

Par.1. **Material Transmitted and Purpose** – Transmitted with this Manual Letter are changes to Service Chapter 400-19 Temporary Assistance for Needy Families (TANF). This Manual Letter incorporates changes made with:

- IM 5465 TANF Child Support Up-front Eligibility forms

Par. 2. **Effective Date** – Policy changes included in this Manual Letter are effective December 1, 2022. Policy incorporated with the IMs are effective based on the date listed in the IM.

TANF Eligibility Worker is being removed and replaced with reference to eligibility worker in sections included in this manual letter.

Administrative Requirements 400-19-15

1. 400-19-15-05-10 Referral Services – Database of services and corresponding providers specifically related to legacy computer system have been removed.

Referral Services 400-19-15-05-10

The TANF ~~E~~ligibility ~~W~~worker's primary duties are to determine eligibility and benefit amount, and to make appropriate referrals based on the needs of the household.

The TANF ~~E~~ligibility ~~W~~worker must be familiar with the appropriate services and supports available to households in the community and use this knowledge to assist clients in accessing appropriate services and support.

~~The computer system contains a database of services and corresponding providers that may be available to the household. Following is a listing of available services:~~

- ~~Counseling Services~~
 - ~~Crisis Counseling~~
 - ~~Family Violence Counseling~~
 - ~~Family Counseling~~
 - ~~Gambling Addiction Counseling~~
 - ~~Individual Counseling~~
 - ~~Marriage Counseling~~
 - ~~Mental Health Counseling~~
 - ~~Nutrition Counseling~~
 - ~~Parenting Counseling~~
 - ~~Substance Abuse Counseling~~
- ~~Education Services~~
 - ~~Early Childhood/Preschool~~
 - ~~GED~~
- ~~Employment Services~~
 - ~~JOBS~~
 - ~~Rehabilitation Consulting and Services~~
- ~~Financial Services~~
 - ~~Budgeting Counseling~~

- Housing
- LIHEAP
- Social Security Benefits
- Veteran's Benefits
- Workforce Safety and Insurances
- Health/Medical Services
 - Women, Infants and Children (WIC)
- Legal Services
 - Credit Collections
 - Employment Related Legal Services
 - Housing Rights
- Supportive Services
 - Dependent Care
 - Food Pantry
 - Transportation Assistance

Referrals to the Child Support Division and the Jobs Opportunities and Basic Skills (JOBS) or Tribal NEW program are mandatory and completed by the automated computer.

TANF Up-front Eligibility Requirements 400-19-35

2. 400-19-35-15 Child Support Up-front Eligibility - Revised SFN 74, Child Support Information form which is available in e-form may be signed electronically.

Child Support Up-front Eligibility 400-19-35-15

As a condition of eligibility, applicants are required to complete SFN 74, 'Child Support Information'. The SFN 74 will be required from each caretaker against each absent parent for each child for whom TANF benefits are requested. The forms may be included with the information provided to TANF applicants with the application packet.

Note: SFN 74 forms remain valid for six (6) months from the original date they were signed. Therefore, if a family reapplies within the six (6) month period, a review of the existing forms kept in the casefile rather than completion of new forms will satisfy the Child Support Up-front eligibility requirement. The family must resign and redate the copies underneath the existing signature and date. The family must initial and date any changes made to the information previously supplied on the file copy. The 'updated' copies must be sent to the Child Support Division to meet the Child Support Up-front eligibility requirement.

Since Up-front Child Support requirements do not apply to Benefit Cap child(ren), the SFN 74 does not need to be completed for the Benefit Cap child only.

The eligibility worker must review the automated computer system for each child TANF is being requested to see if there is an outstanding Child Support Non-cooperation. If a reason of financial or paternity appears for any children included for TANF, there may be an outstanding issue that needs to be resolved prior to approval of the TANF application. The individual must contact the Regional Child Support Division office as the Up-front Child Support eligibility requirement will not be met until the issue is resolved.

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

Support eligibility requirements have been met.

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

If requested, the eligibility worker must assist the individual in completing SFN 74. However, this form should be completed in the individual's handwriting whenever possible. If completed forms are not received by the eligibility worker, the application must be denied.

The eligibility worker must determine whether the applicant made a genuine attempt to answer all questions and completed the forms to the best of their ability.

Note: When an applicant answers the majority of questions as "Unknown", the forms must be reviewed with the applicant. Prudent person concept applies.

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

Child Support Up-front eligibility does not apply when:

1. Both parents of all eligible children are in the home as deprivation would be based on incapacity, disability, or age of one of the parents;
2. A determination of 'good cause' for non-cooperation with the Child Support Division is pending or has been granted.

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

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

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

TANF Financial Eligibility Factors 400-19-55

3. 400-19-55-33-10 Child or Adult Dependent Care - SFN 616, "Child Care Request for Payment" form is no longer required to verify child care costs.

