

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

**Effective Date:** October 1, 2025. Unless otherwise noted, these changes are effective with benefits issued with October 2025 and forward.

## **Overview**

The TANF Standard of Need is increasing by 5% effective October 1, 2025. This manual letter addresses sections in the TANF policy manual that are affected by the increase.

Added policy to include individuals lawfully residing in the United States from the Federated States of Micronesia, the Republic of the Marshall Islands and the Republic of Palau are qualified aliens and are exempt from the '5-year ban on benefits'.

Other items are clarifications and housekeeping items.

## **Description of Changes**

### **1. Child Support Up-front Eligibility 400-19-35-15 – Clarification**

Removed 'Only one DN 403 is required per caretaker.' in the first paragraph. This was missed with implementation of Manual Letter 3683.

### **2. Qualified Aliens 400-19-45-40-25 – Change**

Added policy to include Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau lawfully residing in the United States.

### **3. Qualified Aliens Lawfully Admitted for Permanent Residence on or After August 22, 1996 400-19-45-40-25-10 – Change**

Added policy to include individuals lawfully residing in the United States from the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau are exempt from the '5-year ban on benefits'.

### **4. Deprivation Reasons 400-19-45-70-10 – Change**

Removed 'and in her third trimester' in the #4 and #5. This was missed with implementation of manual letter 3749.

### **5. Terminated Source of Income 400-19-55-10-10 – Change**

Policy changed to reflect the increase in the TANF Standard of Need.

### **6. Overview 400-19-60-05 - Change**

Policy changed to reflect the increase in the TANF Standard of Need.

**7. JOBS Employability Plan 400-19-75-40-40 – Change**

Policy changed to reflect the minimum times per year an Employability Plan must be reviewed by the JOBS Employment Contractor.

**8. Proof of Performance (POP) 400-19-90-10 – Clarification**

Added clarification that Proof of Performance may begin in the Sanction Penalty Month and end in the Month of Ineligibility.

**9. TANF Standard of Need 400-19-110-05 – Change**

Policy changed to reflect the increase in the TANF Standard of Need.

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

Policy changed to reflect the increase in the TANF Standard of Need.

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

Policy changed to reflect the increase in the TANF Standard of Need

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

Policy changed to reflect the increase in the TANF Standard of Need.

**13. Prorate of Initial TANF Benefit and Adding Persons 400-19-110-25 – Change**

Policy changed to reflect the increase in the TANF Standard of Need.

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

The third sentence in the first paragraph has been written for clarification.

## **Policy Section Updates**

### **1. Child Support Up-front Eligibility 400-19-35-15**

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.

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.

## 2. Qualified Aliens 400-19-45-40-25

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

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

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

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

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

2. Granted asylum under section 208 of such Act [8 U.S.C. 1158],
3. A refugee admitted to the U.S. under section 207 of such Act [8 U.S.C. 1157], including authorized Iraqi and Afghan Special Immigrants and their families admitted to the U.S. under section 8120 of the Department of Defense Appropriations Act of 2010 effective December 19, 2009,
4. Paroled into the U.S. under section 212(d)(5) of such Act [8 U.S.C. 1182 (d)(5)] for a period of at least 1 year,
5. An individual whose deportation is being withheld under section 243(h) of such Act [8 U.S.C. 1253] or section 241(b)(3) of such Act [8 U.S.C. 1231 (b)(3)] (as amended by section 305(a) of division C of Public Law 104-208); or
6. Granted conditional entry pursuant to section 203(a)(7) of such Act [8 U.S.C. 1153 (a)(7)] as in effect prior to April 1 1980; or
7. A Cuban and Haitian entrant (as defined in section 501(e) of the Refugee Education Assistance Act of 1980); or
8. An Amerasian immigrant admitted to the U.S. pursuant to section 84 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1988; or
9. A victim of a severe form of trafficking, including:
  - If the victim is under 21, the victims spouse, children and unmarried siblings under 18 years of age on the date on which the victim applied for this status,
  - If the victim is age 21 or older, the spouse and children of the victim and also includes the victims parent or unmarried sibling under age 18 if it is determined that the parent or unmarried sibling faces a present danger of retaliation as a result of the alien's escape from the severe form of trafficking or cooperation with law enforcement.

