

**Service Chapter:** Temporary Assistance for Needy Families 400-19

**Effective Date:** October 1, 2023

## **Overview**

The following changes are effective October 1, 2023. Benefit Cap policy is no longer applicable to new applications and ongoing cases. Reference to third trimester of pregnancy has been removed and replaced with pregnant (pregnancy) as TANF now allows eligibility at any point of pregnancy providing all other factors of eligibility are met. An individual that has used their TANF Time Limited Percentage (TLP) is eligible to receive TLP again if they have been off assistance for one year.

## **Description of Changes**

### **1. Definitions 400-19-05 - Change**

Removal of Benefit Cap. Change in third trimester of pregnancy to pregnant. TANF Time Limited Percentage (TLP) has been used and the individual has been off assistance for one year may receive the TLP again.

### **2. North Dakota Health Tracks Program 400-19-15-35 - Change**

Removal of Benefit Cap.

### **3. Child Support Up-front Eligibility 400-19-35-15 - Change,**

Removal of Benefit Cap.

### **4. TANF Household Living Arrangements 400-19-45-20 - Change**

Change in third trimester of pregnancy to pregnant.

### **5. Minor Parent Living Arrangement 400-19-45-25-10 - Change**

Change in third trimester of pregnancy to pregnant.

### **6. Limitation to Pregnant Women 400-19-45-30 - Change**

Change in third trimester of pregnancy to pregnant.

**7. Minor Parent Under Age 18 Student Eligibility Requirements 400-19-45-65-15 - Change**

Change in third trimester of pregnancy to pregnant.

**8. Benefit Cap 400-19-45-90: Overview 400-19-45-90-05; Benefit Cap Factors of Eligibility 400-19-45-90-10; Child Support Division for Benefit Cap Children 400-19-45-90-15; Budgeting for Benefit Cap Children 400-19-45-90-20 - Repeal**

Removal of Benefit Cap.

**9. Student Earned Income Treatment 400-19-55-15-30- Change**

Change in third trimester of pregnancy to pregnant.

**10. Child Support and Spousal Support – Court-Ordered and Voluntary 400-19-55-20-15-02 - Change**

Removal of Benefit Cap.

**11. Types of Special Items of Need 400-19-60-10 - Change**

Removal of Benefit Cap.

**12. Types of JOBS Supportive Services 400-19-65-15 - Change**

Removal of Benefit Cap.

**13. Prompt Referral to Child Support Division 400-19-70-35 - Change**

Removal of Benefit Cap.

**14. Earned Income Disregards 400-19-105-25 - Change**

TANF Time Limited Percentage (TLP) has been used and the individual has been off assistance for one year may receive the TLP again. Change Time Limited Percentage from 13 months to 12 months.

**15. Determining the Standard of Need in Various Circumstances 400-19-110-10 - Change**

Removal of Benefit Cap. Change in third trimester of pregnancy to pregnant.

**16. TANF Financial Eligibility Determination 400-19-110-15 - Change**

Removal of Benefit Cap.

**17. TANF Benefit Calculation Method 400-19-110-20 - Change**

Removal of Benefit Cap.

**18. Prorate for Initial TANF Benefit and Adding Persons 400-19-110-25 - Change**

Removal of Benefit Cap.

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

Removal of Benefit Cap. Change Time Limited Percentage from 13 months to 12 months.

**20. Factors of TANF Eligibility that do not Apply to Transition 400-19-150-15-Change**

Change Time Limited Percentage from 13 months to 12 months.

## Policy Section Updates

### 1. Definitions 400-19-05 - Change

~~**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.~~

**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 pregnant ~~in the third trimester of pregnancy~~ is not considered a minor parent.

### 2. North Dakota Health Tracks Program 400-19-15-35 - Change

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.

### 3. Child Support Up-front Eligibility 400-19-35-15 – Change

As a condition of eligibility, applicants are required to complete SFN 74, 'Child Support Information'. 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:** SFN 74 forms 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 the Child Support Division 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 does not need to be completed for the Benefit Cap child only.~~

The eligibility worker must review the automated computer system for each child TANF is being requested to see if there is an outstanding Child Support Non-cooperation. If a reason of financial or paternity appears 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 Division office as the Up-front Child Support eligibility requirement will not be met until the issue is resolved.

