

Program: Temporary Assistance For Needy Families (TANF)

Effective Date: April 1, 2026

Overview

Policy changes to include:

- Removing the monthly reporting requirement.
- Prospective/retrospective budgeting process to new budgeting method.
- Annual review changed to a six-month or twelve-month review period.
- Reporting timeframe changing from 5 days to 10 days Child Support released by a child support agency is not considered income.
- Two additional child support good cause reasons added.
- When good cause is claimed by a caretaker relative, good cause for all parents associated to the child is given.
- Policy changed to allow no limit for out-of-pocket child care costs when not in receipt of CCAP.
- No asset limits for Diversion.
- Increase in assets limits for TANF.
- Income producing assets are exempt along with other additional assets for TANF.
- Minimum JOBS or Tribal NEW Program Proof of Performance period changed from 10 days to 5 days.
- JOBS or Tribal NEW sanctions are cured when an individual has been off TANF assistance for twelve or more consecutive months.
- 16 to 18 year olds who have graduated from high school are not referred to the JOBS program in certain situations.

Some sections in this policy update include only the parts of the policy that have changed, not the full text of the original section. This does not change the meaning or intent of those policies. This has been done to keep the update clear and easy to read.

Additional verbiage changes, not always reflected in this manual letter, will be made throughout the manual. These changes will not affect the intent of the policy.

Description of Changes

- 1. Definitions 400-19-05 – Change**
Changes to applicable definitions.
- 2. Verification of Selected Factors of Eligibility and Verification Sources 400-19-15-10 – Change**
Added that documentation may be submitted electronically.
- 3. Confidentiality 400-19-15-15- Change**
Removed County Intranet.
- 4. Jobs Program Legislative and Regulatory Authority 400-19-15-30 - Change**
Tribal NEW Programs have been updated to three Tribal NEW Programs.
- 5. Purpose of JOBS 400-19-15-30-10 - Change**
Statement updated for those who are required to be referred to the JOBS program.
- 6. Application/Request for Benefits – Overview 400-19-20-05 – Change**
Optional interviews are no longer applicable with the removal of prospective/retrospective budgeting.
- 7. Application Forms for TANF 400-19-20-10 – Change**
Added when a Review form may be used as an application.
- 8. Application Process 400-19-20-15 – Change**
The policy has been restructured to remove reference to the Monthly Report and include reference to review.
- 9. Required Applications in Various Circumstances 400-19-20-20 – Change**
References to Monthly Report and suspension have been removed with the removal of prospective/retrospective budgeting. The Review form is acceptable as an application in certain circumstances.
- 10. Timeliness Standards for Processing TANF Benefits 400-19-20-30**
Removal of language on processing timetable for applications.
- 11. Notice of Action Taken on Applications 400-19-20-35**
Added when a Review form is used as an application and changed notice information to reflect prospective budgeting.
- 12. General Statement 400-19-25-05 – Repeal**
This section is being repealed.
- 13. Mailing and Return of the Monthly Report 400-19-25-10– Repeal**
This section is being repealed.

14. Timeliness of Returned Monthly Report 400-19-25-15 – Repeal

This section is being repealed.

15. Treatment of Completed Monthly Report 400-19-25-20 – Repeal

This section is being repealed.

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

This section is being repealed.

17. Reporting Changes 400-19-25-30 – Change

Reporting requirements are changing from 5 days to 10 days, and the changes required to report have been added.

18. Review of Eligibility Requirements 400-19-30 – Change

This section has been rewritten.

19. JOBS/Tribal New Up-front Eligibility Requirements 400-19-35-10 – Change

Policy has changed reducing Proof of Performance periods from a minimum of 10 days to a minimum of 5 days and TANF JOBS sanctions will be considered cured when an individual has been off TANF assistance for twelve or more consecutive months.

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

Clarification added what information is needed when SFN Child Support Information forms are reviewed from the six (6) month original date. Added policy that Child Support Up front Eligibility Requirements do not apply to the absent parents of a child when good cause for a parent of the child has been requested.

21. Limitation to Pregnant Women 400-19-45-30 – Change

Removed referral for an unborn child automatically made to Child Support as a referral is no longer made.

22. TANF Lifetime Limit – Background Information 400-19-45-35-05 – Change

Change in policy eliminating case suspension with the removal of prospective/retrospective budgeting.

23. TANF Lifetime Limit Good Cause – Family Violence Option 400-19-45-35-15 – Change

Policy added good cause for Family Violence must be reviewed at a minimum every six months, as this is a federal requirement.

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

Policy added identifying the period of time Afghanistan Parolees and Ukrainian Humanitarian Parolees were exempt from the 5-year band.

25. Eligibility for Individuals Visiting In or Out of State 400-19-45-45-05 – Change
References to Monthly Report removed.

26. Eligibility Requirements 400-19-45-65-05 – Change

Clarification added verification of school attendance is required for those who have not yet graduated and are aged 16 to 18, and verification is needed for those who have graduated age 16 to 18. Reference to the legacy system has been removed.

27. Minor Dependent Child Student Eligibility Requirements 400-19-45-65-10

Policy added that a minor dependent child is not referred to JOBS if the child has graduated from high school or has a GED and is enrolled in further education or employed.

28. Determination of Job Quit/Refusal of Employment 400-19-45-75-20 – Change

Policy has changed to allow TANF JOBS sanctions to be cured, and a Proof of Performance is not required for individuals who have been off TANF assistance for twelve or more consecutive months.

29. Apply for Earned Right Benefits 400-19-45-85 – Repeal

This section is being repealed.

30. Fleeing Felons and Probation/Parole Violators 400-19-45-95-05 – Change

References to Monthly Report removed.

31. Asset Limits 400-19-55-05-05 – Change

Policy updated to increase asset limits.

32. Asset Availability 400-19-55-05-10 – Change

Policy is being added for non-recurring lump sum payments considered exempt assets for 12 months following the month of receipt.

33. Countable Assets 400-19-55-05-15 – Change

Policy is being changed to exempt income-producing assets and retirement and pensions as long as they are not withdrawn.

34. Exempt Assets 400-19-55-05-30 – Change

Policy is being changed to exempt income-producing assets and retirement and pensions as long as they are not withdrawn.

35. Terminated Source of Income 400-19-55-10-10 – Repeal

The section has been repealed due to a change in policy removing prospective/retrospective budgeting.

36. Income Resulting for the Receipt of an Extra Check 400-19-55-15-10 – Repeal

The section is repealed as a change in policy eliminates case suspension with the removal of prospective/retrospective budgeting.

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

The section has been reconstructed due to change in policy that child support income received by a TANF household is not counted as income when the child support received was disbursed by a child support agency.

38. Countable Unearned Income Types 400-19-55-20-15 – Change

Policy added to #4 child support is not countable income when disbursed to a household by a child support agency.

39. Disregard of Certain Income 400-19-55-25 – Change

Policy changed to allow for non-recurring lump sum payments to be disregarded as assets for twelve months following the month of receipt. Policy added in #5 when child support and spousal support may be disregarded as income. Example in #21 removed.

40. Allowable Expenses for TANF Household Members 400-19-55-30-05 – Change

Policy is being changed to allow for no limits on out-of-pocket child care costs when not in receipt of CCAP. References to retrospective budgeting have been removed.

41. Child or Adult Dependent Care 400-19-55-30-10 – Change

Policy is being changed to remove the maximum amount of out-of-pocket costs based on CCAP to allowing actual costs.

42. Types of Special Items of Need 400-19-60-10 – Change

Policy changed to update the maximum daily rate for child/dependent care from \$35 to \$38 for emergency foster care per child.

43. Types of JOBS Supportive Services 400-19-65-15 – Change

Clarified policy under housing/shelter requests that ongoing TANF cases are limited to two consecutive or non-consecutive months and not more than two months total while case is open.

44. JOBS Supportive Services – Suspended Case 400-19-65-20 – Repeal

Section is repealed as a change in policy eliminates case suspension with the removal of prospective/retrospective budgeting.

45. Good Cause for Refusing to Cooperate 400-19-70-30 – Change

Change in policy adding two additional good cause reasons of interference with family reunification efforts and disruption of child protection service objectives. Policy added good cause for Family Violence must be reviewed at a minimum every six months as this is a federal requirement. Policy added that when good cause is

claimed by a caretaker relative, good cause for all parents associated to the child is given.

46. Exempt Individuals 400-19-75-10-05 – Change

Policy changed children age 16 or older who have completed high school or have a GED and are enrolled in further education or employed are not required to participate in the JOBS Program.

47. Non-Exempt (Work Eligible) Individuals 400-19-75-10-20 – Change

Policy changed children age 16 or older who have completed high school or have a GED and are enrolled in further education or employed are not required to participate in the JOBS Program.

48. Good Cause – Family Violence Option 400-19-75-20-05 – Change

Policy added good cause for Family Violence must be reviewed at a minimum every six months, this is a federal requirement.

49. Curing Tribal NEW Sanctions and Proof of Performance (POP) 400-19-80-45 – Change

Policy has changed reducing Proof of Performance periods from a minimum of 10 days to a minimum of 5 days.

50. Imposing a JOBS of Tribal NEW Sanction on an Open Case 400-19-85-15 – Change

Policy has changed to allow TANF JOBS sanctions to be cured for individuals who have been off TANF assistance for twelve or more consecutive months.

51. Exception to the Requirement to Serve the Month of Ineligibility Following a JOBS or Tribal NEW Sanction 400-19-85-30

Policy has changed to allow TANF JOBS sanctions to be cured for individuals who have been off TANF assistance for twelve or more consecutive months.

52. Overview 400-19-90-05 – Change

Policy has changed to allow TANF JOBS sanctions to be cured for individuals who have been off TANF assistance for twelve or more consecutive months.

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

Policy has changed to allow TANF JOBS sanctions to be cured for individuals who have been off TANF assistance for twelve or more consecutive months.

54. Curing a JOBS or Tribal NEW Sanction in a Month Following the Month of Ineligibility 400-19-90-35

Policy has changed to allow TANF JOBS sanctions to be cured for individuals who have been off TANF assistance for twelve or more consecutive months.

55. Prospective Budgeting 400-19-105-15 – Change

The section has been reconstructed due to a change in policy, removing prospective/retrospective budgeting and adding a change policy for prospective budgeting to include conversion of income and expenses.

56. Two-month Retrospective Budgeting 400-19-105-20 – Repeal

This section has been repealed due to a change in policy removing prospective/retrospective budgeting.

57. Earned Income Disregards 400-19-105-25 – Change

Change in policy that eliminates case suspension with the removal of prospective/retrospective budgeting.

58. Budgeting of Newborn 400-19-105-40-20 – Change

The section has been reconstructed due to a change in policy removing reference to monthly reporting.

59. Recipient Attending School in Another Community 400-19-105-40-25 – Change

Policy changed, removing reference to monthly report, and when the return of boarding child is not reported timely, eligibility starts the month following the month reported.

60. Budgeting for Persons Being Added to the Household 400-19-105-40-30 – Change

Policy changed, removing reference to the monthly report and prospective/retrospective

61. Budgeting When an Individual Returns From a Special TANF Living Arrangement 400-19-105-40-35 – Change

Policy changed, removing reference to monthly report and if the return is not reported timely, eligibility starts the month following the month the change was reported.

62. Budgeting for the Month in Which an Absent Parent Returns or Recipient Marries 400-19-105-40-40 – Change

Policy changed removing reference to monthly reporting.

63. Budgeting for Persons Leaving the Household 400-19-105-40-45- Change

Policy clarified that when an individual has left the home, the individual must be removed from the case prior to eligibility for remaining household members being redetermined.

64. Budgeting Income Resulting from the Receipt of an Extra Check 400-19-105-40-50 – Repeal

The section is repealed as a change in policy eliminates case suspension with removal of prospective/retrospective budgeting.

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

Policy is being changed to remove the maximum amount of out of pocket costs based CCAP to allowing actual costs.

66. Prorate for Initial TANF Benefit and Adding Persons 400-19-110-25 – Change

Policy changed removing reference prospective/retrospective.

67. Revert to Open Following Case Closure 400-19-110-30 – Change

Change in policy removing reference to monthly report.

68. Advance (10-day) and Adequate Notice 400-19-115-10 – Change

Change in policy eliminating case suspension and monthly reporting with removal of prospective/retrospective budgeting.

69. Proper Notification When Reducing Benefits or Closing Cases 400-19-115-15 – Change

Change in policy eliminating case suspension and monthly reporting with removal of prospective/retrospective budgeting.

70. Reasons When an Overpayment May Need to be Established 400-19-130-10 – Change

Policy changes to when overpayments may need to be established.

71. Notification of Overpayment 400-19-130-20 – Change

Removed name of notice which was from legacy system.

72. Bankruptcy and Overpayments 400-19-130-30 – Change

Added the SPACES system process when bankruptcies are received by TANF Policy.

73. Eligibility Worker Role 400-19-140-05-10 – Change

Change in policy eliminating monthly reporting with removal of prospective/retrospective budgeting.

74. Eligibility Factors for TANF Kinship Care 400-19-140-10 – Change

Change in policy eliminating monthly reporting with the removal of prospective/retrospective budgeting and the removal of the earned rights policy.

75. Factors of Eligibility 400-19-145-10 – Change

Change in policy eliminating prospective with removal of prospective/retrospective budgeting.

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

Change in policy eliminating monthly reporting with the removal of prospective/retrospective budgeting and the removal of the earned rights policy.

77. Diversion Four-Month Limitation 400-19-145-20 – Change

Change in policy eliminating case suspension and monthly reporting with the removal of prospective/retrospective budgeting.

78. Diversion Supportive Services 400-19-145-25 – Change

Clarifications in policy for housing/shelter requests for ongoing TANF cases are limited to two occurrences and not more than two months total while the case is open.

79. Child Care Expenses 400-19-145-30 – Change

Policy changed, allowing no limit for out-of-pocket child care costs when not in receipt of CCAP.

80. Diversion Financial Eligibility Determination 400-19-145-35 - Change

Change in policy: Diversion households are not subject to an asset limit.

81. Diversion Closure 400-19-145-45 – Change

Reference to legacy system processing has been removed.

82. Factors of Eligibility 400-19-150-10 – Change

Change in policy eliminating case suspension and monthly reporting with the removal of prospective/retrospective budgeting. Pay After Performance has been removed in this section, which was not included with the implementation of Manual Letter 3726.

83. Factors of TANF Eligibility that do not Apply to Transition Assistance 400-19-150-15 – Change

Recoupments for overpayments are recouped from Transition Assistance. This is not a change in policy. The last sentence has been removed from this section.

Policy Section Updates

1. Definitions 400-19-05 – Change

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

Benefit Month – The calendar month immediately following the processing month for which eligibility and benefits are computed.

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

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

1. The individual claiming good cause is responsible to show that good cause exists.
2. Uncorroborated statements of fact are less believable than corroborated statements. Uncorroborated statements may be accepted when they are consistent, credible, and supported by the circumstances of the case.
3. Statements by persons with a reputation for being untruthful are less believable than similar statements by persons without that reputation.
4. A reputation for being untruthful exists if the files maintained by the department, the county agency, or the JOBS Employment Contractor contain evidence of untruthful statements made by the individual, or if the individual has made untruthful statements that are a matter of public record.
5. Statements by individuals with a reputation for failures or delays in furnishing information necessary for official action are less believable than similar statements by individuals without that reputation.
6. A reputation for failures or delays in furnishing information necessary for official action exists if the files maintained by the department, the county agency, or the JOBS Employment Contractor contain evidence of any failure or delay, without good cause, to furnish reports, including Review forms ~~monthly reports~~, or necessary verifications, or a failure or delay in attending meetings or interviews intended to secure information necessary for official action.

7. A statement of fact made by an individual with something to gain if that statement is regarded as true is less believable than a similar statement made by an individual with little or nothing to gain.
8. An individual's explanations or reasons for claiming good cause must be judged by a prudent person standard. A prudent person is one who exercises those qualities of attention, knowledge, intelligence, and judgment that society requires of its members for protection of their own interests and the interests of others.

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

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

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

Proof of Performance (POP) - A specific period of time not less than 40 5 days and not more than 30 15 days during which a sanctioned individual can cure their JOBS sanction by demonstrating successful participation in the JOBS program.

