Temporary Assistance for Needy Families
North Dakota Department of Human Services
Effective April 1, 2026

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Temporary Assistance for Needy Families (TANF) 400-19

Welcome to the TANF Program Policy Manual.

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Current Release 26.1
View the latest updates in the Release Log.

Definitions 400-19-05

(Revised 4/1/2026 Release 26.1)

View Archives

(N.D.A.C. 75-02-01.2-01)

Adequate Notice

Notification of Adverse Action to a TANF household which must be generated no later than the close of business on the 3rd to the last working day of a month so the notice is received by the household no later than the date the household would normally receive benefits.

Adult-Supervised Supportive Living Arrangement

A private family or institutional setting (maternity homes) providing a supportive and supervised living arrangement, as evidenced by the assumption of responsibility for the care and control of the minor parent and dependent child by a caretaker within the 5th degree of relationship or an unrelated adult.

In addition to the care and control of the minor parent and dependent child, the provision of appropriate services are expected to be provided that promote long-term economic independence and the well-being of the minor parent and dependent child.

Advance (10-Day) Notice

Notification of Adverse Action to a TANF household which must be mailed or given to a household at least 10 days before the date of action.

Aged

Individuals age 65 or older, including the month age 65 is attained.

Alien

An individual who is still a subject or a citizen of a foreign country and who has not been granted US citizenship.

Alternative Response for Substance Exposed Newborns (ARSEN)

means a child protection response involving substance exposed newborns which is designed to provide referral services to and monitor support services for a person responsible for the child's welfare and the substance exposed newborn; and develop a

plan of safe care for the substance exposed newborn. Participation in an ARSEN is voluntary and depends on the cooperation of the caregivers. (NDCC 50-25.1)

Applicant

An individual who is seeking a benefit under this chapter.

Assets

Any kind of property or property interest, whether real, personal, or mixed, which includes liquid assets (bank accounts) or non-liquid assets.

Assistance

Includes cash, payments, vouchers, and other forms of benefits designed to meet an eligible household's ongoing basic needs. Assistance does not include nonrecurring short-term benefits, work subsidies, refundable earned income tax credits, and supportive services provided to a recipient who is employed.

Benefit Month

The calendar month for which eligibility and benefits are computed.

Benefits

The amount of assistance a household receives from Temporary Assistance for Needy Families (TANF), including the TANF benefit, special items of need, and supportive services, reduced by recoupments.

Born Out Of Wedlock

A child is considered to be born out of wedlock when:

- The child is born to a woman who is not legally married; or
- The child was born 301 days or more after the marriage is terminated by death, annulment, declaration of invalidity, divorce, or after a decree of separation is entered by a court.

Note: A child is not considered born out of wedlock if the child was born within 300 days after a marriage is terminated by death, annulment, declaration of invalidity, divorce, or after a decree of separation is entered by a court, even if the mother claims someone else is or may be the child’s biological father other than the man to whom she was married.

Budgeting

Household income assigned to a payment month that is used to compute eligibility and benefit levels.

Business (Work) Day

The official working days of the week defined as the days between and including Monday to Friday, but do not include weekends and those public holidays during which the North Dakota Department of Human Services is closed.

Caretaker Relative

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

1. Lives with a dependent child or an SSI child under age eighteen, or a child who is a full-time student and who, by the last day of the month of their 19th birthday, will:

    a. Complete their training curriculum from a secondary school in order to receive a high school diploma or GED, or

    b. Complete their training at a vocational or technical school that is equivalent to secondary school, or

2. Is a pregnant woman who has no other dependent child(ren) residing with her.

Calendar Month

The period of time that begins at midnight on the last day of the previous month and ends at midnight on the last day of the month under consideration.

Cash Contribution

Money, regular and irregular, given to a member of the household.

Cash Gift

Money given directly to a household member as a gift (e.g. birthday, graduation, wedding, Christmas, etc.)

Child Only Case

A case where the only eligible individuals are dependent children and the caretaker/relative is ineligible as a non-legally responsible caretaker (OU), or as a legally responsible caretaker due to being an SSI Recipient (SS), Disqualified Alien

(DA), Disqualified Fleeing Felon/ Parole/Probation Violator (DD), or Disqualified Fraud (DF).

Child Support

A voluntary or court-ordered payment by non-custodial parents for the support of their child(ren).

Child Support Division

Any entity created by a state agency or any combination of state agencies, in execution of the state agency's duties.

Citizenship – The legal status of being a citizen of a country.

Claim

The result of establishing an overpayment.

Closure

The determination of ineligibility for benefits for an ongoing case.

Collateral Contact

An individual who confirms information about a TANF household's circumstances but does not reside with or is not a member of the TANF household.

Countable Income

Earned and unearned income that is not disregarded.

Countable Earned Income

Earned income that remains after applicable disregards have been subtracted from gross earned income.

Cure (as in Curing a Sanction)

A process the TANF recipient completes to resolve non-compliance with the JOBS or the Child Support Division Programs.

Custodial Parent

A parent who has physical custody of a child.

Days

Refers to calendar days of the month.

Note: When a specified due date falls on a weekend or holiday, consider the first working day as the due date.

Denial

The determination of ineligibility for benefits on a new application.

Department

The North Dakota Department of Human Services.

Department of Homeland Security

The federal agency that regulates the Immigration and Naturalization Services (INS) Department.

Dependent Care Expense

An expense deducted from income for the cost of caring for a child or adult.

Dependent Child

A needy child who:

1. Lives in the home of a relative by birth, marriage, or adoption; and
2. Is deprived of parental support or care; and
3. Is Under the age of 18; or

Under the age of 19 and a full-time student in a secondary school or a vocational or technical school that is equivalent to secondary school, before the end of the calendar month in which the student attains age 19, the student may reasonably be expected to complete the program of such school.

Note: A child is considered a dependent child during the entire month of their 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 unless the child is a minor parent. (Also see definition of Emancipated Minor.)

Deprivation

A condition that exists when a dependent child is without parental support or care because at least one parent is continually absent from the home, incapacitated, disabled, aged, or deceased.

Disqualified Individual

An individual who is ineligible for TANF due to being determined a Disqualified Alien (DA), Disqualified Fleeing Felon/ Parole/Probation Violator (DD), or Disqualified Fraud (DF), Disqualified - Child Support (DM), or Disqualified - JOBS Sanction (DI). The length of disqualification may vary depending on the type.

Dividend

The amount of the profit distribution a shareholder receives, or the amount of the surplus distribution a policyholder receives.

Documentation

A written statement or verification that substantiates or validates an assertion made by an individual or an action taken by a person, (e.g. pay stubs, bank statements, written statement from employer, etc.).

Earned Income

Income currently received as wages, salaries, commissions, or profits from activities in which a household is engaged through either employment or self-employment. There must be personal involvement and effort on the part of the household for income to be considered earned.

Earned Income Tax Credit (EITC)

A federal refundable tax credit for low or moderate income working individuals and families. People may receive an EITC once a year as a refund.

Earned Income Disregard

A specific amount (percentage or dollar amount) subtracted from gross earned income.

Electronic Payment Card

A prepaid debit card TANF benefits are electronically transferred onto.

Eligible Caretaker Relative

An eligible caretaker relative who is in financial need and:

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

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

2. Is not a recipient of SSI benefits; or
3. Is a pregnant woman; or
4. Is a pregnant woman with no other dependent child and is herself incapacitated or whose spouse is incapacitated.

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

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

Eligibility Factors

Conditions and standards an applicant or recipient must satisfy to be eligible for benefits.

Emancipated Minor

An individual under the age of 18 who:

1. Has a marital status of married, separated, divorced, or widowed; or
2. Is on active duty in the uniformed services; or
3. Has been declared emancipated by any court of law.

Note: A child whose marriage is dissolved by annulment is not considered an emancipated minor.

Employability Plan (EP)

A written agreement that establishes the JOBS or Tribal NEW participant's employment goals and steps for obtaining and retaining unsubsidized employment with a wage great enough to enable the participant's household to become self-sufficient.

Employment Contractor

The agency and/or staff person responsible for directing and monitoring a participant's planning and activities that relate to the Job Opportunities and Basic Skills Program.

Excess Assets

The equity value of the countable assets that exceeds the household's asset limit.

Expense

An amount subtracted from a household's income when it is intended for a specific allowable expense.

Fair Hearing

A formal hearing conducted by the Office of Administrative Hearings where a ruling is made in favor or against an adverse action that was made in the eligibility determination and benefit amount.

Fair Market Value

Market value is the price an asset would currently sell for on the open market. The fair market value:

1. In the case of a liquid asset such as cash, bank deposits, stocks, and commodities, one hundred percent of current market value.
2. In the case of real or personal property ,seventy-five percent of the estimated current market value.
3. In the case of income, one hundred percent of current market value.

Family Violence

Physical acts that result in or threatens to result in physical injury to a person; sexual abuse; sexual activity involving a minor child; being forced to engage in non-consensual sexual acts or activities; threats of, or attempts at, physical or sexual abuse; mental abuse; or neglect or deprivation of medical care.

Financial Aid

Programs that financially assists students with the cost of attending post-secondary education. (e.g. PELL, BEOG, or SEOG Grants, Perkins Loan, PLUS or DEAL Loans, etc.)

Financially Responsible Person

A person legally responsible for or who has a legal duty to provide for the financial support of another person.

Fraud

Obtaining, attempting to obtain, or aiding and abetting another to obtain assistance benefits to which the person is not entitled, through intentionally false statements, representations, or the withholding of material information.

Fraud Overpayment

An overpayment that a court or administrative disqualification hearing determines was the result of fraudulent intent.

Full-time Student

A student who:

1. If in a secondary school, is enrolled in classes which, if completed, will earn the student four or more units of credits;
2. If in a vocational or technical school under state operation, a college, or a university, is enrolled in classes that, if completed, will earn the student 12 or more semester hours of credit during a regular term or 6 or more semester hours of credit during a summer term at an educational facility operating on a semester system, or 12 or more quarter hours of credit at an educational facility operating on a quarter system;
3. If in a private vocational or technical school, is enrolled in classes which, according to a written statement from school officials, constitutes full-time enrollment;
4. If enrolled in a accredited correspondence, alternative high school (GED), or adult basic education, or home schooled according to a written statement from school officials; or
5. Is an individual participating in Job Corps, whether an adult or a child.

GED (General Education Diploma or General Equivalency Diploma)

A high-school degree awarded after successful completion of a series of examinations instead of attendance in a traditional classroom setting.

Good Cause

A determination that circumstances exist which exempt participation in an otherwise mandatory service or excuse an act which would otherwise lead to a penalty or disqualification.

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, 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.

Gross Earned Income

The income earned from employment before payroll deductions.

Guaranteed Student Loans

A federal educational loan program for post-secondary students.

Halfway House

A place that provides a temporary residence for people waiting for institutional placement or a place that provides a temporary residence for people who have left an institution and who are preparing to re-enter the community.

Head of Household

The Primary Individual of a TANF case.

Homeless

A person who lacks a fixed and regular nighttime residence, or a person whose primary residence is:

1. A supervised shelter designed for temporary accommodations; or
2. A halfway house or similar facility that provides temporary residence; or
3. A place not designed for sleeping accommodations (bridge, lobby, etc.).

Household

Individuals who live together and are mandatory household members for TANF purposes.

Human Service Zone

A county or consolidated group of counties administering human services within a designated area in accordance with an agreement or plan approved by the state agency.

IEVS (Income and Eligibility Verification System)

A set of data exchanges with other state and federal sources that is used to verify income and assets of applicants for or participants of TANF.

Immigrant

A person who leaves a country to settle permanently in another country.

Immigration and Naturalization Services

A department within Homeland Security that oversees immigration related services.

In-Kind Income

Payment, in a non-monetary form, for a service received to cover the cost of shelter, food, clothing, personal needs, household supplies or fuel and utilities.

Income

Earned or unearned income received by or available to an applicant or recipient that is not an asset.

Income-Producing Asset

An asset, liquid or non-liquid, that earns interest or produces income for the applicant or recipient.

Income When Received

Income which is received on a normally occurring schedule. Incidental variations of the date of receipt of income do not change the normally received date schedule.

Indian Land Held in Trust

Real property held in trust for an Indian Tribe by the federal government.

Indian Reservations

The geographical area recognized by the federal or a state government as being set aside for the use of Indians and governed by Indians.

Ineligible Caretaker Relative

A caretaker relative who is not an eligible caretaker relative. (Refer to Eligible Caretaker Relative.)

Ineligible Person

An individual who does not meet the TANF eligibility requirements.

Initial Eligibility

The determination of eligibility for an applicant.

Interview

A meeting, conducted over the phone, virtually or in person, to determine initial or ongoing eligibility for assistance.

Individual Retirement Account (IRA)

A savings account recognized by the Internal Revenue Service for retirement purposes.

Irrevocable Trust

A trust which allows neither the person originating the trust nor the beneficiary to change the provisions of the trust.

Job Corps

A federally funded program providing training and employment to individuals age 16 to 21.

Job Opportunity and Basic Skills (JOBS) Program

The companion program to the TANF Program, which combines components of education, training, and employment to enable participants to become self-sufficient.

JOBS Participant

A member of the TANF household who is not exempt from participating in the JOBS Program or who, if exempt, has volunteered to participate in that program.

- An individual is considered a JOBS participant when the individual actually meets with the JOBS Employment Contractor to begin orientation to JOBS.
- An individual, who contacts the JOBS program to schedule an appointment for orientation, but fails to keep that initial appointment, is not considered a JOBS participant.

Joint Ownership

Two or more people owning the same asset. Each joint owner has rights to the entire asset, including the right to survivorship.

Lawful Permanent Resident (LPR)

A status of an immigrant legally admitted to the United States on a permanent basis, under the United States Immigration and Nationality Act.

Legal Custodian

An individual under legal obligation to provide care for a minor.

Legal Duty to Provide Care

The legal responsibility to provide care to an individual as conveyed by marriage, parentage or by court order. The legal responsibility ends:

1. When the child turns age 18, or

2. In the month of graduation, if the child is over 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.

Legally Responsible Caretaker

An individual who has a legal responsibility to provide support and care to a dependent child. In most situations, this is the mother or father.

Life Estate

Ownership allowing the occupancy and use of the asset during an individual's lifetime according to North Dakota Statutes.

Life Tenant

The owner of a life estate.

Liquid Assets

Cash or property easily converted to cash such as stocks or bonds.

Living in the Home of a Relative

A circumstance that arises when a relative assumes and continues responsibility for the day-to-day care and control of a child in a place of residence (whether one or more) maintained by the relative as the relative's own home. This includes situations in which the child or the relative requires medical treatment that requires a special living arrangement.

It also includes situations in which the child is temporarily absent from the home, with a plan to return, when the child:

1. Physically resides in the home, but is under the jurisdiction of a court and is receiving probation services or protective supervision;
2. Receives education while in an educational boarding arrangement in another community if needed specialized services or facilities are unavailable in the home community or if transportation problems make school attendance near home difficult or impossible;

3. Receives physical or speech therapy at Camp Grassick during the summer months;
4. Receives special education at the School for the Deaf or School for the Blind, whether as a day student or a boarding student, except that a boarding student's needs are limited to those maintenance items that are not provided by the school; or
5. Receives education at a federal boarding school in another community, provided that the child was not placed in that setting following removal from the child's home by court order following a determination that the child was abused, neglected, or deprived, except that the child is entitled to a clothing and personal needs allowance only if that allowance is made available for the child's use on a regular basis.

If the child is absent for a full calendar month for reasons other than the above, the child is no longer considered 'Living In The Home of a Relative'.

Lump Sum

Payments received on a recurring, non-recurring or irregular basis.

Mandatory Household Member

An individual in a TANF household who is a dependent child, the natural, adoptive or stepparents of the dependent child, and brothers and sisters of the dependent child whether by whole or half-blood, marriage or by adoption. This includes household members temporarily residing away from home.

Mass Change

A change brought about by a shift in federal or state policy which affects many or all assistance units.

Maternity Home

A facility that provides residential care for pregnant women.

Migrant Worker

An individual who travels away from home on a regular basis, usually with a group of other laborers, to seek employment in an agriculturally related activity.

Minimum Required Hours

The number of hours per week/month during which a participant must be engaged in approved work activity.

Minimum Wage

The lowest wage established by law that an employer may pay an employee.

Minor Parent

An individual who has a marital status of never married, is under age 18, and is a natural or adoptive parent to a child. An individual is considered age 18 on the first day of the month of their 18th birthday.

> Note: An individual under age 18 and pregnant is not considered a minor parent.

Month of Application

The calendar month in which a county agency receives a client's application for assistance.

Month of Ineligibility

The month following a Sanction Penalty Month in which the entire household is not eligible for TANF.

Monthly Income

Income from any source, either earned or unearned, which is computed and reduced to monthly units for the purpose of determining eligibility and benefits. Income may be received weekly, bi-weekly, semi-monthly, monthly, intermittently, or annually, but is computed and considered monthly.

Motor Vehicle

A motorized road vehicle used to transport people – car, pickup, or van.

Needy

A TANF household, otherwise eligible under this chapter, whose countable income, less any applicable disregards and expenses, is less than the identified TANF Basic Standard of Need table plus the $45 OH (out of home) allowance and special items of need if applicable, for a family of the size and composition of the household.

Non-custodial Parent

A natural or adoptive parent who is not living in the home.

Non-legally Responsible Relative

A relative who is not a child's parent by law.

Old Age Survivors and Disability Insurance (OASDI)

The Federal Disability Insurance Trust Fund, the Federal Hospital Insurance Trust Fund, or the Federal Supplementary Medical Insurance Trust Fund, also known as RSDI (Retirement, Survivors, and Disability Insurance). The programs are administered by the Social Security Administration and provide a monthly income to retired people, survivors or dependents of insured people, and people with disabilities.

Otherwise Eligible

An individual determined to be TANF eligible, with the exception that the individual may still need to comply with the Up-front Eligibility requirement for JOBS/Tribal NEW or it is reasonable to believe the family will be eligible for TANF because it appears deprivation exists. The family is income and asset eligible and household composition has been determined but verification may be pending.

Overpayment

Benefits received that exceed the amount for which the household is eligible.

Parent

A child's mother or father, whether by birth or adoption, but does not include:

1. An individual whose parental rights have been terminated; or
2. A stepparent, when the natural or adoptive parent resides in the home.

Paternity

Legal fatherhood established by marriage, adjudication in a court proceeding, adoption, or the voluntary acknowledgement of paternity. The United States Supreme Court has made it clear that the statutory term "parent" includes only "an individual who owed to the child a state-imposed legal duty to support."