Child or Adult Dependent Care 400-19-55-30-10

- Child Care -TANF allows a household the option of receiving childcare 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 ~~to requesting reimbursement of their costs through the CCAP any time before the end of the month or before benefits have been issued under TANF or the 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 for 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 must be verified by use of a completed SFN 616, "Child Care Request for Payment" (See Forms Appendix), or by obtaining information from provider documents containing the same information. These Child Care costs are budgeted prospectively for the initial two months and retrospectively thereafter.~~

Child care costs must be verified by obtaining information from the provider for the month containing the month/year, name of child, age of child, total hours of care and 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, 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 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.

Child Support Enforcement 400-19-70

4. 400-19-70-15 Paternity – Revision date from the SFN 8195, North Dakota Acknowledgment of Paternity form has been removed.

Paternity 400-19-70-15

Paternity is considered legally established by marriage, adoption, adjudication in a court proceeding or through voluntary acknowledgement.

Prior to authorizing TANF eligibility, the ~~TANF~~ Eligibility Worker must determine whether or not paternity of a child has been established.

- Marriage – If a couple is married when the child is born, the spouse is presumed to be the parent of the child. In addition, the spouse is presumed to be the parent of the child if the child is born within 300 days after the marriage is terminated by death, annulment, declaration of invalidity, or divorce, or after a decree of separation is entered by a court. This is true even if the mother claims someone else is or may be the child's biological parent.
- Adoption – If a child is adopted, the adopted parent(s) is considered the parent(s) at the time the final order is issued.
- Adjudication – When a child is born out of wedlock, it is the responsibility of the Child Support Division to secure an adjudication of paternity in a court proceeding, if necessary. However, an adjudication of paternity may also be secured by an attorney representing either parent.
- Voluntary Acknowledgment of Paternity – SFN 8195, North Dakota Acknowledgment of Paternity, ~~with a revision date of 4/98 or later~~, is a legal document that unmarried parents may sign to acknowledge paternity of a child. It has the force and effect of a relationship of parent and child established through a court. Often, this form is signed in the hospital at the time of the child's birth. The parent's name is added to the birth certificate based on the Voluntary Acknowledgment of Paternity.

Appeals and Fair Hearing 400-19-125

5. 400-19-125-05 Overview – Clarification added that a recommendation denying requests of Incapacity or JOBS 'Good Cause' rendered by the State Review Team is not appealable until the sanction is put in place and to direct

questions to the Appeals Supervisor.

Overview 400-19-125-05

An individual may appeal an adverse action of TANF or Diversion by submitting a signed written request to the agency within 30 days from the date of the notice of adverse action. An individual is not required to use SFN 162 – Request for Hearing – when filing an appeal. However, the individual's request for a hearing must be made in writing and signed. When a written request for a hearing is received within 10 days from the date of the notice of adverse action, benefits may continue.

The following adverse actions are appealable:

1. Denial of TANF benefits;
2. Reduction in TANF benefits (including benefit reductions due to Child Support or JOBS Sanctions;

Note: A Tribal NEW participant may also have appeal rights with respect to decisions or actions made within the Tribal NEW program. Tribal NEW participants should be encouraged to speak with the Director of their respective Tribal NEW program to determine their right to and process for appeals within Tribal NEW.

3. Closing of TANF case;
4. Denials of Child Support Division 'Good Cause' claims;

Note: The 'Good Cause Denied – Child Support Enforcement' Notice sent to the custodian includes their rights to appeal the decision, withdraw the application, or have the case closed. 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.

5. Denial of claims Recommendations denying requests of Incapacity or JOBS 'Good Cause' rendered by the State Review Team;

Note: The recommendation issued by the State Review Team should not be appealed until a sanction is put in place based on the recommendation. The recommendation itself does not impact the determination or issuance of benefits. Once the sanction is put in place and benefits are affected, an appeal can be filed. If there are any questions regarding when an appeal should be filed, please refer to the Appeals Supervisor.

6. Denial of a TANF Lifetime Limit Exemption;

Note: When an exemption from the 60-month lifetime limit is denied, an applicant or recipient may request a fair hearing in writing within 30 days from the date of the adverse action. However, assistance is not continued pending the fair hearing.

7. Overpayments of Benefits Paid;

8. Denial, Reduction or Closing of Diversion;

Note: If Diversion is denied or the case closed, benefits may not be provided pending the fair hearing. If benefits are reduced, benefits may only be continued based on the reduced level.

9. The determination of the need to make protective payments or of the choice of protective payee;

10. Any other negative action imposed against a household except when the sole issue is one of state or federal law requiring automatic benefit adjustments for classes of recipients (unless the reason for an individual appeal is incorrect benefit computation).