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

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

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

2. Verification of Selected Factors of Eligibility and Verification Sources 400-19-15-10 – Change

While eligibility for TANF is determined primarily by information supplied by the applicant or recipient applicant/recipient, verification of all factors of eligibility must be supported by conclusive, documenting evidence. It is the responsibility of the applicant or guardian of the applicant to provide documentary evidence to support its statements and resolve any questionable information. The applicant or guardian may supply documentary evidence in person, through the mail, ~~e-mail~~ electronically or fax. If the information is e-mailed, retain a copy of the e-mail that includes the individual's name, the date of the e-mail, and the content of the e-mail. The eligibility worker shall accept any reasonable documentary evidence provided by the household and shall offer assistance to the household in obtaining the documentary evidence if needed.

3. Confidentiality 400-19-15-15 - Change

For additional information, including guidelines to county personnel who are subpoenaed to testify in court, see:

1. Service Chapter 110-01, Confidentiality, ~~located on the County Intranet in the 'Legal' folder;~~
2. Service Chapter 448-01-25, Confidentiality and Safeguarding Information.
3. North Dakota Administrative Code (N.D.A.C.) Section 75-01-02.
4. North Dakota Century Code, Section 50-06-15.

4. Jobs Program Legislative and Regulatory Authority 400-19-15-30 - Change

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

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

5. Purpose of JOBS 400-19-15-30-10 – Change

The purpose of the Job Opportunities and Basic Skills (JOBS) Program is to combine education, training, and employment components to enable participants to become self-sufficient.

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

6. Application/Request for Benefits – Overview 400-19-20-05 – Change

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

~~Applications may be received, filed and maintained at any human service zone within the state, based on what is most convenient for the applicant or recipient.~~

Prior to determining eligibility and authorizing benefits, the eligibility worker must have a completed and signed application. The application is considered signed if the signature is found anywhere on the application, other than to answer a question.

The application process may include the following steps:

- An individual contacts the human service zone office.
- Human service zone staff advises the individual of the right to file an application, explain how and where to apply, and, if necessary, assist the individual with completing the application.
- Human service zone staff shall provide information on the types of assistance and other community resources available.
- An applicant files an application for assistance.
- The eligibility worker conducts an interview.

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

- The applicant provides verifications.
- The eligibility worker determines eligibility and the date eligibility begins.

- The eligibility worker notifies the applicant of eligibility or ineligibility.

7. Application Forms for TANF 400-19-20-10 – Change

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

1. SFN 405, "Application for Economic Assistance Programs" or
2. The Electronic Application found on the Department of Health and Human Services Website- [or](#)
3. Review form:
 - If a Review form is submitted in the month following the month of TANF closure for no review, the Review form can be used as an application, and all application processing applies.
 - If a Review form is received after the month following the month of TANF closure for no review, a new application (SFN 405 or Electronic Application) is required.

8. Application Process 400-19-20-15 – Change

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

1. Determine if the application is complete and signed:
 - If the application is not signed, the household must sign the application.
 - If a signed application is incomplete, the household must complete the application.
 - See TANF policy at Required Applications in Various Circumstances 400-19-20-20 to determine when an application and Monthly Report can be used [a](#) Review form can be used.
2. The application must be registered in the computer system as soon as possible upon receipt, but no later than the fifth working day following receipt. 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. 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.

~~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.

9. Required Applications in Various Circumstances 400-19-20-20 – Change

SFN 405, "Application for Assistance" or the Electronic Application is required in the following circumstances:

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

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

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

A completed Monthly Report and SFN 405, "Application for Assistance" or the Electronic Application is required in the following circumstances:

- ~~1. If the TANF case closed and the household requests TANF [benefits](#) when there has not been a break in assistance of at least one full calendar month.~~
- ~~2. If the Diversion case closed and the household requests TANF benefits and there has not been a break in assistance of at least one full calendar month.~~
- ~~3. If the TANF case closed and the household is eligible for Diversion and there has not been a break in assistance of at least one full calendar month.~~
- ~~4. If the Diversion case closed for reason other than 'Maximum Diversion', the household reapplies for and is eligible for Diversion, and there has not been a break in assistance of at least one full calendar month.~~

SFN 405, "Application for Assistance" or the Electronic Application is NOT required in the following circumstances:

1. To reopen a previously closed case as a result of a recipient's timely request for a fair hearing, or to reopen as a result of a fair hearing decision;
2. When an individual's status changes from an eligible caretaker to ineligible caretaker, or vice versa;
3. When individuals are added to an existing, eligible household;
4. When both parents reside in the home, the Primary Individual dies, and the other parent becomes the Primary Individual;
- ~~5. When a case is suspended for one month due to the receipt of an extra check from a recurring source (either earned or unearned income) and ineligibility is anticipated to continue for only one month;~~
6. When a case is reverted to open; or
7. The same application can be used to determine eligibility for the month following the month of denial when ineligibility is expected to last for the month of application only. The month following the month of denial is the initial month of application and becomes the first prospective month.
8. When a Review form is submitted in the month following the month of TANF closure for no review.

10. Timeliness Standards for Processing TANF Benefits 400-19-20-30 - Change

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

11. Notice of Action Taken on Applications 400-19-20-35 - Change

Human Service Zones must use forms and notices developed by the Department of Health and Human Services (DHHS) for the purposes of informing and advising clients of the status of their application and their rights and responsibilities.

The household must be notified of eligibility and benefit amounts for each month. Since eligibility and benefits are determined based on information provided on the SFN 405, "Application for Assistance", ~~or the Electronic Application,~~ or Review form (when the Review form is being used as an application), there is no advance (10-day) or adequate notice requirement in instances when:

- ~~1. Benefits are being reduced in the second prospective month as they are less than benefits for the first prospective month; or~~ At application approval, benefits are being reduced for the month following the application month and any additional months applicable.
- ~~2. There is no eligibility for benefits in the second prospective month.~~ At application approval, there is no eligibility for benefits for a future month.

Note: There is no requirement that notices be mailed the same day or of that a single notice address eligible for the first two prospective months.

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

12. General Statement 400-19-25-05 – Repeal

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

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

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

Example: ~~If January is the month in which the application is received, eligibility and benefits for January and February are based on prospective information obtained from the applicant and listed on the application. The first monthly report is required in February to verify January actual information. Since January had been authorized based on prospective information, the January information is~~

~~used to determine if January's benefit must be adjusted. The monthly report will also provide anticipated information for March upon which all factors of eligibility are determined prospectively, except income and expenses.~~

13. Mailing and Return of the Monthly Report 400-19-25-10 – Repeal

~~The TANF Monthly Reports are mailed on or about the 25th of each month as well as each of the last three work days of the month for cases processed after the 25th. Recipients have the option of completing and submitting their Monthly Report on-line through the Department's Website.~~

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

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

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

Note: ~~The eligibility worker must document the date a monthly report is filed by recording the date received on the monthly report.~~

~~If a monthly report is submitted prior to the 1st day of the month in which it is due, the monthly report must be accepted but held for registration and processing until the first working day of the month in which it is due.~~

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

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

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

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

14. Timeliness of Returned Monthly Report 400-19-25-15 – Repeal

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

15. Treatment of Completed Monthly Report 400-19-25-20 – Repeal

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17. Reporting Changes 400-19-25-30 – Change

TANF participants are required to report all changes in household circumstances within 5 days of learning of the change, except when reporting the birth of a newborn, the household has 10 days. Changes to be reported

~~include income, assets, number of persons in the household, address, living arrangements, or any other change that may affect eligibility and benefit amounts to the household. Failure to report changes within the allotted time may result in an overpayment and/or referral for possible fraud. (See Section 400-19-115-15, Proper Notification When Reducing Benefits or Closing Cases.)~~

TANF applicants and recipients are required to report all changes in household circumstances within 10 days from the date the change occurs.

Exception: When it becomes known a child is leaving the home, the change must be reported within 5 days.

Required changes include changes in:

- household members,
- custody status of a household member,
- pregnancy,
- marital status,
- total monthly earned, unearned, or a combination of earned and unearned income of more than one hundred dollars,
- start or end of an income source,
- assets,
- resident or mailing address,
- student status.

Failure to report changes within the allotted time may result in an overpayment and possible referral for fraud. (See Section 400-19-115-15, Proper Notification When Reducing Benefits or Closing Cases.)

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

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

If information is received from the JOBS or Tribal New Program that has not yet been reported by the household, a notice must be sent to the TANF household requesting all required verifications related to the change.

If the TANF household does not provide the required verifications (other than expenses), the TANF case must be closed. If the eligibility worker has or can obtain some or all the required information, underpayments are not issued but overpayments must be established.

If a change is reported and required verifications are not provided at the time of the reported change, a notice must be sent to the TANF household requesting required verifications. If the TANF household does not provide the required verification (other than expenses), the TANF case must be closed. If the eligibility worker can obtain some or all the required information, an overpayment must be established.

If a change is reported timely and verified timely, resulting in:

- Increase in benefits - the change is effective the month of the change. Underpayments are issued effective the month of the change.
- Decrease in benefits – the change is effective the month following the month of change. Proper notification time frames must be followed. Overpayments are not established.

If a change is not reported timely or verifications are not received timely resulting in:

- Increase in benefits – the change is effective the month following the month of the untimely reported change or necessary verifications are received (other than expenses), whichever is later. Underpayments are not issued.
- Decrease in benefits – the change is effective the month of the change. Required verifications of the change are needed other than expenses. Proper notification time frames must be followed. Overpayments are established from the month of change.

See TANF Budgeting Procedures in Various Circumstances, 400-19-105-40, for additional policy sections which must be applied.

18. Review of Eligibility Requirements 400-19-30 – Change

A TANF household is assigned either a six-month or twelve-month Review period. A six-month period is assigned to a work eligible individual. A twelve-month Review period is assigned to a non-work eligible individual.

An individual required to participate in the Job Opportunity and Basic Skills Program is considered a work eligible individual.

A change in work eligible criteria during a Review period does not change the Review period currently assigned. When the current Review period ends and a review is completed, the appropriate Review period is assigned at that time.

Example: An individual is work eligible and is currently assigned a six-month Review period. The work eligible individual becomes exempt during the six-month Review period. The six-month Review period continues. When the six-month Review period ends, the individual completes a Review, continues to be exempt and remains eligible. A twelve-month Review period is assigned.

The purpose of a review is to carefully examine all relevant factors of eligibility. An interview is not required when completing the review.

The Review form is sent to the TANF Primary Individual in the month prior to the month the review is due.

Recipients have the option of completing and submitting the review on-line. Review forms may be submitted in person, electronically, by drop box, fax, mail, etc.

Electronic or handwritten signatures are acceptable on the Review form.

A completed and signed Review form is due on the 15th of the month or the first working day after the 15th if the 15th falls on a weekend or holiday. However, a completed Review form can be submitted through the last working day of the month in which they are due.

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

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

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

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

Unless extenuating circumstances exist, a decision to approve or deny a review must be made no later than 30 days following the date the signed and dated review is received in the human service zone (HSZ) office. The first calendar day following receipt of the signed review is day 1 of the 30-day processing timeframe.

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

The HSZ must use forms and notices developed by the Department of Health and Human Services (DHHS) for the purpose of informing and advising recipients of the status of their review and their rights and responsibilities.

If a Review form is submitted prior to the first day of the month in which it is due, the Review form must be accepted but held for registration and processing until the first working day of the month in which it is due.

Example: A review due in September is submitted on August 30th. On the first working day in September the Review form can be registered and can be processed.

Regardless of when the household submits the Review form, the household is required to report all changes in household circumstances within 10 days from the date the change occurs. (See policy at 400-19-25-30, Reporting Changes).

Exception: When it becomes known a child is leaving the home, the change must be reported within 5 days.

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

Sanctioned individuals must:

1. Contact the JOBS or Tribal NEW Program within seven (7) business days from the referral date of the referral to schedule an orientation appointment to enroll. The first business day after the referral date is considered day one of the seven (7) business day period; and
2. Attend the scheduled appointment to complete the program orientation, initial assessment, and employability plan; and
3. Complete their [Proof of Performance \(POP\)](#) unless they are determined to have good cause; and
4. Not have quit a job or refused employment without good cause after the application date.

An individual who was sanctioned for the JOBS Program and has been off TANF assistance for twelve or more consecutive months must have their previous TANF JOBS sanction cured. JOBS Up-front Eligibility requirements for non-sanctioned individuals apply.

20. 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. The forms may be included with the information provided to TANF applicants with the application packet.

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 eEligibility 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 eEligibility requirement.

Example: A family reapplies for TANF and adds a new child who has the same existing absent parent as a previous SFN 74, the family would update the most recently completed SFN 74 adding the new child.

Example: A family reapplies for TANF and adds a new child who has a different absent parent for which there is no SFN 74, the family would need to complete a new SFN 74 for the new child/absent parent. For other existing children, a review of the existing forms must be completed, the family must initial and date any changes and resign and date the forms.

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 Up-front eEligibility 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 Up-front eEligibility requirements have been met.

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) 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.

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 eEligibility 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: When a caretaker relative applies for TANF and claims good cause for a child, Child Support Un-front Eligibility does not apply to any absent parents associated to the child good cause has being claim for.

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.

21. Limitation to Pregnant Woman 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) begins with 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 unless there is good cause for not participating.

22. TANF Lifetime Limit – Background Information 400-19-45-35-05 – Change

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

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

Exemption of Indian land is available in the following counties where there is Indian land: Benson, Dunn, Eddy, Mercer, McKenzie, McLean, Mountrail, Nelson, Ramsey, Richland, Rolette, Sargent, Sioux, and Ward.

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

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

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

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

If good cause is granted, good cause must be reviewed at a minimum of every six (6) months. However, good cause may be established for periods of less than six (6) months (three (3) months, etc.). At the end of the good cause time period, a review should be completed to determine if good cause needs to be extended.

Anytime good cause for Family Violence for the JOBS or Tribal NEW Program is discussed or reviewed, good cause for Child Support must also be discussed with the individual. This ensures that the individual is given the opportunity to claim good cause for Child Support.

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

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

9. Afghanistan Parolees.

On September 30, 2021, Congress passed the Afghanistan Supplemental Appropriations Act, 2022 (Public Law 117-43). Section 2502 of this legislation provides that Afghan humanitarian parolees (also known as non-SI parolees) are now eligible to receive federal benefits, including TANF, from the date of enactment. Specifically, the following individuals are all eligible for TANF until March 31, 2023, (or the term of parole, whichever is longer) in the same way a refugee is eligible for TANF.

- Afghan citizens and nationals paroled into the US between July 31, 2021, and September 30, 2022;
- their spouses or children paroled after September 30, 2022; and
- their parents or guardians paroled after September 30, 2022, if the Afghan citizen or national is an unaccompanied child.

On September 30, 2022, Congress passed the Continuing Appropriations and Ukraine Supplemental Appropriations Act, 2023 (Public Law 117-180). Division A, section 149(a) of this legislation extends the parole eligibility date to December 16, 2022, for Afghan citizens and nationals covered under section 2502 of Public Law 117-43, from the original parole eligibility date of September 30, 2022. Therefore, Afghan citizens and nationals paroled into the U.S. between July 31, 2021, and December 16, 2022, are eligible for

TANF until March 31, 2023, (or the term of parole, whichever is longer) in the same way a refugee is eligible for TANF.

On December 29, 2022, Congress passed the Consolidated Continuing Appropriations Act, 2023 (Public Law 117-328). Division M, General Provision — Title V, section 1501 of this legislation extends the parole eligibility date to September 30, 2023, for Afghan citizens and nationals covered under subsection (a)(1)(A) of section 2502 of Public Law 117-43, from the original parole eligibility date of September 30, 2022. Therefore, Afghan citizens and nationals paroled into the U.S. between July 31, 2021, and September 30, 2023, are eligible for TANF until March 31, 2023, (or the term of parole, whichever is longer) in the same way a refugee is eligible for TANF.

10. Ukrainian Humanitarian Parolees

On April 24, 2024, President Biden signed the Ukraine Security Supplemental Appropriations Act, 2024 (USSAA) (Public Law 118-50) , which extends provisions of the Additional Ukraine Supplemental Appropriations Act, 2022 (AUSAA) (Public Law 117-128) (PDF), enacted on May 21, 2022. The AUSAA provided for federal public benefits of Ukrainian Humanitarian Parolees who arrived between February 24, 2022, and September 30, 2023. The USSAA extends federal public benefits to eligible Ukrainian humanitarian parolees who arrived in the United States more recently, between October 1, 2023, and September 30, 2024.