Payee

The individual to whom a benefit is paid.

Payment Month

The calendar month for which assistance is paid.

Part-time Student

An individual enrolled in a secondary school, vocational school, technical school, college, or university who is not a full-time student.

Pension

A fixed sum paid regularly to disabled or retired individuals, and in some instances to their dependents.

Personal Property

Any asset which is not real property.

Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA)

An agreement signed into law on August 22, 1996 which eliminated the federal entitlement program of Aid to Families with Dependent Children (AFDC) and created a new program called Temporary Assistance for Needy Families (TANF). PRWORA provides block grants to states to offer time-limited cash assistance.

Post-Secondary School

A school serving students beyond the 12th grade, such as community college, university, or technical college.

Primary Individual (PI)

The caretaker in the household to whom the agency directs correspondence and notices, and to whom the benefit is paid.

Proof of Performance (POP)

A period of time not less than 5 days and not more than 15 days during which a sanctioned individual can cure their JOBS sanction by demonstrating successful participation in the JOBS program.

Prorate

An action in which initial benefits are calculated from the date of application or the date all eligibility factors are met, whichever is later.

Prospective Budgeting

The determination of a household's benefits based on income and circumstances for the benefit month.

Prospective Eligibility

Eligibility based on circumstances in the payment month for initial application or new household members.

Protective Payee

An individual outside the TANF household who receives the TANF benefit on behalf of the household.

Prudent Person Concept

A method or program administration that relies upon individual staff member's to:

1. Exercise judgment in requesting, reviewing, and weighing information provided by an applicant, recipient, or any source of verification; and
2. Be attentive, vigilant, cautious, perceptive, and governed by reason and common sense; and
3. Quickly and accurately determine that the information is adequate for making an eligibility decision or that further exploration of the circumstances is necessary.

The decision arrived at when applying this concept must be documented.

Real Property

Land, all buildings, structures, improvements, or other fixtures belonging or pertaining to the land and all mines, minerals, fossils, and trees on or under it.

Recipient

An individual who receives cash assistance under this chapter.

Recoupment

The withholding of part of the TANF household's assistance benefit to recover an overpayment.

Refugee Cash Assistance

A program that provides financial assistance to refugees during the first eight months the individual resides in the United States. Individuals eligible for this program may receive their benefits through either the Refugee Cash Assistance Program or a grant under the Wilson/Fish Alternative Program.

Relative by Birth, Marriage, or Adoption

An individual related to the dependent child by birth, blood or half-blood, marriage (including a marriage that has been terminated by death or divorce) or by adoption.

Remainderman

Owner of the right to possess the property of a life estate after the death of the life tenant.

Remainderman Interest

The portion of the property owned by the Remainderman.

Retirement, Survivors, and Disability Insurance (RSDI)

The Federal Disability Insurance Trust Fund, the Federal Hospital Insurance Trust Fund, or the Federal Supplementary Medical Insurance Trust Fund, also known as OASDI (Old Age, Survivors, and Disability Insurance). The programs are administered by the Social Security Administration and provide a monthly income to retired people, survivors or dependents of insured people, and people with disabilities.

Revocable Trust

A trust which can be revoked or dissolved by the grantor. A trust which allows modification or termination by a court is considered to be a revocable trust since the grantor or the representative of the grantor can petition the court to terminate the trust. A trust which is called irrevocable but which terminates if some action is taken by the grantor is considered to be revocable trust.

Sanction

An adverse action taken against an individual who does not cooperate with program requirements.

Sanction Penalty Month

The month the financial needs of the sanctioned individual are removed from the TANF benefit.

Sanction Progression

The closure of the TANF case that results when a sanction is not cured.

Satisfactory Progress

The determination of whether a participant is maintaining progress in the assigned JOBS activity.

Secondary School

An accredited school that includes grades 7 through 12, or a technical, vocational, or GED program that is equivalent in nature.

Self-Employment

Employment where people work for themselves rather than an employer.

Self-employed individuals:

1. Earn the income directly from a business or trade, not from wages or salary from an employer.

2. Are responsible for the payment of entire Social Security and Federal withholding taxes. [If an employee, the employer would pay half of their Social Security Tax and withhold federal income tax from the employee's salary.]

3. File self-employment tax forms, however, not all individuals file tax forms.

Self-sufficient

Securing income sufficient to require closure of TANF.

Siblings

Brothers and sisters (including full, half, or step) who are related through birth, adoption, or marriage.

Social Security Act

A federal law authorizing such programs as TANF, SSI, Medicaid, and RSDI.

Special Items of Need

Additional benefits to reimburse certain expenses not covered by the TANF monthly benefit.

Sponsor

Any person or public or private agency or organization who signed an affidavit agreeing to support an Immigrant as a condition of the immigrant's entry into the United States.

Social Security Disability Insurance (SSDI)

A payroll tax-funded, federal insurance program managed by the Social Security Administration to provide income to people who are unable to work because of a disability. The program is administered under Title II of the Social Security Act (42 U.S.C.).

SSI (Supplemental Security Income)

A program administered under Title XVI of the Social Security Act (42 U.S.C. 1381 et seq.).

Standard Employment Expense Allowance

The twenty-seven percent or $180, whichever is greater, that is first disregarded from countable earned income.

Standard of Need – Basic

The six basic items of need, which represent 100% of the TANF Basic Standard of Need as currently defined by the department, are shelter, food, clothing, personal needs, household supplies, and fuel and utilities.

Standard of Need – Total

An amount equal to the TANF Basic Standard of Need plus any special items of need and $45 Out of Home Allowances for which the household may be eligible.

State Exemption Determination Team (SEDT)

The TANF/JOBS Policy Unit who determine exemptions for the 'Verified Provider of Care to a Disabled Household Member (VP)' and the exemption to the 'Lifetime Limit' requirement.

State Review Team (SRT)

A physician and qualified worker who determine disability, incapacity, and JOBS good cause to temporarily excuse individuals from program requirements.

Stepparent

A person legally married to a parent after the birth or adoption of a child who is not the parent of that child by either birth or adoption.

Note: A child born after a marriage is dissolved is not a stepchild to the ex-spouse.

Striker

An employee involved in a work stoppage, slowdown, or interruption of work, whether or not the employee voted for the strike.

Supplemental Benefit

A second or subsequent benefit paid to a household.

Supportive Services

Additional benefits or services intended to enable TANF recipients to enter into or remain in an allowable work activity under the JOBS Program.

Technical Eligibility

Financial and non-financial eligibility requirements encompassing criteria such as income, assets, citizenship, residency, student or striker status, etc.

Temporary Absence

A period of time an individual may be physically absent from a residence but still considered to be a part of the TANF household.

Temporary Assistance for Needy Families (TANF)

A program administered under North Dakota Century Code Chapter 50-09 and Title IV-A of the Social Security Act (42 U.S.C. 601, et seq.) during periods beginning July 1, 1997.

Terminated Source of Income

Income, earned or unearned that ends and is not anticipated to begin again. The final payment must be received in either of the first two prospective months of eligibility.

The Act

The Social Security Act (42 U.S.C. 301 et seq.).

Time Limited Percentage (TLP)

The disregard of a percent of the earned income of an employed TANF household member which decreases as time passes.

Title II

Title II of the Social Security Act (Social Security benefits).

Title IV-A

Title IV-A of the Social Security Act (TANF effective July 16, 1996).

Title IV-D

Title IV-D of the Social Security Act (Child Support).

Title IV-E

Title IV-E of the Social Security Act (Foster Care and Adoption Assistance).

Title XVI

Title XVI of the Social Security Act (Supplemental Security Income – SSI).

Treasury Offset

The Financial Management Service, a bureau of the US Department of Treasury, intercepts Federal and/or State payments of an individual who fails to pay certain obligations.

> **Note:** The most common type of Treasury offset is from Federal income tax refunds. However, several other sources, such as Social Security benefits, federal salaries, and Federal and/or State payments may also be offset.

Tribal Member

An individual enrolled in a federally recognized tribe.

Trust

Any arrangement in which a grantor transfers money or property to a trustee(s) with the intention that it be held, managed, or administered by the trustee for the benefit of certain designated persons (beneficiaries). Property held by one individual for the benefit of another.

Underpayment

A correction to benefits paid a household who was originally paid less than they were eligible to receive.

Unearned Income

Income (other than earned) an individual receives without being required to perform any labor or service.

Uniformed Services

The United States Army, Navy, Air Force, Marine Corps, Coast Guard, and National Oceanographic and Atmospheric Administration. The National Guard or Reserves are not included in this definition unless the member is called to active duty or full-time occupation.

Unreimbursed Public Assistance (UPA)

The portion of the TANF benefit paid to a family on behalf of a child which has not been reimbursed to the State of North Dakota.

US Citizen

The status of being a native born or naturalized citizen of the United States.

Used Car Guide and Internet Car Guide

A resource which provides standard values for motor vehicles.

Vendor Payment

A payment made directly to a provider of goods and services on behalf of the TANF household.

Verification

The process and evidence used to establish the accuracy or completeness of information from an applicant, recipient, third party, etc.

Veteran's Benefits

Benefits and services provided by the United States Veterans Administration (VA) to people who have served in the United States armed forces and their dependents.

VISTA (Volunteers in Service to America)

A public service program authorized under the Domestic Volunteer Service Act and later incorporated into the AmeriCorps network of programs in 1993.

WIOA (Workforce Innovation and Opportunity Act)

A program signed into law on July 22, 2014, WIOA is designed to help job seekers access employment, education, training, and support services to succeed in the labor market and to match employers with the skilled workers they need. WIOA supersedes the Workforce Investment Act of 1998 and amends the Adult Education and Family Literacy Act, the Wagner-Peyser Act, and the Rehabilitation Act of 1973.

WIC (Women, Infants, and Children Nutrition Program)

A federal program authorized by the Child Nutrition Act of 1966 to provide nutritious food and nutrition education to low-income pregnant and postpartum women and children.

Work Study

Federal or non-federally funded employment arranged for students by a post-secondary school.

YouthBuild USA

A program funded by the Department of Labor intended to enable disadvantaged youth ages 16 to 24 to obtain the education and employment skills necessary to achieve economic self-sufficiency in occupations in demand, to include post-secondary education and other training opportunities. Eligible participants spend up to 12 months in the program, dividing their time between classroom setting and an employment site. Currently the Turtle Mountain YouthBuild Program is the only YouthBuild USA program in North Dakota.

TANF Authority Reference 400-19-10-05

(Revised 6/1/10 ML #3218)

View Archives

1. 45 Code of Federal regulations.
2. North Dakota Administrative Code (N.D.A.C.) Chapter 75-05-01-.2.
3. Temporary Assistance for Needy Families (TANF) State Plan.
4. Public Law 104-193, The Personal Responsibility and Work Opportunities Reconciliation Act of 1996.
5. Deficit Reduction Act of 2005 (P.L. 109-171, 120 Stat. 4, enacted February 8, 2006)

TANF Program Philosophy and Purpose 400-19-10-10

(Revised 6/1/10 ML #3218)

View Archives

Temporary Assistance for Needy Families is available to any needy dependent child who lives in the home of a relative by birth, marriage, or adoption, who has been deprived of parental support or care by reason of death, continued absence from the home, or incapacity, disability, or aged of either or both parents.

TANF provides dramatic and far-reaching reforms to North Dakota's Economic Assistance programs. TANF is based on a system that comprehensively addresses the economic problems and barriers to self-sufficiency that confronts today's low-income families.

The objectives of TANF are to:

1. Ensure the rights of every individual to economic security and necessary education or training while realizing that every individual has the corresponding responsibility to take affirmative action toward maximizing self-sufficiency and independence.
2. Provide guidance on the responsibilities of the recipient in achieving self-sufficiency and the duties of the JOBS Program in facilitating the achievement of attainable goals.
3. Allow families to retain a reasonable level of assets to meet current and projected needs while remaining eligible for the receipt of assistance.
4. Provide a uniform budget methodology to guide the determination of eligibility and benefits for families.
5. Encourage recipient responsibility by providing time-limited benefits except in cases of hardship.
6. Engage the private and public business sector as a partner in promoting self-sufficiency.
7. Provide incentives to make work more rewarding than receiving assistance.
8. Require all non-custodial parents to share in the support of their children by strengthening existing program procedures and developing new procedures to bring about improved enforcement and collection of child support.
9. Support relocation of individuals and families in order to pursue training opportunities and secure meaningful employment.
10. Evaluate individual cases and agency performance based on the achievement of stated goals. The evaluation outcomes are based upon the individual reaching self-sufficiency or movement toward self-sufficiency rather than accountability of the program's mechanical procedures.

11. Promote the health and development of children through participation in the North Dakota (ND) Health Tracks.
12. Maintain the overall objective of preserving and strengthening the family structure.

The key elements of this program are to:

1. Simplify design;
2. Tailor services to the family's needs;
3. Provide benefits contingent upon progress toward self-sufficiency; and
4. Emphasize individual and family responsibility with rigorous enforcement of child support.

Role and Responsibilities 400-19-15-05-05

(Revised 01/01/2022 ML #3651)

View Archives

The Role and Responsibility of the eligibility worker is to:

1. Engage the family in developing a trusting working relationship;
2. Interview applicants and recipients to obtain information in order to determine initial and ongoing eligibility for benefits based on the rules and regulations of the TANF Program;
3. Assist the households to identify and address areas of need, and complete referrals to services in the community;
4. Determine whether each applicant or recipient is required to participate in the JOBS Program or has good cause to postpone participation;
5. Refer non-exempt individuals to the JOBS or Tribal NEW Program;

   Note: Referrals to the Tribal New Program are based on referral criteria established by a Tribal NEW Memorandum of Understanding (MOU).

6. Provide child care payments to authorized State JOBS or Tribal New Program participants for activities which may be approved; and
7. Describe the 60-month Lifetime Limit and inform the individual about the household's remaining TANF months and its effect on the family.

The eligibility worker must stress that TANF is temporary assistance available to needy families and that there are strict work requirements for all non-exempt recipients. It is essential that the eligibility worker make certain that all referred individuals clearly understand their responsibilities for participation in the JOBS Program.

With regards to the JOBS Program, the eligibility worker is responsible to:

1. Present a brief orientation to JOBS during the interview by:

   a. Providing the individual with the DN 1990, JOBS Work Requirements for Recipients of the TANF Program, which is available as a brochure or included in the DN 405, Application for Assistance Guidebook, and answer any questions they have about the requirements.
   b. Explaining the referral process and the relationship between the eligibility worker and the JOBS Employment Contractor. Inform referred individuals of their responsibility to comply with the requirements of the referral.

c. Explaining and emphasizing that participation in federally mandated work activities is required. JOBS must move participants into employment quickly, and short-term training is allowed only for those who meet certain criteria. The need for training will be determined as part of the JOBS assessment process.
d. Explaining the sanction process and penalties that may result from noncompliance.
e. Explaining that good cause to excuse an individual from participation in the JOBS Program is temporary. The good cause reason or condition must be serious enough to totally prevent any type of participation and requires approval based upon adequate documentation.

2. Process transportation supplements promptly.
3. Share information with the JOBS Employment Contractor that is pertinent to the individual's ability to participate or may be helpful in monitoring the individual's work activities.
4. Schedule a good cause determination meeting (if required) when an individual does not follow through with the referral requirements or participate in good cause determination meetings with the JOBS Employment Contractor.
5. Process all sanction requests from the JOBS Employment Contractor. Prior to imposing a sanction, review the documentation provided by the JOBS Employment Contractor to ensure that the proper good cause determination procedure was followed and that the individual failed to demonstrate good cause for noncompliance with JOBS requirements.
6. Upon request from the JOBS Employment Contractor, provide the amount of the TANF and SNAP benefits. This enables the JOBS Employment Contractor to assist the JOBS Participant by:

a. Determining the number of hours an individual must participate in the Community Service Activity;
b. Providing Budgeting Counseling; and
c. Determining eligibility for JOBS Supportive Services.

Referral Services 400-19-15-05-10

(Revised 12/1/2022 ML #3683)

View Archives

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

The eligibility 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.

Referrals to the Child Support Division and the Jobs Opportunities and Basic Skills (JOBS) or Tribal New Program are mandatory and generated by the integrated eligibility system.

Facilitation of Household and Agency Efforts 400-19-15-05-15

(Revised 6/1/10 ML #3218)

View Archives

At times it may be appropriate to arrange for household members outside agency staff, and the eligibility workers to gather as a group to coordinate the efforts different agencies are making in working with a household. In these cases it is important to note that this must be done with the informed consent of the household, and signed releases of information must be in place before such a meeting is arranged. (See Section 400-19-15-15, Confidentiality)

Child Protection 400-19-15-05-20

(Revised 6/1/10 ML #3218)

View Archives

A TANF objective is to protect the health and welfare of children known or suspected of being victims of child abuse or neglect. eligibility workers may know of situations where it is suspected that children in TANF households are being abused or neglected, either by other household members or in settings outside of the home. As these situations occur, a eligibility worker may make reports without violating the confidentiality of the household. The eligibility worker may consult with the Child Protection Supervisor at the human service zone office if there are any questions on a potential child abuse or neglect situation.

A eligibility worker who is a social worker or, by profession, a mandated reporter must report suspected or known cases of child abuse or neglect.

Verification of Selected Factors of Eligibility and Verification Sources 400-19-15-10

(Revised 4/1/2026 Release 26.1)

View Archives

(N.D.A.C. 75-02-01.2-04)

(N.D.A.C. 75-02-01.2-05)

While eligibility for TANF is determined primarily by information supplied by the applicant or 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, 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.

Verification Factors

Verification is the use of third party information or documentation to establish the accuracy of statements and information provided to the eligibility worker. TANF requires the following factors of eligibility to be verified:

1. Proper degree of relationship;
2. Social security number or Verification of Application for a Social Security Number;
3. Age;
4. Identity;
5. Citizenship;
6. School attendance of any child 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, and who will, before the end of the calendar month in which the student will attain age 19:
    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.

7. All income;

8. Equity value of assets whenever available information or the prudent person concept suggests such reported value may exceed program limitations;

9. Conditions requiring professional examinations or judgments to establish the existence of incapacity or pregnancy;

Note: In addition to verification of pregnancy when the household consists of a pregnant woman with no other child(ren), verification of the Estimated Date of Confinement (due date) is also required.

10. Special Items of Need requests;

11. Child or alimony/spousal support, or money paid to non-household members; and

12. Any other factor of eligibility for which available information is lacking, questionable, or inconclusive, and which suggests to a prudent person that further inquiry and/or documentation is necessary.