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

**Note:** Forms are to be sent to the Child Support Division Intake Unit within one day of being determined complete. The forms and any other additional information gathered can be sent as an attachment to an email: ([dhscsreferrals@nd.gov](mailto:dhscsreferrals@nd.gov)) or in hard copy to Child Support Division, PO Box 7190, Bismarck, ND 58507-7190.

If requested, the 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 eligibility worker, the application must be denied.

The 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.

Additional information about the SFN 74 is available in section 400-19-165-10, SFN 74, Child Support Information.

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 the Child Support Division is pending or has been granted.

**Note:** The eligibility worker should request that the family complete the forms but cannot deny the application if the forms are not completed and returned.

This form is available as an e-form and may be signed electronically.

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

#### **4. TANF Household Living Arrangements 400-19-45-20 - Change**

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.~~

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.~~

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. Various ~~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 Open 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'.~~



19. 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'.~~

20. 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~~ An individual who resides at the Perry Center she is eligible to apply on their her own behalf as they are 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]'.~~

21. 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.~~

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'.~~

22. 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)'.~~

23. 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), and 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'.~~

24. Robinson 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'.~~

25. Saint Gianna's & Pietro Molla Maternity Home: The Saint Gianna's & Pietro Molla 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 & Pietro Molla 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'.~~

26. 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'.~~

- ~~27. 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)'.~~

28. 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)'.~~

29. 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'.~~

30. North Dakota Adult & Teen Challenge, Inc.: North Dakota Adult & Teen Challenge, Inc., 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 North Dakota Adult & Teen Challenge, Inc.'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'.~~

31. 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'.~~

32. 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'.~~

## **5. Minor Parent Living Arrangement 400-19-45-25-10 - Change**

As a condition of eligibility, unless there is good cause, a pregnant unmarried minor ~~in the third trimester~~ or an unmarried minor parent under 18 and child(ren) must reside:

1. With the minor parents' parent;
2. With another adult relative within the 5th degree of relationship; or
3. In an adult-supervised supportive living arrangement (e.g. Job Corps, maternity home, legal guardian, etc.).



The following shall not be considered suitable adult-supervised supportive living arrangement:

1. Residence in the home of a boyfriend of a pregnant minor; or
2. Residence in the home of a boyfriend or girlfriend of the minor parent

A minor parent is not required to reside with a parent, guardian, other adult caretaker within the 5th degree of relationship, or in an adult-supervised supportive living arrangement when the minor parent:

1. Has a marital status of married, separated, divorced, or widowed (but not legally annulled); or
2. Is on active duty in the uniformed service; or
3. Has been declared emancipated by any court of law.

When good cause reasons exist for not residing with the minor parent's parents or other adult relative within the 5th degree of relationship or in an adult-supervised supportive living arrangement, the TANF Eligibility Worker shall assist the minor in locating a maternity home or other appropriate adult-supervised supportive living arrangement, taking into consideration the needs and concerns of the minor and child.

Good cause reasons are:

1. The pregnant minor or minor parent has no living parent(s), guardian, or other adult relative caretaker(s);
2. The whereabouts of the parent(s), guardian, or other adult relative caretaker(s) of the pregnant minor or minor parent is not known;
3. The parent(s), guardian, or other adult relative caretaker(s) do not permit the pregnant minor or minor parent to reside in their home; or
4. The pregnant minor or minor parent is subject to abuse or threatened by imminent harm if they reside in the home of the parent(s), guardian, or other adult relative caretaker(s).

The minor parent and the minor parent's child(ren) shall not be subjected to possible serious physical or emotional harm, sexual abuse, or exploitation in the residence of the minor's own parent(s) or other adult relative(s) if a known history of any possible harmful instances exists. The ~~TANF Eligibility Worker~~ shall document the findings and consider for approval any other type of suitable living arrangement.

In cases where good cause exists and a maternity home or other appropriate adult-supervised supportive living arrangement cannot be secured, minor parent living arrangement requirements are deemed to have been met.

#### 6. Limitation to Pregnant Women 400-19-45-30 - Change

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~~ s with ~~no earlier than the sixth month of a medically verified pregnancy. A referral for the unborn child will automatically be made to the Child Support Division if the pregnant woman receives a TANF benefit. JOBS participation is required for a pregnant 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.

