

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

**Effective Date:** January 1, 2024

### **Overview**

In Definitions section trimester removed from the definitions Caretaker Relative and Eligible Caretaker Relative as this was missed with Manual Letter #3749. SFN 719, Request for Benefits Form removed from Application Process and Foster Care Case Manager Role sections as this was missed with Manual Letter #3704.

SFN 423 Kinship Placement and SFN 424 Kinship Care Agreement have been merged into one form, SFN 423 Kinship Placement/Agreement. SFN 426 Kinship Care Study has been removed and replaced with SFN 399, Unlicensed Caregiver Home Study.

### **Description of Changes**

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

Trimester removed from definition of Caretaker Relative and Eligible Caretaker Relative.

#### **2. Application Process 400-19-20-15 – Change**

Removed SFN 719, Request for Benefits form as this form is no longer used.

#### **3. Budgeting of Newborn 400-19-105-40-20 – Change**

Form number SFN 403 corrected to SFN 443. Policy added in #2 the Notice of Right to Claim 'Good Cause' is only required when a custodian included in the open TANF case adds a child(ren) into the case and the custodian has not already signed an SFN 443.

#### **4. Overview – 400-19-140-05 – Change**

SFN 423, Kinship Placement renamed Kinship Placement/Agreement. SFN 424, Kinship Care Agreement removed. SFN 426 Kinship Care Study removed. SFN 399, Unlicensed Caregiver Home Study added.

#### **5. Foster Care Case Manager Role 400-19-140-05-05 – Change**

SFN 423, Kinship Placement renamed Kinship Placement/Agreement. SFN 424, Kinship Care Agreement removed. SFN 426 Kinship Care Study removed. SFN 399, Unlicensed Caregiver Home Study added. Removed SFN 719, Request for Benefits form as this form is no longer used.

#### **6. Eligibility Worker Role 400-19-140-05-10 - Change**

New policy added to communicate status of placement with family.

**7. Eligibility Factors for TANF Kinship Care 400-19-140-10 – Clarification**

In ongoing case if caretaker relative request TANF Kinship Care for the future month they must complete an application and a monthly report form.

**8. Denial or Closure of TANF Kinship Care 400-19-140-15 – Change, Clarification**

SFN 426 Kinship Care Study removed. SFN 399, Unlicensed Caregiver Home Study added. Added when a child enters a guardianship the child is no longer under the care, custody and control of the HSZ. Section rearranged.

## **Policy Section Updates**

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

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

1. Lives with a dependent child or an SSI child under age eighteen, or a child who is a full-time student and who, by the last day of the month of their 19th birthday, will:
  - a. Complete their training curriculum from a secondary school in order to receive a high school diploma or GED, or
  - b. Complete their training at a vocational or technical school that is equivalent to secondary school, or
2. Is a pregnant woman ~~in her last trimester~~ who has no other dependent child(ren) residing with her.

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

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

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

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

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

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

## 2. Application Process 400-19-20-15

Upon receipt of an application (regardless which application form is used), the eligibility worker must:

1. Determine if the application is complete and signed:

- If a signed application is incomplete, the household must either complete the application or ~~sign a completed Statement of Facts or Monthly Report whichever is applicable.~~

**Exception:** ~~If the application submitted is the SFN 719, "Request for Benefits", a Statement of Facts or Monthly Report whichever is applicable is required.~~

- See TANF policy at Required Applications in Various Circumstances 400-19-20-20 to determine when an application, ~~Statement of Facts or~~ and Monthly Report can be used.

2. If the application does not list an address, the eligibility worker should review the contact information found on a mailing envelope, in a phone book, on a Motor Vehicle query or using any other available resources for address information.

3. Schedule an interview.

- If a client requests a specific type of interview, whether by phone, virtual or in person, the human service zone must honor the client's request when possible.