10. An alien who has a past or current involvement with the United States Armed Forces. (These individuals include honorably discharged veterans, qualified aliens on active duty in the United States' armed forces, and the spouse or unmarried dependent child(ren) of such individuals.) (See Section 400-19-45-40-25-15, Establishing Past or Current Military Involvement of an Alien.)
11. A Native American born in Canada who possesses at least 50% of blood of the American Indian race to whom the provisions of Section 289 of the INA apply. (See Section 400-19-45-40-35, American Indians Born in Canada.)
12. An alien who (or whose child or parent) has been battered or subjected to extreme cruelty in the United States and otherwise satisfies the requirements of 8 U.S.C. 1641(c). Should an individual be identified, please contact State TANF Policy.
13. Hmong and Highland Laotian with an immigration status that qualifies such as legal permanent residents or a veteran.
14. Effective with the enactment of Public Law 118-42, (effective March 9, 2024) individuals who reside lawfully in the United States in accordance with section 141 of the Compacts of Free Association between the Government of the United States and the Governments of the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau are included in the definition of "qualified immigrants".

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

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

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

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

1. Aliens who have a past or current involvement with the United States Armed Forces. (These individuals include honorably discharged veterans, qualified aliens on active duty in the United States' armed forces, and the spouse or unmarried dependent child(ren) of such individuals.) (See Section 400-19-45-40-25-15, Establishing Past or Current Military Involvement of an Alien.)
2. An Amerasian immigrant admitted to the U.S. pursuant to section 84 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1988;
3. Refugees, Refugee Unaccompanied Minors, and Iraqi and Afghani Special Immigrants who are considered refugees as of December 19, 2009;
4. Asylees who have been granted asylum (not applicants for asylum);
5. Aliens whose deportation was withheld under Section 243(h) of the Immigration and Naturalization Act (INA);
6. Cuban and Haitian Entrants;
7. Victims of a severe form of trafficking, including
  - If the victim is under 21, the victims spouse, children and unmarried siblings under 18 years of age on the date on which the victim applied for this status,
  - If the victim is age 21 or older, the spouse and children of the victim and also includes the victims parent or unmarried sibling under age 18 if it is determined that the parent or unmarried sibling faces a present danger of retaliation as a result of the alien's escape from the severe form of trafficking or cooperation with law enforcement.
8. Effective with the enactment of Public Law 118-42, (effective March 9, 2024) individuals who reside lawfully in the United States in accordance with section 141 of the Compacts of Free Association between the Government of the United States and the Governments of the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau are included in the definition of "qualified immigrants".

#### 4. Deprivation Reasons 400-19-45-70-10

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

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

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

- a. DIVORCE - The legal termination of a marriage. Continued absence of a parent may be established as the result of divorce.
- b. LEGAL SEPARATION - A lawful arrangement by which spouses agree to live apart but not divorce. Continued absence of a parent as a result of this arrangement can be established if there was no agreement between the parents to render the family eligible for TANF.
- c. SEPARATION BY MUTUAL CONSENT OR AGREEMENT - The discontinuance of the marital relationship without legal action. Continued absence of a parent as a result of this arrangement can be established if there was no agreement between the parents to render the family eligible for TANF.
- d. IMPRISONMENT – The incarceration of a parent in a public institution. Continued absence exists only if the parent is sentenced to and/or serves a 30-day or longer term. Any portion of a sentence actually suspended and not served does not count toward the 30-day minimum.



**Note:** Once a benefit has been issued, deprivation exists for that month even if:

- i. The term served is shortened by order of the court; or
- ii. The term actually served is less than the sentence imposed.

If an offender is on day release and does not return home until at least 30 days has elapsed, the parent is considered absent from the household and deprivation exists.

- e. ABANDONMENT - The voluntary and willful desertion by a parent without making adequate provision for the child's care and support. Continued absence of a parent may be established when a child is abandoned.
- f. NEVER MARRIED - The parents having never married and who live apart. Continued absence of a parent may be established as a result of the parents never being married to each other.