With the expansion provided by the USSAA, the individuals who may receive TANF, are as follows:

- Citizens or nationals of Ukraine (or persons who last habitually resided in Ukraine) paroled into the U.S. between February 24, 2022, and September 30, 2024;
- the spouses or children paroled after September 30, 2023; and
- their parents, legal guardians, or primary caregivers paroled after September 30, 2023, if the Ukrainian citizen or national (or persons who last habitually resided in Ukraine) is an unaccompanied child.

Under the AUSAA, Ukrainian humanitarian parolees who entered the U.S. between February 24, 2022, and September 30, 2023, have an eligibility date of May 21, 2022, or the date of their parole, which is later. For the later arriving parolees, under the USSAA, Ukrainians parolees who entered the U.S. between October 1, 2023, and September 30, 2024, have an eligibility date of April 24, 2024, or their date of parole, whichever is later.

Ukrainian humanitarian parolees are eligible for TANF benefits and services until the end of their parole term, unless they receive another immigration status or category, such as asylum, that makes them eligible for TANF benefits.

25. Eligibility for Individuals Visiting In or Out-of State 400-19-45-45-05 – Change

An individual from out-of-state visiting family in North Dakota who intends to return to the state from which they came, are considered temporarily residing in North Dakota and are not eligible to receive TANF.

Example: A child who lives with a parent in Oregon comes to North Dakota to visit their other parent who is receiving TANF at the end of May. The child is expected to return home to Oregon in August. The child is not eligible to be added to the TANF case in North Dakota as the child is considered residing here temporarily.

An individual who receives TANF in North Dakota and visits family outside of North Dakota with the intent to return to North Dakota at the end of their visit will continue to be eligible for TANF in North Dakota, provided the individual has returned to North Dakota by the last day of the month following the month they left. This individual must continue to meet all eligibility requirements such as ~~monthly reporting~~ submitting a Review form, compliance with the JOBS work requirements, etc. If the individual has not returned by the last day of the month following the month they left, the individual must be removed from the TANF household.

26. Eligibility Requirements 400-19-45-65-05 – Change

One of the goals of the TANF Program is to ensure that every TANF recipient obtains their High School or General Education Diploma (GED). Therefore, emphasis is placed on school attendance of minor dependent children and minor parents.

The terms "full-time" and "part-time" school attendance for minor dependent children and minor parents is defined by the North Dakota Department of Public Instruction and the North Dakota Department of Higher Education as follows:

1. "Full-time" attendance in an accredited secondary school (high school) requires four or more units of credit.

2. "Part-time" is anything less than four units of credit.
3. Attendance in an alternative school, full or part-time, is determined by the school the individual attends.

The full or part-time status of a minor dependent child(ren) or minor parent enrolled in an accredited correspondence, alternative high school or GED program, adult basic education, or home schooled, will have their status verified by a written statement from school officials.

Minor dependent children or minor parents participating in Job Corps are considered attending school full-time.

Verification of school attendance is required for individuals who have not yet graduated and are age 16 to 18, or if age 18, is a full-time student in a secondary school or a vocational or technical school that is equivalent to a secondary school, who will graduate before the end of the calendar month in which the student will attain age 19.

Documentation/Verification of School Attendance

Verification of school attendance is required for:

1. A child age 16 to 18 ; or
2. A child age 18 and a full-time student, who, by the last day of the month of their 19th birthday, will:
 - a. Complete their training curriculum from a secondary school in order to receive a high school diploma or GED, or
 - b. Complete their training at a vocational or technical school that is equivalent to secondary school.

For children under age 16, verification of school attendance is not required. If the child is not attending school, it becomes an issue for Child Protection Services.

School attendance of any child age 16 or older must be verified at the beginning of the school year and the beginning of each term as defined by the school. Verification may be secured more frequently if circumstances warrant.

Note: The automated computer system generates a notice to the household requiring verification of school attendance and anticipated date of graduation in August and January of each year.

When verification of school attendance is not received:

- If the child is age 16 to 18, update the 'Student Status' on the ~~Education window~~ to 'Not a Student' and complete a referral to the JOBS Program.
- If the child is age 18 and a full-time student who, by the last day of the month of their 19th birthday, will:
 1. Complete their training curriculum from a secondary school in order to receive a high school diploma or GED, or
 2. Complete their training at a vocational or technical school that is equivalent to secondary school,

the 'Student Status' on the ~~Education window~~ must be updated to 'Not a Student'. This will either remove the child from the TANF household or fail the case if this is the only child.

When a child age 16 to 18 has graduated from high school or has a GED, verification must be obtained. If the child is enrolled in further education or is employed, the child is not required to be referred to the Job Opportunities and Basics Skills Program (JOBS). If the child is not enrolled in further education or is not employed, the child must be referred to the JOBS Program.

27. Minor Dependent Child Student Eligibility Requirements 400-19-45-65-10 – Change

All minor dependent children, under age 18 who have not received a High School or General Education Diploma (GED) are required to attend school full-time as a condition of eligibility for TANF.

Note: A minor child is considered a dependent child during the entire month of the child's 18th or 19th birthday and will retain student status for the entire month provided the child has attended school for any part of that month.

A minor dependent child is considered in regular attendance for periods in which the individual is not in school because of official vacation, illness, convalescence, or family emergency if the plan is to continue training when the event that prompted the interruption has run its course.

Upon receipt of an application or in an ongoing case, if it is determined that a minor dependent child is not attending school:

1. If the minor dependent child is under age 16, a social worker within the agency should be notified. Since state and tribal law require individuals under

- age 16 to attend school, those entities will be involved and working with the individual and family.
2. If the minor dependent child is age 16 to 18, the individual must be referred to the Jobs Opportunities and Basic Skills (JOBS) program. (See Sections 400-19-75-40-05, Referrals to the JOBS Program and 400-19-80-15, Referrals to Tribal NEW Program).

Exception: If the minor dependent child aged 16 to 18 has graduated from high school or has a GED and is enrolled in further education or is employed, the child is not required to be referred to the JOBS Program. If the child is not enrolled in further education or is not employed, the child must be referred to the JOBS Program.

There may be some reasons when a minor dependent child may have good cause for not attending school. Some reasons, applicable only to minor dependent children, are:

1. Temporary illness;
2. Disability, as verified by medical evidence; or
3. Incapacity, as verified by medical evidence.

28. Determination of Job Quit/Refusal of Employment 400-19-45-75-20 – Change

2. If the referral is for an individual in an ongoing case whose 'good cause' or 'exemption period' is ending, and a job quit or refusal of employment occurred:
 - a. Prior to the 'good cause' or 'exemption period' end date, the JOBS Employment Contractor does not take any action as job quit or refusal of employment does not apply during 'good cause' or 'exempt' periods.
 - b. After the 'good cause' or 'exemption period' end date, the 'good cause' process must be initiated.
 - i. If 'good cause' exist, the TANF Eligibility Worker must be notified that the 'good cause' claim was approved and the JOBS participant must continue to follow JOBS requirements.
 - ii. If 'good cause' does not exist, a recommendation for sanction must be sent to the TANF Eligibility Worker.

Note #1: The only way to cure the sanction and avoid the case from progressing to case closure is if the individual finds a job that is comparable to the job quit or refused.

Note #2: If the individual does not cure the sanction and the case progresses to close, the individual will be required to serve the one (1) month of ineligibility. Upon reapplication after the one (1) month of ineligibility, unless the individual has been off TANF assistance for twelve or more consecutive months, the individual will need to complete a Proof of Performance, but may not be required to find a job that is comparable to the job quit or refused in order to regain eligibility. The Employment Contractor will be responsible to determine the appropriate activity.

3. If the referral is for an individual in an ongoing case who must complete a Proof of Performance, and a job quit or refusal of employment occurred:
 - a. If 'good cause' does exist, the TANF Eligibility Worker must be notified that the 'good cause claim' was approved and the JOBS participant must continue to follow JOBS requirements.
 - b. If 'good cause' does not exist, the individual is deemed to have failed the Proof of Performance requirements and the TANF Eligibility Worker must be informed. The case will progress to closure.

Note #1: The only way to cure the sanction and avoid the case from progressing to case closure is if the individual finds a job that is comparable to the job quit or refused.

Note #2: If the individual does not cure the sanction and the case progresses to close, the individual will be required to serve the one (1) month of ineligibility. Upon reapplication after the one (1) month of ineligibility, unless the individual has been off TANF assistance for twelve or more consecutive months, the individual will need to complete a Proof of Performance, but may not be required to find a job that is comparable to the job quit or refused in order to regain eligibility. The Employment Contractor will be responsible to determine the appropriate activity.

29. Apply for Earned Right Benefits 400-19-45-85 – Repeal

~~All applicants and recipients must apply for any and all potential sources of income (i.e. Workmen's Compensation, Unemployment Benefits, Social Security Disability and Retirement Benefits) which might be available to the household, and to provide proof that such application has been made. Applicants and recipients must comply with the requirements of the program to establish eligibility for and receive benefits.—~~

~~Failure to apply for, comply with the requirements of the program to establish eligibility for, or refusal of receipt of earned rights benefits to which an individual is entitled shall result in ineligibility of the household containing the individual.~~

~~Retirement, Survivors, and Disability Insurance (RSDI) is administered by the Social Security Administration. This program provides workers and/or their families with partial replacement for loss of income due to retirement, disability, or death of the insured person.~~

~~Because of the broad coverage offered under RSDI, an exploration of a household's potential eligibility for benefits must be made whenever the employment history or other pertinent data suggest the possibility of entitlement.~~

~~Private pensions may be available to assist families with partial replacement for loss of income due to retirement, disability, or death of an employed person. TANF requires that all potential sources of income for earned rights benefits be explored by the household.~~

~~Railroad Benefits can include payments for sickness or accident, dependent or survivors' benefits, job insurance, retirement, and funeral expenses.~~

~~Veteran's pension or compensation, veteran's vocational rehabilitation subsistence payments and military allotments should be explored for potential earned rights benefits.~~

30. Fleeing Felons and Probation/Parole Violators 400-19-45-95-05 – Change

A fleeing felon is an individual charged or convicted of any felony who has left the jurisdiction of the charging authorities. An individual charged or convicted of any felony in North Dakota who moves within the State of North Dakota is not a fleeing felon.

Exception: A Native American individual charged or convicted of any felony that flees to or from an Indian Reservation within North Dakota is considered a fleeing felon.

A probation or parole violator is an individual determined by the court to have violated the terms of their parole or probation from a felony conviction.

If an individual indicates on the application, TANF Monthly Report form, annual **R**review form, or reports that they are a fleeing felon, parole or probation violator, the worker must obtain information to substantiate the report. Any information received along with a completed SFN 376, Fleeing Felon/Parole or Probation Violator Review must be forwarded to the Economic Assistance Policy Division. The Economic

Assistance Policy Division will review the information to determine if the violation disqualifies the individual from TANF and notify the eligibility worker.

31. Asset Limits 400-19-55-05-05 – Change

The asset limit for the TANF Program is:

- ~~\$3,000~~ 9,000 for one person;
- ~~\$6,000~~ 15,000 for two-person household; and
- ~~\$25~~ 500 for each additional person.

32. Asset Availability 400-19-55-05-10 – Change

Assets must be available to the TANF household for current use. To be considered an asset, an interest in property (real or personal) must be owned by the individual and available for disposition. In general, an individual who has legal title to property has the right to control and dispose of it. If property cannot be disposed of, it is not an available asset.

All assets owned by any SSI recipient shall be exempt in determining TANF eligibility. An asset owned solely or jointly with an SSI recipient is exempt.

All assets owned individually or jointly are presumed available to the household.

1. Assets owned jointly by members of separate households, where there is a legal obligation to support, are also presumed available, in their entirety, to the TANF household.
2. Real property owned jointly by members of separate households, where there is no legal obligation to support must have the equity value equally divided among all property owners. The applicant/recipient's share is considered when determining eligibility. However, if the applicant or recipient can show that the assets are in fact not available, those assets may be exempt. If the applicant or recipient can demonstrate that it has access to only a portion of a given asset, only that portion will be considered.

An asset shall be considered not available if it cannot be practically subdivided and/or the household's access to the asset is dependent on the agreement and cooperation of a joint owner who refuses and cannot reasonably be forced to comply (e.g. motor vehicle).

Liquid (e.g. bank accounts, certificates of deposits, etc.) and non-liquid (e.g. real or personal property, etc.) assets owned solely or jointly but which can be made available to the applicant or recipient, are considered in their entirety.

All nonrecurring lump sum payments are exempt for twelve months following the month of receipt.

Example: A nonrecurring lump sum payment is received July 2026. The nonrecurring lump payment is exempt from August 2026 through July 2027.

Policy for treatment on nonrecurring lump sum payments can be found at 400-19-55-25 Disregard of Certain Income.

~~Nonrecurring lump sum payments are considered assets beginning the second month following the month of receipt. For the second month following the month of receipt, the remaining lump sum amount is included with all other countable assets in determining eligibility.~~

~~**Example:** If the non-recurring lump sum payment is received in May, the amount of the lump sum payment remaining as of June 1 is added to the other assets held by the family and reported on the June 5 monthly report form when determining eligibility for July. If the total amount of the assets is in excess of the program limits, the family must be notified that their case will be closed as of June 30 unless they furnish proof that the assets have been spent down to program levels by June 30th.~~

33. Countable Assets 400-19-55-05-15 – Change

Countable assets include, but are not limited to, the following:

~~1. **Contract for Deed** – When an applicant or recipient has sold real property or a mobile home, and received in return a promise of payments of money at a later date, usually to be made periodically, and an attendant promise to return the property if the payments are not made, the arrangement is usually called a "contract for deed." The essential feature of the contract for deed is the right to receive future payments, usually coupled with the right to get the property back if the payments are not made. Contractual rights to receive money payments also arise out of other types of transactions. The contract document may be called a note, accounts receivable, mortgage, or by some other name.~~

~~The principle from a contract for deed is considered an asset (Reference N.D.A.C. 75-02-01.2-21(1)(k). The interest income received on a contract for deed is considered unearned income (Reference N.D.A.C. 75-02-01.2-44).~~

~~Valuing Contract for Deeds:~~

~~The value of a contract in which payments are current is equal to the total of all outstanding payments of principal required to be made by the contract, unless evidence is furnished that establishes a lower value.—~~

The value of a contract in which payments are not current is an amount equal to the current fair market value of the property subject to the contract. If the contract is not secured by property, the value of the contract is the total of all outstanding payments of principal and past due interest required to be made by the contract.

In situations where the contractual right to receive money payments is not collectable and is not secured, the debt has no collectable value, and thus no countable asset value. An applicant or recipient can establish that a note has no collectable value if:

- a. The debtor is judgment proof. A debtor is judgment proof when money judgments have been secured and not satisfied. An applicant or recipient may show a debt has no value as long as a money judgment obtained by any creditor (including the applicant or recipient) has been on file in a county in which the debtor lives, or owns property, for at least 60 days and has not been satisfied; or
- b. The applicant or recipient verifies the debt is uncollectible due to a statute of limitations. A satisfactory verification includes an attorney's letter identifying the statute and facts that make a debt uncollectible due to a statute of limitations.

Applicants and recipients should be encouraged not to forgive debts that have been determined to be uncollectible. Such debts could have a future value if the debtor ever accrues assets. At each annual review, the TANF Eligibility Worker must determine whether the judgments are still on file or whether the debtor has any change in assets.

~~2. **Income Producing Property** -- The equity value of income producing property is considered a countable asset. Examples of income producing property include real property (i.e., farm land, apartment building, house other than primary residence), crops, livestock, grain in bin, tools, equipment, vehicles used for business, and business bank accounts.~~

6. **Liquid Assets** -- [Liquid assets](#) such as cash on hand, checking, savings and money market accounts, certificate of deposits, stocks, bonds, [cryptocurrency](#), etc.