## 7. Minor Parent Under Age 18 Student Eligibility Requirements 400-19-45-65-15 - Change

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 ~~pregnant 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.

**8. Benefit Cap 400-19-45-90: Overview 400-19-45-90-05; Benefit Cap Factors of Eligibility 400-19-45-90-10; Child Support Division for Benefit Cap Children 400-19-45-90-15; Budgeting for Benefit Cap Children 400-19-45-90-20 - Repeal**

**~~Benefit Cap 400-19-45-90~~**

**~~Overview 400-19-45-90-05~~**

~~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.—~~

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~~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.~~

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~~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~~**

~~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.—~~

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~~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.~~

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~~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.~~

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- ~~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.~~

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~~**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.~~

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~~**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 Division for Benefit Cap Children 400 19 45 90 15**~~

~~Effective January 1, 2002, a child subject to the Benefit Cap provision will not be referred to the Child Support Division under the TANF Program. Since a Benefit Cap child is not referred to the Child Support Division:~~

- ~~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 Division 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**~~

~~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.~~

## **9. Student Earned Income Treatment 400-19-55-15-30- Change**

All earned income counts when:

- A child is not attending elementary or high school full time
- Minor parents are not residing with the minor parent's parents
- Minor parents who reside with the minor parent's parents and are not attending elementary or high school full time.

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.



A minor parent is defined as 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. An individual under age 18 and pregnant ~~in the third trimester of pregnancy~~ is not considered a minor parent.

#### **10. Child Support and Spousal Support – Court-Ordered and Voluntary 400-19-55-20-15-02 - Change**

Child support and spousal support received by the household is countable unearned income.

##### **EXCEPTIONS:**

1. Any support received by the household during the first two prospective months which Child Support Division has credited as a prior months collection is not considered countable income when determining eligibility.
2. Any support collected for the current month by a Clerk of Court, the Child Support Division, 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 Division and is not counted as income.

Child support is counted as the child's income.

##### **EXCEPTION:**

When a household member keeps child support for a child that is not living in the home, the child support is counted as income to the household member that actually received it.

Spousal support is counted as income to the household member for which it is obligated.

Federal tax intercept payments are a non-recurring lump sum and are not counted as income. Federal tax intercept payments are not included in ND✓erify.

State and interstate state tax intercept payments are counted as income as these payments are applied to current support. State tax intercept payments are included in ND✓erify.

The date the payment is considered received is determined as follows:

- If disbursed via check, the date received is two working days after the date on the check.
- If direct deposited, the date received is the date the funds were deposited into the bank account as reflected on the bank statement.
- If deposited onto electronic payment card (EPC), the date received is two working days after the disbursed date in ND✓erify.

When an individual is in receipt of TANF, support assigned to the state is not counted as income.

If 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 [Health and Human Services](#). The automated computer system generates a child support alert that child support has been paid to the Child Support Division.

If 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 Worker if support for the second prospective month is not received by the last workday of the month.

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

**Example:**

A case is closed effective June 30 (the last day of the first prospective month) due to anticipated child support. The household must contact the Worker by the last workday of July if 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 re-determined for July, based on the new information.

If the household fails to contact the 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. Support Received by the Household** - 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 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 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 is considered unearned income to the household.~~

Child Support Division defines the collection month of a support payment as the date on which the payment is received by the Child Support Division. Any support received by the household during the first two prospective months which Child Support Division 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.

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 Division. If the Worker becomes aware the family has received support, the family should be advised that the support must be turned over to Child Support Division and the Worker should notify the Child Support Division of the specific situation. Retention of assigned 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 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 Worker is responsible for establishing overpayments if this type of unearned income occurs.

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 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.

- B. **Extra Support Received by Household** - Extra support received by a TANF recipient is deducted dollar for dollar from the TANF benefit. Extra money is support received by the Child Support Division, which exceeds the total unreimbursed public assistance.
- C. **Support Retained Offset** - Federal law governs the distribution of 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.