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

Occasionally, staff must deal with the complex question of whether or not a parent is actually absent from the home. Complaints from the community sometimes reach the eligibility worker claiming that parents who have divorced or separated, or who are alleged to have deserted their families are, in fact, maintaining common living quarters. While these complaints sometimes prove to be valid, staff must guard against the temptation to deny applications or terminate assistance on the basis of hearsay and rumor. The "prudent person" principle requires that all such reports be investigated promptly and objectively. If a thorough investigation reveals that the claim is true, the continued absence requirement is not met.

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

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

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

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

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

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

5. Incapacitated Parent - Deprivation exists for purposes of TANF when a household contains both natural or adoptive parents with a child(ren) in common, when one of the natural or adoptive parents is determined incapacitated by the State Review Team. The parent whose incapacity results in the deprivation of a child's support or care may be either parent. In an incapacity case, the financial needs of both parents must be included in the TANF benefit even if the parents

are not married or, if married, and the wife is pregnant ~~and in her third trimester~~. However, the parents must reside together.

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

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

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

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

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

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

The eligibility worker is responsible to notify the client, in writing, of:

- a. The State Review Team's decision and recommendations;

- b. Whether or not a future review of the incapacity or disability is needed and, if so;
- c. The date of such a review and information needed to complete that review.

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

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

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

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

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

Incapacitated Parent due to participation in the Alternative Response for Substance Exposed Newborns (ARSEN) Program – Deprivation exists for purposes of TANF for those households containing a minor child who physically

resides with both their natural or adoptive parents when one of the natural or adoptive parents is determined incapacitated by participation in ARSEN. While the financial needs of both parents must be included in the TANF benefit, the parent whose incapacity results in the deprivation of a child's support or care may be either parent.

The eligibility worker is responsible for determining all factors of eligibility that govern the TANF Program except for ARSEN incapacity which is determined by Human Service Zone Child Protection Service (CPS)/case manager.

Incapacity deprivation must exist for more than 30 days. The program participation time frame is determined by the Human Service Zone CPS/case manager and can be found on the completed SFN 640, Verification of Participation in Alternative Response for Substance Exposed Newborns (ARSEN).

An SFN 640, Verification of Participation in Alternative Response for Substance Exposed Newborns (ARSEN) will be provided by the Human Service Zone CPS/case manager to the eligibility worker. A completed SFN 640, serves as verification the individual meets incapacity deprivation for TANF. A copy of this form must be retained in the case file.

The eligibility worker shall issue notification to end eligibility based on the absence of the parent's incapacity if during a period ARSEN eligibility the worker becomes aware that the individual is no longer participating in ARSEN.

If a request for ARSEN incapacity is denied, deprivation based on ARSEN incapacity does not exist. The eligibility worker is responsible to notify the client, in writing, of the decision and its effect on the TANF benefit.

## **5. Terminated Source of Income 400-19-55-10-10**

For purposes of this section:

- Source: An entity from whom income, earned or unearned, is received.

- **Terminated:** Income, earned or unearned, that stops or ends and is not anticipated to begin again.

When the final payment of income is received during the 1st or 2nd prospective months, the income is considered a terminated source of income. Income cannot be treated as a terminated source if it is received in the 1st retrospectively budgeted month.

**Example:** The 1st and 2nd prospective months are January and February and the 1st retrospectively budgeted month is March.

- If the income ends in January or February and none is received in the calendar month of March, the income is considered a terminated source of income.
- If the income continues to be received in the calendar month of March, it is not considered from a terminated source and January income would be counted when determining March benefits.

If income is not received in the 1st retrospectively budgeted month, but in a later month the individual receives income from the same source (e.g. rehired to same job, begins receiving the same type of unearned income, etc.), the income received during the 1st or 2nd prospective months continues to be considered terminated source income.

**Exception:** Income received by an individual who is on temporary leave and who expects to return to the same employment when the leave ends is not considered income from a terminated source.

Terminated Source of Income is not counted when retrospective budgeting.

Voluntary or Court Ordered Support payments for children and caretakers (in the case of spousal support) eligible for TANF are assigned to the State of North Dakota upon authorization of the initial month of TANF eligibility. Therefore, once assigned, any support retained by the household for an eligible child or caretaker is treated as a terminated source of income.

The following examples illustrate the treatment of terminated source income under two-month retrospective budgeting.

**Example # 1:** Applicant With Recurring Income Which Ends During First Prospective Month

Client applies in January and receives \$200 unearned income. The unearned income ends during January.