Verification Sources

1. Documentary Evidence.Eligibility workers shall use documentary evidence as the primary source of verification. Documentary evidence consists of a written confirmation of a household's circumstances. Examples of documentary evidence include wage stubs, rent receipts, and utility bills. Although documentary evidence shall be the primary source of verification, acceptable verification shall not be limited to a single document or source. Where information from another source contradicts statements made by the household, the household shall be afforded a reasonable opportunity to resolve the discrepancy. Whenever documentary evidence cannot be obtained, the eligibility worker may use alternate sources of verification such as collateral contact and home visits. In all cases, the method of verification shall be recorded in the case file.

   All documentary evidence must be date stamped the day received at the human service zone. An electronic date stamp is acceptable if it is part of the document and stamped the day the verification is received.

   The date verifications are scanned into case file are not considered the date received by the human service zone local office as this only represents the date the information was scanned into the case file.

2. Collateral Contacts. A collateral contact is a verbal confirmation of a household's circumstances by an individual outside the household and is used when documentary evidence is insufficient or incomplete. The collateral contact may be either in person or over the telephone. The eligibility worker must rely on the household to provide the name of any collateral contact.

   A collateral contact can be any third-party verification of the household's statements. The eligibility worker is responsible for obtaining verification from acceptable collateral contacts. Suggested collateral contract sources include the individuals current or prior landlord, school district, banks, community action agencies, Department of Motor Vehicle, non-relatives, current or prior employers, Job Service, housing agencies, social service agencies, etc.

   The eligibility worker must only disclose the information that is absolutely necessary to get the information being sought. The eligibility worker should avoid disclosing that a household has applied for assistance and should not disclose any information provided by the household. Eligibility workers should not suggest that a household is suspected of any wrongdoing.

   The household may designate a collateral contact. However, the eligibility worker is not required to use a collateral contact designated by the household if the collateral contact cannot be expected to provide accurate third party verification. Once an acceptable collateral contact is designated, the eligibility worker is responsible for obtaining verification from the collateral contact.

   In directly contacting a collateral contact source of verification, the eligibility worker must always identify themselves by name, position, and the name of the human service zone office. In so doing and then inquiring about a particular client by name, the contact may be able to know that the client is applying for assistance. This does not constitute a violation of confidentiality regulations.

   > Note: If the contact requests more than this information about the recipient's status, the eligibility worker must refuse the inquiry and briefly explain the confidentiality requirements.

   Verification obtained in non-written form must be documented in the case file.

3. Home Visits. Home visits are to be used as verification only when documentary evidence is insufficient to make a firm determination of eligibility, there are no collateral contacts, or verification cannot be obtained, and the home visit is scheduled in advance with the household.

System Interfaces. System interfaces are used to verify information needed to determine eligibility. Acceptable interfaces are addressed in the Administrative Policy Manual policy, Interfaces 448-01-05.

Confidentiality 400-19-15-15

(Revised 4/1/2026 Release 26.1)

View Archives

Federal and state law recognizes the privacy rights of individuals who receive services and assistance under programs administered by the Department. Information concerning households receiving TANF may be released only for purposes directly connected with the administration of the program or to public child welfare agencies. Public child welfare agencies are defined as agencies authorized under titles IV-B (Child Welfare Services) and IV-E (Foster Care and Adoption Assistance). For further information regarding TANF confidentiality policies, refer to Administrative Policy Manual policy, Confidentiality 448-01-25-10-10-30.

In accordance with agreements with the Social Security Administration (SSA), the Internal Revenue Service (IRS), Vital Statistics and Job Service North Dakota Unemployment Insurance Benefits (UIB), information cannot be released to the applicant or recipient or any other agency and can only be used for the purpose of determining eligibility.

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

1. Service Chapter 110-01, Confidentiality.
2. Service Chapter Confidentialty and Safeguarding 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.

Discriminatory Practices Prohibited 400-19-15-20

(Revised 4/1/2012 ML #3309)

View Archives

The North Dakota Department of Human Services and human service zone boards, directly or through contractual or other arrangements, shall not discriminate against any applicant or recipient on the basis of race, color, religion, sex, national origin, age, political belief, or handicap.

Notification of Availability of Family Planning Services 400-19-15-25

(Revised 6/1/10 ML #3218)

View Archives

Public Law 92-603 requires that applicants and recipients be advised of the availability of family planning services. This can be accomplished by routinely making the pamphlet, "North Dakota Family Planning Program," available at the time of application. Human service zone offices should order supplies of this pamphlet directly from the North Dakota Family Planning Program, State Health Department, Second Floor Judicial Wing, 600 East Boulevard Avenue, Bismarck, North Dakota 58505.

Job Opportunities and Basic Skills (JOBS) Program 400-19-15-30

(Revised 4/1/2026 Release 26.1)

View Archives

(N.D.A.C. 75-02-01.2-83)

TANF places a strong emphasis on work as a key to self-sufficiency. All non-exempt individuals of the TANF household will be referred to the Job Opportunities and Basic Skills (JOBS) Program.

The North Dakota Department of Health and Human Services (HHS) is the administrative agency for the state's JOBS Program. HHS contracts to provide JOBS case management for referred TANF applicants or recipients. The JOBS Employment Contractor is charged with the placement, monitoring and reporting of JOBS participants in federally mandated work activities.

The JOBS program combines education, training, and employment components to enable participants to become self-sufficient, meaning having enough income to require closure of the household's TANF case.

JOBS Program Legislative and Regulatory Authority 400-19-15-30-05

(Revised 4/1/2026 Release 26.1)

View Archives

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 policy section Exempt Individuals 400-19-75-10-05.

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

Purpose of JOBS 400-19-15-30-10

(Revised 4/1/2026 Release 26.1)

View Archives

(N.D.A.C. 75-02-01.2-83)

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.

JOBS Employment Contractor - Responsibilities 400-19-15-30-15

(Revised 6/1/10 ML #3225)

View Archives

The JOBS Employment Contractor is responsible to:

1. Meet with all referred individuals within seven (7) calendar days of the individual's first contact with them regardless of their geographic location within the service area. During this initial meeting, the JOBS Employment Contractor shall:

    a. Provide the individual with a comprehensive orientation to the JOBS Program, clearly explaining TANF work requirements, participant responsibilities, and consequences for non-compliance; and
    b. Complete a comprehensive assessment and develop an initial employability plan (EP); and
    c. Inform participants of the availability of supportive services.

2. Refer all participants to one or more appropriate work activities and/or other appropriate services to prepare them for work.
3. Closely monitor participation and intervene if a participant fails to provide required verification of work, work readiness, or training activities.
4. Share all EPs and other pertinent information with the eligibility worker.
5. Initiate and facilitate the good cause determination process, as appropriate.
6. Provide written documentation of the outcome of the good cause determination process.
7. Provide written documentation to the eligibility worker that substantiates the recommendation for imposition of a JOBS sanction, including a detailed history of the participants failure or refusal to participate, the good cause reasons offered by the participant, if any were claimed, and any actions taken by the JOBS Employment Contractor.
8. Provide services, as defined in the contract between the Department and JOBS Employment Contractors, to non-exempt individual until the individual is no longer eligible to receive services. These include, but are not limited to, creating or identifying job openings, securing job interviews, and actively marketing participants for job openings.
9. Participate in Appeal Hearings when related to the JOBS Program, including but not limited to 'good cause' and sanctions.

JOBS Participants - Responsibilities 400-19-15-30-20

(Revised 7/1/2023 ML #3726)

View Archives

(N.D.A.C. 75-02-01.2-88)

(N.D.A.C. 75-02-01.2-102)

All non-exempt TANF applicants/recipients are required to participate in the JOBS program and are responsible to:

1. Contact the JOBS Employment Contractor to schedule an orientation appointment within seven (7) business days from the referral date on the referral notice. The first business day after the referral date is considered day one of the seven (7) business day period.
2. Keep all program related appointments as scheduled;
3. Comply with the goals, objectives and tasks listed on the Employability Plan (EP);
4. Be present at a worksite when scheduled to be there;
5. Participate in federally mandated work activities as required by the EP;
6. Maintain satisfactory progress in all program activities to which assigned.

North Dakota Health Tracks Program 400-19-15-35

(Revised 10/1/2023 ML #3749)

View Archives

(N.D.A.C. 75-02-01.2-73)

Effective January 1, 2009, individuals under age 21 are no longer required to complete a screening through the preventive health program known as Health Tracks (EPSDT). All members of a TANF Household who are Medicaid eligible and under age twenty-one are encouraged to participate in the North Dakota Health Tracks Program.

TANF recipients who complete the Health Tracks screening are eligible for a $25.00 reimbursement per individual, per year. The reimbursement is available after the completion of the initial screening and the annual Health Tracks screening. For this purpose, completion of the screening does not include the follow-up appointments or referrals to other physicians that are generated from a screening. If the reimbursement is received in an initial month of eligibility for TANF, the reimbursement will not be prorated from the date of application. The individual will receive the entire reimbursement for each child.

Program Brochures 400-19-15-40

(Revised 5/1/2023 ML #3704)

View Archives

(N.D.A.C. 75-02-01.2-08)

All applicants for TANF must be provided the following program brochures:

- "TANF"
- "JOBS"
- "The Family Violence Option"
- "Supplemental Nutrition Assistance Program (SNAP) in North Dakota"
- "Medicaid"
- "North Dakota Family Planning Program"
- "ND Health Tracks"
- "Child Support - A Legal Obligation"
- "Emergency Services"
- "Civil Rights"
- "LIHEAP Home Heating Assistance"
- "Child Care Assistance Program"
- "TANF I & R"
- "WIC."

Information from the brochures listed above are included in the Application for Assistance Guidebook.

Interpreter Services 400-19-15-45

(Revised 10/1/10 ML #3241)

View Archives

Individuals residing in the United States who apply for TANF benefits may be in need of interpreter services. Federal law requires 'States and other providers of health and social services to avoid discrimination against Limited English Proficient (LEP) persons on grounds of national origin, and states and other providers of health and social services must take adequate steps to ensure that such persons receive free of charge the language assistance necessary to afford them meaningful access to the services.'

Note: Based on state law, the cost of providing interpreter services to assist individuals when meeting with county staff is the responsibility of the county and are not reimbursable by the Department.

Overview 400-19-20-05

(Revised 4/1/2026 Release 26.1)

View Archives

(N.D.A.C. 75-02-01.2-03)

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.

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.
- The applicant provides verifications.
- The eligibility worker determines eligibility and the date eligibility begins.
- The eligibility worker notifies the applicant of eligibility or ineligibility.

Application Forms for TANF 400-19-20-10

(Revised 4/1/2026 Release 26.1)

View Archives

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.
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.

Application Process 400-19-20-15

(Revised 4/1/2026 Release 26.1)

View Archives

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

1. Determine if the application is complete and signed:
   - If the application is not signed, the household must sign the application.
   - If a signed application is incomplete, the household must complete the application.
   - Refer to TANF policy Required Applications in Various Circumstances 400-19-20-20 to determine when a review form can be used.

2. The application mys be registered in the integrated eligibility system as soon as possible upon receipt, but no later than the fifth working date followoing receipt.

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.

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.

   - 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.

Required Applications in Various Circumstances 400-19-20-20

(Revised 4/1/2026 Release 26.1)

View Archives

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, unless the closure, was caused solely by administrative error; or
5. When there is a change in the caretaker or relative , not previously in the TANF household, with whom the children are now residing.

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 reverted to open; or
6. 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.
7. When a review form is submitted in the month following the month of TANF closure for no review.

Date of Application and Start Date 400-19-20-25

(Revised 8/1/11 ML #3272)

View Archives

(N.D.A.C. 75-02-01.2-03(6))

(N.D.A.C. 75-02-01.2-20)

The date of the application is the date the signed application is received in the human service zone, provided the application was submitted during normal business hours. When an application is submitted after normal business hours, on a weekend, or on a holiday, the application is considered received the next .

> **Note:** The eligibility worker must document the date an application is filed by recording the date received on the application.

The benefit start date is either the date the signed application is received in the county agency or the date the household becomes eligible, whichever is later.

> **Note:** When a family entering North Dakota has received a current month's TANF benefit from a state that issues grants twice per month, the benefit start date is the day following the date eligibility in the other state ended or the date the household becomes eligible, whichever is later.

Timeliness Standards for Processing TANF Benefits 400-19-20-30

(Revised 4/1/2026 Release 26.1)

View Archives

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.

Extenuating circumstances include, but are not limited to:

1. Failure or delay of an applicant to provide needed information due to circumstances beyond the applicant's control,
2. An inability to complete a Proof of Performance (POP) due to factors outside of the applicant's control,
3. An inability to complete Up-front eligibility requirements due to factors outside of the applicant's control.

If an application is not acted upon within the 30-day time frame due to extenuating circumstances, the case record must contain an explanation of the cause of the delay.

If the family does not complete the application and provide all required verifications within the 30-day time frame (and the delay in completing the application is not due to extenuating circumstances) the application must be denied.

An applicant may withdraw an application for assistance any time before the initial benefit has been paid.

Notice of Action Taken on Applications 400-19-20-35

(Revised 4/1/2026 Release 26.1)

View Archives

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, 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. At application approval, benefits are being reduced for the month following the application month and any additional months applicable.
2. 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 that a single notice address eligibility and benefits for the first two prospective months.

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

Reporting Changes 400-19-25-30

(Revised 4/1/2026 Release 26.1)

View Archives

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

Review of Eligibility Requirements 400-19-30

(Revised 4/1/2026 Release 26.1)

View Archives

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.

TANF Up-front Eligibility Requirements 400-19-35

Overview 400-19-35-05

(Revised 6/1/10 ML #3218)

View Archives

(N.D.A.C. 75-02-01.2-03.1)

As a factor of eligibility, individuals are required to meet specific requirements prior to receiving TANF Benefits. These requirements include:

1. Providing information regarding the enforcement of Child Support;
2. Initial participation in the JOBS program; and
3. Not quitting a job or refusing employment without good cause during the Up-front eligibility period.

Up-front Eligibility requirements apply at the time of application or reapplication but not when a case is reverted to open. However, up-front eligibility does not apply until a determination has been made that the household is otherwise eligible.

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

(Revised 4/1/2026 Release 26.1)

View Archives

Unless first determined to be exempt, excluded, or granted good cause for nonparticipation in Job Opportunities and Basic Skills (JOBS), the applicant and any member of the family for whom TANF is requested shall, as a condition of eligibility, comply with requirements of Up-front Job Opportunities and Basic Skills (JOBS) or a Tribal Native Employment Works (NEW) Program. Failure to cooperate with Up-front Eligibility requirements will result in denial of the application.

Because a referred individual may contact JOBS or Tribal NEW in advance of their receipt of the JOBS/Tribal NEW Referral, the eligibility worker must immediately alert the JOBS Employment Contractor or Tribal NEW of the referral.

Non-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. 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. Not have quit a job or refused employment without good cause after the application.

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. 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.

If a sanctioned individual who applies after the Sanction Penalty Month or Month of Ineligibility meets the JOBS Up-front Eligibility, the sanctioned individual and other eligible individuals in the household are provided a TANF benefit prorated from the application date. (See Section 400-19-90, Curing a JOBS or Tribal New Sanction for individuals who apply during the Sanction Penalty Month or Month of Ineligibility.)

Up-front Eligibility requirement does not apply to:

1. Exempt volunteers;
2. Individuals added to an ongoing case; or
3. Individuals in cases that have been reverted to open.

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

(Revised 4/1/2026 Release 26.1)

View Archives

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 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.

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 integrated eligibility system for each child TANF is being requested to see if there is an outstanding Child Support Non-cooperation. If a reason of financal 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 Child Support Up-fronteligibility 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, Child Support Up-front eligibility 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 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: When a caretaker relative applies for TANF and claims good cause for a child, Child Support Up-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.

TANF Household Composition (Filing Unit) 400-19-45-05

(Revised 7/1/2023 ML #3726)

View Archives

(N.D.A.C. 75-02-01.2-37)

The TANF household is comprised of individuals who live together where at least one member is in receipt or of TANF. The household must include:

1. A dependent child;

2. The natural, adoptive, or stepparents of the dependent child; and

3. The dependent child's siblings (including half and step-siblings) who are under age 18, or if age 18 will, before the last day of the calendar month in which the sibling attains age 19:

    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.

        Note: Any of the above members who are temporarily residing away from home must be included in the TANF household.

Parent(s) of the dependent child(ren) who reside in the home must be included, whether or not married. If a parent claims or appears to be incapacitated, incapacity must be explored because additional household members and their income and assets may then have to be included in the unit. Once the TANF household is established, all income and assets of the persons required to be included must be considered in determining eligibility.

A minor parent who resides with a legally or non-legally responsible caretaker is considered a dependent child (and not a caretaker). When the minor parent resides with a legally responsible caretaker, the legally responsible caretaker must be included in the TANF household (three-generation household).

Stepparent(s) must be included in the TANF household. The stepparent will either be eligible for benefits or stepparent budgeting will apply. No stepparent may be included

as a second eligible caretaker for the TANF portion of the benefit unless the stepparent has a natural or adoptive child(ren) who is also included in the TANF household.

When a natural or adoptive parent does not reside in the home and the caretaker is a stepparent (who may or may not have a natural or adoptive child in the home), the caretaker (stepparent) as well as the caretaker's children and stepchild(ren) must be included in the TANF household.

Note: Effective June 1, 2010, the household must include the stepparent, any natural or adoptive children of the stepparent and stepchildren.

Individuals in receipt of Supplemental Security Income (SSI), including presumptive SSI benefits, are not included in the household size and their income, assets, and expenses are not considered in determining eligibility for TANF. If the person is receiving a zero SSI benefit but is considered an SSI recipient (e.g. due to recoupments, 1619B eligible, etc.) they are not considered as receiving SSI benefits for TANF purposes and the person must be included in the household.