**Exception:** If there is not a break in assistance of one full calendar month, the interview is optional.

4. The application must be registered in the automated computer system as soon as possible upon receipt, but no later than the fifth working day following receipt. If no mailing/residence address can be located, 'General Delivery' must be used as the mailing address for all notice(s). If the notices are returned for insufficient address:

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

### 3. Budgeting of Newborn 400-19-105-40-20

The needs of a newborn will be added to the household as of the date of birth if:

1. A written request is received within 10 days of the birth, and
2. The SSN or application for SSN, verification of birth/relationship, and identity are received within 30 days of the written request. In addition, the signed SFN ~~443~~ 403, notice of Right to Claim 'Good Cause' is required when a custodian included in the open case adds a child into the case and the custodian has not already signed an SFN 443, Notice of Right to Claim 'Good Cause'.

A written request is defined as:

- A signed statement from the recipient; or
- The receipt of any of the required verifications provided by the TANF filing unit; or
- Listing the individual on the Monthly report, filed timely.

When a newborn is reported on the monthly report **and** the birth is reported timely (within 10 days of the date of birth), consider the written request to have been made on the first day of the month in which the monthly report was received, provided the monthly report was received by the normal deadline of the 5th day of the month (or the first work day after the 5th day of the month if the 5th day falls on a weekend or holiday).

**Note:** The newborn will be added effective the date of birth if the requirement verifications are received within 30 days from the date of the written request.

**Example #1:** A baby was born on June 21st. The household reports the birth on the Monthly report received by July 5th and include all required verification. The baby is added as of the date of birth because the written request was deemed to be received within 10 days since the information was included on the timely monthly report. A supplemental benefit is issued to the household for June and July to meet the financial needs of the baby.

**Note:** The date entered in the 'Date Reported' field in the automated computer system is July 1.

When a newborn is reported on other than a monthly report and the birth is reported timely (by a written request that is received within 10 days of the birth), the newborn will be added effective the date of birth, if the required verifications are received within 30 days from the date of the written request.

**Example #1:** A baby was born on June 15th. The household provides a written request to add the baby on June 20th. The required verifications are provided on June 30th; the baby is added as of the date of birth June 15th, because the written request was received within 10 days, and verifications provided within 30 days. A supplemental benefit is issued to the household for June and July to meet the financial needs of the baby.

**Note:** The date entered in the 'Date Reported' field in the automated computer system is June 20th.

**Example #2:** A baby was born on June 15th. The household provides a written request to add the baby on June 20th. The required verifications are not provided until July 24th. Since the verifications were not provided within 30 days from the written request, the baby is added effective July 24th and the benefit for the entire household will be prorated from July 24th.

**Note:** The date entered in the 'Date Reported' field in the automated computer system is July 24th.

If the newborn is not reported timely (within 10 days from the date of birth), the newborn will be added effective the date of the written request if the required verifications are received within 30 days from the written request.

If the newborn is not reported timely (within 10 days from the date of birth), and is reported the month following the month of birth, the entire case will be prorated from the date of the written request, provided all verifications are received within 30 days from the date of the written request.

**Note:** When a Monthly Report, received timely (by the 5th date of the month), reports the birth of a child, but the birth occurred more than 10 days prior to the 1st day of the month in which the timely report is received, consider the written request to have been made on the date the monthly report is received.

**Example #1:** A baby was born on June 15th. The household reports the birth on the Monthly Report received by July 5th and includes all required verifications.

- The baby is not eligible to received TANF for June as the birth was not reported timely.

- The baby is added effective July 5th because the birth was not reported timely and both mom and the baby's needs are prorated from July 5th.

**Note:** The date entered in the 'Date Reported' field in the automated computer system is July 5th.

**Example #2:** A baby is born on February 25th. The household submits a written statement reporting the birth on March 10th and all verifications are received within the 30 days. Benefits for the month of March are prorated from March 10th, the date of the written request.

- The baby is not eligible to receive TANF for February as the birth was not reported timely.
- The baby is added effective March 10th because the birth was not reported timely and both mom and the baby's needs are prorated from March 10th.

**Note:** The date entered in the 'Date Reported' field in the automated computer system is March 10th.

If the newborn is not reported until after the month following the month of birth, the entire month following the month of birth is an overpayment.

**Example:** A baby is born on February 25th, and the birth is not reported until April 5th and all verifications are received within the 30 days from the date of the written request.