	Prospective		Retrospective		
Benefit Month	January	February	March	April	May
Base Month	January	February	January	February	March
Need Standard	\$1,119 <del>1,175</del>	\$1,119 <del>1,175</del>	\$1,119 <del>1,175</del>	\$1,119 <del>1,175</del>	\$1,119 <del>1,175</del>
Net Income	-200	-0	-0*	-0	-0
TANF Benefit	\$919 <del>975</del>	\$1,119 <del>1,175</del>	\$1,119 <del>1,175</del>	\$1,119 <del>1,175</del>	\$1,119 <del>1,175</del>
* The \$200 unearned income received in January is considered income from a terminated source, as it ends in the 1st prospective month. It is prospectively budgeted in January then corrected, if necessary, when actual are received. It is not counted again in the first retrospective benefit month (March).					

**Example #2:** Applicant With Recurring Income Which Ends During Second Prospective Month

Individual applies in January and receives \$200 unearned income in February. The unearned income ends during February.

	Prospective		Retrospective		
Benefit Month	January	February	March	April	May
Base Month	January	February	January	February	March
Need Standard	\$1,119 <del>1,175</del>	\$1,119 <del>1,175</del>	\$1,119 <del>1,175</del>	\$1,119 <del>1,175</del>	\$1,119 <del>1,175</del>
Net Income	-0	-200	-0	-0*	-0
TANF Benefit	\$1,119 <del>1,175</del>	\$919 <del>975</del>	\$1,119 <del>1,175</del>	\$1,119 <del>1,175</del>	\$1,119 <del>1,175</del>
* The \$200 unearned income received in February is considered income from a terminated source, as it ends in the 2nd prospective month. It is prospectively budgeted in February then corrected, if necessary, when actual are received. It is not counted again in the retrospective benefit month of April.					

**Example #3:** Applicant With Recurring Income Which Ends During First Or Subsequent Retrospective Months

Individual applies in January and receives \$200 unearned income in January, February and March. The final payment from this unearned income source is received in March.

	Prospective		Retrospective			
Benefit Month	January	February	March	April	May	June
Base Month	January	February	January	February	March	April
Need Standard	\$1,119 <del>1,175</del>	\$1,119 <del>1,175</del>	\$1,119 <del>1,175</del>	\$1,119 <del>1,175</del>	\$1,119 <del>1,175</del>	\$1,119 <del>1,175</del>
Net Income	-200	-200	-200*	-200	-200**	-0
TANF Benefit	\$919 <del>975</del>	\$919 <del>975</del>	\$919 <del>975</del>	\$919 <del>975</del>	\$919 <del>975</del>	\$1,119 <del>1,175</del>
<p>*The \$200 unearned income received in January and February is considered recurring income and NOT income from a terminated source. It must be budgeted in both the prospective benefit months (January and February) and the retrospective benefit months (March and April).</p> <p>**The \$200 unearned income received in March must be budgeted against the May benefit.</p>						

## 6. Overview 400-19-60-05 - Change

Approved special items of need for eligible TANF household members are considered part of the Total TANF Standard of Need. Special items of need are added to the TANF Basic Standard of Need to arrive at the Total TANF Standard of Need.

**Example:** The TANF Basic Standard of Need for one caretaker and one child is \$704~~739~~. The family also pays \$100 in Health Insurance, which is included in the TANF benefit as a special item of need. The \$100 is added to the \$704~~739~~ and results in a Total TANF Standard of Need of \$804~~839~~ for this household.

In Kinship Care cases, special items of need, the TANF Standard of Need and Kinship Care maintenance payment are considered part of the Total TANF Standard of Need.

Only eligible TANF household members are eligible for special items of need. Individuals with a participation code of OU, SS, ST, and MP are not eligible for these payments.

**Exception #1:** Essential Services are also available for the well being of a TANF household member, when the need is due to the medical condition of an individual in the household with the following participation codes:



- SS -- SSI Recipient,
- OU -- Ineligible Caretaker,
- DA -- Disqualified Alien, or
- ST -- Stepparent.

**Exception #2:** The Housing Allowance is a benefit to the TANF household. Therefore, if the household is eligible for TANF, the household will receive the \$50 housing allowance.