## 11. Types of Special Items of Need 400-19-60-10 - Change

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 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 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;
- c. The allowable maximum daily rate for child/dependent care cannot exceed the amount allowed for emergency foster care, which currently is \$35 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 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 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:
  1. In receipt of Supplemental Security Income (SSI) benefits (SS);
  2. 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);
  - e. A stepparent (ST) or a legal dependent of a stepparent;
  - f. A minor parent's parents (MP) or a legal dependent of the minor parent's parents.



- g. 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.

1. 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.
2. 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.

1. If all reside in one residence, the family is not eligible for the additional \$50 Housing Allowance.
2. 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:
  1. **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 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 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.

## 12. Types of JOBS Supportive Services 400-16-65-15 - Change

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:
  1. There is no other individual in the household who can provide the care; and

2. 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 ~~W~~ workers need to ensure that payment of these expenses is not made by both programs.

3. **Housing/Shelter Assistance** - Assistance with housing/shelter expenses is available for households who are eligible for TANF and are homeless or at risk of experiencing homelessness. Housing/shelter assistance may be used to pay:

- Rent ~~or~~ mortgage expenses
  - A deposit on a rental unit
  - Utility bills to avoid a shut off or the costs to resume services after a shut off
  - A deposit for utility hookups that are necessary for the family to reside in the home
  - Hotel/motel room rental (for a maximum of three nights)
- a. Applicant Household's Payment of housing/shelter expense maybe made for:
- Two months prior to the month of application and
  - 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.
- b. Recipient Households: Effective April 1, 2013, payment of housing/shelter assistance may be made for a maximum of two

months for each occurrence a household who is experiencing homelessness or at risk of experiencing homelessness.

For recipient households, the maximum payment of the rent or mortgage expense is limited to two months.

In both situations:

- The caretaker or caretaker's spouse must be participating in the JOBS Program.
- 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.

- Payment of rent or mortgage expenses through supportive services is temporary in nature and not considered subsidized housing.
- JOBS Supportive Services for housing/shelter must be the payer of last resort.

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:

1. Expenses related to the participant's purchase of employment related clothing;
2. Expenses for obtaining a driver's license or reinstatement of a driver's 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 inquire about applying 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 SNAP, 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 448 Administrative Procedures Manual:

Job Readiness Assistance cannot exceed actual costs, up to a maximum of \$300 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 \$200 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:

1. 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
2. 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:

1. Two estimates of the household moving cost, if utilizing a moving company;
2. 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:

1. Transportation of household goods via the most economical source;
2. 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 \$200 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 ~~the 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 electronic payment card or are paid to the vendor utilizing the Vendor Payment process.

#### Advance Transportation Assistance Payments

The TANF ~~E~~ligibility ~~W~~orker 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 ~~E~~ligibility ~~W~~orker 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 ~~E~~ligibility ~~W~~orker 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 ~~E~~ligibility ~~W~~orker determines the need for an advance transportation payment, the TANF ~~E~~ligibility ~~W~~orker 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:

1. Other educational funding sources, including grants and scholarships, have been explored and are exhausted; and
2. 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:

1. Must be registered to a mandatory member of the household; and
2. 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 \$650 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.

### **13. Prompt Referral to Child Support Division 400-19-70-35 - Change**

Federal law requires that the Child Support Division be notified promptly of any child whose eligibility is based on at least one parents' continued absence from the home.

A referral to the Child Support Division is required for any child whose deprivation is based on the absence of a parent. A referral to the Child Support Division 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 the Child Support Division is required for all children affected by the change in deprivation.

A referral to the Child Support Division 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 the Child Support Division. 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 the Child Support Division 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, the Child Support Division will notify the eligibility worker any time information is received that may affect eligibility (i.e. absent parent address the same as the child, etc.).

#### **14. Earned Income Disregards 400-19-105-25 - Change**

##### 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~~12-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 12 ~~13~~, 25%; and
4. Beginning month 13 ~~14~~, none of the earned income is disregarded in the eligibility determination and benefit calculation.

**Note:** Once an individual receives 12 ~~13~~ months of the TLP disregard, the individual will not be eligible to receive the TLP disregard ~~it~~ again until they have been off of TANF for one year.

If the household member receives the time-limited percentage for a period of less than 6 consecutive months, the ~~13~~12-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~~12-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.