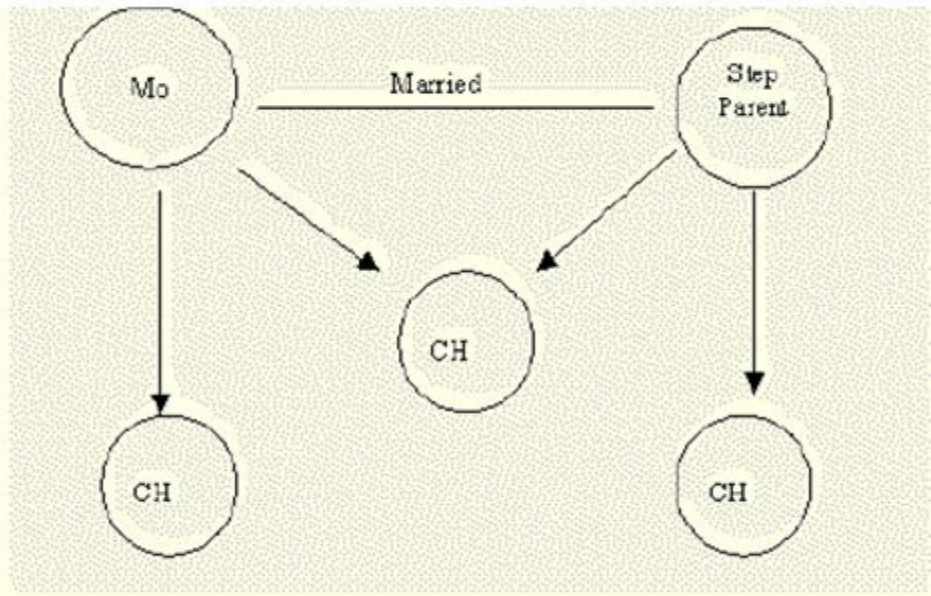
A child for whom a Subsidized Guardianship payment is received is not eligible for TANF and cannot be included in the household.

At times a parent may request that a particular child not be included in the TANF household. The parent has no option in this matter since the household provision requires that all otherwise technically eligible persons must be included in the household. However, a non-legally responsible person (i.e. grandmother, grandfather, aunt, uncle, etc.) may choose not to participate in TANF. (See Section 400-19-140, Kinship Care)

When the only dependent child in the household is a SSI recipient or is disqualified because of noncooperation with program requirements, the parent in the TANF household may remain eligible for benefits if all other factors of eligibility are met, unless the case progresses to close due to a sanction.

People absent from the household due to employment, training, education, or obtaining medical care are addressed in Section 400-19-45-70-15, Absence Reasons that DO NOT Establish Deprivation.

Examples of TANF Households:

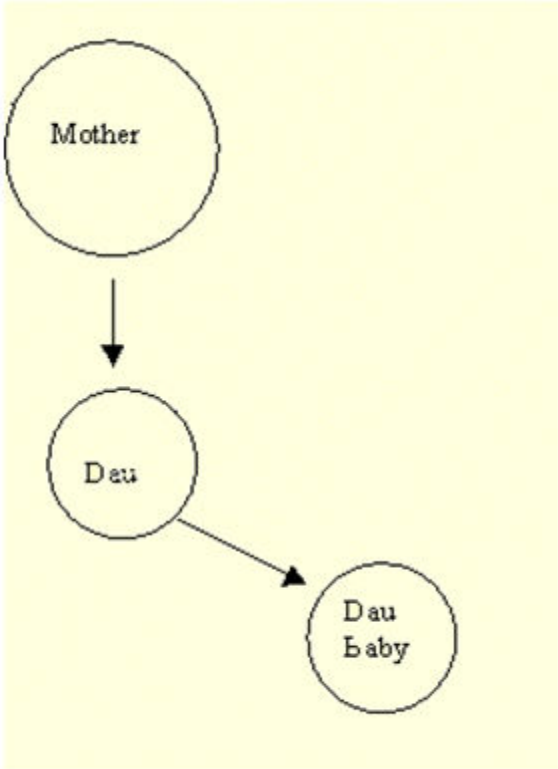


1. If one of the stepparents is not incapacitated, disabled or aged, the unit would consist of either the mother and her child or the father and his child.

2. If both stepparents want TANF for their deprived child, the unit would consist of 4 persons with their child in common being ineligible (that child's needs will be unmet).

3. If either stepparent is incapacitated, disabled or aged, the unit will consist of all 5 persons.

4. If one of the stepparents leaves, the unit will consist of 4 members since the child in common is a half-sibling to the stepchild and the stepparent is considered related to the stepchild within the 5th degree.



1. If the minor parent is under age 18, the minor parent is a dependent child in the parent's unit. The minor parent's baby must be included in the household.

2. If the minor parent is under age 18 and the case fails due to the parents' income, the minor parent cannot receive a TANF benefit for the minor parent and the baby.

3. If the parent is age 18 or older, the parent would qualify in their own right and the baby must be included in the parent's household. The baby's grandparent is not eligible.

Determining Household Composition when the Caretaker is not a Parent 400-19-45-05-05

(Revised 4/1/2012 ML #3309)

View Archives

A household consisting of an eligible caretaker(s) and child(ren) may have related children residing with them for whom the caretaker has no legal responsibility but who are also eligible for a TANF benefit. If the caretaker requests to receive TANF benefits for all of the children, the TANF household must include all individuals for whom TANF is being requested.

When a household consisting of a caretaker with their own children also has children residing in the household for whom they have no legal responsibility, the caretaker and their children may opt out for TANF. The caretaker may then request assistance for only those children for whom they have no legal responsibility, provided the caretaker does not wish to have their needs included.

Occasionally children who are not siblings are cared for by a common, non-legally responsible caretaker.

- If the non-legally responsible caretaker requests TANF benefits for only the children to whom the caretaker is related within the 5th degree, TANF eligibility for those children will be based on the income and assets of the children only.
- The non-legally responsible caretaker may choose to receive TANF benefits for only some of the children. The non-legally responsible caretaker may do so, provided the children being opted out are not siblings, either full, half, or step siblings to the children for whom assistance is being requested.
- If the spouse or ex-spouse of the non-legally responsible relative resides in the home, the non-legally responsible relatives are ineligible to be included in the TANF benefit and will be designated as an ineligible caretaker.

(Also See Section 400-19-140, TANF Kinship Care)

Marriage Validity Policy for TANF 400-19-45-05-10

(Revised 10/1/15 ML #3459)

View Archives

A spouse is a person who is legally married to another person. In order for a marriage performed in North Dakota to be considered valid in North Dakota, couples are required to obtain a marriage license through the County Recorder's Office.

Marriages that occur outside of North Dakota are considered valid in North Dakota if:

1. The marriage was legally performed in another state;
2. The marriage is a common law marriage that occurred in another state and was considered a valid marriage in that state (the couple would be required to provide documentation verifying that the common-law marriage was considered valid by the state in which it took place);
3. The marriage occurred in another country and the marriage was considered valid according to the law of the country where the marriage was contracted, unless the marriage violates the strong public policy of North Dakota.
4. Polygamous marriages violate the strong public policy of North Dakota. In situations where polygamy has occurred, the first marriage is considered valid in North Dakota if the marriage meets the criteria in #1, 2 or 3 above. Any additional spouse(s) claimed after the first marriage are considered non-relatives.

Primary Individual (PI) 400-19-45-10

(Revised 6/1/10 ML #3225)

View Archives

(N.D.A.C. 75-02-01.2-06)

Every TANF household must have a primary individual (PI). The PI is the caretaker of a child in the household to whom the agency directs correspondence and notices. The PI, who may or may not be eligible, is responsible for providing all pertinent data necessary to make a determination of eligibility. If the PI does not provide the necessary information required to determine eligibility, the entire household is ineligible for TANF.

The PI will be identified among the household members using the following priority listing:

1. Natural or adoptive parent;
2. Adult relative within the fifth degree of relationship;
3. Stepparent;
4. Spouses of any person(s) named above even after the marriage is terminated by death or divorce, but not by annulment; or
5. Brother, sister, half-brother, half-sister, stepbrother, or stepsister age 16 or older.

The PI of a case can only be changed if the PI dies and the new PI is the spouse and resides in the same household of the PI who died.

Living in Home of Relatives 400-19-45-15

(Revised 6/1/10 ML #3218)

View Archives

(N.D.A.C. 75-20-01.2-01(29))

In order to be eligible for TANF, a dependent child must be "living in the home of a specified relative." A child must reside with an individual related by blood (including half-blood), marriage, or adoption who is within the 5th degree of relationship.

> **Note:** Subsidized adoptive children cannot be included in the TANF benefit until the adoption decree is final, unless the child is related within the 5th degree to the caretaker. Once the adoption decree is final, the adoptive child must be included in the TANF benefit.

A dependent child must reside with one of the following individuals :

1. A natural or adoptive parent (1st degree);
2. A stepparent if the natural or adoptive parent is not in the home (1st degree);
3. Stepbrother or stepsister, if the stepparent, natural or adoptive parent is not in the home (2nd degree);
4. Sibling (including a half sibling) if age 16 or older (2nd degree);
5. Natural and step grandparent, including great, great-great, or great-great-great grandparent (2nd 3rd, 4th, 5th degree);
6. Uncle or aunt including a great or great-great aunt or uncle (3rd, 4th, 5th degree);
7. Nephew or niece including great or great-great niece or nephew (3rd, 4th, 5th degree);
8. First cousin (an aunt or uncle's child) or first cousin once removed which is an aunt or uncle's grandchild (4th and 5th degree);
9. A second cousin (a great aunt or uncle’s child) (5th degree);
10. A spouse of any of the above individuals even after the marriage is terminated by death or divorce.

Termination of Parental Rights 400-19-45-15-05

(Revised 6/1/10 ML #3218)

View Archives

Termination of parental rights removes all relationships and responsibilities between the parent and their child(ren). The parent becomes a “legal stranger" to the child(ren). However, for TANF purposes, the blood relatives of a parent whose parental rights have been terminated continue to be treated as relatives of the child(ren).

There is no relationship between the child and the parent whose rights have been terminated. If the child returns to the home of the parent whose rights have been terminated, while TANF benefits may be issued to the parent and other dependent children, the child is not "otherwise eligible” for TANF even though the child is living with siblings or half-siblings.

If a child is adopted by a relative within the 5th degree of relationship of the parent whose parental rights have been terminated, new relationships are established between the parent whose parental rights have been terminated and the child.

> **Example:** Biological mother terminated her parental rights and grandmother adopted her child. The adoption establishes a new relationship of sibling between the biological mother (whose parental rights were terminated) and the child. The biological mother and the child move out of the home and apply for TANF. Eligibility for assistance may be established based on the sibling relationship.

Documentation/Verification of Specified Relative 400-19-45-15-10

(Revised 9/1/2021 ML #3629)

View Archives

Living with specified relative

Two factors are considered to comprise this element:

- The degree of relationship, and
- Living with the specified relative.

Document or other record generally available from the client to verify degree of relationship

- Birth Certificate
  - Vital Statistics interface information may be used to verify the degree of relationship when information is available. Refer to section 448-01-50 of the Administrative Procedures Manual for additional information relating to use of Vital Statistics Interfaces.
- Adoption papers
- Baptismal Record
- Marriage Certificate
- Court Order Record
  - Child's name should be identified in full in the court order.
  - A court order may be used when the relationship is identified in the Findings of Facts and Conclusion of Law (narrative of the court order does not satisfy establishment of relationship).
- Tribal Enrollment Record
  - Must show relationship for parties to establish 5th degree.
  - Enrollment document must be signed by Tribal Enrollment Agency.

Verification Information from other sources to verify living with the specified relative

- Contact with School System
- Hospital and Clinic Records
- Landlord’s Statement
- Contact with Public Housing Authority
- Court Support Order
- Juvenile Court Records
- Private Social Service Agencies
- Community Organizations

- Church Records
- Head Start Records
- Day Care Center Records
- Vital Records
- Visual Confirmation
- Child Welfare Records
- Records from The Office of Refugee Resettlement

For a school age child, the basic verification to establish "living with the specified relative" is the school record showing address of the child and the relative responsible for the child. For a pre-school child, utilization of verification from other sources will be necessary based on the individual situation.

TANF Household Living Arrangements 400-19-45-20

(Revised 10/1/2023 ML #3749)

View Archives

For TANF purposes, a home is the family setting maintained or in the process of being established as demonstrated by the assumption and continuation of responsibility for day-to-day care of the child by the parent or relative with whom the child is living. A home exists as long as the parent or relative continues to exercise responsibility for the care and control of the child even though the child or the parent/relative may be temporarily absent from the home.

Assistance may not be denied to otherwise technically eligible families merely because they are homeless; that is, having no fixed address. Thus, a lack of a permanent dwelling or of a fixed home address does not constitute a barrier to the receipt of TANF. While residency requirements must be met a fixed address within the state is not necessary.

Individuals residing for a full calendar month in any living arrangement not listed below are not eligible for TANF.

Within this interpretation, TANF eligibility and benefit level for children and adults is determined according to the individual's living arrangement as follows:

Admitted to a Public Institution

A Public Institution is an institution or facility that is the responsibility of a governmental unit or over which a governmental unit exercises administrative control. Examples of a Public Institution are: Veterans Administration Hospitals, North Dakota Veteran's Home, North Dakota Youth Correctional Center, North Dakota State Penitentiary, Cass County Juvenile Detention Center, and city, county, or tribal jails, etc.

- Individuals residing in Public Institutions for a full calendar month are ineligible for TANF Benefits.

Anne Carlsen Center

The Anne Carlsen Center is located in Jamestown, ND and is an Intermediate Care Facility for the Intellectually Disabled. The Center serves children with specialized health care and education needs.

- Children residing at the Anne Carlsen Center for a full calendar month are ineligible for TANF Benefits.

Away at School

An individual who resides temporarily in another North Dakota community to attend school or training.

- The individual is eligible to be included in TANF benefit.

Away from Home [Not School]

An individual who resides temporarily in another North Dakota community for employment purposes.

- The individual is eligible to be included in the TANF benefit.

Basic Care

The Basic Care Program helps aged, blind or disabled individuals who need services in a licensed, basic care facility to pay for their care.

At the time the individual becomes TANF eligible or enters a facility, a medical plan must be provided verifying the individual is expected to return home within 12 calendar months from the month of entry.

- If the individual is not expected to return home within 12 calendar months from the month of entry, the individual is not eligible for TANF beginning the first full calendar month following entry.
- If the individual is expected to return home within 12 calendar months, the individual residing in Basic Care continues to be eligible to be included in the household (full TANF Basic Standard of Need) for three complete calendar months following the month of entry.
- Beginning the fourth calendar month, the individual is eligible for a $45.00 monthly personal needs allowance. The individual may be eligible for the $45.00 personal needs allowance for up to nine months.

Bismarck Transitional Assessment Center

The Bismarck Transition Center (BTC) is a comprehensive, community-based correctional program designed to help eligible, non-violent offenders transition back into the community. It provides the opportunity to develop necessary skills that assist offenders in obtaining essentials such as employment and housing once they are released into society. The program provides residents with a full-range of treatment services that decrease the likelihood of re-offense upon release.

The Bismarck Transitional Assessment Center contracts with the offices of parole and probation to serve as a transitional living center and to provide assessment services.

Individuals entering this facility on a voluntary basis while on probation are not inmates. A plan must be provided verifying the individual is expected to return home within 12 calendar months from the month of entry.

- If the individual is not expected to return home within 12 calendar months from the month of entry, the individual is not eligible for TANF beginning the first full calendar month following entry.
- If the individual is expected to return home within 12 calendar months, the individual continues to be eligible to be included in the household (full TANF Basic Standard of Need) for three complete calendar months following the month of entry.
- Beginning the fourth calendar month, the individual is eligible for a $45.00 monthly personal needs allowance. The individual may be eligible for the $45.00 personal needs allowance for up to nine months.

Individuals placed at the facility as inmates who are sentences to less than 30 days may be eligible for TANF if all factors of eligibility are met.

Individuals placed at the facility as inmates who are sentenced to 30 days or more are not eligible for TANF.

Boarding School/Arrangement

A Boarding School is a school where some or all students study and reside with their fellow students during the school term. The word 'boarding' in this sense means to provide food and lodging.

- A child member of the TANF household who resides in a boarding school arrangement is eligible only for the TANF benefit of $45 monthly personal needs allowance.

  Note: If a child was removed from the home of a parent or relative by court order as a result of neglect or abuse and placed in a boarding school arrangement, there is no eligibility for the $45 monthly personal needs allowance.

- A child member of the TANF household in a Boarding Arrangement in another community for reasons such as attending school when needed specialized facilities in the home community are lacking or inclement weather or transportation problems make school attendance near the child's usual home difficult or impossible is eligible only for the $45 monthly personal needs allowance.

Camp Grassick

Camp Grassick is located on Lake Isabel near Dawson, ND, and provides services to children and adults with various disabilities and special needs. Various camping sessions during the summer focus on different needs - therapy for children between

the ages of 7 through 15, social interaction with peers, adults with disabilities, and the blind and visually impaired.

- A child member of the TANF household receiving physical and/or speech therapy at Camp Grassick during the summer months is eligible to be included in the TANF benefit for the full TANF Basic Standard of Need.

Home and Community Based Services - In Own Home

This program helps eligible individuals who would otherwise require nursing care services to remain in their homes. This includes individuals who receive HCBS services under the Aged and Disabled or Developmental Disability waiver.

- Individuals receiving Home and Community Based Services in their own home remain eligible for a TANF benefit.

Home and Community Based Service - In Specialized Facility

This program helps eligible individuals who would otherwise require nursing care services to reside in a specialized facility. This includes individuals who receive HCBS services under the Aged and Disabled or Developmental Disability waiver.

- Individuals receiving Home and Community Based Services in a Specialized Facility for a full calendar month are ineligible for TANF Benefits.

Hospital/Halfway House

- A hospital is an institution where individuals receive medical, surgical, or psychiatric treatment. A medical plan must be provided verifying the individual is expected to return home within 12 calendar months from the month of entry.
- A halfway house provides a temporary residence for individuals waiting for institutional placement or for those individuals who have left an institution and who are preparing to re-enter the community. (Examples of these facilities are city and county hospitals, halfway houses, etc.) A plan must be provided verifying the individual is expected to return home within 12 calendar months from the month of entry.

When an individual enters either a hospital or halfway house:

- If the individual is not expected to return home within 12 calendar months from the month of entry, the individual is not eligible for TANF beginning the first full calendar month following the month of entry.
- If the individual is expected to return home within 12 calendar months, the individual continues to be eligible to be included in the household (full TANF Basic Standard of Need) for three complete calendar months following the month of entry.

- Beginning the fourth calendar month, the individual is eligible for a $45.00 monthly personal needs allowance. The individual may be eligible for the $45.00 personal needs allowance for up to nine months.

In Own Home

An individual who resides in the home of the TANF applicant or recipient.

Note: A child member of the TANF household who resides in the home but is under the jurisdiction of the court and receiving probation services or protective supervision is eligible to be included in the TANF household.