- A supplement for the newborn is not issued for February, nor is February an overpayment.
- The benefits for the month of March are an entire overpayment for the household because the newborn is a mandatory household member.
- The entire case will be prorated from the date of the written request, April 5th.

**Note:** The date entered in the 'Date Reported' field in the automated computer system is April 5th.

Required verifications must be received before adding the newborn. The 'Date Reported' that is entered into the automated computer system is the date the written request is received provided the required verifications are received within 30 days.

**Exception:** Whether or not the baby is reported timely, if the required verifications are not received within 30 days from the date of the written request, the 'Date Reported' must be updated to equal the date the verifications are received.

Upon receipt of a report of the birth of a baby, if the required verifications have not been received, immediately issue an advance (10-day) notice to the household to close the case since the newborn is a mandatory household member.

- If the required verifications are not received by the end of the report month, the case will close.
  - If the case closed and the required verifications are received within 30 days from the report date, the case must be reverted to open and continued eligibility determined.

If the birth of the baby is not reported within 10 days following the expected date of birth of the unborn, an advance (10-day) notice must be sent to the household to close the case since the newborn is a mandatory household member.

#### 4. Overview 400-19-140-05

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

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

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

Before a child can receive TANF Kinship Care, the agency having care, custody, and control of the child must complete the SFN 423, Kinship Placement ~~Agreement~~, ~~SFN 424, Kinship Care Agreement~~, ~~SFN 426, Kinship Care Study~~, SFN 399, Unlicensed Caregiver Home Study, and a finger print based criminal background check (referred to as a background check), including a child abuse and neglect index check for all household members age 18 and older where the child will be placed, along with other investigations as the department may determine necessary. The background check must be completed within 90 days from the TANF Kinship Care application date or date of eligibility, whichever is later. If a completed background check is not received after 90 days from the TANF Kinship Care application date or date of eligibility, whichever is later, for all household members age 18 or older, the TANF Kinship Care case must be closed. However, the family may be approved to continue to receive regular TANF benefits. (See section 400-19-140-15, Denial or Closure of TANF Kinship Care).

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

Once the SFN 423, Kinship Placement ~~Agreement~~, ~~SFN 424, Kinship Care Agreement~~, ~~SFN 426, Kinship Care Study~~, SFN 399, Unlicensed Caregiver Home Study and a child abuse and neglect index check for all household

members age 18 and older where the child will be placed, have been completed, if all other eligibility criteria are met, the case can be processed as TANF Kinship Care as of the date the signed application is received in the Human Service Zone office or the date of eligibility, whichever is later.

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

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

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

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

## 5. Foster Care Case Manager Role 400-19-140-05-05

The foster care case manager has the primary role in determining whether a child is placed in Foster Care or TANF Kinship Care. When pursuing TANF Kinship Care, the foster care case manager must:

1. Provide families potentially eligible for TANF Kinship Care Assistance with SFN 405, Application for Assistance or Electronic Application ~~SFN 719, TANF Request for Benefits~~, program information and the verification requirements under the TANF Program.
2. Forward, to the appropriate eligibility worker, a copy of:
  - a. a. The SFN 423, Kinship Placement Agreement, and
  - b. ~~The signed SFN 424, Kinship Care Agreement, and~~
  - c. b. The approved ~~SFN 426, Kinship Care Study~~ SFN 399, Unlicensed Caregiver Home Study, and
  - d. c. A copy of the court order, and
  - e. d. A signed SFN 405, Application for Assistance (unless applicant has filed an Electronic Application) ~~or SFN 719, TANF Request for Benefits.~~
3. Participate in an interview at the time of application for TANF if necessary.
4. Review pertinent aspects of placement with the eligibility worker, to include providing the eligibility worker with all subsequent Court Orders addressing the care, custody, and control of the Kinship child.
5. Determine the need for supportive services and forward to the eligibility worker along with a payment recommendation.
6. Communicate the status of the placement and that placement in TANF Kinship Care remains appropriate.
7. Notify the eligibility worker of the date and time of quarterly Permanency Planning meetings.
8. Notify the eligibility worker of any changes that may affect ongoing eligibility such as but not limited to:
  - A change in the child's residency,
  - A change in the child's school status,
  - A change in individuals living in the home,
  - A change in the legal status of the Kinship Care child, and

- A change or addition of income of a child on TANF Kinship Care.