Many benefit programs deposit an individual's monthly benefit onto a debit card. Any balance remaining on these debit cards are considered a liquid asset beginning the month following the month it was deposited on the card and counted as income. Examples of these benefit programs are Unemployment Insurance Benefits (UIB), Child Support benefits, Workforce Safety and Insurance (WSI), Social Security Administration Benefits (SSA), etc.

7. **Mineral Rights** – Value of the right to search for and remove minerals from the land.

Exception: Mineral Rights that are income-producing are an exempt asset.

Mineral rights are often more difficult to establish a value. TANF often accepts valuations from sources such as appraisers; however, if evidence shows that an appraised value is not accurate, or is at least questionable, we must seek further information to establish true [fair market value](#).

8. **Real and Personal Property** – Real and [personal property](#) such as land, [life estate](#), remainder interest, [pensions](#), recreational vehicles, cabins, mobile homes not owner-occupied, livestock, machinery, 401K, etc.

Exception: Real property that is income producing is an exempt asset.

- ~~9. **Retirement Plans and Pension Plans** – Private retirement plans are countable. Funds held in employer-sponsored retirement plans, are not countable while an individual is employed with the company holding the retirement plan. [Retirement funds and pension plans, including individual retirement accounts, SEP, SIMPLE, and qualified plans that have been withdrawn.](#)~~

11. **Vehicles** -- With the exception of one vehicle of any equity value per TANF household, the equity value of all additional vehicles owned by members of the TANF household is considered a countable asset. To determine the value of a vehicle, use the average trade-in value with no add ons found in one of the reliable [used car guides](#) (NADA Car Guide or Kelley Blue Book, etc.), either hard copy or on the internet.

Exception: Additional vehicles being used to generate self-employment or contract work are an exempt asset.

- ~~12. **Workers with Disabilities PASS Accounts** – The assets excluded under the Workers with Disabilities coverage group as an approved plan to achieve self-support (pass) are countable assets under TANF.~~

34. Exempt Assets 400-19-55-05-30 – Change

2. **Agent Orange Settlement Program** - Pursuant to Public Law 101-201, Agent Orange settlement payments are exempt.

3. **Assets determined inaccessible** – Includes those held in probate or under legal restrictions, such as irrevocable trusts in which the funds are not accessible to the household.
4. **Assets used as business loan collateral** – If the assets cannot be sold due to a security agreement or lien.
6. **Burial/Funeral Agreement Prepayments or Deposits** - Any prepayments or deposits which total \$3000 or less, which are designated and maintained by an applicant or recipient for their burial. One bona fide funeral agreement and associated financial instrument, including interest accrued, per household member, provided the funds are designated for burial expenses, are identifiable and not commingled with other funds.
7. **Burial Plots** – A burial plot or space for each family member.
10. **Contract for Deed**- When an applicant or recipient has sold real property or a mobile home, and received in return a promise or payments of money at a later date, usually to be made periodically, and an attendant promise to return the property if the payments are not made, the arrangement is usually called a "contract for deed." The essential feature of the contract for deed is the right to receive future payments, usually coupled with the right to get the property back if the payments are not made. Contractual rights to receive money payments also arise out of other types of transactions. The contract document may be called a note, accounts receivable, mortgage, or by some other name. As long as payments are received, the value of the Contract for Deed is an exempt asset.
12. **Cryptocurrency** – must be evaluated for availability and market value. If determined inaccessible, it may be excluded as a resource.
16. **Federal Disaster Assistance Programs** - Financial assistance provided to individuals affected by disasters.
18. **Income Producing Property** - Examples of income producing property include real property (i.e., farmland, apartment building, house other than primary residence), crops, livestock, grain in bin, tools, equipment, vehicles used for business, and business bank accounts.
25. **Mineral Rights** - Value of the right to search for and remove minerals from the land. Mineral Rights that are income producing are an exempt asset.
27. **Nonrecurring lump sum payments** - For twelve-months after the month of receipt nonrecurring lump sum payments are exempt assets.
28. **Plan to Achieve Self-Support (PASS) Program** – a program through SSA allowing an SSI individual to set aside income into an approved PASS account.

30. Real Property Listed for Sale - If a TANF household owns real property and the household is making a good faith effort to sell the property, it shall be exempt from the asset limits.

Steps that demonstrate a "good faith" effort to sell require listing with a real estate agency where such services are available. If such services are not available, the "good faith" effort to sell must be demonstrated by the posting of "For Sale" signs and classified advertisements in local newspapers. Newspaper advertisements must be purchased at least every six months and appear five consecutive days in a daily newspaper or two consecutive weeks in a weekly newspaper. TANF households are required to set a realistic asking price and to publish the asking price. The asking price must be based on market analysis by a realtor, appraisal, or any other method which produces an accurate reflection of fair market value. A "good faith" effort to sell requires the acceptance of any offer that meets or exceeds 75% of the published asking price. Failure to demonstrate a "good faith" effort to sell will result in the loss of the real property asset exemption.

Real property listed for sale that is income producing is an exempt asset and is not subject to the "good faith" process listed above.

32. Retirement Plans and pension plans – Retirement plans and pension plans including individual retirement accounts and qualified plans, provided the funds remains in the account and are not withdrawn. ~~Funds held in employer-sponsored retirement plans are not countable while an individual is employed with the company holding the retirement plan. However, private retirement plans are countable.~~

33. Simple 401(k) - 401(k) type plans available only to small businesses: exempt from certain restrictions and subject to some limitation on employer contributions provided the funds remain in the account and are not withdrawn.

34. Simple Retirement Account IRA – Employer-based IRA (to which employers and employees contribute) available only to small businesses.

35. Simplified Employee Pension Plan (SEP) – Employer sponsored plan available only to small businesses allows employers to contribute to employee accounts that function as IRAs and are subject mostly to IRA rules.

38. Value of Livestock – Used to produce income, for home consumption, or maintained as household pets.

35. Terminated Source of Income 400-19-55-10-10 – Repeal

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	\$1,175	\$1,175	\$1,175	\$1,175	\$1,175
Net Income	-200	-0	-0*	-0	-0
TANF Benefit	\$975	\$1,175	\$1,175	\$1,175	\$1,175

* 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	\$1,175	\$1,175	\$1,175	\$1,175	\$1,175
Net Income	-0	-200	-0	-0*	-0
TANF Benefit	\$1,175	\$975	\$1,175	\$1,175	\$1,175

* 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.

Benefit Month	Prospective		Retrospective			
	January	February	March	April	May	June
Base Month	January	February	January	February	March	April
Need Standard	\$1,175	\$1,175	\$1,175	\$1,175	\$1,175	\$1,175
Net Income	-200	-200	-200*	-200	-200**	0
TANF Benefit	\$975	\$975	\$975	\$975	\$975	\$1,175

*The \$200 unearned income received in January and February is considered recurring income and NOT income from a terminated source. It must be budgeted in both the prospective benefit months (January and February) and the retrospective benefit months (March and April).

**The \$200 unearned income received in March must be budgeted against the May benefit.

36. Income Resulting from the Receipt of an Extra Check 400-19-55-10-15 – Repeal

Income, either earned or unearned, for a month when an individual receives an extra check from a recurring source occasionally causes the TANF case to fail. TANF Policy allows a case to be suspended, rather than closed, when ineligibility will be for one month only. However, if the extra check is received in the first prospective month and results in ineligibility, the month of application must be denied. (See Section 400-19-105-40-50, Budgeting Income Resulting from the Receipt of an Extra Check)

Note: For purposes of this section, an extra check is the receipt of a 3rd or 5th check within a month or when an individual receives an extra check due to the employer changing the designated pay date. The last check received during the month is the extra check.

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

Child support is support for the child for which it is obligated.

Exception: Child support received for a child that is not living in the home is considered for the household member who receives the support.

Spousal support is support for the member for which it is obligated.

Child support and spousal support received by the household is not countable unearned income when the child support is disbursed to the household by a child support agency.

Federal tax intercept payments are not counted as income. Federal tax intercept payments are not included in Interfaces.

State and interstate state tax intercept payments are not counted as income. State tax intercept payments are included in Interfaces.

Child support assigned or unassigned is not considered income.

After initial TANF eligibility is established and authorized, support payments are normally paid to the Department of Health and Human Services. When an individual is in receipt of TANF, the support is assigned to the state due to the assignment of rights.

Voluntary or court ordered support payments the household receives directly from a responsible or legally responsible obligor are treated as unearned income cash contributions.

Any voluntary or court ordered support payments the household received directly prior to the date the TANF case is authorized, after the TANF case is authorized or anticipates receiving directly must be taken into consideration when determining eligibility and are deducted dollar for dollar from the TANF benefit. If unreported, the eligibility worker is responsible for establishing overpayments.

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.

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.

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 verify.~~

~~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 verify.~~

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 verify.

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. 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.~~

38. Countable Unearned Income Types 400-19-55-20-15 – Change

4. Child Support and Spousal Support - Court-Ordered and Voluntary.

Exception: Child support when disbursed to the household by a child support agency is not countable income.

39. Disregard of Certain Income 400-19-55-25 – Change

All non-recurring lump sum payments are **excluded** ~~counted~~ as assets in the second **for twelve** months following the month of receipt, unless specifically excluded by Federal Law. Policy for treatment of assets can be found in Asset Availability 400-15-55-05-10.

5. Child support or spousal support of a TANF recipient assigned to the Child Support Division. **Child support when disbursed to the household by a child support agency.**

21. When monies are received and used by a household for the care and maintenance of a non-household member, the portion of the payment that is

identified as belonging to the non-household member is excluded.

If the non-household member's portion cannot be identified, the payment is divided equally among the individuals for whom the payment is intended and the exclusion is applied to either the portion or the amount actually used for the non-household member's care, whichever is less.

Example:

~~A parent is receiving court ordered child support of \$350 per month for two children (prorated to \$175 per child). The parent reports that one of the children went to live with the grandparents. The parent sends \$175 of the monthly child support check to the grandparents for the care of the child. Only \$175 would be counted as unearned income to the parent and remaining child. The \$175 sent to the grandparents is not counted as income to the parent.~~

~~If the parent does not send any of the \$350 monthly child support to the grandparents, the \$350 is counted as unearned income for the parent and remaining child.~~

~~If the parent sends \$200, only the prorated \$175 would be excluded.~~

40. Allowable Expenses for TANF Household Members 400-19-55-30-05 – Change

TANF household members (excluding stepparents and minor parents' parents) are allowed the following expenses to be deducted from income when calculating benefits:

1. Paid court-ordered child support;
2. Paid court-ordered spousal support; and
3. Child or adult dependent care for paid employment subject to actual out of pocket costs ~~to the maximum limits, when those expenses are not paid through the Child Care Assistance Program.~~

If an expense is deducted from income that was determined to be a terminated source, the expense cannot be allowed prospectively ~~when retrospective budgeting unless the expense will continue and is being paid.~~

Expenses or JOBS supportive services that are reimbursed and included in the TANF benefit cannot be allowed as an expense.

41. Child or Adult Dependent Care 400-19-55-30-10 – Change

Child Care -TANF allows a household the option of receiving child care [expenses](#) as a deduction from earned or unearned income, or as a reimbursement through the Child Care Assistance Program (CCAP).

Child care expenses as a result of employment are the ONLY child care expenses that can be allowed as a deduction from earned or unearned income. Child care expenses for education, training, participating in an allowable JOBS activity, etc., (other than paid employment) cannot be allowed as an expense from earned or unearned income. These expenses must be reimbursed through CCAP.

A family can switch from using their child care costs as an expense under TANF or CCAP. Requests for such a change must be made in writing. However, once benefits are issued under either program, a family cannot request a change.

When CCAP pays a child care provider a portion of the child care expenses, any amounts not paid by CCAP cannot be allowed as a deduction.

~~The amount of the expenses allowed under TANF or the cost of child care, cannot exceed the maximum allowed under CCAP based on the age of the child and Provider Type of 'Center'.~~

~~Requests to allow an expense for the cost of child care provided to children between 13 and 18 years of age will require current, medical evidence from a physician, psychologist, or clinical specialist that clearly confirms the need.~~

Any child care expenses that exceed the allowable CCAP maximums can neither be paid through CCAP nor allowed as an income deduction. Child care costs deducted from the TANF gross income cannot be paid through CCAP.

If the employed TANF household member is a non-legally responsible ineligible TANF caretaker, the child care expense cannot be allowed as a deduction. However, the household may apply for assistance under the CCAP.

Child care costs are budgeted prospectively.

To arrive at an amount, the child care costs must be verified by obtaining a signed and dated statement from the provider containing the name and age of child, total hours of care, amount billed and month and year of care.

Costs for child care must be made with the TANF individual's own funds and not subject to reimbursement.

The amount of allowable expenses for TANF are the actual out-of-pocket child care costs.

Requests to allow an expense for the cost of child care provided to children between 13 and 18 years of age will require current, medical evidence from a physician, psychologist, or clinical specialist that clearly confirms the need.

~~Child Care costs are budgeted prospectively for the initial two months and retrospectively thereafter.~~

~~Monthly child care costs must be verified by obtaining information from the provider and must contain the month and year of care, name and age of child, total hours of care and the billed amount. The verification must be signed and dated by the provider.~~

~~Adult Dependent Care - The allowable deduction for the cost of adult dependent care for incapacitated adult living in the same home are not to exceed the maximum allowable rate for the provider type of 'Center' under CCAP per month, and will be disregarded from countable household income. However, ~~t~~The incapacitated adult must be an eligible TANF household member receiving TANF benefits.~~

~~Verification must be received from the incapacitated adult's medical provider showing care is required.~~

~~Adult dependent care expenses allowed when determining net household income cannot be paid through essential services or JOBS supportive services.~~

~~Adult dependent care costs must be verified and budgeted prospectively for the initial two months and retrospectively thereafter.~~

Adult dependent care costs are budgeted prospectively.

To arrive at an amount, the adult dependent care costs must be verified by obtaining a signed and dated statement from the provider which identifies required care, the month of service, hours of care and amount of adult dependent expenses.

~~Adult dependent care costs shall be verified by obtaining a document signed by the provider which identifies the individual requiring the care, the month of service, the hours of care provided, and expenses incurred.~~

Costs for adult dependent must be made with the TANF individual's own funds and not subject to reimbursement.

The amount of allowable expenses for TANF are the actual out-of-pocket adult dependent costs.

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:

1. Can only be paid if all other resources have been exhausted;
2. Must be based on negotiation with the provider;
3. The allowable maximum daily rate for child/dependent care cannot exceed the amount allowed for emergency foster care, which currently is \$35 ~~38~~ 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.

43. Types of JOBS Supportive Services 400-19-65-15**Child Care Expenses**

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 400-28.)

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](#) 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. Eligibility workers need to ensure that payment of these expenses is not made by both programs.

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 consecutive or nonconsecutive 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 while the TANF case is open.

44. JOBS Supportive Services – Suspended Case 400-19-65-20 – Repeal

~~A suspended TANF case is considered to be TANF eligible and the JOBS participant must continue to comply with the JOBS program. A JOBS participant remains eligible for supportive services in the suspend month.~~

45. 'Good Cause' for Refusing to Cooperate 400-19-70-30 – Change

A custodian may have 'good cause' for not cooperating with the Child Support Division. Accordingly, all custodians must be given the opportunity to claim a 'good cause' exemption.

Applicants are notified of their rights to claim 'good cause' through one of the Department's TANF applications.

Any other applicable household member (such as a minor child who has a child (three generation case) in an ongoing case who becomes subject to the cooperation requirements must be notified of their rights to claim 'good cause' by providing the individual(s) with a copy of the SFN 443, Notice of Right to Claim 'Good Cause'.

Record in narrative the name, address and date the SFN 443 was mailed. Return and signature of the SFN 443 is optional. If received, place in case file.

The notice:

1. Briefly summarizes the legislative intent of the Child Support Division program;
2. Defines the custodian's responsibility to cooperate in the support enforcement effort; and
3. Provides a detailed explanation of the procedure for claiming 'good cause'.

Any custodian wishing to claim a 'good cause' exemption shall indicated in writing by completing SFN 446, Request to Claim 'Good Cause'.

If , at the time of application or when a custodian's child is added, the custodian claims 'good cause', the custodian's financial needs must be included in the TANF benefit pending the determination of 'good cause'. If 'good cause' is not established, the custodian's financial needs remain in the TANF benefit, a referral is sent to the Child Support Division, and the custodian is required to cooperate.

