, use that amount.
    - ii. If the monthly amount of the benefit is not listed in the alert, a monthly amount will need to be determined, by dividing the amount by the number of months the payment represents.

Once verification of the unreported income and/or assets is received, or the calculation completed as indicated in #3 or #4 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 or #4 above can only be used when the source is IEVS or PARIS.

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 400-19-137, Intentional Program Violation (IPV).)

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.

**14. Overview 400-19-140-05**

TANF Kinship Care was implemented in North Dakota on February 1, 2005. This program provides enhanced funding and services in order to expand the options for placement of children who are in the care, custody, and control of a North Dakota Human Service Zone, the North Dakota Division of Juvenile Services (DJS) or a North Dakota Tribal Agency as established by a court order. 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, TANF Kinship Care rules follow many of the same rules as Foster Care.

In order to be eligible for TANF Kinship Care, a North Dakota Human Service Zone, the North Dakota Division of Juvenile Services (DJS) or a North Dakota Tribal Agency must have care, custody, and control.

A child in the legal custody of an out-of-state entity is not eligible for North Dakota TANF Kinship Care even if the child has been appropriately placed in a North Dakota setting via the Interstate Child Placement Compact. If a family has questions regarding additional support for the child, they should be referred to the out-of-state entity for assistance. Similarly, North Dakota TANF Kinship Care is not available to North Dakota children who are placed out-of-state.

Before a child can receive TANF Kinship Care, the agency having care, custody, and control of the child must complete the SFN 423, Kinship Placement, SFN 424, Kinship Care Agreement, SFN 426, Kinship Care Study, and a finger print based criminal background check (referred to as a background check), including a child abuse and neglect index check for all household members age 18 and older where the child will be placed, along with other investigations as the department may determine necessary. The background check must be completed within 90 days from the TANF Kinship Care application date or date of eligibility, whichever is later. If a completed background check is not received after 90 days from the TANF Kinship Care application date or date of eligibility, whichever is later, for all household members age 18 or older, the TANF Kinship Care case must be closed. However, the family may be approved to continue to receive regular TANF benefits. (See section 400-19-140-15, Denial or Closure of TANF Kinship Care).

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

Once the SFN 423, Kinship Placement, SFN 424, Kinship Care Agreement, SFN 426, Kinship Care Study, and a child abuse and neglect index check for all household members age 18 and older where the child will be placed, have been completed, if all other eligibility criteria are met, the case can be processed as TANF Kinship Care as of the date the signed application is received in the Human Service Zone office or the date of eligibility, whichever is later.

If an unsuccessful background check is received prior to the application being approved, eligibility for TANF Kinship Care does not exist. However, the family may be approved to receive regular TANF benefits. (See section 400-19-140-15, Denial or Closure of TANF Kinship Care).

If all factors of eligibility have been met but the background check(s) has not been received, the application may be approved as TANF Kinship Care. In this situation, the TANF Kinship Care standard of need, maintenance payment and supportive services may be provided until an approved background check is received or 90 days from the date of application or date of eligibility, whichever is later. If the background check is not received after 90 days, the TANF Kinship Care case must be closed as the family is no longer eligible for TANF Kinship Care standard of need, maintenance payment and supportive services. (Eligibility for supportive services ending can be found at section 400-19-140-20, TANF Kinship Care Supportive Services).

If an individual 18 years of age or older moves into the home of a pending application or ongoing TANF Kinship Care case, a background check including a child abuse and neglect index check and any other investigations as the department may determine necessary must be completed within 90 days from the date the individual moved into the home.

If an unsuccessful child neglect and abuse index check or background check is received for the new adult, eligibility for TANF Kinship Care does not exist and TANF Kinship Care must be denied or closed. However, the family may be eligible to receive regular TANF benefits. (See section 400-19-140-15, Denial or Closure of TANF Kinship Care).

## **15. Eligibility Factors for TANF Kinship Care 400-19-140-10**

TANF Kinship Care financial assistance consists of the TANF benefit, TANF Kinship Care maintenance payment and TANF Kinship Care supportive services.

There must be a court order placing care, custody and control of a child with a North Dakota Human Service Zone, the North Dakota Division of Juvenile Services (DJS) or a North Dakota Tribal Agency.