Intermediate Care Facility for the Intellectually Disabled (ICF/ID)

An ICF/ID facility is primarily for the diagnosis, treatment, or rehabilitation for people with intellectual disabilities or other related conditions, and provides treatment and care in a protected residential setting to help individuals function at their greatest ability. ICF/ID services are defined in regulations as those items and services furnished in an intermediate care facility for people with intellectual disabilities such as ongoing evaluation, planning, 24-hour supervision, coordination, and integration for health or rehabilitative services.

- Children placed in an ICF/ID are ineligible for TANF Benefits beginning the first full calendar month they reside in the facility.

Job Corp-536563193

Job Corps is a no-cost education and vocational training program administered by the U.S. Department of Labor that helps young people ages 16 through 24 obtain a better job, make more money, and take control of their lives.

The Burdick Job Corps in Minot opened in September 1994 to serve North Dakota residents. Since Job Corps is required to serve low-income students, many may come from families who are receiving assistance. The Center also has a Solo Parent Program which offers residential facilities to allow a single parent the option of bringing their child(ren) to the Job Corps Center while receiving education and training. The Center has an on-site Child Development Center operated by Head Start which will provide child care while the parent is in training.

- A dependent child attending training and residing at a Job Corps facility either in or out of state is eligible to be included in the TANF household and included for the full TANF Basic Standard of Need.
- Pregnant minor parent participating in the Job Corps Program is eligible to apply for TANF benefits on their own behalf because they are living in an approved living arrangement.
- A Caretaker attending Job Corp in North Dakota is eligible for TANF when residing in Job Corp.
- A Caretaker attending Job Corp out-of-state is no longer a resident of North Dakota and is no longer eligible for TANF.

Licensed Foster Home

Foster care is 24-hour, out-of-home care for children whose parents are unable, neglectful, or refuse to provide for their children's needs. Foster care meets their needs for food, clothing, shelter, security, safety, guidance and comfort.

- Children placed in Foster care are ineligible for TANF Benefits.

Note: If a child returns home for a trial period of 30 days or more and the Foster Parents do not continue to receive a foster payment, the child must be added back into the TANF case, if the child is a mandatory household member.

New Hope Program

The New Hope Program is located in Minot, ND and is a private company that provides Drug Abuse and Addiction rehabilitation and treatment.

- While receiving inpatient treatment at New Hope, if a woman is pregnant or has a child(ren) residing with her, the family is allowed the full TANF Basic Standard of Need for their household.

If the woman is not pregnant or does not have her child(ren) residing with her, she may be eligible. A treatment plan must be provided verifying the individual is expected to return home within 12 calendar months from the month of entry.

- If the individual is not expected to return home within 12 calendar months from the month of entry, the individual is not eligible for TANF beginning the first full calendar month following the month of entry.
- If the individual is expected to return home within 12 calendar months, the individual continues to be eligible to be included in the household (full TANF Basic Standard of Need) for three complete calendar months following the month of entry.
- Beginning the fourth calendar month, the individual is eligible for a $45.00 monthly personal needs allowance. The individual may be eligible for the $45.00 personal needs allowance for up to nine months.

North Dakota Schools for the Deaf and Blind

The North Dakota School for the Deaf is located in Devils Lake, ND, and provides educational services to children with severe to profound hearing loss.

- A child member of the TANF household who resides at the School for the Deaf is eligible for only the $45 monthly personal needs allowance.

The North Dakota School for the Blind is located in Grand Forks, ND, and provides a full range of service options based on individual strengths and needs to individuals who are blind or visually impaired.

- A child member of the TANF household who resides at the School for the Blind is eligible for only the $45 monthly personal needs allowance.

Nursing Home

A nursing home is a place of residence for individuals who have significant deficiencies with activities of daily living and require constant nursing care. Residents include the elderly and younger adults with physical disabilities. Adults, 18 or older, can stay in a skilled nursing facility to receive physical, occupational, and other rehabilitative therapies following an accident or illness.

At the time the individual becomes TANF eligible or enters a facility, a medical plan must be provided verifying the individual is expected to return home within 12 calendar months from the month of entry.

- If the individual is not expected to return home within 12 calendar months from the month of entry, the individual is not eligible for TANF beginning the first full calendar month following the month of entry.
- If the individual is expected to return home within 12 calendar months, the individual continues to be eligible to be included in the household (full TANF Basic Standard of Need) for three complete calendar months following the month of entry.
- Beginning the fourth calendar month, the individual is eligible for a $45.00 monthly personal needs allowance. The individual may be eligible for the $45.00 personal needs allowance for up to nine months.

Out of State Institution for the Intellectual Disabled

An out of state institution for intellectually disabled individuals that provides psychiatric and chemical dependency services.

- Children residing at an out of state institution for the intellectual disabled for a full calendar month are ineligible for TANF Benefits.

Perry Center

The Perry Center is located in Fargo, ND, and provides a range of maternity related residential and educational services to unmarried expectant mothers.

- An individual who resides at the Perry Center is eligible to apply on their own behalf as they are residing in a supervised living arrangement. The benefit will be based on the TANF Basic Standard of Need for one adult.
- The baby's needs cannot be included in the benefit until the month of birth and required verifications are provided.

Prairie at St. John's Center

Prairie at St. Johns Center is located in Fargo, ND, and provides psychiatric and chemical dependency services to patients and families of all ages.

A medical plan must be provided verifying the individual is expected to return home within 12 calendar months from the month of entry.

- If the individual is not expected to return home within 12 calendar months from the month of entry, the individual is not eligible for TANF beginning the first full calendar month following the month of entry.
- If the individual is expected to return home within 12 calendar months, the individual continues to be eligible to be included in the household (full TANF Basic Standard of Need) for three complete calendar months following the month of entry.
- Beginning the fourth calendar month, the individual is eligible for a $45.00 monthly personal needs allowance. The individual may be eligible for the $45.00 personal needs allowance for up to nine months.

Individuals receiving services through day treatment services are eligible to receive TANF as part of their parent's or guardian's TANF household. Individuals, age 18 or older, pregnant or with a child(ren) are eligible on their own behalf and will be budgeted based on the TANF Basic Standard of Need for the appropriate household size.

Psychiatric Residential Treatment Facility

Facilities that are accredited by the Joint Commission on Accreditation of Healthcare Organizations (JCAHO) and provide inpatient psychiatric services.

- Children placed in a Psychiatric Residential Treatment Facility for a full calendar month are ineligible for TANF Benefits.

Residential Treatment Center

A Residential Treatment Center provides:

a. Live-in therapy/behavior modification for adolescents who present a variety of conditions, ranging from drug abuse to violence to sexual behavioral problems;
b. Live-in therapy for adults and adolescents with alcohol, substance abuse or sex addiction;
c. Live-in treatment for individuals who are sex offenders.

- Individuals residing in a Residential Treatment Center for a full calendar month are ineligible for TANF Benefits.

Current facilities that meet this definition include, but are not limited to: Heartview Foundation (Bismarck), Centre Inc. (Fargo, Grand Forks and Mandan), and Center for Solutions (Cando)

Robinson Recovery Center

The Robinson Recovery Center located in Fargo, ND, is a Residential Treatment Center for individuals with methamphetamine addiction. A treatment plan must be provided verifying the individual is expected to return home within 12 calendar months from the month of entry.

- If the individual is not expected to return home within 12 calendar months from the month of entry, the individual is not eligible for TANF beginning the first full calendar month following the month of entry.
- If the individual is expected to return home within 12 calendar months, the individual continues to be eligible to be included in the household (full TANF Basic Standard of Need) for three complete calendar months following the month of entry.
- Beginning the fourth calendar month, the individual is eligible for a $45.00 monthly personal needs allowance. The individual may be eligible for the $45.00 personal needs allowance for up to nine months.

Saint Gianna & Peitro Molla Maternity Home

The Saint Gianna and Peitro Molla Maternity Home is located in Warsaw, ND and provides care for pregnant women who are 18 years of age and older. The home provides food and clothing to pregnant women and their children in times of personal crisis as well as education and counseling services.

- A person who resides at the Saint Gianna and Peitro Molla Maternity Home is eligible to be included in the full TANF Basic Standard of Need.

Sister's Path

Sister's Path is a drug/alcohol treatment center, located in Fargo, ND, serving women and their families.

- While residing at Sister's Path, if a woman is pregnant or has a child(ren) residing with her, the family is allowed the full TANF Basic Standard of Need for their household.

If the woman is not pregnant or does not have her child(ren) residing with her, she may be eligible. A treatment plan must be provided verifying the individual is expected to return home within 12 calendar months from the month of entry.

- If the individual is not expected to return home within 12 calendar months from the month of entry, the individual is not eligible for TANF beginning the first full calendar month following the month of entry.
- If the individual is expected to return home within 12 calendar months, the individual continues to be eligible to be included in the household (full TANF Basic

Standard of Need) for three complete calendar months following the month of entry.
- Beginning the fourth calendar month, the individual is eligible for a $45.00 monthly personal needs allowance. The individual may be eligible for the $45.00 personal needs allowance for up to nine months.

State Hospital

The State Hospital is located in Jamestown, ND, and provides specialized psychiatric and substance abuse services for individuals over age 21 whose needs exceed the resources and capacity of other community services. Services are provided on an in-patient or residential level of the hospital: Adult Psychiatric Service and Chemical Dependency Service. A medical plan must be provided verifying the individual is expected to return home within 12 calendar months from the month of entry.

- If the individual is not expected to return home within 12 calendar months from the month of entry, the individual is not eligible for TANF beginning the first full calendar month following the month of entry.
- If the individual is expected to return home within 12 calendar months, the individual continues to be eligible to be included in the household (full TANF Basic Standard of Need) for three complete calendar months following the month of entry.
- Beginning the fourth calendar month, the individual is eligible for a $45.00 monthly personal needs allowance. The individual may be eligible for the $45.00 personal needs allowance for up to nine months.

State Hospital - under 21

The State Hospital is located in Jamestown, ND, and provides specialized psychiatric and substance abuse services for individuals under age 21 whose needs exceed the resources and capacity of other community services. Services provided on an in-patient or residential level of the hospital include Chemical Dependency and Child and Adolescent. A medical plan must be provided verifying the individual is expected to return home within 12 calendar months from the month of entry.

- If the individual is not expected to return home within 12 calendar months from the month of entry, the individual is not eligible for TANF beginning the first full calendar month following the month of entry.
- If the individual is expected to return home within 12 calendar months, the individual continues to be eligible to be included in the household (full TANF Basic Standard of Need) for three complete calendar months following the month of entry.
- Beginning the fourth calendar month, the individual is eligible for a $45.00 monthly personal needs allowance. The individual may be eligible for the $45.00 personal needs allowance for up to nine months.

Swing Bed

A swing bed is a unit within a hospital or critical access hospital (CAH) participating in Medicare that has Centers for Medicare Services (CMS) approval to provide post-hospital skilled Nursing Facility (SNF) care and meets certain requirements. A medical plan must be provided verifying the individual is expected to return home within 12 calendar months from the month of entry.

- If the individual is not expected to return home within 12 calendar months from the month of entry, the individual is not eligible for TANF beginning the first full calendar month following the month of entry.
- If the individual is expected to return home within 12 calendar months, the individual continues to be eligible to be included in the household (full TANF Basic Standard of Need) for three complete calendar months following the month of entry.
- Beginning the fourth calendar month, the individual is eligible for a $45.00 monthly personal needs allowance. The individual may be eligible for the $45.00 personal needs allowance for up to nine months.

North Dakota Adult & Teen Challenge, Inc.

North Dakota Adult & Teen Challenge, Inc.'s, located in Mandan, ND, is a faith-based residential recovery program for individual's age 18 or older battling drug and alcohol addiction.

- Individuals placed in North Dakota Adult & Teen Challenge, Inc.'s residential recovery program for a full calendar month are ineligible for TANF Benefits.

Transitional Living Facility

A Transitional Living Facility is a facility that provides programs designed to help offenders transition into the community.

- Individuals placed in a Transitional Living Facility for a full calendar month are ineligible for TANF Benefits.

Voluntary Placement

The Volunteer Placement Program is not a foster care placement. The child could be placed in a facility that is not inpatient care including PATH and county foster families or facilities, i.e. Manchester House, Dakota Boys Ranch, Prairie Learning Center, etc. The parents retain care, custody, and control of the child. Children in the Volunteer Placement Program are considered temporarily out of their home with a plan to return to their parental unit. The length of stay in a facility varies depending on the needs of the child.

- Children placed into a facility under the Volunteer Placement Program are eligible for the $45.00 clothing allowance provided all other factors of eligibility are met for the TANF Program. The out-of-home payment will be part of the TANF benefit paid to the parent/caretaker.

Factors of Eligibility for Minor Parents 400-19-45-25

Minor Parent Household 400-19-45-25-05

(Revised 6/1/10 ML #3225)

View Archives

(N.D.A.C. 75-02-01.2-31(2))

An individual is considered a minor parent when the individual has a marital status of never married, is under age 18, and is a mother or father to a child in the case.

When a minor parent and child reside in the home of the parents, either the minor parent or the minor parent's parents can apply for TANF. However, refusal on the part of the minor parent's to provide the required information about their income will result in denial or termination of assistance.

When the minor parent's parents are receiving or requesting TANF, the minor parent and minor parent's child(ren) must be included in the household when determining TANF eligibility. Income and assets of the entire household are used to determine eligibility.

> **Note #1:** If eligibility is denied due to excess assets or deprivation does not exist, a separate case can be established for the minor parent and minor parent's child, with the minor parent's parents (MP) included as ineligible. In this case, the assets of the minor parent's parents are disregarded. However, minor parent budgeted would apply. (See Section 400-19-45-25-20, Budgeting for Minor Parents Under Age 18 Residing With Parents or a Caretaker.)

> **Note #2:** If the household fails due to excess income, a separate case cannot be established for the minor parent and the minor parent's child as the minor parent's parents (MP) must be included and their income considered in determining the minor's eligibility.

A minor parent who has a legally or non-legally responsible caretaker in the home is considered a child (and not a caretaker) when determining whether or not to count the earned income of the minor parent.

> **Note:** The legally or non-legally responsible caretaker within the 5th degree of relationship to the minor parent must be included in the case, as either eligible or ineligible.

When a minor parent resides with a caretaker within the 5th degree of relationship and attends elementary or secondary school full-time, the earned income of the minor parent is disregarded.

When a minor parent does not reside with a caretaker within the 5th degree of relationship, the earned income of the minor parent is countable in determining the TANF Benefit.

Minor Parent Living Arrangement 400-19-45-25-10

(Revised 10/1/2023 ML #3749)

View Archives

(N.D.A.C. 75-02-01.2-31(7))

As a condition of eligibility, unless there is good cause, a pregnant unmarried minor or an unmarried minor parent under 18 and children must reside:

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

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

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

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

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

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

Good cause reasons are:

1. The pregnant minor or minor parent has no living parents, guardian, or other adult relative caretakers;

2. The whereabouts of the parents, guardian, or other adult relative caretakers of the pregnant minor or minor parent is not known;
3. The parents, guardian, or other adult relative caretakers do not permit the pregnant minor or minor parent to reside in their home; or
4. The pregnant minor or minor parent is subject to abuse or threatened by imminent harm if they reside in the home of the parents, guardian, or other adult relative caretakers.

The minor parent and the minor parent's children shall not be subjected to possible serious physical or emotional harm, sexual abuse, or exploitation in the residence of the minor's own parents or other adult relatives if a known history of any possible harmful instances exists. The eligibility worker shall document the findings and consider for approval any other type of suitable living arrangement.

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

Child Support Division and Minor Parents Under Age 18 400-19-45-25-15

(Revised 1/1/17 ML #3482)

View Archives

Parents of an eligible minor parent remain legally responsible for support of the minor parent. When the minor parent does not reside with the minor parent's parents, referrals are automatically sent to the Child Support Divison for the purpose of pursuing support on behalf of the eligible minor parent as well as from the alleged or acknowledged father of the eligible minor parent's child(ren). The natural or adoptive parent's duty to support a minor ends upon the minor attaining age 18 (ends the month prior to the minor attaining age 18), legal marriage of the minor, or the minor gaining emancipation.

When the minor parent resides with the minor parent's parents, referrals are not sent to the Child Support Division on behalf of the eligible minor parent because the minor parents' parent's income is considered in determining eligibility. However, a referral is made against the alleged or acknowledged father of the eligible minor parent's child(ren).

Budgeting for Minor Parents Under Age 18 Residing With Parents or a Caretaker 400-19-45-25-20

(Revised 6/1/10 ML #3218)

View Archives

(N.D.A.C. 75-02-01.2-31(2))

If a pregnant minor or a minor parent with child(ren) lives with both of the minor parent's natural or adoptive parents and the minor parent has a marital status of never married or legally annulled, the income (but not assets) of the minor parent's parents, who are not otherwise eligible for TANF, will be considered available to the TANF household and is subject to the same disregards as stepparents in determining the households eligibility and payment.

A minor parent who resides with a legally or non-legally responsible caretaker is considered a child (and not a caretaker) when determining the TANF Basic Standard of Need.

- A minor parent residing with a non-legally responsible caretaker who 'opts out' would receive the TANF Basic Standard of Need for the number of children (including the minor parent) for whom TANF is requested.
    - If the non-legally responsible caretaker is IN for TANF, the TANF Basic Standard of Need would be for one caretaker and the number of children (including the minor parent) for whom TANF is requested.
    - If the non-legally responsible caretaker is disqualified (DI, DM) the minor parent and child(ren) are still considered children and the TANF Basic Standard of Need would be for one caretaker and the number of children (including the minor parent) for whom TANF is requested.
    - If the non-legally responsible caretaker is disqualified (DA, DD, DF), the minor parent and child(ren) are still considered children and the TANF Basic Standard of Need would be for the number of children (including the minor parent) for whom TANF is requested.

The disregards allowed from the income of the minor parent's parents are:

1. A work expense disregard of $180 or 27 percent whichever is greater of gross earned income;
2. An amount equal to the TANF Basic Standard of Need for the parents living in the home plus any other individuals living in the home who are not in the TANF household, but who are claimed as dependents of the parents;

3. Amounts paid by the parents to support individuals outside the home who are claimed as dependents for income tax purposes; and
4. Payments by the parents of child support and/or alimony/spousal support to individuals outside the home.

All earned income of a minor parent residing with the minor parent's parents and attending elementary or high school full-time, is disregarded.