If a determination of 'good cause' for non-cooperation with the Child Support Division is pending or has been granted, the Child Support Up-front Eligibility requirement does not apply. In the case of a caretaker relative claiming 'good cause', the Child Support Up-front Eligibility requirement does not apply to all absent parents associated with the child. The eligibility worker should request the family to complete the forms but cannot deny the application if the forms are not completed and returned. If the forms are completed and returned, they must be sent to the Child Support Division.

EVIDENCE NEEDED TO ESTABLISH 'GOOD CAUSE' - There must be evidence to substantiate a claim of 'good cause'. Exemptions on the basis of physical or emotional harm, either to the child or to the custodian which, in turn, could be expected to reduce the custodian's capacity to care for the child. Interference with family reunification efforts could reduce the ability to reunite a child with family. Objectives may be disrupted for a child or custodian who is working with Child Protective Services.

These are allowed only for circumstances of a genuine and serious nature. Mere belief that cooperation might result in harm is not a sufficient basis for a finding of

'good cause'. Evidence upon which the Human Service Zone staff bases a finding of 'good cause' must be supported by written statements and contained in the case record.

~~EVIDENCE NEEDED TO ESTABLISH 'GOOD CAUSE' – There must be evidence to substantiate a claim of 'good cause'. Exemptions on the basis of physical or emotional harm, either to the child or to the custodian which, in turn, could be expected to reduce the custodian's capacity to care for the child, are allowed only for circumstances of a genuine and serious nature. Mere belief that cooperation might result in harm is not a sufficient basis for a finding of 'good cause'. Evidence upon which the Human Service Zone staff bases a finding of 'good cause' must be supported by written statements and contained in the case record.~~

It is the custodian's responsibility to provide the eligibility worker with the evidence needed to establish 'good cause'. The custodian must be given a minimum of 20 days from the date of their claim to collect the evidence. In exceptional cases the eligibility worker may grant additional time when obtaining the evidence proves difficult.

Records of law enforcement, social service, or adoption agencies may be readily available to document instances of rape, physical harm, or pending adoption and are deemed sufficient to substantiate the claim of 'good cause'. However, in situations other than adoption, additional evidence may be required.

Documentation of anticipated emotional harm to the child or custodian may be somewhat more elusive. Whenever the claim is based in whole or in part on anticipated emotional harm, the Human Service Zone staff shall consider the following:

1. The present emotional state of the individual subject to emotional harm;
2. The emotional health history of the individual subject to emotional harm;
3. The intensity and probable duration of the emotional harm;
4. The degree of cooperation to be required;
5. The extent of involvement of the child in the paternity establishment or support enforcement activity to be undertaken.

A child and/or custodian who claims anticipated progress or efforts could be jeopardized towards successful reunification for the child with their family may have documentation or information supporting their claim.

Documentation or information from Child Protective Services supporting a child and/or custodian is working with their agency and their cooperation does not meet the goals of Child Protective Services.

ELIGIBILITY WORKER ROLE IN OBTAINING EVIDENCE – While the obligation to produce evidence necessary to support a ‘good cause’ claim remains the custodian’s basic responsibility, the custodian may request the eligibility worker to assist in obtaining evidence. The eligibility worker must actively assist in obtaining evidence when the individual is not reasonably able to do so and promptly notify the custodian if additional evidence or documentation is necessary. The custodian may be able to provide specifics as to the type of document or record that they believe may be available to support the claim and its source.

The eligibility worker is obligated to assume direct responsibility for investigating a ‘good cause’ claim when the custodian’s claim is believed to be authentic even though confirming evidence may not be available. This need may occur when the claim is based on a fear of serious physical harm and the claim is believed by the eligibility worker. Such investigation will be conducted without requiring corroborative evidence by the custodian and may involve a careful review of the case record, evaluation of the credibility of the custodian’s statements, and/or a confidential interview with an observer who has good reasons for not giving a written statement. Based on such an investigation and professional judgment, the eligibility worker may find that good cause exists without the availability of absolute corroborative - evidence.

During the investigation of a ‘good cause’ claim, care must be taken to ensure that the location of the custodian and child(ren) are not revealed.

GOOD CAUSE CLAIMS TO BE PROCESSED PROMPTLY - Except for extenuating circumstances, the determination of whether ‘good cause’ exists must be made with the same degree of promptness as is the determination of other factors of eligibility (within 30 days). While the ‘good cause’ claim is pending, the eligibility worker may not deny, delay, or discontinue assistance. Prior to making a final determination, Human Service Zone staff are required to provide Child Support Division staff the opportunity to review and comment on the findings and basis for the proposed decision. However, the final determination rests with Human Service Zone staff.

Determinations concerning claims of good cause require the use of the decision-making principles found in N.D.A.C. § [75-02-01.2-12](#). These principles must be applied to the individual’s statements and information to determine if the requirements of good cause are met. (To review the [Good Cause Decision-Making Principles](#) see Section [400-19-05](#), Definitions.)

CHILD SUPPORT DIVISION STAFF TO BE INFORMED OF ‘GOOD CAUSE’ STATUS - It is essential that the eligibility worker keep the Child Support Division staff informed on the status of all ‘good cause’ claims. This includes:

1. Promptly notifying the Child Support Division of all custodians who claim 'good cause' and requesting suspension of child support activity pending a determination;
2. Promptly reporting to the Child Support Division all cases in which a 'good cause' determination has been made for refusal to cooperate. Once 'good cause' is determined, no child support activity may be pursued unless at a future time it is determined that 'good cause' no longer exists; and
3. Promptly notifying the Child Support Division of all cases in which it has been determined that 'good cause' for refusing to cooperate does not exist and that child support activity can begin or resume.

CLAIMANTS OF 'GOOD CAUSE' TO BE INFORMED OF DECISION - The custodian must be advised, in writing, of the Human Service Zone staff's final decision that 'good cause' does or does not exist and the basis for the findings. If 'good cause' was determined not to exist, the communication must remind the custodian of the obligation to cooperate with the Child Support Division's efforts. The communication must also advise the custodian of their right to appeal the decision. In the event the custodian does appeal, the Child Support Division shall be advised to delay its activity until the results of the appeal are known. The written communication to the custodian whose claim to an exemption has been denied should also include a statement of the right to withdraw the application or have the case closed.

PERIODIC REVIEW OF 'GOOD CAUSE' CLAIMS - Cases in which 'good cause' was previously found to exist must be reviewed at a minimum of every 12 months. Rather than routinely conducting full scale re-reviews on every case, however, a complete follow-up needs to be done on only those claims in which the original finding of 'good cause' was based on a circumstance that is subject to change. If good cause is found to continue to exist, the claimant must be informed of the decision in writing.

If good cause is due to **Family Violence**, based on federal law, good cause must be reviewed at a minimum of every six (6) months. However, good cause may be established for periods of less than six (6) months (three (3) months, etc.). At the end of the good cause time period, a review should be completed to determine if good cause needs to be extended.

All other types of good cause determinations that are not due to Family Violence must be reviewed at a minimum of twelve (12) months. Anytime good cause is Family Violence is or for Child Support is discussed or reviewed, good cause for the JOBS or Tribal NEW Program must also be discussed and reviewed ensuring the individual is given the opportunity to claim good cause from the JOBS or Tribal NEW Program.

Anytime good cause for Family Violence for Child Support is discussed or reviewed, good cause for the JOBS or Tribal NEW Program must also be discussed with the individual. This ensures that the individual is given the opportunity to claim good cause for the JOBS or Tribal NEW Program.

If it is found that circumstances have changed so that 'good cause' no longer exists, the custodian must be advised of the decision, in writing, and afforded the opportunity to cooperate, withdraw from the program, or appeal the decision. Child Support Division must be informed if:

1. The custodian agrees to cooperate so child support activity can begin;
2. The custodian withdraws from the program which will result in the TANF referral closing; or
3. The custodian appeals the decision which will result in the Child Support Division's delaying its activity until the results of the appeal are known.

If, in an ongoing case, the custodian claims 'good cause' and a sanction has not been imposed, the custodian's needs must be included in the TANF benefit pending the determination of 'good cause'.

- If 'good cause' is established, the Child Support Division is informed of the determination, the custodian is not required to cooperate and their financial needs continue to be included in the TANF benefit.
- If 'good cause' is not established, the custodian is required to cooperate and their financial needs continue to be included in the TANF benefit.
- If the Child Support Division sends notification of non-cooperation and 'good cause' is approved, the sanction is not imposed and the custodian's financial needs continue to be included in the TANF benefit.
- If the Child Support Division sends notification of non-cooperation and 'good cause' is denied, the sanction must be imposed effective the first day of the future benefit unless the sanction is received on or after the third to the last working day of the month, then the sanction is imposed the first day of the future month.

When a caretaker relative requests good cause for non-cooperation with Child Support for one or more of a child's parents, the caretaker relative is given good cause good from cooperation with all the parents associated with that child while the non-cooperation is pending or approved.

At the time when good cause for non-cooperation is denied or ends, a referral to Child Support for all absent parents associated with that child will be made.

Child Support Up-front Eligibility requirements do not apply to all absent parents associated with the child.

Example #1:

A grandmother applies for TANF for her grandson.

The grandson's absent parents are his mother and his father.

While the application is pending, the grandmother has requested to claim good cause for non-cooperation with the mother and the request for non-cooperation is pending for evidence to support the request.

Because the grandmother is requesting good cause for non-cooperation with the mother, she is given good cause for non-cooperation with Child Support for both the grandson's mother and father, while the request is pending.

The grandmother must provide the pending evidence to support the good cause requested for the mother for a determination to be made if good cause does or does not exist.

Child Support Up-front Eligibility requirements do not apply to either of the grandson's parents since good cause for non-cooperation was requested for one of the parents.

If the grandmother's request for good cause is approved, no referral for either of the grandson's parents will be sent to Child Support.

If the grandmother's request for good cause is denied, a referral for both of the grandson's parents will be sent to Child Support.

When good cause ends, a referral for both the grandson's parents will be sent to Child Support.

Example #2:

A grandmother applies for TANF for her daughter's 2 children and her son's 3 children.

Her son's 3 children do not share the same mother. He has 1 child in common with one mother and 2 children in common with another mother.

The grandmother is claiming good cause with cooperation with Child Support for the son's mother that he shares with the 2 children.

The request for non-cooperation is pending evidence to support the request.

Because the grandmother is requesting good cause for non-cooperation from the mother of her son's 2 children, she is given good cause from cooperation with Child Support for both of the children's parents while the request is pending.

The grandmother does however need to cooperate with Child Support for her daughter as good cause has not been claimed for her.

She also must also cooperate with Child Support for her son for his other child.

Child Support Up-front Eligibility requirements do not apply to either the mother or father of the 2 children since good cause for non-cooperation was requested for one of the 2 children's parents.

Child Support Up-front Eligibility requirements do apply to the daughter's children and to the son's other child as good cause has not been claimed for those children.

If the grandmother's request for good cause for her 2 grandchildren's mother is approved, no referral for either of the child's parents will be sent to Child Support.

If the grandmother's request for good cause is denied, a referral for both of the children's parents will be sent to Child Support.

When good cause ends, a referral for both of the children's parents will be sent to Child Support.

46. Exempt Individuals 400-19-75-10-05 – Change

Under Federal TANF law or North Dakota TANF law, the following individuals are exempt and are not required to participate in the JOBS or Tribal NEW Programs:

1. Individuals age 65 or older in receipt of TANF.

Note: A 65 year-old work eligible individual is included in the state's work participation rate, even though the individual is considered exempt under North Dakota TANF law, rule and policy.

2. [Parents](#) or [caretaker relatives](#) personally providing full-time care for a child who is under the age of 2 months and who have not received the lifetime maximum exemption of 12-months as a caretaker of a newborn.

Note #1: Such parents or caretaker relatives are considered exempt through the end of the 2nd month from their child's date of birth.

Note #2: When a [household](#) includes two parents, only one parent can claim this exemption. When applicable, this exemption applies to the non-disabled, non-aged, or non-incapacitated parent.

3. Children under the age of 16.
4. Children age 16 and older and who are currently enrolled or have been accepted as [full-time students](#) for the next school term in an elementary or [secondary school](#) or in a vocational or technical school that is equivalent to secondary school and who, by the last day of the month of their 19th birthday, will:
 - a. Complete their training curriculum from a secondary school in order to receive a high school diploma or GED, or
 - b. Complete their training a vocational or technical school that is equivalent to secondary school.

Note: Individuals age 16 or older who are pursuing a [GED](#) must participate in JOBS.

5. Children age 16 or older who have completed high school or have a GED and are enrolled in further education or employed.

Note: If the child is not enrolled in further education or is not employed, the child must be referred to the JOBS Program.

47. Non-Exempt (Work Eligible) Individuals 400-19-75-10-20 – Change

All individuals who are not exempt or excluded shall be referred to the JOBS or Tribal NEW Program as determined appropriate, and are required to participate to the best of their abilities. Non-exempt individuals are defined as:

1. Any adult receiving assistance under TANF;
2. Any minor child head of household receiving assistance under TANF;
3. Any non-recipient [caretaker](#) living with a child receiving assistance, including:
 4. A caretaker who is sanctioned due to non-compliance with work requirements
 5. A caretaker who is disqualified due to intentional program violations
 6. A caretaker who is disqualified due to being a fleeing felon

7. A caretaker who is disqualified due to parole or probation violation, or
8. A caretaker who is sanctioned (disqualified) for non-compliance with the Child Support Division

NOTE: A caretaker is not eligible to participate in the JOBS Program if they are a:

- disqualified alien,
 - SSI recipient (including presumptive SSI),
 - stepparent,
 - minor parent's parents,
 - Ineligible caretaker related within the 5th degree but not included as a member of TANF
4. Any child, age 16 and older, who is not attending high school or who is pursuing a GED.

Exception: If the minor dependent child age 16 to 18 has graduated from high school or has a GED and is enrolled in further education or is employed, the child is not required to be referred to the JOBS Program. If the child is not enrolled in further education or is not employed, the child must be referred to the JOBS Program.

48. Good Cause – Family Violence Option 400-19-75-20-05 – Change

In the event that the TANF Eligibility Worker is unable to determine whether a victim of family violence should be referred or not referred to the JOBS program, the TANF Eligibility Worker may forward all pertinent documentation to the State Exemption Determination Team (SEDT) for assistance.

Note: Cases involving potential family violence are not to be referred to the State Review team.

Refer to DN 1332, 'The Family Violence Option' brochure for additional information on the Family Violence Option as it relates to good cause for non-participation in the JOBS or Tribal NEW.

If good cause is granted, good cause must be reviewed at a minimum of every six (6) months. However, good cause may be established for periods of less than six

(6) months (three (3) months, etc.). At the end of the good cause time period, a review should be completed to determine if good cause needs to be extended.

Anytime good cause for Family Violence for the JOBS or Tribal NEW Program is discussed or reviewed, good cause for Child Support must also be discussed with the individual. This ensures that the individual is given the opportunity to claim good cause for Child Support.

49. Curing Tribal NEW Sanctions and Proof of Performance (POP) 400-19-80-45 – Change

If a Tribal NEW participant is sanctioned and Tribal NEW is willing to continue working with the participant, the participant must cure the sanction by completing a POP (compliance for a minimum of ~~ten~~ five (5) days is required) by the end of the Sanction Penalty Month.

- If the sanction is not cured as required, the participant's entire TANF case will be closed at the end of the Sanction Penalty Month and both the sanctioned participant and the participant's household will be ineligible for TANF in the month following the Sanction Penalty Month (Month of Ineligibility).

If a Tribal NEW participant is sanctioned and Tribal NEW program is not willing to continue working with the participant, the participant must be referred to the State JOBS program. The sanctioned participant must cure the sanction by completing a POP (compliance for a minimum of ~~40~~ five (5) days is required) by the end of the Sanction Penalty Month.

- If the sanction is not cured by the end of the Sanction Penalty Month, the participant's entire TANF case will be closed and both the sanctioned participant and the participant's household will be ineligible for TANF in the month following the Sanction Penalty Month (Month of Ineligibility).