A child must be placed with a caretaker relative within the fifth degree of relationship and meet all TANF eligibility requirements.

TANF Kinship Care includes an ineligible caretaker and an eligible TANF Kinship Care child. TANF Kinship Care cannot include a caretaker as an eligible filing unit member.

Regular TANF may include an eligible caretaker and their non-Kinship Care children along with an eligible TANF Kinship Care child who is residing in the home. In this setting, the caretaker must meet all TANF eligibility requirements while only the Kinship Care child is eligible for the Kinship Care maintenance payment and TANF Kinship Care supportive services.

All factors of TANF eligibility apply including but not limited to:

1. Up-Front eligibility requirements;
2. Child Support Division requirements;
3. Income and asset considerations;
4. Monthly reporting requirements;
5. JOBS Program requirements, if the caretaker relative chooses and is eligible to receive TANF;

The Kinship Care caretaker relative must physically reside with the child and must make a good faith effort to secure all earned rights benefits to which the child may be entitled including but not limited to Social Security benefits (i.e. student/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 Kinship Care benefit and Foster Care payments for the same child for the same month.

**Exception:** When the child resides with a caretaker relative whose foster care eligibility for the child has ended and the caretaker relative applies for TANF in the same month, eligibility for the child may begin the first date following the last day for which a foster care payment was made.

A caretaker relative may request their ongoing case be switched from TANF Kinship Care to regular TANF or from regular TANF to TANF Kinship Care effective with the future benefit month. However, in order for a case to be changed from regular TANF to TANF Kinship Care, all of the TANF Kinship Care requirements must be met. Refer to Section 400-19-140-05, Overview - TANF Kinship Care.

Once Regular TANF has been paid, the case cannot be switched to TANF Kinship Care for that benefit month. Similarly, once TANF Kinship Care has been paid, the case cannot be switched to Regular TANF for that benefit month. However, this does not prevent eligibility from being evaluated for additional household members who are required to be considered for TANF after a paid benefit.

To request TANF Kinship Care assistance, SFN 405, Application for Assistance or the Electronic Application ~~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 ~~Human Service Zone~~ receives the signed request or date of eligibility whichever is later.

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

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

1. The foster care case manager recommends, on SFN 426, Kinship Care Study, that the kinship care not be approved, but the child(ren) remain in the home.

**Note:** If all factors of eligibility are met, the application may not be denied or the case closed as the family may be eligible to receive regular TANF benefits.

2. The results of the fingerprint based criminal background check (referred to as background check) do not allow eligibility under TANF Kinship Care.

**Note:** If all factors of eligibility are met, the application may not be denied or the case closed as the family may be eligible to receive regular TANF benefits.

3. When a North Dakota ~~an Service Human Service Zone~~, the North Dakota Division of Juvenile Services (DJS) or a North Dakota Tribal Agency no longer has care, custody and control of the child.

**Note:** If all factors of eligibility are met, the application may not be denied or the case closed as the family may be eligible to receive regular TANF benefits.

4. The caretaker adopts the child. The household will no longer be eligible for TANF 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 may not be denied or the case closed as the family may be eligible to receive regular TANF benefits.

5. The household fails to comply with TANF Program requirements.

6. When a child leaves the home or is no longer eligible for TANF Kinship Care and there is no other eligible TANF Kinship Care child(ren) in the home.

7. When a caretaker relative within the 5th degree is no longer present in the home.

8. A completed background check is not received after 90 days from the TANF Kinship Care application date or date of eligibility, whichever is later, for all household members age 18 or older.

**Note:** If all factors of eligibility are met, the case may not be closed as the family may be eligible to receive regular TANF benefits.

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 and SFN 426, Kinship Care Study are not required unless circumstances have changed within the household such as the presence of 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 a new background check and the child abuse and neglect background check must be completed.

**Note:** If an individual age 18 or older moves into the home of an 'ongoing' TANF Kinship Care placement, a background check and child abuse and neglect background check must be completed for that individual. (See Section 400-19-140-05, Overview).

## 17. TANF Kinship Care Supportive Services 400-19-140-20

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.

Supportive services may be paid for up to 90 days from the application date or date of eligibility, whichever is later while waiting for the results of the finger print based criminal background check (referred to as background check).