Budgeting for Minor Parents Living In an Adult-Supervised Supportive Living Arrangement (Other Than Living with Parents) 400-19-45-25-25

(Revised 6/1/10 ML #3218)

View Archives

When a minor parent under age 18 resides in an Adult-Supervised Supportive Living Arrangement, the minor parent's parents' income will not be a factor when determining eligibility.

In the month the minor parent residing in an Adult-Supervised Supportive Living Arrangement has a baby, her benefit will be based on a full TANF Basic Standard of Need for herself and a prorated TANF Basic Standard of Need for the baby from the date of birth. If the minor parent and newborn return to live with the minor parent's parents, no minor parent budgeting procedures or benefit adjustment will be made for the month of return.

When a minor parent does not reside with a caretaker within the 5th degree of relationship, the minor parent's earned income is countable in determining the TANF Benefit.

Eligibility for Minor Parents Attaining Age 18 or Parents Age 18 or Older Residing With Parents 400-19-45-25-30

(Revised 6/1/10 ML #3218)

View Archives

Once a minor parent turns 18 years of age, the parent may be eligible for TANF benefits in their own right and minor parent living arrangement criteria no longer applies. An individual is considered age 18 on the first day of the month of their 18th birthday.

The income and assets of the minor parent's parents are disregarded effective the first day of the month in which the minor parent attains age 18. However, the assets, income and expenses of the minor parent attaining age 18 must be considered in determining TANF eligibility and the benefit amount.

Regular contributions in cash by the minor parent's parents must be considered.

Minor Parent (Under Age 18) in Foster Care 400-19-45-25-35

(Revised 6/1/10 ML #3218)

View Archives

Any child residing in the same foster home as their minor parent is ineligible for TANF benefits. The foster care payment must include an amount necessary to cover the maintenance and other costs for the well-being of the child in the foster care payment. It is prohibited to include any child of a minor parent receiving such foster care maintenance payments in a TANF household.

If the parent and her child are later separated, the needs of the child can no longer be included in the parent's foster care payment. In such cases, the child's need and eligibility for TANF or foster care must be determined based on the child's current and individual circumstances.

When the minor parent attains age 18 and is no longer considered a minor parent, the parent can voluntarily sign themselves into Foster Care. If the parent does this, the maintenance and other costs for the well-being of the parent’s child can no longer be covered by Foster Care. In this instance, the parent can receive a TANF benefit for their child only.

Limitation to Pregnant Women 400-19-45-30

(Revised 4/1/2026 Release 26.1)

View Archives

(N.D.A.C. 75-02-01.2-30)

(N.D.A.C. 75-02-01.2-31)

As a condition of eligibility, when a case consists of a pregnant woman with no other children, 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 children does not affect the household size or TANF benefit.**

Eligibility for TANF assistance for a pregnant woman with no other children begins with a medically verified pregnancy. JOBS participation is required for a pregnant woman unless there is good cause for not participating.

If a pregnant woman with no other children in the home resides with her spouse, eligibility must be based on a finding of incapacity, aged, or disability of the pregnant woman or her spouse. The needs of the pregnant woman and her spouse may then be met.

Upon the birth of the newborn, if the woman with no other children in the home resides with her spouse or the father of the newborn for whom paternity has been established, continued eligibility must be based on the deprivation factor of incapacity, aged or disability of either parent.

If a pregnant woman with no other children in the home resides with the father of the child (who is not her spouse), eligibility must be based on the deprivation of absence since paternity has not been established. The benefit includes the financial needs of the pregnant woman only.

> **Note: Upon the birth of the newborn, continued eligibility must be based on the deprivation of absence if paternity has not been established. The benefit includes the financial needs of the mother and newborn until paternity is established.**

TANF Lifetime Limit - Background Information 400-19-45-35-05

(Revised 4/1/2026 Release 26.1)

View Archives

(N.D.A.C. 75-02-01.2-35.1)

Public Law 104-193, The Personal Responsibility and Work Opportunities Reconciliation Act of 1996 prohibits states from providing cash assistance to households where the head of household or spouse of the head of household has received assistance for a total of 60 months, whether or not the months were consecutive. While states have the option to set lower time limits on the receipt of TANF benefits, North Dakota has chosen 60 months. North Dakota implemented this provision effective July 1, 1997.

Based on Federal regulations at (45 CFR 264.1), the count applies and increments for the following individuals who have participation codes of 'IN' or 'OH':

- Adult head-of-household
- Spouse of the head-of-household
- Pregnant minor head-of-household
- Minor parent head-of-household
- Spouse of pregnant minor head-of-household
- Spouse of minor parent head-of-household

Note: Count months for a second adult in the household if that adult is not a spouse cannot increment. Count months for unrelated adults such as boyfriends or girlfriends cannot increment.

Example #1: Double step-parent household where both parents are 'IN'. The lifetime limit count applies to and increments for both parents.

Note: If one of the parents in this household had previously reached the 60-month lifetime limit in another case prior to being added to this case, that parent now makes this household ineligible.

Example #2: Intact household where one parent has a participation of 'SS' and the other parent (spouse of the head of household) has a participation of 'IN.' The lifetime limit count applies to and increments for the spouse of the head of household with the 'IN' participation.

Example #3: Household where the primary individual has a participation of 'DA' or 'ST' and the spouse has a participation of 'IN.' The lifetime limit count applies to and increments for the spouse of the Primary Individual with the 'IN' participation.

Example #4: Household consists of mom, boyfriend and child in common. Mom is the head of household. Due to boyfriends approved incapacity, all three are receiving TANF. The lifetime limit count applies to and increments for mom. However, boyfriend is not the spouse of the head of household, the lifetime limit does not apply and increment for boyfriend.

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 integrated eligibility 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 issued a zero benefit due to a TANF grant being less than $10 do not count toward the lifetime limit.

Any month in which a supplemental benefit is issued for an individual whose financial needs were not previously met must be counted towards the lifetime limit.

Any month in which a TANF grant has been paid and is later determined to be a partial or complete overpayment becomes a count month towards the lifetime limit. The month remains a count month even if the month is corrected and overpayments established.

The eligibility worker must contact all states and Indian tribes in which an adult or minor head of household previously received TANF or Tribal TANF assistance to verify the number of countable months of assistance received.

Under federal law, the number of households that may be exempted from the TANF lifetime limit by the state may not exceed 20% of the average monthly number of households receiving TANF assistance.

Households that include an adult who has reached the 60-month lifetime limit may be allowed an exemption to the TANF lifetime limit in accordance with policy 400-19-45-35-10, TANF Lifetime Limit – Exemption Criteria.

TANF Lifetime Limit - Exemption Criteria 400-19-45-35-10

(Revised 6/1/2023 ML #3721)

View Archives

(N.D.A.C. 75-02-01.2-35.1)

Households that include an adult who has reached the 60-month lifetime limit may be allowed an exemption to the TANF Lifetime Limit. Households may be considered exempt from the TANF lifetime limit when any of the following criteria are met:

Automatic exemptions

1. The eligible adult caretaker in the household who has not met the lifetime limit and is age 65 or older. Such an individual will be automatically exempt from the lifetime limit requirement through the integrated eligibility system and will not be required to request an exemption.
2. The eligible adult caretaker who has not met the lifetime limit and is considered disabled and in receipt of Supplemental Security Income (SSI, including presumptive SSI) will be automatically exempted from the lifetime limit requirement by the integrated eligibility system, and will not be required to request an exemption.

   Individuals considered disabled for SSI (including presumptive SSI) by Social Security Administration but not in receipt of a payment (1619b, SSI recoupment, setting up a protective payee, etc.), will not be considered exempt from the lifetime limit as a disabled individual.

   If the Social Security Administration determines that the individual is no longer eligible to receive SSI, the exemption ends.

3. The lifetime limit months do not count when the eligible caretaker is residing on Indian land in Benson, Dunn, Eddy, Mercer, McKenzie, McLean, Mountrail, Nelson, Ramsey, Richland, Rolette, Sargent, Sioux, and Ward County, and the unemployment rate is greater than 50%.

   Note: Effective January 2023, Benson, Rolette and Sioux counties have unemployment rates greater than 50%.

   An eligible adult caretaker in the household who has met the lifetime limit and who returns to reside on Indian Land where the unemployment rate is greater

than 50% IS NOT eligible to receive TANF benefits. The individual must have returned to reside prior to receiving their 60 months of TANF benefits.

Exemptions that Require a Request by the Household

1. An eligible caretaker is determined to be incapacitated in accordance with N.D.A.C. § 75-02-01.2-18. The caretaker has a physical or mental condition of such a debilitating nature as to reduce substantially or eliminate the individual's capacity either to earn a livelihood or to discharge the individual's responsibilities as a homemaker and provider of child care for a period of thirty days or more.

   A caretaker continues to be incapacitated if the incapacity is not reasonably subject to remediation, or if the individual makes reasonable progress towards remediation of the incapacity. Reasonable progress towards remediation means cooperation with the medical practitioners who prescribe the course of treatment intended to remediate or limit the effect of the incapacity. This includes, but is not limited to, physical therapy, counseling, drug therapy and weight loss, cooperation with vocational practitioners, and reasonable progress in a course of training or education intended to qualify the individual to perform an occupation which, with the training or education, the individual would have the capacity to perform.

2. An eligible caretaker whose spouse or dependent child is determined to be incapacitated and in need of full-time care.
3. An eligible caretaker who is a victim of family violence and unable to be regularly employed or to participate fully in approved work activities due to the physical, emotional, or psychological effects of family violence.

   Examples of family violence may include, but are not limited to physical, emotional, or psychological harm; bodily injury; sexual activity compelled by physical force; and assault or the fear of imminent physical harm or bodily injury.

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

(Revised 4/1/2026 Release 26.1)

View Archives

Based on the provisions of the family violence option contained in the Personal Responsibility and Work Opportunity Act of 1996 and North Dakota Century Code, a victim of family violence may be granted good cause for non-participation in the JOBS program or may be granted a hardship exemption from the 60 month TANF lifetime limit.

North Dakota Century Code § 50-09-31 requires that:

1. All TANF applicants and recipients be informed of the family violence option;
2. All applicants be screened to determine if they are past or present victims of family violence or are at risk of further family violence;
3. Those individuals with positive screening results be referred to a local family violence, sexual assault organization (See DN 1332, 'Family Violence Option' brochure, for a listing of available family violence resource centers) for safety planning and supportive services; and

   Note: If a eligibility worker refers an individual to a local family violence, sexual assault organization for safety planning and supportive services, and the individual refuses to comply with the referral, the eligibility worker must document that a referral was offered and declined.

4. A good cause determination is made with respect to TANF work requirements or the TANF 60 month lifetime limit.

   The eligibility worker is ultimately responsible to make a good cause determination and should do so with assistance and input from the applicant/recipient and staff from the local family violence resource center or other service providers, as appropriate.

   In the event that the eligibility worker is unable to determine whether a victim of family violence should or should not be referred to the JOBS program, the eligibility worker may forward the case and all pertinent documentation to the State Exemption Determination Team for assistance in making a good cause determination.

   NOTE: Cases involving requests for 'good cause' due to potential family violence are not to be referred to the State Review Team.

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.

It is entirely possible, given the circumstances of the case, that an individual's work activity may only involve participation in job readiness activities designed to help the individual address the family violence issue. As circumstances change and the individual becomes better able to participate, the individual's Employability Plan should be modified to reflect their increased capabilities.

For additional information on the Family Violence Option as it relates to good cause for non-participation in the JOBS program, please refer to DN 1332, 'The Family Violence Option' brochure.

For additional information on the Family Violence Option as it applies to hardship exemptions from the TANF 60 month lifetime limit, please see Section 400-19-45-35-10, TANF Lifetime Limit - Exemption Criteria.

TANF Lifetime Limit Exemption Determination Process 400-19-45-35-20

(Revised 01/01/2022 ML #3651)

View Archives

A notice will be sent to households during their 54th and 58th count month informing them when they will reach the TANF lifetime limit.

Households will be informed that they may be exempted from the TANF lifetime limit if the eligible caretaker:

1. Is incapacitated.
2. Needs to provide full-time care for an incapacitated spouse or dependent child;
3. Is a victim of family violence and unable to be regularly employed or to fully participate in approved work activities due to the physical, emotional, or psychological effects of family violence.

If such a household believes they should be exempt from the TANF lifetime limit they must submit a written request to the eligibility worker. The request must explain the reason for exemption from the TANF lifetime limit and must include clear and convincing documentation from a professional service provider.

When an eligibility worker receives a household's written request for exemption and the required documentation, the human service zone Agency Exemption Determination Team must review the request. The County Exemption Determination Team must be composed of the program eligibility worker and their supervisor. The County Exemption Determination Team may also involve the JOBS Employment Contractor and other counselors or service providers, as appropriate.

Within 30 days from the date of the written request, the eligibility worker must make a decision to either:

1. Deny the request; or
2. Make a recommendation to the State Exemption Determination Team that the exemption be granted.

If the County Exemption Determination Team denies the request, the eligibility worker will inform the household of the denial in writing. The denial notice must explain the reason the request for exemption was denied. The County Exemption Determination

Team has the option of sending denied requests to the State Exemption Determination Team.

If the County Exemption Determination Team believes the household's request should be approved, a completed SFN 150, 60-Month Lifetime Exemption Background Report, SFN 805, Request For An Exemption From The Lifetime Time Limit and all supporting documentation must be sent to the State Exemption Determination Team with a recommendation for approval.

The State Exemption Determination Team will be composed of the TANF/JOBS Policy Unit. The State Exemption Determination Team will review the request and the supporting documentation and will, within 7 calendar days of their receipt of the request, inform the eligibility worker of the final determination. The eligibility worker will inform the household of the final determination by sending the appropriate notice.

Households granted an exemption from the lifetime limit must be reviewed by the eligibility worker at least once every 6 months to ensure that the exemption is still appropriate (though the eligibility worker may review such cases sooner if they become aware of any change in the household's status that might serve to invalidate the exemption). After each review, the eligibility worker must forward the supporting documentation to the State Exemption Determination Team for final approval. Only cases where the eligibility worker recommends continuance of the exemption need to be sent to the State Exemption Determination Team for final approval.

During the exemption period from the lifetime limit, all other program requirements apply.

TANF Lifetime Limit Exemption Appeal Process 400-19-45-35-25

(Revised 6/1/10 ML #3218)

View Archives

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. (See Section 400-19-125, Appeals and Fair Hearings.)

Citizen or Alien Status 400-19-45-40

Eligibility Requirements 400-19-45-40-05

(Revised 6/1/10 ML #3218)

View Archives

As a condition of eligibility, applicants or recipients must be a United States citizen or an alien lawfully admitted for permanent residence. Verification of citizenship, naturalization, or alien status of lawfully admitted for permanent residence must be documented.

United States Citizenship 400-19-45-40-10

(Revised 10/1/10 ML #3241)

View Archives

U.S. citizens include anyone born in:

- The 50 United States
- The District of Columbia
- Guam
- The Virgin Islands
- Puerto Rico
- The Northern Mariana Islands
- American Samoa
- Swain's Island

A child born abroad in wedlock (including in Canada and Mexico) acquires U.S. citizenship at birth if the child was born:

1. To two U.S. citizen parents provided that one of the parents had a residence in the U.S. prior to the child's birth; or
2. To one U.S. citizen parent and one alien parent:

    a. For a child born on or after November 14, 1986, the citizen parent was physically present in the U.S for a period of five years of which two must have been after the age of fourteen; and
    b. For a child born between December 24, 1952 and November 13, 1986, the citizen parent was physically present in the U.S. for a period of ten years, of which five must have been after the age of fourteen.

A child born abroad out of wedlock (including in Canada and Mexico) acquires U.S. citizenship at birth if the child was born:

1. To a U.S. citizen father provided all of the following criteria are met:

    a. A blood relationship between the child and the father is established by clear and convincing evidence; and
    b. The father had the nationality of the U.S. at the time of the child's birth; and
    c. The father (unless deceased) has agreed in writing to provide financial support for the child until the child reaches age 18 years; and
    d. While the child is under the age of 18 years:

i. The child is legitimated under the law of the child's residence; and
ii. The father acknowledges paternity of the person in writing under oath, or
iii. The paternity of the child is established by adjudication court.

2. To a U.S. Citizen Mother if the mother was a U.S. citizen at the time of the child's birth, and if the mother had previously been physically present in the U.S. (or one of its outlying territories) for a continuous period of one year.

Derivative Citizenship for Children 400-19-45-40-15

(Revised 6/1/10 ML #3218)

View Archives

Some children of naturalized citizens may not have to apply separately to the Immigration and Naturalization Service (INS) (an agency of the Department of Homeland Security) to become U.S. citizens. Rather, they usually obtain their citizenship automatically, or "derivatively," based upon the naturalization of their parent(s), by a process known as "derivative naturalization." The laws about "derivative naturalization" vary, depending upon the date that the parent(s) naturalized.

On or after February 27, 2001, a child will become a U.S. citizen derivatively as soon as all of the following things happen:

- The child is under 18 years old;
- The child is or becomes a lawful permanent resident;
- A parent of the child is sworn in as a naturalized U.S. citizen after February 27, 2001; and
- The child lives with and is in the legal custody of the parent who became the U.S. citizen.

> **Note:** This also applies to children adopted from a foreign country as long as the four (4) conditions above are met.

It does not matter in what order these things happen. The child will become a U.S. citizen derivatively through his parent's naturalization as long as all of these requirements are met before the child's 18th birthday. The child could have been living outside the U.S. at the time of the individual's parent became a U.S. citizen, as long as the individual later enters the U.S. as a permanent resident to live with that parent while still under 18 years old.

> **Note:** This applies only to children by birth or legal adoption of the U.S. citizen. Step-children through marriage and children only under legal guardianship of the naturalized U.S. citizen cannot become U.S. citizens derivatively.

Prior to February 27, 2001, to become a U.S. citizen derivatively the laws were the same as above, except that if the child lived with both of the individual's parents, both parents had to become naturalized U.S. citizens before the child's 18th birthday. If one parent naturalized while the child was under age 18, but the other naturalized after the child's 18th birthday, then the child did not become a US citizen automatically and must file for naturalization on their own.

There is an exception when the parents are legally separated or divorced, and the child becomes a citizen upon the naturalization of the parent who has custody of the child. If one parent is a U.S. citizen and the other is a foreign national, then the child obtains derivative citizenship when the foreign national parent naturalizes.