Individuals who were sanctioned through Tribal NEW must cure the sanction through the Tribal NEW program if the individual is required to be referred to Tribal NEW based on the criteria defined in Section 400-19-80-15, Referrals to Tribal NEW Programs. If the individual is not required to be referred to Tribal NEW, the individual can cure their sanction through State JOBS.

50. Imposing a JOBS of Tribal NEW Sanction on an Open Case 400-19-85-15 – Change

Effective June 1, 2005, once a JOBS or Tribal NEW sanction takes effect; it will remain in effect until:

1. The sanction is cured, as required, by the sanctioned individual;
2. The sanctioned individual becomes exempt; or
3. The sanctioned individual is granted good cause; or
4. The sanction is cured when the sanctioned individual has been off TANF assistance for twelve or more consecutive months.

51. Exception to the Requirement to Serve the Month of Ineligibility Following a JOBS or Tribal NEW Sanction 400-19-85-30

3. If the sanctioned individual successfully completes the POP, as required, the eligibility worker must cure the sanction in the Sanction Penalty Month.

Example 1: An individual's sanction for non-compliance becomes effective in April (Sanction Penalty Month). The TANF case closed March 31 due to excess earned income and would have closed for excess income even if the sanction had not been imposed. The household reapplies for TANF in April. The household has excess income for April. The application must be denied. The sanctioned individual cannot begin a POP in April.

On May 1, the household reapplies for TANF. Since the reason for the March 31 case closure meets the exception, a referral to JOBS or Tribal NEW must be made to complete a POP. If the individual completes a POP and the household is otherwise eligible, TANF benefits can be authorized for May (which would have been the Month of Ineligibility had this not met the exception criteria).

Example 2: An individual's sanction for non-compliance becomes effective in April (Sanction Penalty Month). The TANF case closed March 31 due to excess earned income and would have closed for excess income even if the sanction had not been imposed. The individual began a POP period in March and successfully completed it in April. The household reapplies for TANF in April. The household has excess income for April. The April application must be denied.

On May 1, the household reapplies for TANF. Since the reason for the March 31 case closure meets the exception, a referral must be made to JOBS or Tribal NEW. Since the individual completed the POP in April, if the individual meets TANF Up-front and the household is otherwise eligible, TANF benefits can be authorized for May (which would have been the Month of Ineligibility had this not met the exception criteria).

~~**Example #1:** An individual's sanction for non-compliance becomes effective in April (Sanction Penalty Month). The TANF case closed March 31 due to excess earned income and would have closed for excess income even if the sanction had not been imposed. The household reapplies for TANF in April. The April application must be denied as the household continues to be retrospectively budgeted and has excess income. The sanctioned individual cannot begin a POP in April.~~

~~On May 1, the household reapplies for TANF. Since the reason for the March 31 case closure meets the exception, a referral to JOBS or Tribal NEW must be made to complete a POP. If the individual completes a POP and the household is otherwise eligible, TANF benefits can be authorized for May (which would have been the Month of Ineligibility had this not met the exception criteria).~~

~~**Example #2:** An individual's sanction for non-compliance becomes effective in April (Sanction Penalty Month). The TANF case closed March 31 due to excess earned income and would have closed for excess income even if the sanction had not been imposed. The individual began a POP period in March and successfully completes it in April. The household reapplies for TANF in April. The April application must be denied as the household continues to be retrospectively budgeted and has excess income.—~~

~~On May 1, the household reapplies for TANF. Since the reason for the March 31 case closure meets the exception, a referral must be made to JOBS or Tribal NEW. Since the individual completed the POP in April, if the individual meets TANF Up-front and the household is otherwise eligible, TANF benefits can be authorized for May (which would have been the Month of Ineligibility had this not met the exception criteria).~~

52. Curing a JOBS or Tribal NEW Sanction - Overview 400-19-90-05 – Change

A sanction will progress to case close when the sanction individual does not cure the sanction with a cure date equal to the last day of the Sanction Penalty Month.

A JOBS or Tribal NEW sanction is cured only when the responsible individual demonstrates that the failure to cooperate or participate, as required, has been corrected through a Proof of Performance (POP).

An individual who was sanctioned for the JOBS or Tribal NEW Program and has been off TANF assistance for twelve or more consecutive months is no longer a sanctioned individual and must have their previous sanction cured.

To cure a sanction and avoid case closure based on Sanction Progression, a sanctioned individual must successfully complete a POP, as appropriate, with a cure date equal to the Sanction Penalty Month. To have a cure date equal to the Sanction Penalty Month a sanctioned individual must:

1. Begin and successfully complete a POP prior to the Sanction Penalty Month; or
2. Begin a POP prior to and successfully complete it within the Sanction Penalty Month; or
3. Begin and successfully complete a POP within the Sanction Penalty Month; or
4. Begin a POP in the Sanction Penalty Month and successfully complete it in the Month of Ineligibility.

An individual who is sanctioned through State JOBS and meets the referral criteria for Tribal NEW will be allowed to complete their POP through Tribal NEW.

53. Proof of Performance (POP) 400-19-90-10- Change

A Proof of Performance (POP) is a specific period of time, of not less than ~~40~~ five (5) and not more than ~~30~~ fifteen (15) 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.

An individual who was sanctioned for the JOBS or Tribal NEW Program and has been off TANF assistance for twelve or more consecutive months must have their previous JOBS or Tribal NEW Program sanction cured. They are treated as a non-sanctioned individual.

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.~~

A POP must be completed for:

- A minimum of five (5) calendar days for the first JOBS or Tribal NEW sanction; and
- A minimum of five (5) to fifteen (15) calendar days for all subsequent JOBS or Tribal NEW 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 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. (Refer to 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 an EP which outlines the expectations for the POP. The individual complies with the requirements listed in the EP for ~~five~~ three (3) 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.

54. Curing a JOBS or Tribal NEW Sanction in a Month Following the Month of Ineligibility 400-19-90-35 – Change

If a TANF case progresses to close due to a JOBS or Tribal NEW sanction, an otherwise eligible, sanctioned individual will be required to cure the outstanding sanction following the Month of Ineligibility before anyone in the household may be eligible for a TANF benefit. A new JOBS or Tribal NEW referral must be created as the sanctioned individual must complete a Proof of Performance (POP).

An individual who was sanctioned for the JOBS or Tribal NEW Program and has been off TANF assistance for twelve or more consecutive months must have their previous JOBS or Tribal NEW Program sanction cured. They are treated as a non-sanctioned individual.

A sanctioned individual (JOBS or Tribal NEW) must:

1. Contact the JOBS/Tribal NEW Program within seven days from the print date of the referral and schedule an appointment to begin a POP; and
2. Start the POP as scheduled; and
3. Comply with the requirements of the POP; and
4. Fully complete the POP.

Note: Due to the timeframe to complete a POP, the 30 day application processing timeframe may need to be extended.

If the sanctioned individual successfully completes the POP as required, the sanction is considered cured, the JOBS Up-front eligibility requirement has been met and the household is provided a TANF benefit prorated from the application date.

If the sanctioned individual fails to complete these tasks, the application shall be denied.

55. Prospective Budgeting 400-19-105-15 Change

Prospective Budgeting

Prospective budgeting is the determination of eligibility and benefits based on income, expenses and household circumstances for a benefit month.

Each TANF household is assigned a review period. A benefit amount may change for a given month within the review period based on prospective budgeting.

Income and expenses must be verified and documented at time of application or review for the month. Income and expenses should be gathered for:

- the month prior to the month of application or review, (if this income is determined as not needed, the eligibility worker must document why in the case file) and
- through the date of the application interview or the date the review is received by the human service zone.

If an expense is reported but not verified, verification from the household must be requested. If the expense is not verified, the application or review can be processed without the expense.

Monthly income prospected is determined on a case-by-case basis.

Actual income is used in the month of application when all pay dates have occurred prior to the date of application.

The prior month's income could be used as the best estimate for current month's income if there are no pay dates that have occurred prior to the application date.

A combination of actual and anticipated income is used for the same income source in the month of application when some pay dates have occurred but there is additional pay date(s) after the date of application.

When income changes are known, the changes must be taken into consideration. Changes may include but are not limited to:

- New employment starts
- Employment ends
- Change in hours worked
- Change in pay rate
- Seasonal work
- Terminated source of income

- Full month's income is not expected
- Unpaid leave received (sick leave, vacation, FLMA, etc.)

Actual income from a terminated source, earned or unearned, is budgeted until the final income is received.

These changes may be verified by but not limited to:

- Pay stubs
- Employer statements
- Employer contacts

Verifications cannot be limited to one specific type or source.

Information provided by the household prior to the application or review being processed must be taken into consideration when determining benefits.

Conversion

Conversion applies to all cases when income (both earned and unearned) is received either weekly or biweekly. Conversion applies to the tips, commissions, bonuses or incentives that are listed on paystubs received weekly or bi-weekly.

Income conversion does not apply to the following:

- Self-employment income
- Individuals paid monthly, semi-monthly, or irregularly
- Tips, commissions, bonuses or incentive pay which is **not** listed as income on paystubs is counted separately as earned income

To convert weekly earnings, total the weekly checks received in the month and divide by the number of checks received in the month to arrive at the weekly average. The weekly average is then multiplied by 4.3.

To convert biweekly earnings, total the biweekly checks received in the month and divide by the number of checks received in the month to arrive at the biweekly average. The biweekly average is then multiplied by 2.15.

Regular income received by those individuals who normally are paid on a weekly or bi-weekly basis must be converted even when the individual did not receive a check for each pay period in the month. To arrive at the weekly or bi-weekly amount to be converted, the gross amount of each check is totaled, then divided by the number of checks actually received.

Monthly and semi-monthly income that is expected to be the same would be used. If a change is anticipated, the change needs to be taken into consideration.

Expenses

Individuals who have allowable expenses paid weekly or bi-weekly must have those expenses converted. Allowable expenses are:

- Paid court-ordered child support;
- Paid court-ordered spousal support; and
- Child or adult dependent care for paid employment subject to actual out of pocket costs.

Stepparents and minor parent's parents who have allowable expenses paid weekly or bi-weekly must have those expenses converted. Allowable expenses are:

- Paid court-ordered child support;
- Paid court-ordered spousal support;
- Amounts actually being paid to any others not living in the home who are claimed as dependents for income tax purposes;
- Health insurance premiums.

Note: The enrollment fee and the premium amount paid for Workers with Disabilities Program is not an allowable deduction.

The process for converting expenses is the same as income. Prospective budgeting applies to expenses.

56. Two-month Retrospective Budgeting 400-19-105-20

~~Two-month retrospective budgeting is the computation of a household's eligibility and benefit based on actual income received and expenses incurred two months prior to the month for which the benefit is computed.~~

~~**Example:** March benefits are determined based upon the income and expenses that actually existed in the month of January.~~

~~If excess earned or unearned income is received in a retrospective month, the household is ineligible and the TANF case must be closed unless ineligibility was due to excess earned income. If ineligibility was due to excess earned income, the household may be eligible for Transition Assistance. (Refer to Section 400-19-150-05, Transition Assistance).~~

~~Following the initial two months, each subsequent month's TANF benefit is computed retrospectively on the basis of income and expenses received and other relevant circumstances which occurred in the corresponding base month.~~

~~The amount of the TANF benefit for the first month of retrospective budgeting is based on the income and expenses that existed during the corresponding base month (the initial month) which are of a continuous nature.~~

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

~~The amount of the TANF benefit for the second month of retrospective budgeting is based on income and expenses that existed during the corresponding base month (the second prospective month) which are of a continuous nature.~~

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

~~A household who reapplies for TANF continues to be budgeted retrospectively if their TANF case closed at the end of the second prospectively budgeted month or the household was retrospectively budgeted at the time their TANF case closed and there has not been a break in assistance for at least one full calendar month. However the benefit is prorated from the date of the Application or date of eligibility, whichever is later.~~

57. Earned Income Disregards 400-19-105-25 – Change

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

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

If the household member receives the time-limited percentage for a period of less than 6 consecutive months, the 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 12-month time-limited percentage disregard cycle continues regardless of employment status even if the case is closed.

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~~, that receives a benefit of less than \$10, or a zero benefit month, will neither count as a TLP month nor break the 6 consecutive month cycle.

58. Budgeting of Newborn 400-19-105-40-20 – Change

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 date of birth, and
2. The SSN or application for SSN, verification of birth/relationship, and identity are received within 30 days of the written request.
3. In addition, the SFN 443, Notice of Right to Claim 'Good Cause' is **required** to be provided to the custodian of the newborn when the custodian included in the open case adds a child into the case (such as a minor child who has a child (three generation case)) and the custodian has not already been provided an SFN 443, Notice of Right to Claim 'Good Cause'.

Record in the narrative the name, address and date the SFN 443 was mailed. Return and signature of the SFN 443 is optional. If received, place in case file.

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 Review form, filed timely.

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

When a newborn is reported timely, if the required verifications are received within 30 days from the date of the written request, the newborn will be added effective the date of birth.

Example #1: A baby was born on June 15th. The household submits 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 timely and verifications were provided within 30 days. A supplemental benefit is issued to the household for June and July to meet the financial needs of the baby.

Example #2: A baby was born on June 15th. The household submits 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 when the written request was received, the baby is added effective July 24th and the benefit for the entire household will be prorated from 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.

Example #1: 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 30 days. Benefits for the entire case 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, along with any other household members are prorated from 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: #2 A baby is born on February 25th, and the birth is not reported until April 5th and all verifications are received within 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.

Upon receipt of a report of the birth of a baby, required verifications must be received before adding the newborn. 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.

59. Recipient Attending School in Another Community 400-19-105-40-25 -Change

A dependent child is sometimes required to leave the family and establish a temporary living arrangement in another North Dakota community in order to attend

education or vocational school. The TANF Eligibility Worker shall budget these individuals as though they continue to reside in the TANF household.

Note: With the exception of Job Corp and Boarding School, any child residing in another state to attend school is no longer eligible for benefits from North Dakota, and must be removed from the TANF case.

When a caretaker leaves a child in the care of another person in order to pursue an educational program in another North Dakota community, the budget shall be calculated as if the TANF household resides together.

- If child care is required for the child(ren) under an approved JOBS activity, it shall be based on what the child care needs would be if the child(ren) were with the caretaker.

Boarding School

A child attending elementary or secondary education in a boarding school is entitled to clothing and personal needs allowance as long as it is made regularly available for the child's use. All other needs are provided by the boarding school.

The child can be included in the full TANF Basic Standard of Need:

1. In the month the child leaves the home to attend Boarding School;
2. In the month the child returns home once school has ended;
3. In months in which the child returns home due to a school break other than for a weekend visit (e.g. Christmas, Spring Break, Easter, etc. but not weekend visits).

The child is eligible for the full TANF Basic Standard of Need as of the first day of the month of return if the household reports within 10 days ~~the TANF Eligibility Worker is notified of the child's return to the home in the month of return or within 5 days from returning home.~~

~~**Note:** If the household reports the return of the child on the monthly report, the monthly report is received timely (the 5th day of the month, or the first work day after the 5th day of the month if the 5th day falls on a weekend or holiday) and the individual entered the household within 5 days prior to the 1st of the month in which the report is received, consider the request to have been made timely.~~

If the change is not reported within 10 days, ~~the child's eligibility for the full TANF Basic Standard of Need begins the first day of the month~~ following the month reported ~~in which the TANF Eligibility Worker is notified of the individuals' return to the home, when a request is not received in the month of return or within 5 days from the date the child returned home.~~

60. Budgeting for Persons Being Added to the Household 400-19-105-40-30 – Change

~~Except in the case of newborns,~~ TANF households are required to report all individuals, who enter their household within 10 ~~5~~ days from the date of entry. The date of the verbal request must be documented in the case record as it is considered a request for benefits. (For budgeting information when adding a newborn, see Section 400-19-105-40-20, Budgeting of Newborn.)

Except in the case of newborns, the needs of an individual will be added to the household as of the date of the verbal request if:

1. A written request is received within 10 days from the date of the verbal request, and
2. The required verifications are received within 30 days of the written request.

A written request is defined as:

- Listing the individual on the Review form ~~monthly report~~; or
- A signed statement from the recipient; or
- The receipt of any of the required verifications.

When a written request is received within 10 days from the date of the verbal request but the required verifications are not received within 30 days from the written request, the individual is added to the household effective the date the required verifications are received.