In order for supportive services to continue beyond the 90th day, the foster care case manager must provide verification of an approved background check for individuals age 18 years or older in the home.

In certain situations, the department may receive information included as confirmation that a background check does not meet NDCC 50-11 requirement. However, the offense and date of conviction may not warrant denial of a kinship care placement. In these situations, the foster care case manager will make the final determination. **For example**, does the individual meet the foster care licensing relative waiver options?

**If the background check is not received after 90 days, supportive services must end immediately after the 90<sup>th</sup> day.** Payment of supportive services will be prohibited:

- beyond the 90th day if the eligibility worker has not received the results of the background check or
- **at the time the eligibility worker** has received confirmation the adult(s) 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. 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, or an individual (a responsible adult household member) 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 eligibility worker and foster care case manager 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 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. The need 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 TANF Kinship Care 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 the home of a new caretaker/relative.

Initial Clothing Allowance rates:

- Children ages 0 – 4 years of age \$400 maximum per year per child.
- Children ages 5 – 12 years of age \$400 maximum per year per child.

- Children ages 13 – 18 or over 18\* years of age \$400 maximum per year per child.
- b. Special Clothing Allowance - A special clothing allowance 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.

Special Clothing Allowance rates:

- Children ages 0 – 4 years of age \$250 maximum per year per child.
- Children ages 5 – 12 years of age \$325 maximum per year per child.
- Children ages 13 – 18 or over 18\* years of age \$400 maximum per year per child.

\*over age 18 – a child who is a fulltime student in a secondary or a vocational or a 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.

3. Emergency Needs - Payment for emergency needs not to exceed \$500 per case may be authorized may be reimbursed to meet expenses for which non-payment would threaten the placement or interrupt its permanence as determined by the eligibility worker and foster care case manager. 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 eligibility worker and foster care case manager prior to the services being provided. Discussion between the eligibility worker and foster care case manager need to occur to come to an agreement on the services prior to the services being provided. If no agreement exists, reimbursement will not be allowed. 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 eligibility worker and foster care case manager 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 TANF Kinship Care 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.

**Note:** Since car seats are available through various health districts entities in North Dakota, these agencies must be utilized. In the rare instance where a car seat is not available through a health district entity, the eligibility worker and foster care case manager should discuss the need. Authorization for reimbursement is prohibited if no need exists or the purchase was made prior to the eligibility worker's approval.

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 authorized for reasonable travel of the TANF Kinship Care child to the child's parental home, reasonable parental travel to the child's Kinship Care placement home or other arranged location for visitation or other travel expenses **as identified in the permanency plan**. The allowable reimbursement rate for travel is \$0.45 per mile.

**Note:** Travel reimbursement must be claimed by date, purpose, and miles driven and reimbursed through the TANF Vendor Payment Process.

## 18. Factors of TANF Eligibility that do not Apply to Diversion 400-19-145-15

All existing TANF rules apply to Diversion 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 Division 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. TANF will continue in retro budgeting cycle and SFN 719, "TANF Request for Benefits" and a completed Monthly Report or a Statement of Facts, or and an SFN 405, "Application for Assistance," or an Electronic Application is required.
  - b. All TANF rules apply such as an interview (the interview is optional if there is no break in assistance of one full calendar month) and Up-front JOBS and Child Support.
  - c. TANF cannot be worked in the automated computer system until the next month and TANF will continue in the retrospective budget cycle without being prorated.

**Note:** Proration of TANF benefits would apply if the family applies for benefits any time after the first day of the month following closure of Diversion.

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 eligibility worker determines that the family no longer has a 'specific crisis or episode of need'. Diversion is closed the end of November. The eligibility worker obtains an SFN 405, Application for Assistance or Electronic Application SFN 719, "TANF Request for Benefits" and utilizes the Monthly Report to approve TANF effective December 1st.

**Example 2: (TANF to Diversion)** Ongoing TANF. The 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, TANF is closed for client request. An SFN 405, Application for Assistance or Electronic Application is required 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.

#### **19. SFN 443, Notice of Right to Claim 'Good Cause' 400-19-165-75**

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 or when a custodian included in the open case adds a child into the case and the custodian has not already signed an SFN 443. 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.