A child who is eligible for derivative citizenship can obtain a certificate in the child's own name proving that the child is a US citizen. This certificate, which can be obtained by filing form N-600 with the INS along with the appropriate evidence, will serve as documentation that naturalization has already been acquired. The child can also simply apply for a US passport instead of obtaining a certificate of citizenship. Either document is conclusive proof of the child's US citizen status.

Illegal Aliens - Not lawfully Admitted for Permanent Residence 400-19-45-40-20

(Revised 6/1/10 ML #3218)

View Archives

(N.D.A.C. 75-02-01.2-28)

Aliens who are not lawfully admitted for permanent residence in the United States, under an allowable INS status, are not eligible for TANF.

Qualified Aliens 400-19-45-40-25

(Revised 10/1/2025 Release 25.1)

View Archives

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

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

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

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

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

2. Granted asylum under section 208 of such Act [8 U.S.C. 1158],
3. A refugee admitted to the U.S. under section 207 of such Act [8 U.S.C. 1157], including authorized Iraqi and Afghan Special Immigrants and their families admitted to the U.S. under section 8120 of the Department of Defense Appropriations Act of 2010 effective December 19, 2009,
4. Paroled into the U.S. under section 212(d)(5) of such Act [8 U.S.C. 1182 (d)(5)] for a period of at least 1 year,
5. An individual whose deportation is being withheld under section 243(h) of such Act [8 U.S.C. 1253] or section 241(b)(3) of such Act [8 U.S.C. 1231 (b)(3)] (as amended by section 305(a) of division C of Public Law 104-208); or
6. Granted conditional entry pursuant to section 203(a)(7) of such Act [8 U.S.C. 1153 (a)(7)] as in effect prior to April 1 1980; or
7. A Cuban and Haitian entrant (as defined in section 501(e) of the Refugee Education Assistance Act of 1980); or
8. An Amerasian immigrant admitted to the U.S. pursuant to section 84 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1988; or
9. A victim of a severe form of trafficking, including:

   - If the victim is under 21, the victims spouse, children and unmarried siblings under 18 years of age on the date on which the victim applied for this status,

- If the victim is age 21 or older, the spouse and children of the victim and also includes the victims parent or unmarried sibling under age 18 if it is determined that the parent or unmarried sibling faces a present danger of retaliation as a result of the alien's escape from the severe form of trafficking or cooperation with law enforcement.

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

Qualified Aliens Lawfully Admitted for Permanent Residence Before August 22, 1996 400-19-45-40-25-05

(Revised 6/1/10 ML #3218)

View Archives

(N.D.A.C. 75-02-01.2-28)

Qualified aliens who lawfully entered the United States for permanent residence before August 22, 1996, and who meet all other TANF eligibility criteria may be eligible for TANF. These individuals are not banned from receiving benefits for a 5 year period.

This 5-year period is also known as a '5-year ban on benefits' and is effective on the date the individual entered the country as a qualified alien or the date the individual becomes a qualified alien, whichever is later.

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

(Revised 4/1/2026 Release 26.1)

View Archives

(N.D.A.C. 75-02-01.2-28.1)

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

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

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

1. Aliens who have a past or current involvement with the United States Armed Forces. (These individuals include honorably discharged veterans, qualified aliens on active duty in the United States' armed forces, and the spouse or unmarried dependent child(ren) of such individuals.) (See Section 400-19-45-40-25-15, Establishing Past or Current Military Involvement of an Alien.)
2. An Amerasian immigrant admitted to the U.S. pursuant to section 84 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1988;
3. Refugees, Refugee Unaccompanied Minors, and Iraqi and Afghani Special Immigrants who are considered refugees as of December 19, 2009;
4. Asylees who have been granted asylum (not applicants for asylum);
5. Aliens whose deportation was withheld under Section 243(h) of the Immigration and Naturalization Act (INA);
6. Cuban and Haitian Entrants;
7. Victims of a severe form of trafficking, including:
    - If the victim is under 21, the victims spouse, children and unmarried siblings under 18 years of age on the date on which the victim applied for this status,
    - If the victim is age 21 or older, the spouse and children of the victim and also includes the victims parent or unmarried sibling under age 18 if it is determined that the parent or unmarried sibling faces a present danger of

retaliation as a result of the alien's escape from the severe form of trafficking or cooperation with law enforcement.

8. Effective with the enactment of Public Law 118-42, (effective March 9, 2024) individuals who reside lawfully in the United States in accordance with section 141 of the Compacts of Free Association between the Government of the United States and the Governments of the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau are included in the definition of "qualified immigrants".
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.

Qualified Aliens who entered the US under one of the categories exempt from the 5 year ban remain eligible for TANF when their alien status is converted to a category that is not exempt from the 5 year ban.

Example: An individual enters the US with a status of Refugee (exempt from the 5 year ban). Two years later, their status changes from Refugee to Lawful Permanent Resident (LPR). The status used when determining continued eligibility for TANF is Refugee (status as of date of entry) for the duration of the 5 year eligibility period.

Establishing Past or Current Military Involvement of an Alien 400-19-45-40-25-15

(Revised 6/1/10 ML #3218)

View Archives

An alien with past or current U.S. Military Involvement may be eligible for TANF if the alien:

1. Is on active duty for reasons other than training with any of the United States Armed Forces units. This applies to minimum active duty (24 months) or the period for which the person was called to active duty.

   An individual remains eligible if honorably discharged for reasons other than alien status and who fulfills the minimum active duty service requirement, including an individual who died in active military, naval or air service.

   > **Note:** This includes an individual who served before July 1, 1946, in the organized military forces of the Government of the Commonwealth of the Philippines while such forces were in the service of the Armed Forces of the U.S. or in the Philippine Scouts.

2. Is a Spouse of an alien with U.S. Military involvement: An individual must be married to the veteran/service individual or was married to the individual at the time of the individual's death and has not remarried.

   > **Note:** Eligibility exists for the alien spouse regardless of whether or not the veteran/service individual is a United States citizen.

   The surviving spouse of a deceased veteran who has not remarried may be eligible provided that the couple was married for at least one year or for any period if a child was born of the marriage or was born to the veteran and the spouse before the marriage.

   > **Note:** An individual would not be eligible if divorced from the veteran/service individual or has remarried since the veteran/service individual's death.

   Eligibility stops if the service individual is discharged from active duty for alien status or dishonorable service.

3. Is an unmarried dependent child(ren) of an alien with U.S. Military involvement and is:

a. Legally adopted or a biological dependent child of an honorably discharged veteran or active duty member of the Armed Forces if the child is under the age of 18 or a full-time student under the age of 22.
b. A child under ages 18 or 22 if a fulltime student of a deceased veteran.
c. A disabled child age 18 or older if the child was disabled and dependent on the active duty member or veteran prior to the child's 18th birthday.
d. A dependent child that is not residing with the veteran/service individual.

The following aliens are not eligible based on past or current military involvement:

1. An alien on active duty who is in training such as National Guard or Army Reserve.
2. An alien who is dishonorably discharged from service is not eligible.
3. A child is no longer eligible if the child marries (as no longer considered a dependent) or the service individual is discharged from active duty for alien status or dishonorable service.

Sponsor Income and Assets 400-19-45-40-30

(Revised 6/1/10 ML #3218)

View Archives

(N.D.A.C. 75-02-01.2-28 (3))

For purposes of this section, sponsor deeming is a process used to determine the eligibility for and amount of TANF benefits that a Lawful Permanent Resident (LPR) may receive. The State must consider the income and assets of the sponsor and the sponsor's spouse available to the sponsored LPR when determining eligibility for and the amount of TANF as defined in this section.

Title IV of PRWORA 1996 as amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) and the Balanced Budget Act (BBA) of 1997 created a new affidavit of support requirement for sponsors of certain LPR's and new rules for deeming income and assets from the sponsor to the LPR. In particular, section 423 of PRWORA, as amended, added section 213A to the INA, which directed the Attorney General to develop a new, legally enforceable affidavit of support, Form I-864, "Affidavit of Support under Section 213A of the Act" that must be executed by certain sponsors. The I-864 Affidavit became effective on December 19, 1997.

> **Note:** The I-864 Affidavit is required for most family-based immigrants, and some employment-based immigrants. All immigrants who have an I-864 Affidavit are LPR's.

To be a sponsor, the individual executing the I-864 Affidavit, must:

1. Be a citizen or national of the United States or a lawful permanent resident of the United States,
2. Be at least 18 years of age,
3. Be a resident in the United States or any of its territories or possessions, and
4. Demonstrate the means to maintain a gross annual household income of at least 125% of the Federal Poverty Level (FPL) (100% of FPL, if the sponsor is on active duty in the Armed Forces of the US and is sponsoring a spouse or child) for the sponsor's household size.

> **Note:** For purposes of the I-864 Affidavit, the sponsor's household size includes the sponsor, all persons who are related to the sponsor by birth, marriage, or adoption and who live at the same residence as the sponsor, and any other dependents whom the sponsor has lawfully claimed on the sponsor's personal Federal income tax return (even if those dependents do not live with the sponsor), plus all aliens included in

the current affidavit of support, and any LPR's who have been previously sponsored under section 213A of the Act, unless the obligation has terminated.

When an LPR is sponsored in accordance with an I-864 Affidavit, the sponsor's income and assets as well as the income and assets of the sponsor's spouse must be deemed to the LPR, with the following exceptions:

1. LPR's who applied for an immigrant visa at a consular office or adjustment of status to LPR before December 19, 1997;
2. Qualified aliens who are sponsored by an organization or who are not LPR's and who are not required to have a sponsor (e.g. refugees, asylees, parolees, and Cuban and Haitian entrants);
3. LPR's who entered as Refugees or Asylees and whose status was adjusted to LPR;
4. Victims of severe forms of trafficking;
5. Non-citizens, including US nationals, who do not have to have sponsors; and
6. Non-citizens whose sponsors signed affidavit(s) of support other than the I-864 Affidavit of Support.

Sponsor deeming would not apply for a 12-month period if:

1. The sponsored LPR or certain family members have been determined a victim of domestic violence or extreme cruelty, and

   Note: The 12-month period can be extended if the abuse or cruelty is recognized by a court order, an Administrative Law Judge, or the INS, AND the victim does not live with the batterer.

2. The sponsored LPR would be indigent (unable to obtain food and shelter without government assistance). If determined indigent, then only the amount of income and assets actually provided by the sponsor or the sponsor's spouse would be deemed to the LPR. Each indigent determination is renewable for additional 12-month periods.

   Note: To determine if the LPR is indigent, the amount of the gross income of the LPR, the LPR's spouse, and any individual's required to be part of the TANF household plus any cash, food, housing or other assistance, including in-kind, provided by other individuals or agencies, including the sponsor and the sponsor's spouse, cannot exceed 125% of the Federal Poverty Level for the size of the LPR's household. A reimbursement of an expense is not counted as income in this determination.

When an LPR's is sponsored in accordance with an affidavit other than the I-864 Affidavit, deeming of the sponsor's income and assets as well as the income and assets of the sponsor's spouse does not apply.

Calculation of Countable Sponsor Income and Assets 400-19-45-40-30-05

(Revised 6/1/10 ML #3218)

View Archives

(N.D.A.C. 75-02-01.2-44(6)(b))

For purposes of this section, household size includes the sponsor, all persons who are related to the sponsor by birth, marriage, or adoption and who live at the same residence as the sponsor, and any other dependents whom the sponsor has lawfully claimed on the sponsor's personal Federal income tax return (even if those dependents do not live with the sponsor), plus all aliens included in the current affidavit of support, and any immigrants who have been previously sponsored under section 213A of the Act, unless the obligation has terminated.

The amount of income and assets of the sponsor and sponsor's wife to deem to the LPR is calculated as follows:

Income: The amount of gross income in excess of 125% of the Federal Poverty Level equal to the household size of the sponsor.

Assets: The value of asset in excess of the TANF Asset Limits, based on the appropriate household size.

Deeming Period 400-19-45-40-30-10

(Revised 8/1/11 ML #3272)

View Archives

The period which the sponsor's income and assets are deemed continues until:

- The sponsored LPR becomes a US citizen, or
- The sponsored LPR has earned or can be credited with 40 qualifying quarters of coverage, or
- The sponsored LPR departs the US permanently, or
- The sponsored LPR dies.

> **Note:** Beginning January 1, 1997, no quarter counts if the alien received any federal means-tested public assistance during that quarter. Federal means-tested public assistance programs for this provision are: SNAP, Medicaid, SSI, and TANF.

American Indians Born in Canada 400-19-45-40-35

(Revised 6/1/10 ML #3225)

View Archives

For purposes of this section, 'American Indian' or 'Native American' is defined as a person having origins in any of the original peoples of the United States and Canada, except the Eskimos, Aleuts, and Inuits, who maintain tribal affiliation or community attachment.

Article III of the 'Jay Treaty' declared the right of "Indians" ("Native Americans") to trade and travel between the United States and Canada, which was then a territory of Great Britain. As a result of the "Jay Treaty", Native Indians born in Canada are entitled to enter the Unites States for the purpose of employment, study, retirement, investing, and/or immigration. TANF Policy refers to these individuals as 'American Indians Born in Canada'.

Section 289 of the Immigration and Nationality Act (INA) provides a statutory right to enter into the United States to non-citizen Native Americans born in Canada 'who possess at least 50% of blood of the American Indian race'. However, the right of entry into the U.S. does not convey Lawful Permanent Resident (LPR) status or any other qualified alien status to the individual. In order to have LPR status or any other qualified alien status, the individual must also have maintained residence in the US since entry. The date the individual begins their U.S. residence is the date the individual is considered a qualified alien.

> **Note:** If an individual abandons their US residence and returns to Canada and subsequently returns to the US and reestablishes and maintains US residency, the date of residency would begin on the date the individual reestablished and maintains their US residency.

A Native American born in Canada does not include a person who is the spouse or child of such an Indian or a person whose membership in an Indian tribe or family is created by adoption, unless such person possesses at least 50% or more of such blood. Each individual's immigration status should be examined to determine whether they have an immigration status that qualifies.

The following document serves as acceptable verification that an individual is an American Indian born in Canada who possesses at least 50% blood of the American Indian race:

A Blood Quantum Letter – The letter will contain information from the individuals Band, Tribe, Nation stating the individual's blood quantum, which must be at least 50% aboriginal blood.

The document may use the following verbiage:

- . . . at least 50% Aboriginal blood
- . . . at least 50% Indigenous blood
- . . . at least 50% North American Indian blood
- . . . at least 50% American Indian blood

Note: The Blood Quantum Letter can be used to show that an individual possesses at least 50% blood of the American Indian Race, but cannot be used to show that an individual does not possess at least 50% blood of the American Indian Race when the parents are enrolled in different Bands, Tribes, or Nations. If the letter does not show an individual possesses at least 50% blood of the American Indian Race, verification should be obtained from the Band, Tribe, or Nation where the other parent is enrolled.

The lawful admission for permanent residence of an American Indian born in Canada shall be recorded on Form I-181 (Memorandum of Creation of Record of Admission for Lawful Permanent Residence) or Form I-551 with the code S13 (Alien Registration Receipt Card for permanent residents, commonly referred to as a 'green card'). Those individuals who have established and maintained resident in the US would still be considered an LPR.

Non-Qualified Aliens 400-19-45-40-40

(Revised 6/1/10 ML #3218)

View Archives

1. Ineligible Aliens. Some aliens may be lawfully admitted for a temporary or specified period of time and are not eligible for TANF. They have the following types of documentation: Form I-94, Arrival-Departure Record; Form I-185, Canadian Border Crossing Card; Form I-186, Mexican Border Crossing Card; Form SW-434, Mexican Border Visitor's Permit; Form I-95A, Crewman's Landing Permit. These aliens are not eligible for TANF because of the temporary nature of their admission status.

   The following categories of individuals are ineligible aliens:

   a. Foreign government representatives on official business and their families and servants;
   b. Visitors for business or pleasure, including exchange visitors;
   c. Aliens in travel status while traveling directly through the U.S.;
   d. Crewman on shore leave;
   e. Treaty traders and investors and their families;
   f. Foreign students;
   g. International organization representation and personnel and their families and servants;
   h. Temporary workers including agricultural contract workers; and
   i. Members of foreign press, radio, film, or other information media and their families.

2. Illegal Aliens. Aliens who are not lawfully admitted for permanent residence in the United States are not eligible for TANF.

Documentation/Verification of Citizenship 400-19-45-40-45

(Revised 7/10/2024 ML #3848)

View Archives

When an applicant has presented an USCIS document containing the individual's alien admission number or alien file number, if the documents appear to be legitimate, the application must be processed within the appropriate time frame without waiting for receipt of additional verification from USCIS. A copy of the document must be included in the case file. Provided the document is in the case file, an error will not be cited should later verification result in ineligibility.

Example:

An individual applies and provides USCIS documents. When completing the SAVE inquiry, the worker is advised to request additional verification. The application must be processed within the appropriate time frame and the individual must be included in the case.

Eligibility for TANF is determined primarily by information supplied by the applicant/recipient. Certain aspects of eligibility must be supported by conclusive, documenting evidence. Following are suggested records which may be available to verify citizenship and/or alien status:

1. US Citizenship
    - Birth Certificate/Hospital Birth Certificate if signed by attending physician
    - Vital Records Interface
    - Immigration Papers
    - Naturalization Paper
    - Third Party Query (TPQY) - 'Verified with positive citizenship' or 'Verified with positive citizenship; Deceased' Citizenship Verification Code for Medicaid.

      Note: A screen print of the response must be placed in the case file, and the TANF Verification Code 'Interface' must be entered in the integrated eligibility system.

2. Refugee

    - USCIS Form I-94 showing entry as refugee under Section 207 of the INA and date of entry into U.S. (The arrival date is the date used to determine entry date.); or
    - USCIS Form I-688B annotated 274a.12(a)(3) (The arrival date is the date used to determine entry date.); or

- USCIS Form I-766 with code A3; or
- USCIS Form I-571; or
- USCIS Form I-551 or I-151 with codes RE1, RE2, RE3, RE4, RE5, RE6, RE7, RE8, RE8b, RE9, IC6 or IC7. (These codes show the individual's status was changed from refugee to lawful permanent resident.)