When a written request is not received within 10 days from the date of the verbal request and the required verifications are received within 30 days from the written request, the individual is added to the household effective the date of the written request.

When a written request is not received within 10 days from the date of the verbal request and the required verifications are not received within 30 days from the written request, the individual is added to the household effective the date the required verifications are received.

~~When an individual's entry to the home is reported on the monthly report, filed timely (by the 5th day of the month, or the first work day after the 5th day of the month if the 5th day falls on a weekend or holiday), and the individual entered the household~~

~~within 5 days prior to the 1st day of the month in which the report is received, the request is deemed to have been made timely.~~

~~When an individual is reported on the monthly report **and** the household's report of the individual's entry is timely (within 5 days from their date of entry), the request is deemed to have been made on the first day of the month in which the monthly report was received provided the monthly report was received by the normal deadline of the 5th day of the month (or the first work day after the 5th day of the month if the 5th day falls on a weekend or holiday).~~

~~**Note:** The individual will be added effective the date of entry if the required verifications are received within 30 days from the date of the written request.~~

~~**Example:** An individual entered the household on June 28th. The household includes the individual on the Monthly Report received by July 5th along with all required verifications. The individual is added effective June 28th [the date of entry is deemed to be reported within 5 days since the information was included on a monthly report filed timely]. A supplemental benefit is issued to the household for June and July to meet the financial needs of the individual.~~

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

If the household verbally reports an individual entered the household, but does not provide a written request within 10 days or the required verifications are not received within 30 days from the date of the written request, an advance (10-day) notice must be sent to the household to close the case if the individual is a mandatory household member.

Eligible individuals who are added to an existing TANF household must have their needs met as if they are applicants.

- If the individual being added to an existing TANF household received TANF benefits in North Dakota or another State in the month prior to the month being added, the individual's benefit must be determined effective the 1st day of the month of request, or prorated from the date of eligibility, whichever is later.
- If the individual being added to an existing household did not receive TANF benefits in the previous month, the individual's benefits are prorated from the date of request to be added or the date of eligibility, whichever is later.

~~If the individual being added to an existing TANF household did not receive TANF benefits or received TANF benefits in another state in the previous month, the individual's income and expenses are budgeted prospectively for the first 2~~

~~months. For the 3rd and subsequent months, the individual's income and expenses are budgeted retrospectively.~~

~~Individuals whose benefit was prospectively budgeted must have that month's benefit re-budgeted using their actual income and expenses.~~

- ~~• If the verified amounts of income or expenses are different from the amounts used to determine the benefit for the first month the individual was added (the individual's first prospective month), the benefit month must be reworked to establish an underpayment or overpayment for that month. A supplemental payment will be issued immediately to adjust any underpayment. Benefit adjustments for an overpayment will be made in subsequent months.~~
- ~~• If the verified amounts of income or expenses are different from the amounts used to determine the benefit for the second month the individual was added (the individual's second prospective month), the benefit month must be reworked to establish an underpayment or overpayment for that month. A supplemental payment will be issued immediately to adjust any underpayment. Benefit adjustments for an overpayment will be made in subsequent months.~~

~~If the individual being added to an existing household received TANF in North Dakota in the previous month, the individual's income and expenses are budgeted retrospectively, unless the initial month in the new case is the individual's second month of eligibility.~~

Eligible individuals added to an existing TANF household are budgeted prospectively. They must have their needs met as if they are applicants.

(See section Prospective Budgeting, 400-19-105-15).

61. Budgeting When an Individual Returns Home From a Special TANF Living Arrangement 400-19-105-40-35 – Change

Individuals receiving a reduced TANF benefit (clothing and personal needs allowance) as a result of a special living arrangement are not subject to a prorated TANF benefit upon return to the household.

- The individual is eligible for the full TANF Basic Standard of Need as of the first day of the month of return if the household reports the change timely TANF Eligibility Worker is notified of the individual's return to the home in the month of return or within 5 days from returning home.

Note: ~~If the household reports the return of the child on the monthly report, the monthly report is received timely (the 5th day of the month, or the first work day after the 5th day of the month if the 5th day falls on a weekend or holiday) and the individual entered the household within 5 days prior to the 1st of the month in which the report is received, consider the request to have been made timely.~~

- ~~If the change is not reported timely,~~ If the change is not reported timely, the individual's eligibility for the full TANF Basic Standard of Need begins the first day of the month following the month reported ~~in which the TANF Eligibility Worker is notified of the individual's return to the home, when a request is not received in the month of return or within 5 days from the date the individual returned home.~~

62. Budgeting for the Month in Which an Absent Parent Returns or Recipient Marries 400-19-105-40-40 – Change

An ongoing case is considered eligible for the entire month if eligible for any day of the month. Therefore, changes in the deprivation factor which occur as the result of an absent parents' return or the marriage of the TANF recipient do not affect eligibility in the month in which the change occurs.

Return of the Absent Parent or the Recipient Marries is Timely Reported

The household is required to report an absent parent or stepparent who enters a TANF household within 10 ~~5~~ days ~~from the date of entry~~ and the absent parent or stepparent must be added to the household effective the month of entry. The absent parent or stepparent's presence is ignored if their addition results in a decreased benefit or ineligibility for the month of entry.

~~Listing the individual on the monthly report, filed timely, is also considered a written request.~~

- ~~If the monthly report lists a new household member, consider the request to have been made on the first day of the month in which the monthly report was received provided the monthly report was received by the normal deadline of the 5th day of the month (or the first work day after the 5th day of the month if the 5th day falls on a weekend or holiday). If the monthly report is not filed timely, the request to add the new person is not timely and the benefit, if any, will be prorated from the date the monthly report was received, which is the date of the written request.~~

When the absent parent who enters the home claims to be incapacitated, if the case passes the income and asset tests:

1. Eligibility is determined for that month as if the absent parent were not present.
2. Medical-social information to determine incapacity is submitted to the State Review Team.
3. The TANF case is closed, effective the last day of the month in which the parent returned.

Note: If the State Review Team finds the absent parent to be incapacitated, the case is reverted to open, the absent parent is included, and the underpayment is authorized. Benefits for the Absent Parent begin either effective the date of the absent parent's entry to the home or the date the request to add the absent parent was made, whichever is later.

When the absent parent who enters the home is disabled or determined incapacitated:

- If income, assets, or other circumstances do not result in a decreased benefit, the individual's needs are included, effective with the month of entry.
- If income, assets, or other circumstances cause ineligibility for the month of entry, the needs of the absent parent are not included in the month of return. The case must be closed effective the last day of the month in which the absent parent returned.
- If income, assets, or other circumstances cause a reduction of benefits for the month of entry, the absent parent is not included for the month of return. The absent parent must be added effective the 1st day of the month following the month of return.

If the ~~written request~~ or required verifications are not received, an advance (10-day) notice must be sent to the household to close the case.

Return of the Absent Parent or the Recipient Marries is Not Timely Reported

If the household does not timely report the return of the absent parent or the presence of a stepparent, the absent parent or stepparent must be added to the TANF household as of the date of entry. No retroactive additional benefits for the TANF household are permitted for the month of entry or future months affected by the failure to report timely. Effective the benefit month following the month of entry, if the addition of the individual results in decreased benefits or ineligibility, the appropriate overpayment(s) must be calculated.

If a family reports that a mandatory TANF household member will be leaving or has left the household, it will be necessary to determine the prospective eligibility for the remaining household members for the month following the month in which the individual left. The individual who left must be removed from the household prior to prospective eligibility for the remaining TANF household members being determined.

- If the household is found to be prospectively eligible, ~~the individual who left must be removed from the household.~~ The TANF benefit amount for the remaining household members shall be determined considering the income, and expenses and circumstances of the remaining household members, excluding the income, expenses, and needs of the individual who left.
- If no prospective eligibility for the remaining household exists, the case must be closed.

64. Budgeting Income Resulting from the Receipt of an Extra Check 400-19-105-40-50 – Repeal

~~A household may receive an extra check from a recurring income source such as employment, Unemployment Insurance Benefits, Workers Compensation, etc. If the receipt of an extra check is expected to result in ineligibility for one month only, the case may be suspended.~~

~~During the month in which the Application is received, if the extra check is received in the first prospective month and results in ineligibility, the request must be denied. For households anticipating the receipt of an extra check in the second prospective month that results in ineligibility, the correct procedure is to prospectively suspend the household or case and the third month becomes the second prospective month. All of the checks are to be entered prospectively.~~

~~Note: By definition, the last check received during the month is the extra check.~~

~~When an extra check is counted in the first or second prospective months and the household was authorized eligible for a TANF benefit for the month the extra check was received and counted, the extra check (the last check received) is not counted when the case is retrospectively budgeted.~~

~~If the TANF household is ineligible the month following the suspension, (the third month) the case must be closed, or if eligible, authorized as Transition Assistance.~~

~~Case suspension is only allowed when the household received an extra check from a recurring source is ineligible for one month only.~~

Ongoing

~~If the household receives an extra check that is expected to cause ineligibility for one month only, the case is suspended for one month. The household does not receive a benefit; the month does not count towards the lifetime limit. By definition, the last check received during the month is the extra check.~~

~~To determine if ineligibility is caused by the extra check, calculate the budget using all but the last check received in the month.~~

- ~~1. If the TANF cases passes without the last check received in the month, recalculate the budget including the last check received in the month. If the TANF case fails when including the last check received in the month, the TANF case should be suspended for the future month provided the failure for extra check is for one month only.~~
- ~~2. If the TANF case fails without the last check received in the month, recalculate the budget including the last check received in the month and allow the case to move to Transition Assistance for the future month, if applicable.~~

~~This policy also applies to TANF households who reapply for TANF in the month following the month of closure when the case continues to be budgeted retrospectively.~~

~~If a TANF case is reinstated following a one-month suspension, all factors of eligibility except income and expenses are considered prospectively in determining eligibility. If prospective eligibility exists, the amount of the benefit is determined retrospectively under two-month retrospective budgeting.~~

65. 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 are for paid employment ~~subject to the maximum limits,~~

66. 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.~~

67. Revert to Open Following Case Closure 400-19-110-30 – Change

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

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

Adequate Child Support

~~Used only in instances in which the case closed effective the last day of the first prospective month because the household anticipated child support in the second prospective month that resulted in ineligibility. The case can be reverted to open if the household contacts the eligibility worker no later than the last work day of the month following the month in which the closing was effective (i.e., case closed effective November 30; household must contact eligibility worker by December 31)~~

to report that child support was either not received as previously anticipated or was received in a lesser amount.

Excess Income

Used ~~only~~ in instances in which the case closed effective the last day of the first prospective month because the household anticipated income in the second prospective month that resulted in ineligibility. The case can be reverted to open if the household contacts the eligibility worker no later than the last work day of the month following the month in which the closing was effective (e.g. Case closed effective November 30; household must contact eligibility worker by December 31) to report that income was either not received as previously anticipated or was received in a lesser amount.

Non-Receipt of Monthly Report

Used only in instances in which the case was closed when the completed monthly report was received in the county office before the last working day of the month but the eligibility worker did not register the report as received (e.g. Case closed effective November 30 due to reason of non-receipt of monthly report, but a completed monthly report was received by November 30).

Fail to Complete Review

Used only in instances in which the case closed when the review was completed before the last work day of the month but the eligibility worker did not enter the review complete date in the automated computer system.

Incomplete Monthly Report

Used only in instances in which the case closed when required verifications/information was received in the county office before the last work day of the month but the eligibility worker did not register them monthly report as complete.

Review Received but not Registered

Used only in instances in which the case closed when the Review form was received before the last working day of the month, but the eligibility worker did not register the Review form in the automated computer system.

Help Desk

Used only in instances approved by state program policy staff.

Eligibility workers can revert a case to open in the automated computer system without policy approval during the first month following the month in which the closing became effective for reasons #1 thru #6 Review Received but not Registered above.

In all other circumstances an application (i.e., ~~case closing due to non-receipt of monthly report, when the monthly report was not received at all or was received in the month following the month it was due, etc.~~) SFN 405, "Application for Assistance", or the Electronic Application is required. (See Section 400-19-20-20, Required Applications in Various Circumstances.)

68. Advance (10-Day) and Adequate Notice 400-19-115-10 – Change

Advance (10-Day) Notice of Adverse Actions

With the exceptions outlined later in this section, each household must receive an advance (10-day) notice of any proposed action that would adversely affect eligibility or TANF benefit amount. 'Advance' means that a written notice of a planned termination, or reduction, ~~or suspension~~ of a TANF benefit must be mailed at least ten (10) days in advance of the date on which the action would be taken. This gives the household an opportunity to discuss the situation with staff, obtain further explanation or clarification of the proposed action, or present facts to show that the planned action is incorrect. The household member(s) may appear on their own behalf or be represented by legal counsel, relative, friend, or any other spokesperson of their choice.

Advance (5-Day) Notice When Probable Fraud Exists

When staff obtains facts through objective collateral sources indicating the likely existence of fraud, advance notices of proposed termination, or reduction, ~~or suspension~~ need be mailed only five (5) days in advance of the date the action is to be taken. This shorter period allows for prompt corrective action when probable fraud situations are uncovered.

Exceptions to Advance (10-Day) and Adequate Notice Requirements

In the following situations, the TANF Eligibility Worker may dispense with the requirement of sending either an advance (10-day) or adequate notice. However, in these situations, a notice must be sent to the household no later than the date the action takes effect:

4. 1. Factual information exists confirming the death of a household member or of the payee when there is no other relative to serve as new payee;
2. ~~Information furnished by the primary individual in a monthly report calls for the reduction or termination of benefits, or the primary individual fails, without good cause, to submit a complete or timely monthly report;~~
3. 2. The primary individual provides a signed, clearly written statement (~~other than on a monthly report~~) or electronic e-mail communication, including a review form, providing information that requires a termination, or reduction, ~~or suspension~~;

4. 3. A household member enters a state institution, occupants of which cannot legally receive public assistance;
5. 4. The primary individual's whereabouts are unknown and mail directed to the primary individual is returned by the post office indicating no forwarding address. The TANF benefit must, however, be made available if the whereabouts become known during the payment period covered by the returned check;
6. 5. There is factual information that responsibility for providing assistance has been accepted by another state or jurisdiction;
7. 6. A child in the household is placed in foster care or a child is removed from the home by court order;
8. 7. A special item of need or JOBS supportive service is terminated at the end of a specified period;
9. 8. Benefits are reduced or terminated following the imposition of an Intentional Program Violation;
- ~~10.~~ 9. Benefits are reduced or terminated following the imposition of a child support or JOBS sanction; or
- ~~11.~~ 10. Upon receipt of factual information confirming that the household is no longer a resident of the state.

Adequate Notice/Sanction

An applicant or recipient must receive adequate notice of any decision made regarding their TANF benefit when an Advance (10-day) notice is not required. "Adequate" means a written notice that includes a statement of the action the county social service office intends to take, the reasons for the intended action, the specific reference(s) supporting such action, the right to a fair hearing, and the circumstances under which assistance is continued if a hearing is requested. Adequate notice must be sent to the household no later than the date the action takes effect.

To ensure that the household is provided notice of a sanction prior to the reduction of the TANF benefit, the TANF Eligibility Worker must create and send either a TANF JOBS Sanction or TANF Child Support Sanction notice no later than the close of business on the 3rd to the last working day of a month. This will allow the household to receive the sanction notice no later than the date it would normally receive its TANF benefit.

Since the sanction notice addresses case closure for non-cooperation with the Child Support Division or the JOBS Program, the household need not be sent an additional closing notice upon case closure.

69. Proper Notification When Reducing or Closing Cases 400-19-115-15 - Change

If information reported by the household on the Review form Monthly Report, or in writing or electronically, results in ineligibility for the next benefit month, the case must be ~~either suspended (if due to an extra check) or closed~~. The effective date of the ~~suspension or closing~~ is the last day of the current benefit month. The notice must be mailed no later than the date the action takes effect.

Except for those notification requirements related to action taken upon imposition of a Sanction, any information received by the TANF Eligibility Worker that is not reported by the household on the Review form Monthly Report, nor is it submitted in writing or electronically, that results in ineligibility requires issuance of an advance (10-day) notice before the case can be closed ~~or suspended~~.