All special items of need are to be budgeted and paid prospectively or by supplemental payment after verification is received, with the exception of catastrophic events, which are paid through the Vendor Payment process.

**Note:** Special items of need are not prorated. The TANF benefit will include the full amount of the Special Item of Need.

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

The JOBS Employment Contractor shall develop an Employability Plan (EP) in consultation with the participant and others, as appropriate. (An EP is not a contract and the participant's signature is not required in order for the plan to be enforced.) The EP shall establish the individual's employment goals based on the work assessment and the individual's plan for obtaining and retaining unsubsidized employment with a wage great enough to become self-sufficient. The EP must outline the steps necessary for the participant to move into allowable work activities that match the individual's capabilities based on any identified physical, mental, emotional, or intellectual impairment.

The cooperation, assistance, and consultation of the participant are important to the appropriateness of the EP but are not required. An individual refusing to sign an EP is still required to comply with its requirements. For participant's who refuse to sign, an attempt must be made to obtain a signature, as a signed plan should be on file in case of appeal situations.

**Note:** If an EP is completed by telephone, the JOBS Employment Contractor will send the unsigned EP to the eligibility worker with a note that the signature is being pursued. The eligibility worker should follow the requirements of the unsigned EP.

Electronic or handwritten signature is acceptable on the EP.

The initial EP must be completed within seven (7) business days from the date of the initial meeting between the JOBS Employment Contractor or Tribal NEW Coordinator and the participant. The first business day after the referral date is considered day one of the seven (7) business day period. Copies of the initial EP should be provided to the participant and the eligibility worker.

The Employability Plan (EP) must:

1. Contain an employment goal to move the participant immediately into approved work activities that match the participant's capabilities based on any identified physical, mental, emotional, or intellectual impairment;
2. Describe any reasonable accommodations needed to enable the participant to comply with program requirements;
3. Describe the supportive services to be provided to enable the participant to comply with program requirements;
4. Describe the steps to be taken by the participant to achieve self-sufficiency; and
5. Describe the progress the participant has made since the previous Employability Plan.

EP's should be a fluid document that reflects continuing progress changes in the JOBS participant's life. The JOBS Employment Contractors should meet with the JOBS participant and review the EP a minimum of four times per year, more frequently when circumstances warrant. Changes to the EP should be made based on individual progress and needs. ~~The EP must be reviewed a minimum of two times per year, and relevant changes made based on the individual's progress and needs.~~

Whenever an individual needs to complete a Proof of Performance (POP), whether they are an applicant or recipient, the JOBS Employment Contractor must document on the EP the length of the POP period and the steps necessary to cure the JOBS Sanction.

For information regarding a Tribal NEW participant's EP, please see Section 400-19-80-35, Tribal NEW Employability Plans.

## 8. Proof of Performance (POP) 400-19-90-10

A Proof of Performance (POP) is a specific period of time, of not less than 10 and not more than 30 days, during which a sanctioned individual can cure their JOBS or Tribal NEW sanction by demonstrating successful participation in the Program. It is the responsibility of the sanctioned individual to contact the JOBS Employment Contractor or Tribal NEW Coordinator to begin the process of curing the sanction.

A sanctioned individual is required to complete a POP period. To complete a POP period, the individual must comply with the requirements of their JOBS or Tribal NEW Employability Plan (EP) for the entire period. The length of the POP period is determined based on the number of sanctions that have been imposed against that individual. TANF policy recommends POP periods of

- A minimum of 10 calendar days for the first JOBS sanction; and
- Fifteen (15) calendar days for all subsequent JOBS sanctions.

The expectations for the POP as well as its anticipated end-date shall be outlined on the individual's EP. When appropriate, information from the previous EP should be included in the new EP. A copy of the EP shall be provided to the participant as well as to the eligibility worker.

A POP is considered "started" the day an individual meets with the JOBS Employment Contractor or Tribal NEW Coordinator, in person or by phone, to create the EP and outline the expectations for the POP.

For new and reapplications: A new referral is required. Only one POP (JOBS or Tribal NEW) may be attempted per application.