## 15. Determining the Standard of Need in Various Circumstances 400-19-110-10 - Change

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, 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 \$474 for one Caretaker or \$670 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 disqualified for reasons of their Alien or Fraud status, (DA or DF), the TANF Basic Standard of Need is based on zero caretakers and the number of eligible children.
6. 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.
7. 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 Fraud status (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.

#### **16. TANF Financial Eligibility Determination 400-19-110-15 - Change**

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, Kinship Care maintenance payment 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, Kinship Care maintenance payment 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	-	670.00 (1 caretaker and 1 child)
OH Allowance	=	0.00

TANF Special Items of Need	+	100.00
Total TANF Standard of Need	=	770.00
Total Countable Income	-	690.00
<del>Benefit Cap Deduction</del>	-	<del>0.00</del>
Sanction Penalty Deduction	-	0.00
Remaining Amount	=	80.00

Since the Remaining Amount is greater than zero, this household passes TANF Financial Eligibility and the benefit is calculated.

#### **17. TANF Benefit Calculation Method 400-19-110-20 - Change**

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 400-19-105-25, 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 and Kinship Care maintenance payment if applicable is totaled, 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 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.

1. If a correction to a previously paid benefit is being computed,
  2. 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 \$2000 per month  
and a \$100 Health Insurance Premium

1.	Total Gross Earned Income		2000.00
2.	Standard Work Expense	-	540.00 (2000 x 27%)
3.	TANF TLP Disregard	-	730.00 (1460 x 50%)
3.	Countable Earned Income	=	730.00
4.	Unearned Income	+	0.00
4.	Total Countable Income	=	730.00
5.	Non-HH Member Deduction	-	0.00
6.	Expenses	-	0.00
6.	Adjusted Net Income	=	730.00
7.	Standard of Need	-	670.00 (1 caretaker and 1 child)
7.	OH Allowance	+	0.00
7.	Adjusted Net Income	-	730.00
8.	Benefit Amount	=	0.00
8.	Prorated Benefit Amount	=	0.00
8.	<del>Benefit Cap Deduction</del>	-	<del>0.00</del>
8.	Sanction Deduction	-	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.

#### **18. Prorate for Initial TANF Benefit and Adding Persons 400-19-110-25 - Change**

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 or Kinship Care maintenance payment 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 one dependent child applies for TANF July 10th. The household has \$500 earned income per month and a \$100 Health Insurance Premium.

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	-	670.00 (1 caretaker and 1 child)
OH Allowance	+	0.00
Adjusted Net Income	-	160.00
Benefit Amount	=	510.00
Prorated Benefit Amount	=	361.00 (510.00 - 148.05) (9 days divided by 31 = 29.03 %; 510.00 x 29.03 = 148.05 is the amount ineligible for)
<del>Benefit Cap Deduction</del>	-	<del>0.00</del>
Sanction Deduction	-	0.00
Adjusted Benefit Amount	=	361.00
TANF Special Items of Need	+	100.00
Kinship Care	+	0.00
Transition Assistance	+	0.00
Adjusted Net Benefit	=	461.00
Recoupments	-	0.00
Benefit Amount	=	461.00
Previously Paid	-	0.00
Net Benefit Amount	=	461.00

JOBS Supportive Services	=	0.00
Previously Paid JOBS SS	-	0.00
Net Supportive Services	=	0.00
Benefit Issued	=	461.00

**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 Out of Home allowance or Kinship Care maintenance payment 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 individual's 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.)~~

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

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:

1. TANF will continue in retro budgeting cycle and a completed Monthly Report and an SFN 405, "Application for Assistance" or an Electronic Application is required.
2. 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.
3. 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 SFN 405, Application for Assistance or Electronic Application 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 along with the monthly report.

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 twelfth-month ~~thirteen-month~~ cycle. If they received six months of TLP in their twelfth-month ~~thirteen-month~~ cycle, the count will continue to increment while on Diversion.

## 20. Factors of TANF Eligibility that do not Apply to Transition - Change

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 twelfth-month ~~thirteen-month~~ cycle. If they received six months of TLP in their twelfth-month ~~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.

Outstanding TANF or Transition Assistance overpayments will not be recouped from a Transition Assistance benefit.