- If the notice can be generated 10 days prior to the regular TANF payment date, the effective dates of the closing is ~~or suspension~~ are the same as in the previous paragraph.
- If an advance (10-day) notice cannot be generated within 10 days prior to the regular TANF payment, a payment must be issued. The effective date of the closing ~~or suspension~~ is the last day of the next benefit month.

If a change in household circumstances results in ineligibility or a reduced benefit amount and the TANF Eligibility Worker is unable to send an adequate or advance (10-day) notice to reduce or terminate benefits due to time constraints, the TANF benefit must be authorized and paid. However, any benefit paid to a household not eligible for such benefit amount shall be considered an overpayment subject to recoupment. (See Section 400-19-130, Overpayments and Underpayments.)

Exception #1: An Advance (10-Day) or Adequate notice is not required when the reason cited on the latest notice informed the household of a decrease in benefits or case closure and the reason(s) continues to be valid.

Note: If the reasons cited are no longer valid and the household reports a change that would result in a new adverse action, the notification requirements in Section 400-19-115-10, Advance (10-Day) and Adequate Notice must be followed.

Exception #2: An Advance (10-Day) or Adequate notice is not required if the household was sent an Advance (10-Day) or Adequate notice to terminate benefits and later that same month the household reports a change (or submits their Review form monthly report), submits a statement in writing or

electronically, that results in the household receiving a benefit that is less than the benefit received in the prior month.

Regardless of the notice being sent, the TANF Eligibility Worker must ensure that the North Dakota Administrative Code (N.D.A.C.) is included on the notice.

70. Reasons When an Overpayment May Need to Be Established 400-19-130-10 – Change

The following is a partial listing of reasons an overpayment may need to be established:

- ~~Reworking 1st and 2nd pro months for a case or recipient when actual circumstances, income and expenses have been verified.~~
- ~~Individuals entering or leaving a household, but not reported timely.~~
- ~~The birth of a newborn has not been reported timely.~~
- ~~Unreported assets, income or expenses.~~
- Duplicate Foster Care and TANF Benefits received beyond the month the child is removed from the TANF household.
- When a child over age 18 or over drops out of school and the household does not report timely.
- Anytime a change is reported that results in decreased benefits and insufficient time prevents an advance (10-day) or adequate notice from being provided to the household.
- Failure to report required changes timely (individuals entering or leaving the household, assets, income, etc.,).
- Failure to report a required change (individuals entering or leaving the household, assets, income, etc.,).
- Misrepresentation of circumstances used to determine benefits.

Errors are established resulting from an error made by the household, administrative error, fraud, or from assistance granted pending a fair hearing decision subsequently made in favor of the human service zone.

71. Notification of Overpayment 400-19-130-20 – Change

Once the case is reworked for the affected month(s) and overpayments established, the household is sent notification of the claim. ~~must be sent the 'Notification of Overpayment' notice. This notice~~ The notification informs the household of the

amount of the overpayment, ~~the reason for the overpayment,~~ and that future TANF benefit will be reduced until the overpayment is fully recovered. The eligibility worker should add a reason for the overpayment to the notice.

Note: TANF does not send a Demand for Payment notice. The recoupment method is established by the state at the appropriate percentage of the Total TANF Standard of Need (which includes the \$45 Out of Home allowance, Kinship Care maintenance payment and Special Items of Need), unless the households chooses to repay at a rate which equals or exceeds the appropriate percentage.

72. Bankruptcy and Overpayments 400-19-130-30 – Change

Upon receipt of notification of a Chapter 7 or Chapter 13 bankruptcy filing, all recovery actions must be discontinued against the petitioner. However, recoupment from a TANF household will continue if at least one responsible member is not part of the bankruptcy action.

When State Office TANF Policy receives notification, in the:

- Legacy system the Recoupment Method on the Budget Recoupments Window is created with the reason of 'Bnkruptcy Filed/Dshcr'. Upon entry of the 'Bnkruptcy Filed/Dshcr' recoupment method, no further recoupment is made.
- SPACES system, on the Claim Adjustment screen will have suspension reason of bankruptcy with a bankruptcy status of Discharged, Dismissed or Filed.

Once the Bankruptcy proceedings are final:

- If the court discharges the claim, no further action is required.
- If the court does not discharge (i.e. dismiss) the claim, State TANF Policy reinstates the previous recoupment method, and recovery action against the responsible person resumes.

73. Eligibility Worker Role 400-19-140-05-10 – Change

3. Notify the foster care case manager if issues arise that may jeopardize continued eligibility such as no Review form TANF Monthly Report, not cooperating with the Child Support Division and/or Job Opportunities and Basic Skills Program (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.

74. Eligibility Factors for TANF Kinship Care 400-19-140-10 – Change

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. Reporting ~~Monthly reporting~~ requirements;
5. JOBS Program requirements, if the caretaker relative chooses and is eligible to receive TANF;
6. Review

75. Factors of Eligibility 400-19-145-10 – Change

All TANF applicants or re-applicants that have been determined to meet the non-financial and financial eligibility factors for TANF (except for TANF asset limits as Diversion households are not subject to an asset limit requirement) and are identified as having a 'specific crisis or episode of need' will be processed under Diversion guidelines with the following exceptions:

8. Caretakers who will meet the criteria for a referral to one of the four Tribal NEW programs within the state must be in the TANF program and immediately referred to the appropriate Tribal NEW program. (See Section 400-19-165-155, Tribal NEW Memorandum of Understanding.)
9. A caretaker that is employed at the time of application and is reasonably expected to fail for excess income when determining eligibility for the second prospective month of eligibility.

Note: Eligibility for the first prospective month of eligibility must be determined under TANF so eligibility for Transition Assistance can be pursued if a caretaker fails TANF due to excess earned income in for the second prospective month of eligibility.

12. A caretaker that needs to cure an outstanding JOBS, Tribal NEW, or Child Support sanction, or reapplies during a sanction penalty month, must be in the TANF program. During a month of ineligibility due to a sanction, a family is not eligible for Diversion. A family must be TANF eligible to receive Diversion.

Note: If determined appropriate in a sanction penalty month, the sanctioned individual's TANF case may be closed at the end of the sanction penalty month provided the sanction is cured. The individual may be eligible under Diversion the month following case closure.

If an ongoing Diversion case has a caretaker that was 'IN' and becomes 'DA', 'OU', 'MP' or 'SS', the Diversion case must be closed.

Example: A caretaker that was receiving Diversion has a participation code of 'IN'. If the caretaker starts receiving SSI, the participation code would change to 'SS'. The Diversion case would be closed. The household would be moved to TANF, if all factors of TANF eligibility are met, for the future month.

76. 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. TANF asset limits as Diversion households are not subject to an asset limit requirement.
2. 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.
3. Individuals who receive Diversion are not required to participate in the Job Opportunities and Basic Skills (JOBS) Program.
4. 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.
5. If the family requests to receive TANF for the month following the month a Diversion case closes:

1. The TANF household must submit an application. (See Section 400-19-20-20, Required Applications in Various Circumstances.) ~~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)~~ non-financial and financial criteria factors and TANF JOBS and Child Support Up-front Eligibility Requirements ~~JOBS and Child Support.~~
3. TANF cannot be worked in the automated computer system until the next month and TANF will not be ~~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.

5. 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 household reports a change ~~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 at the end of November. The eligibility worker obtains an SFN 405, Application for Assistance or Electronic Application and ~~utilizes the Monthly Report to approve TANF,~~ if all factors of eligibility are met, effective December 1st.

77. Diversion Four-Month Limitation 400-19-145-20 – Change

A family may receive up to four months of Diversion within a 12-month period. The months may be consecutive or non-consecutive. The four months will consist of looking at the prior 12-months. The month of application for Diversion is considered month one of the 12-month look back period. The 12-month rolling calendar progresses with each passing month, dropping off one month at the end of the 12-month rolling calendar and adding one month to the front of the 12-month rolling calendar. This cycle continues uninterrupted even while the individual is not participating. A Diversion case will close after four months of benefits in a 12-month period have been received.

Example: Household received Diversion during August, September, October and November of prior year. Household reapplies in August of current year. To determine rolling count, the current application month of August is count month one. Counting backwards 12 months, August of current year through September of prior year would be the 12-month look back period (August of prior year would

be dropped off in rolling count.) September, October, and November of the prior year would be Diversion count months one, two and three consecutively. Since the household did not receive a fourth count month during the 12 month look back period of September of last year through August of current year, the household is eligible for a fourth month of Diversion, which is the application month of August of current year.

When determining eligibility for the prospective month of September, based on the rolling count, the automated computer system would drop off September of prior year in the rolling count and the new 12-month look back period would be October of prior year through September of current year. Since the household received Diversion in October and November of prior year and in August of current year, the household is eligible for the fourth month of Diversion in September of current year.

~~In September~~ **W**hen determining eligibility for October, based on the rolling count, the automated computer system would drop off October of prior year in the rolling count and the new 12-month look back period would be November of prior year through October of current year. Since the household received Diversion in November of prior year and in August and September of current year, the household is eligible for the fourth month of Diversion in October of current year.

~~In October~~ **W**hen determining eligibility for November, based on the rolling count, the automated computer system would drop off November of prior year in the rolling count and the new 12-month look back period would be November of current year through December of prior year. Since the household received Diversion in August, September and October of current year, the household is eligible for the fourth month of Diversion in November of current year.

~~In November~~ **W**hen determining eligibility for December, based on the rolling count, the automated computer system would drop off December of prior year in the rolling count and the new 12-month look back period would be January of current year through December of current year. Since the household received Diversion in August, September, October and November of current year, the household is ineligible for Diversion in December due to receiving the four-month maximum in a 12-month period.

The four-month count follows the caretaker of a case. A caretaker with Diversion months from a prior case will carry those months along to a new case.

Example: A double [stepparent](#) case where one of the caretakers and a child enters into their own case, the Diversion months counted in the new case will be the count the caretaker had in the previous case.

Example: Two caretakers from two previous cases start a new case together. The caretaker with the larger number of Diversion months received will be the count used in the new case.

A Diversion [denial](#), ~~suspend month~~, or zero benefit will not count towards the four-month limit.

78. Diversion Supportive Services 400-19-145-25 – Change

1. Housing/Shelter Assistance – Assistance with housing/shelter expenses is available for households who are eligible for TANF ([except for TANF asset limits as Diversion households are not subject to an asset limit requirement](#)) 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 cost to resume service 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 Households: Payment of housing/shelter expenses may be 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 [consecutive or nonconsecutive](#) months ~~per occurrence~~ for a household who is experiencing homelessness or is at risk of becoming homeless. For recipient households, the maximum payment ~~of the rent or mortgage expense only~~ is limited to two months [while the Diversion case is open](#). ~~For recipient households, the maximum payment of the rent or mortgage expense only is limited to two months.~~

79. Child Care Expenses 400-19-145-30

Child care expenses cannot be paid as a supportive service under Diversion. However, these expenses may be allowed as a disregard from earned income, or paid through the Child Care Assistance Program (CCAP).

If the client requests the child care expenses be allowed as a disregard from earned income, the amount of allowable expenses are the actual out-of-pocket child care costs deduction cannot exceed the maximum allowable under CCAP based on the age of the child and Provider Type of 'Center'.

Requests to allow an expense for the cost of child care provided to children between 13 and 18 years of age will require current medical evidence from a physician, psychologist, or clinical specialist that clearly confirms the need.

If the client requests child care expenses be paid through CCAP, a CCAP application is required before payment may be made, and all CCAP rules apply.

80. Diversion Financial Eligibility Determination 400-19-145-35 - Change

Financial Eligibility for Diversion benefits is determined utilizing the same financial eligibility calculation as TANF (except for TANF asset limits as Diversion households are not subject to an asset limit requirement). (See Section 400-19-110-15, TANF Financial Eligibility Determination.)

81. Diversion Closure 400-19-145-45 – Change

With the exception of those items identified in Section 400-19-145-15, Factors of TANF Eligibility that do not Apply to Diversion, all other TANF rules (except for TANF asset limits as Diversion households are not subject to an asset limit requirement) apply to Diversion. In addition to Diversion cases closing for not meeting the requirements of TANF that apply to Diversion, a Diversion Case must be closed:

- When a determination has been made that the 'specific crisis or episode of need' has been resolved, or if the individual is determined to have a recurrent need. If the closure is due to the individual having a recurring need, eligibility for the month following the month of closure must be determined under the TANF program if eligibility exists for TANF.

~~When closing a case due to the individual no longer having a 'specific crisis or episode of need', and the client has not received 4 months of Diversion in a 12-month period, the reason of 'Other' should be used to close the case. Following is recommended wording to add to the notice:~~

~~"Closing Diversion to Open TANF":~~

~~"It has been determined that you have a recurring need and continued assistance is needed. Therefore, your Diversion is being closed. Eligibility will be determined under Temporary Assistance for Needy Children (TANF) effective MMDDYYYY).~~

~~This action is based on 45 CFR 260.31 (b) (6))"~~

~~"Closing Diversion and Not Opening TANF"~~

~~"It has been determined that you no longer have a temporary need due to a 'specific crisis or episode of need' and continued assistance is no longer needed. Therefore, your Diversion is being closed."~~

~~This action is based on 45 CFR 260.31 (b)(1)."~~

- ~~• When a Diversion recipient has received 4 months of Diversion in the preceding 12-month period, the individual's case must be closed. The Automated Computer System does determine this reason and automatically creates the failure reason of 'Maximum Diversion'.~~

~~See Section 400-19-115-10, Advance (10-Day) and Adequate Notice, for additional information.~~

82. Factors of Eligibility 400-19-150-10 – Change

Eligibility for Transition Assistance may be established if:

1. The household was eligible under TANF for the month immediately preceding the month in which the family became ineligible; and

Note: Households cannot become eligible for Transition Assistance in an application month. Therefore, a household is not eligible for Transition if the case closed at the end of the month prior to the month the family applied for TANF and was determined ineligible.

Example: Ongoing TANF case closed December 31st. The family reapplies for TANF in January and is found ineligible for TANF due to excess earned income. The application must be denied as the

household cannot be found eligible for Transition as it is an application month.

2. The household became ineligible for TANF benefits due to earned income; and

Note: The excess earned income failure cannot be due to the receipt of an extra check from a recurring source or the loss of the earned income disregards due to unreported income.

3. All other TANF eligibility requirements are met.

A household with countable earned and unearned income may be eligible for Transition Assistance if the household would have remained TANF eligible based on the countable unearned income only (gross amount minus allowable expenses).

Effective with the Benefit Month of August 2011, once a TANF case is found eligible for Transition Assistance, the case will remain eligible for the entire 6 consecutive month period, unless:

1. The household would be eligible for a regular TANF benefit of \$200 or more; or
2. The household no longer meets all of the TANF eligibility requirements.
3. The household no longer has countable earned income to use for the month Transition Assistance is being determined.

~~If, during a Transition Assistance period, the household receives an extra check from a recurring source of income and counting the extra check results in a TANF grant of under \$200.00, the household remains eligible for Transition Assistance. The Transition Assistance benefit is not suspended, the month counts towards the six consecutive month period, and the household is eligible for the \$200.00 Job Retention benefit, JOBS Supportive Services and Special Items of Need.~~

Transition Assistance cannot be approved or, once approved cannot continue and must be closed if the individual whose earned income caused the failure is:

1. An individual sanctioned due to non-compliance with JOBS (DI);
2. A minor parent who is not the head-of-household (IN);
3. An alien who is ineligible to receive assistance due to their immigration status (DA);
4. An individual in receipt of Supplemental Security Income (SSI) benefits (SS);
5. An individual who loses their earned income disregards due to unreported income.

6. A caretaker relative who chooses to be ineligible ('OU' –for reasons other than Pay After Performance).

Prior to authorizing eligibility for Transition Assistance, the eligibility worker should consider the following factors:

1. Whether the child support income exceeds the sum of Special Items of Need potentially available under Transition Assistance;
2. Whether the recipient incurs child care expenses;
3. Whether the recipient is in favor of meeting the continued TANF eligibility requirements applicable to Transition Assistance (e.g. review requirement, ~~monthly reporting~~, child support assignment, JOBS program participation and lifetime limit).

83. Factors of TANF Eligibility that do not Apply to Transition Assistance 400-19-150-15 – 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 twelve-month cycle. If they received six months of TLP in their twelve-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.~~