1. If a sanctioned individual successfully completes the POP, eligible members of the household are provided a TANF benefit prorated from the application date.
2. If a sanctioned individual fails to comply or does not complete all requirements outlined in the EP, the POP is considered to be incomplete, the application must be denied, and the individual must reapply if they wish to receive future benefits.

For ongoing cases, in order to avoid the Month of Ineligibility, a POP must ~~begin~~ **begin** no later than the last day of the Sanction Penalty Month **(SPM)** and be successfully completed.

When the POP begins by the last day of the SPM, the end date of the POP may extend into the Month of Ineligibility. ([See section 400-19-90-05, Overview](#))

**Note:** A new referral must not be created in the Sanction Penalty Month as the case is still open and the current referral remains in effect.

Individuals may attempt multiple POP periods during the Sanction Penalty Month. If an individual fails or refuses to comply or does not complete all requirements outlined in the EP, the POP is considered to be incomplete. The individual must begin and successfully complete a new POP in order to cure the sanction. For each new POP, a new EP must be developed.

**Example:** An individual is sanctioned effective January, which is the Sanction Penalty Month. The individual meets with the JOBS Employment Contractor or Tribal NEW Coordinator on January 5th to create a an EP which outlines the expectations for the POP. The individual complies with the requirements listed in the EP for five days and then fails or refuses to continue. The POP is considered to be incomplete. The case will close, effective January 31, for 'Sanction Progression'.

On January 15th, the sanctioned individual contacts the JOBS Employment Contractor or Tribal NEW Coordinator to begin a new POP. A new EP is developed. The individual complies with the requirements of the EP and the POP is considered successfully completed. The household will remain eligible and the case will not progress to close.

## 9. TANF Standard of Need 400-19-110-05

TANF uses a standardized and simplified method for determining need. The TANF Basic Standard of Need is applied to all households. The six basic items of need, which represent 100% of the TANF Basic Standard of Need as currently defined by the department, are:

- Shelter;
- Food;
- Clothing;
- Personal needs (e.g. combs, toothbrushes, razor blades, sanitary supplies, and haircuts);
- Household supplies (e.g. cooking utensils, laundry, bedding, and towels); and

- Fuel and utilities.

TANF Basic Standard of Need

Number of Caretakers	Number of Children										
	0	1	2	3	4	5	6	7	8	9	10
0	0	\$349 <u>366</u>	\$510 <u>536</u>	\$664 <u>697</u>	\$825 <u>866</u>	\$979 <u>1028</u>	\$1140 <u>1197</u>	\$1296 <u>1361</u>	\$1455 <u>1528</u>	\$1611 <u>1692</u>	\$1770 <u>1859</u>
1		\$498 <u>523</u>	\$704 <u>739</u>	\$916 <u>962</u>	\$1119 <u>1175</u>	\$1327 <u>1393</u>	\$1535 <u>1612</u>	\$1743 <u>1830</u>	\$1951 <u>2049</u>	\$2159 <u>2267</u>	\$2367 <u>2485</u> <u>2702</u>
2		\$704 <u>739</u>	\$916 <u>962</u>	\$1119 <u>1175</u>	\$1327 <u>1393</u>	\$1535 <u>1612</u>	\$1743 <u>1830</u>	\$1951 <u>2049</u>	\$2159 <u>2267</u>	\$2367 <u>2485</u> <u>2702</u>	\$2573 <u>2793</u> <u>2922</u>

#### 10. 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 ~~\$498~~523 for one Caretaker or ~~\$704~~739 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:

- 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 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 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.
5. 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.
6. 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.

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

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) 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	-	\$704.00 <u>739</u> (1 caretaker and 1 child)
OH Allowance	=	\$0
TANF Special Items of Need	+	\$100
Total TANF Standard of Need	=	\$804 <u>839</u>
Total Countable Income	-	\$724 <u>759</u>
Sanction Penalty Deduction	-	\$0
Remaining Amount	=	\$80

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

## 12. TANF Benefit Calculation Method 400-19-110-20

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 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.
  - a. If a correction to a previously paid benefit is being computed,
    - The Benefit Amount will display the revised benefit; and
    - The original amount paid will display in the Previously Paid field; and
    - The previously paid benefit will be subtracted from the Benefit Amount to arrive at the Net Benefit Amount.
11. If this budget is not a correction, the Benefit Amount is carried to the Net Benefit Amount field.
12. JOBS Supportive Services are added to the Net Benefit Amount to arrive at the Benefit Issued Amount.