## 6. Eligibility Worker Role 400-19-140-05-10

The eligibility worker has the primary role in determining eligibility for TANF Kinship Care. The eligibility worker shall:

1. Upon receipt of required information and forms from the foster care case manager, inform the Kinship Care family and the foster care case manager of the date and time of the interview.
2. Forward copies of correspondence, eligibility determinations, benefit determinations and determinations related to supportive services to the foster care case manager.
3. Notify the foster care case manager if issues arise that may jeopardize continued eligibility such as no TANF Monthly Report, not cooperating with the Child Support Division and/or JOBS requirements (i.e. 16 year old not a full time student referred to the JOBS program), not providing required information/verification, (i.e. subsequent court order verifying continued custody), etc.
4. Participate in quarterly Permanency Planning meeting, as appropriate.
5. Engaging with the foster care case manager to review and discuss supportive service requests. While final decision authority lies with eligibility, the best interest of the child based on discussion, limits of the program and other resources available must be taken into consideration.
6. Communicate the ongoing status of placement with family.

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

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

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

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

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

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

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

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

The Kinship Care caretaker relative must physically reside with the child and must make a good faith effort to secure all earned rights benefits to which the child may be entitled including but not limited to Social Security benefits (i.e. student/survivors benefits or disability benefits) or Veteran's benefits.

A child in receipt of Supplemental Security Income (SSI) is not eligible for TANF Kinship Care assistance.

The caretaker relative may not receive a TANF Kinship Care benefit and Foster Care payments for the same child for the same month.

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

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

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

A caretaker relative in an ongoing case that ~~To request~~ TANF Kinship Care assistance, must complete an SFN 405, Application for Assistance or the Electronic Application ~~Application~~ along with a completed Monthly Report which must be signed by the caretaker relative. Eligibility for TANF Kinship Care may be established on the date the Human Service Zone receives the signed request or date of eligibility whichever is later.

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

Before denial or closing of TANF Kinship Care, if all factors of TANF eligibility are met, the application may not be denied, or the case closed as the family may be eligible to receive regular TANF benefits. Conversation should be had with the family to explain the regular TANF Program to allow the family to make the choice if they would like to receive regular TANF.

In conditions 1, 2, 3, 4 and 8 below, the family may qualify for regular TANF and may choice to receive TANF. In conditions 5, 6 and 7 below, the family would not be eligible for regular TANF.

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

1. The foster care case manager recommends, on ~~SFN 426, Kinship Care Study~~, SFN 399, Unlicensed Caregiver Home Study that the kinship care not be approved, but the child(ren) remain in the home.

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

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

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

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

If a child enters a guardianship, the child is no longer under the care, custody and control of the Human Service Zone, therefore the child is no longer eligible for TANF Kinship Care.

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

4. The caretaker adopts the child. The household will not longer be eligible for TANF Kinship Care Assistance as of the last day of the month the adoption becomes final.

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

5. The household fails to comply with TANF Program requirements.
6. When a child leaves the home or is no longer eligible for TANF Kinship Care and there is no other eligible TANF Kinship Care child(ren) in the home.
7. When a caretaker relative within the 5th degree is no longer present in the home.
8. A completed background check is not received after 90 days from the TANF Kinship Care application date or date of eligibility, whichever is later, for all household members age 18 or older.

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

When a TANF Kinship Care case that included the same children has been closed and reopens within 6 months of the closing, a new SFN 423, Kinship Care Placement/Agreement and SFN 426, Kinship Care Study SFN 399, Unlicensed Caregiver Home Study are not required unless circumstances have changed within the household such as the presence of additional household members. All other required forms and background checks must be completed.

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

**Note:** If an individual age 18 or older moves into the home of an 'ongoing' TANF Kinship Care placement, a background check and child

abuse and neglect background check must be completed for that individual. (See Section 400-19-140-05, Overview).