Assessment, Social Contract and Case Planning 400-19-160

6. 400-19-160 Assessment, Social Contract and Case planning - Section title has been renamed 'Assessment'. Effective date of when Eligibility Workers were no longer required to complete a case assessment and social contract has been removed. Language specifically related to legacy computer system has been removed.

~~Assessment, Social Contract and Case Planning~~ 400-19-160

Effective February 1, 2010, TANF ~~Eligibility W~~workers are no longer required to complete a case assessment and develop a social contract. JOBS Employment Contractors are responsible to complete an in-depth assessment on each referred individual referred to the Jobs Opportunity and Basic Skills Program.

~~The TANF Eligibility Worker can continue to manually create non-mandatory services. The Referrals Window in the automated computer system will continue to display the mandatory services of JOBS and the Child Support Division, and the non-mandatory services created by the TANF Eligibility Worker.~~

Appendix 400-19-165

7. 400-19-165-10 SFN 74, Child Support Information - Revised SFN 74, Child Support Information form which is available in e-form may be signed electronically.

SFN, 74 Child Support Information, 400-19-165-10

SFN 74, Child Support Information form asks for information needed to provide accurate and efficient Child Support services for the family.

A separate form must be completed for each absent parent (or alleged father).

The form is organized into 8 sections:

- A. Custodial Parent or Other Caretaker Information
- B. Noncustodial Parent Information
- C. Children Information
- D. Information from a custodian who is a parent
- E. Information from a custodian who is not a parent
- F. OPTIONAL Anything else that would affect case
- G. Acknowledgment of Nonrepresentation
- H. Statement of Signature

In all cases, the custodian must complete Sections A, B, C, D or E, and H.

The custodian must complete the form to the best of their ability. It is not expected the custodian will be able to complete every question in every case. If a question is not answered, the custodian should note, '?', 'unknown', 'I don't know' or otherwise make notes to show the question was not missed or otherwise not answered.

Section A. Information about the Custodial Parent or Other Caretaker of the Children

- This section gathers information about the custodian of the children.

Section B. Information about the Noncustodial Parent

- This section gathers information about the absent parent (or the alleged father) of the children.
- Some of information in this section is particularly important if the Child Support program needs to find the absent parent or the absent parent's income, either right away or at some time in the future.
- The full name, SSN, date of birth, and employer are a few of the most important data elements in this section. If those data elements are not completed, the other information gathered becomes

extremely important in being able to provide quality Child Support services.

- The custodian needs to read each question and complete it as best as possible. Although in some cases, the custodian may state they know nothing about the absent parent, many times the custodian has important information without realizing how important the information is.
- No piece of information should be considered too trivial to include on the form. A single piece of information may be sufficient to complete the puzzle in the Child Support program. There are Child Support staff who specialize in locating absent parents and they have been able to successfully locate absent parents with as little information as a first name and past employer or a name and a unique tattoo.
- If the custodian is unsure who the father is because there are multiple possibilities, a separate Child Support Information form must be completed for each alleged father.
- Regarding the question, 'Does Noncustodial Parent have any other children?' only children not in the TANF household should be listed.

Section C. Information about the Children of the Noncustodial Parent Listed in Section B. This section gathers information about each child of the noncustodial parent (or alleged father) who is listed in Section B.

Section D. The parent completes this section (otherwise skip to Section E)

- Either this section or Section E must be completed by each custodian.
- If the custodian is the mother or father of the children, the custodian must complete this section.

Section E. If they are not the parent, complete this section (otherwise skip to Section F)

- Either this section or Section D must be completed by each custodian.
- If the custodian is someone other than the mother or father of the children, the custodian must complete this section. Examples of custodians who would complete this section include grandma, aunt, and stepparent.

Section F. (Optional) Describe anything else that would affect this case.

Section G. Acknowledgment of Nonrepresentation

- This section provides information to TANF recipients that the attorneys who work in the Child Support program do not represent the custodian, but rather the attorneys represent the state's interests.

Section H. Statement and Signature

- The custodian must sign and date each completed form.
- Handwritten or electronic signature is acceptable.
- This form is available as an e-form.
- Once the form is considered complete, it must be sent to the appropriate regional Child Support Division.

8. 400-19-165-95, SFN 616 Child Care Request for Payment - This section has been repealed as the SFN 616, Child Care Request for Payment form is no longer required to verify child care costs.

~~SFN 616, Child Care Request for Payment 400-19-165-95~~

~~SFN 616, Child Care Request for Payment form is to be used to verify child and adult dependent care expenses reported by TANF households. This form is used for JOBS, employment, training, and school-related child and adult dependent care.~~

~~This form is available through the Department of Human Services and may also be obtained electronically via E-Forms. (166kb pdf)~~

~~E Forms are presented in Adobe Acrobat and require the Adobe Acrobat reader. If you do not currently have Adobe Acrobat reader installed, you may download a free copy by clicking the Get Adobe Reader icon below.~~