**Note:** If a correction to a previously paid JOBS Supportive Service is being computed,

- The JOBS Supportive Services will display the revised benefit; and
  - The original JOBS Supportive Services paid will display in the Previously Paid JOBS Supportive Services to arrive at the Net Supportive Services.
13. If this budget is not a correction to JOBS Supportive Services, the Net Supportive Services are added to the Net Benefit Amount to arrive at the Benefit Issued.

**EXAMPLE:**

Household consists of a caretaker and one dependent child. The household reports earned income of ~~\$2000~~2200 per month and a \$100 Health Insurance Premium

1.	Total Gross Earned Income		<del>\$2000</del> <u>2200</u>
2.	Standard Work Expense	-	<del>\$540 (2000 x 27%)</del> <u>594 (2200 x 27%)</u>
3.	TANF TLP Disregard	-	<del>\$730 (1460 x 50%)</del> <u>803 (1606 x 50%)</u>

.	Countable Earned Income	=	\$ <del>730</del> <u>803</u>
4.	Unearned Income	+	\$0
4.	Total Countable Income	=	\$ <del>730</del> <u>803</u>
5.	Non-HH Member Deduction	-	\$0
6.	Expenses	-	\$0
6.	Adjusted Net Income	=	\$ <del>730</del> <u>803</u>
7.	Standard of Need	-	\$ <del>704</del> <u>739</u> (1 caretaker and 1 child)
7.	OH Allowance	+	\$0
7.	Adjusted Net Income	-	\$ <del>730.00</del> <u>803</u>
8.	Benefit Amount	-	\$0
8.	Prorated Benefit Amount	-	\$0
8.	Sanction Deduction	-	\$0
8.	Adjusted Benefit Amount	=	\$0
9.	TANF Special Items of Need	+	\$100
9.	Kinship Care	+	\$0
9.	Transition Assistance	=	\$0
9.	Adjusted Net Benefit	=	\$100
10.	Recoupments	-	\$0
10.	Benefit Amount	=	\$100
10.	Previously Paid	-	\$0
11.	Net Benefit Amount	=	\$100
12.	JOBS Supportive Services	+	\$0
12.	Previously Paid JOBS SS	-	\$0
12.	Net Supportive Services	=	\$0
13.	Benefit Issued	=	\$100

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.

### **13. Prorate of Initial TANF Benefit and Adding Persons 400-19-110-25**

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
Standard Work Expense	-	\$180 (500 x 27%)
TANF TLP Disregard	-	\$160 (320 x 50%)
Countable Earned Income	=	\$160
Unearned Income	+	\$0
Total Countable Income	=	\$160
Non-HH Member Deduction	-	\$0
Expenses	-	\$0
Adjusted Net Income	=	\$160
Standard of Need	-	\$704 <del>739</del> (1 caretaker and 1 child)
OH Allowance	+	\$0
Adjusted Net Income	-	\$160
Benefit Amount	=	\$544 <del>579</del>
Prorated Benefit Amount	=	\$386 <del>411</del> (\$544 <del>579</del> - \$157 <del>579</del> - <del>168</del> ) (9 days divided by 31 = 29.03%; \$544 <del>579</del> x 29.03 = \$ 157.92 <del>168.08</del> is the amount ineligible for)
Sanction Deduction	-	\$0
Adjusted Benefit Amount	=	\$386 <del>411</del>
TANF Special Items of Need	+	\$100
Kinship Care	+	\$0
Transition Assistance	+	\$0
Adjusted Net Benefit	=	\$486 <del>511</del>

Recoupments	-	\$0
Benefit Amount	=	\$486 <del>511</del>
Previously Paid	-	\$0
Net Benefit Amount	=	\$486 <del>511</del>
JOBS Supportive Services	=	\$0
Previously Paid JOBS SS	-	\$0
Net Supportive Services	=	\$0
Benefit Issued	=	\$486 <del>511</del>

**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.

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

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

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

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

Before a child can receive TANF Kinship Care, the agency having care, custody, and control of the child must complete the [SFN 423](#), Kinship

Placement/Agreement, [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 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).