3. Victim of Human Trafficking

- "T" visa or Certification Document from the Office of Refugee Resettlement (victim);
- I-94 or passport containing nonimmigrant visa;
- I-688B or I-766 or other INS document indicating nonimmigrant status;
- Any verification from the INS or other authoritative document

These documents may have one of the following codes:

- Non Immigrant Code of:
  - “T-1” (Victim)
  - “T-2” (Spouse of Victim) or
  - “T-3 (Child of Victim)
- Immigrant Code of:
  - ST6 (Victim)
  - ST7 (Spouse of Victim); OR
  - ST8 (Child of Victim)

4. Asylee
   - USCIS Form I-94 showing grant of asylum under section 208 (The arrival date is usually the date of designated status.); or
   - USCIS Form I-766 annotated A5; or
   - Grant letter from Asylum Office of the USCIS; or
   - Order from immigration judge granting asylum; or
   - USCIS Form I-688B annotated 274.a12(a)(5) (The arrival date is usually the date of designated status.); or
   - USCIS Form I-766 with code A5; or
   - USCIS Form I-551 or
   - USCIS Form I-151 with codes AS6, AS7, AS8, or AS9. (These codes show the individual's status was changed from asylee to lawful permanent resident.)

5. Deportation
   - Individuals whose deportation has been withheld should have a court order. The date of the court order is the designated status date.
   - Immigration Judge order showing deportation withheld under section 243(h) or 241(b)(3) of the INA & date of grant; or
   - USCIS Form I-688B annotated 274a.12(a)(10); or

- USCIS Form I-766 with code A10.

6. Conditional Entrant
   - USCIS Form I-94 showing admission under section 203(a)(7) Refugee-Conditional Entry in effect prior to 04/01/1980; or
   - USCIS Form I-688B annotated 274a.12(a)(3); or
   - USCIS Form I-766 annotated A3; or
   - USCIS Form I-551 with code R86; or
   - USCIS Form I-151 with code R86. (This code shows the individual's status was changed to lawful permanent resident.)

7. Cuban/Haitian Entrant

   - I-94 Arrival/Departure cared with one of the following:
     - A stamp showing parole at any time as a 'Cuban/Haitian Entrant (Status Pending)
     - A stamp showing parole into the U.S. on or after April 21, 1980
     - Showing parole into the United States
   - I-551 with adjustment code CH6.
   - A Cuban or Haitian passport with a § 212(d)(5) stamp dated after October 10, 1980.
   - I-766 Employment Authorization Document with a code of A04, C08, C10 or C11.
   - One of the following HHS Forms:
     - DHS Form I-221
     - DHS Form I-862
     - DHS Form I-220A
     - DHS Form I-122
     - DHS Form I-221S
   - Copy of DHS Form I-589 date stamped by the Executive Office for Immigration Review (EOIR).
   - DHS receipt for filing form I-589.
   - Copy of DHS Form I-485 date stamped by EOIR.
   - EOIR-26.
   - I-688B Employment Authorization Document with the provision of law 274a.12(c)(8) or 274a.12(c)(10).
     - If an individual provides an I-688B Employment Authorization Document, which does not provide information about nationality, other documentation to confirm that the individual is a Cuban or Haitian national must be provided.
   - Other applications for relief that have been date stamped by EOIR.
   - Other documentation pertaining to an applicant’s removal, exclusion or deportation proceedings.

8. Amerasian Entrant

- USCIS Form I-551 with code AM6, AM7, or AM8 (These codes show the individual's status was changed to lawful permanent resident.)
- USCIS Form I-94 with code AM1, AM2, or AM3 (The arrival date is usually the date of designated status.)
- Unexpired temporary I-551 stamp in foreign passport.

9. Hmong or Highland Laotian -- States tribe meets Vietnam era involvement and has:
   - USCIS Form I-94 showing entry as refugee under Section 207 of INA and date of entry into the U.S.; or
   - USCIS Form I-151 unless form is marked as admitted under Section 249 & entered after 01-01-72; or
   - USCIS Form I-551 unless form is marked as admitted under Section 249 & entered after 01-01-72; or
   - On master list located in State Office.

10. Lawfully Admitted for Residence
    - Any INS document indicating individual has approval to reside in U.S. (does not have to be permanent authorization).

11. Lawfully Admitted for Permanent Residence
    - USCIS Form I-551 or I-151 (Resident Alien card).
    - If the individual was admitted under Section 249 and entered after January 1, 1972, no eligibility exists.
    - Any status code on the I-551 is acceptable unless the I-551 is annotated with IB6, IB7, IB8 and the individual does not meet battered alien criteria.
    - Unexpired Temporary I-551 stamp in foreign passport or on the I-94 form also verifies the individual is admitted for lawful permanent residence.

12. Parolee
    - USCIS Form I-94 stating admission under section 212(d)(5) of the INA.

13. Battered spouse or child
    - USCIS Form I-551 annotated with IB6, IB7, IB8; or
    - Other INS documentation of battered status – contact State Office for clarification.

14. American Indians - Verification of 50% American Indian blood
    - Enrollment documents, birth records, affidavits from tribal officials, USCIS Form I-181 or I-551 annotated with KIC, KIP or S13 or other acceptable documents can be used as verification of 50% American Indian Blood.
    - A Blood Quantum Letter containing information from the individual’s Band, Tribe, Nation stating the individual’s blood quantum, which must be at least 50% aboriginal blood can also be used as verification of 50% American Indian blood. The document may contain the following verbiage:

- . . . at least 50% Aboriginal blood
- . . . at least 50% Indigenous blood
- . . . at least 50% North American Indian blood
- . . . at least 50% American Indian blood

Note: The Blood Quantum Letter can be used to show that an individual possesses at least 50% blood of the American Indian Race, but cannot be used to show that an individual does not possess at least 50% blood of the American Indian Race when the parents are enrolled in different Bands, Tribes, or Nations. If the letter does not show an individual possesses at least 50% blood of the American Indian Race, verification should be obtained from the Band, Tribe, or Nation where the other parent is enrolled.

15. Iraqi and Afghani Special Immigrants
    - Iraqi passport with immigrant visa stamp noting the individual has been admitted under IV (Immigrant Visa) Category SQ1,SQ2, SQ3, and Department of Homeland Security (DHS) stamp or notation on passport or I-94 showing date of entry; or
    - DHS Form I-551 (“green card”) showing Iraqi nationality or Iraqi passport, with an IV (Immigrant Visa) code of SQ6 SQ7, SQ9.
    - Afghan passport with an immigrant visa stamp noting that the individual has been admitted under IV (Immigrant Visa) Category SQ1, SI1, SQ2, SI2, SQ3, SI3, SQ4, SQ5; or
    - DHS Form I-551 (“green card”) showing Afghan nationality or Afghan passport, with an IV (Immigrant Visa) code of SQ6, SI6, SQ7, SI7, SQ9 or SI9.
    - I-94 noting SQ or SI Parole (per section 602(B)(1) AAPA/Sec 1059(a) NDAA 2006).

16. Ukrainian citizen or national who received humanitarian parole (known as a Ukrainian Humanitarian Parolee, or UHP)

    - Form I-94 noting humanitarian parole (per INA section 212(d)(5) or 8 U.S.C. § 1182(d)(5))
    - Foreign passport with DHS/CBP admission stamp noting “DT”
    - Foreign passport with DHS/CBP admission stamp noting Uniting for Ukraine or “U4U” Or
    - Foreign passport with DHS/CBP admission stamp noting Ukrainian Humanitarian Parolee or “UHP”
    - Form I-765 Employment Authorization Document (EAD) receipt notice with code C11
    - Form I-766 Employment Authorization Document (EAD) with the code C11

A non-Ukrainian individual who last habitually resided in Ukraine and received humanitarian parole

- Any one of the forms or stamps listed above for UHPs

And

- Documentation of last habitual residence in Ukraine

State Residence 400-19-45-45

(Revised 6/1/10 ML #3218)

View Archives

(N.D.A.C. 75-02-01.2-13)

No individual who is otherwise eligible may be denied assistance under TANF if the individual resides in the state. Eligibility for TANF does not require an individual to reside in the state for a specified length or period of time. Residence is retained until abandoned.

A resident of the state is one who:

1. Is living in the state voluntarily; or
2. At the time an application is filed, is living in the state and is not receiving TANF from another state.

For purposes of establishing the TANF filing unit, a child is a resident of the state in which the child is living other than for a temporary basis. For all other purposes of this chapter, a child is a resident of the state in which the child is living.

Eligibility for Individuals Visiting In or Out-of-State 400-19-45-45-05

(Revised 4/1/2026 Release 26.1)

View Archives

(N.D.A.C. 75-02-01.2-13)

(N.D.A.C. 75-02-01.2-41)

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 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.

> **Note: If at the time the individual leaves North Dakota it is known the individual will be away beyond the last day of the month following the month they left, the individual must be removed from the TANF household effective the end of the month they left.**

A possible exception to this policy is situations when the temporary absence from the state exceeds the above referenced time-frame due to illness or injury. When this situation occurs, eligibility workers should contact state TANF policy staff for guidance.

An individual, who receives TANF in North Dakota and visits family in North Dakota, is eligible through the month in which the individual left the TANF household.

- If the individual who leaves is expected to return to the household by the last day of the month following the month the individual leaves, the individual will remain eligible in the household they left temporarily.

Note: This individual must continue to meet all eligibility requirements such as monthly reporting, compliance with the JOBS Program, etc.

- If the individual is not expected to return or has not returned by the last day of the month following the month they left, the individual must be removed from the TANF household they left effective the end of the month they left. Should the household in which the individual is visiting apply for TANF, the individual may be included to receive TANF benefits in that household effective the month following the month the individual left, or was removed from the previous household.

  Example #1: A child is receiving TANF in Mom's case in Grand Forks. In May, the child goes to Dad's home in Bismarck for a visit and will be returning to Mom's home prior to the end of June. The child remains eligible in Mom's case.

  Example #2: A child is receiving TANF in Mom's case in Fargo. In May, the child goes to Dad's home in Williston for a visit and will be returning to Mom's home in August, prior to the start of school. The child must be removed from Mom's case effective the end of May. Should Dad apply for TANF, the child would be included in this case beginning with June benefits.

Age 400-19-45-50

Eligibility Requirements 400-19-45-50-05

(Revised 6/1/10 ML #3218)

View Archives

As a condition of eligibility, verification of age must be supported by conclusive, documentary evidence.

Documentation/Verification of Age

Document or other record available from the client or other sources

- Birth Certificate
    - Certified Copy from Vital Records
    - Uncertified Copy of the 'Certificate of Live Birth' (Yellow Copy)
    - 'Souvenir' Copy if signed by both the attending physician and president/administrator of the hospital.
- Baptismal Certificate or Church Record
- Confirmation Papers
- Adoption Record
- Passport
- Marriage License
- Driver's License
- Electronic Interface or paper record from Vital Records or Department of Health
- Hospital Records
- School Records
- Immigration or Naturalization Record
- Draft Board or Military Service Records
- Alien Registration Card

Note: Due to a change in law effective July 1, 2010, all Puerto Rican birth certificates issued prior to July 1, 2010, are invalid. Only birth certificates from Puerto Rico that are issued (or reissued) on or after July 1, 2010, are acceptable.

Identity 400-19-45-55

Eligibility Requirements 400-19-45-55-05

(Revised 7/1/12 ML #3334)

View Archives

As a condition of eligibility, verification of identity must be supported by conclusive, documentary evidence.

Documentation/Verification of Identity

Document or other record available from the client or other sources

- Drivers License
- Picture ID
- Personal knowledge by the county staff
- School, hospital, nursing home personnel identification
- Bank records
- Utility records
- Mortgage/Rent receipt
- Affidavit of Identity
- Hospital crib card or bracelet for newborns
- Third Party Query (TPQY) - 'Verified with positive citizenship' or 'Verified with positive citizenship; Deceased' Citizenship Verification Code for Medicaid.
    - **Note: A screen print of the response must be placed in the case file, and the TANF Verification Code 'Interface' must be entered in the integrated eligibility system.**

Social Security Numbers 400-19-45-60

Eligibility Requirements 400-19-45-60-05

(Revised 4/1/2012 ML #3309)

View Archives

There is a policy change effective 4/1/2026. View the Changes here.

(N.D.A.C. 75-02-01.2-05(9))

(N.D.A.C. 75-02-01.2-27)

While eligibility for TANF is determined primarily with information supplied by the applicant/recipient, proof of or application for social security number must be supported by conclusive, documenting evidence.

Before an individual can be included in the TANF benefit, verification of a social security number (SSN) or proof that one has been applied for must be furnished.

Any parent or child who does not have a social security number must complete an application for Social Security Number (SS-5) before eligibility for that person can be established. The applicant must either mail or personally deliver the completed application along with proof of birth and identity to the District Office of Social Security Administration. The District Office will provide Form 5028, 'Evidence of Application for Social Security Number Card', as proof of application to the human service zone office. This indicates that formal application for a number has been made and that it will be processed.

The Department of Human Services receives monthly information from the Social Security Administration in Baltimore. The Numident indicator on "Client Profile" will indicate if the social security number is a valid number for the recipient (Refer to TANF Manual Section 400-19-15-10, Verification of Selected Factors of Eligibility and the Administrative Manual Section 448-01-50-15-60 for further information).

In the case of a newborn, the parent may apply for SSN through the hospital. When the information for the newborn's birth certificate is completed, the parent may indicate whether permission is given for the state's Vital Records Office to share the information with the Social Security Administration. Vital Records will send the information to Social Security Administration who in turn will issue a social security card for the newborn. The processing time for the parent(s) to receive the newborn's SSN may range from three to 13 weeks. The hospital will provide written verification, upon request, that the SSN has been applied for the newborn.

No individual may be included or added (including newborn children) for a TANF benefit until the SSN or proof of application for an SSN has been received. The applicant or recipient has 30 days from the date of the application, or request to add someone to the unit, to furnish either the SSN or proof of having applied for an SSN. A copy of the document used for verification must be in the case file. The procedure is as follows:

1. Applications – An application is not complete until all persons have submitted verification of their SSNs or proof of application for a SSN. Applicants who provided verification of their SSN or proof of application for a SSN within 30 days of the date of application will have their needs met from the date of application. Failure to comply with this requirement within 30 days will result in denial of the application. An applicant is informed of this requirement at the time of application.
2. Ongoing Cases – In an ongoing case, the Primary Individual shall have 30 days from the date of their request to add a newborn or another person to the case to furnish verification of a SSN or proof of application for the SSN. If the proof of application for SSN or verification of the SSN is received within the 30-day period, the new person will be added to the case of the date of request. Failure to furnish an SSN or proof of application for an SSN will result in case closure or overpayments.

(Refer to TANF Manual Section 400-19-105-40-30 for additional policies when adding a newborn or individual to the case.)

Recipients must provide verification of the Social Security Number within 6 months of receipt of verification of an application for social security card, or at the time of the next review following receipt of the social security number, whichever is earlier. Failure to do so renders the entire case ineligible.

Documentation/Verification of SSN or Application for SSN

Document or other record available from the client or other sources

- Social Security Card
- Numident
- TPQY
- Pay stubs

Document or other record available from the client or other sources

- Form 5028, ‘Evidence of Application for Social Security Card’

- Written verification from the hospital that the SSN was applied for at the time of birth.

Education 400-19-45-65

Eligibility Requirements 400-19-45-65-05

(Revised 4/1/2026 Release 26.1)

View Archives

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 integrated eligibility 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 Basic 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.

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

(Revised 4/1/2026 Release 26.1)

View Archives

(N.D.A.C. 75-02-01.2-01)

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.

Minor Parent Under Age 18 Student Eligibility Requirements 400-19-45-65-15

(Revised 10/1/2023 ML #3749)

View Archives

A minor parent is defined as an individual who has a marital status of never married, is under age 18, and is a father or mother to a child. An individual under age 18 and pregnant is not considered a minor parent. An individual is considered age 18 on the first day of the month of their 18th birthday.

All minor parents who have not received a High School or General Education Diploma (GED) are required to attend school full-time as a condition of eligibility for TANF. A minor parent is considered in regular attendance for months in which the individual is not in school because of official vacation, illness, convalescence, or family emergency if the plan is to continue training when the event that prompted the interruption has run its course.

A minor parent is exempt from the school requirement from the newborn's date of birth through two (2) calendar months following the month of birth.

> **Example:** If a child is born in July, the minor parent is exempt beginning the date of birth through September 30th. In a household consisting of two minor parents, only one parent can claim the exemption due to the age of their child. The exemption applies to the non-disabled or non-incapacitated parent.

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

1. Incapacity of child;
2. Temporary Illness;
3. Unable to find adequate and appropriate child care;
4. Disability, as verified by medical evidence; or
5. Incapacity, as verified by medical evidence.

A minor parent is exempt from the requirement to attend school if their education level equals 12 years. However, they are not exempt from JOBS Program participation.

Caretaker Age 18 or Older Student Eligibility Requirements 400-19-45-65-20

(Revised 6/1/10 ML #3218)

View Archives

The JOBS Employment Contractors monitor attendance for a caretaker choosing to attend education or training.

1. A caretaker who is married or a single head-of-household under age 20:
    a. Who participates in education that is directly related to employment shall be considered fully engaged in work if the caretaker's participation during a month averages at least 20 hours per week (JOBS Work Activity of Education Directly Related to Employment).
    b. Who attends secondary school or its equivalent will be considered engaged in and meeting their 20 or 30 hour minimum work requirements (JOBS Work Activity of Satisfactory Attendance at a Secondary School Leading to a HS Diploma or GED).
2. Caretakers may meet the requirements of the JOBS Program if enrolled in classes in a vocational or technical school under state operation, a college, or a university if approved by the JOBS Employment Contractor.
3. Caretakers attending accredited correspondence, alternative high school (GED), adult basic education, home-schooling, or private vocational or technical school (e.g. auto mechanics, auto body repair, cosmetology, etc.) will have their status determined by the school.
4. Caretakers participating in Job Corps are considered attending school full-time.

A caretaker is considered in regular attendance for months in which the caretaker 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.

Deprivation of Parental Support or Care 400-19-45-70

Overview 400-19-45-70-05

(Revised 11/1/19 ML #3562)

View Archives

(N.D.A.C. 75-02-01.2-14)

(N.D.A.C. 75-02-01.2-15)

(N.D.A.C. 75-02-01.2-17)

(N.D.A.C. 75-02-01.2-18)

In addition to being needy, a dependent child also must be shown to be deprived of both parental support and care. A dependent child is considered deprived of parental support and care when the child has at least one parent who is continually absent from the home, incapacitated, disabled, aged, or deceased. The determination that a child has been deprived of parental support and care is made in relation to the child's natural or adoptive parent whether or not the parents were married to each other.

An alleged father who is not married to the child’s mother and who is living in the home cannot be assumed to be the child’s parent unless a "Voluntary Acknowledgment of Paternity (VPA)" form has been completed and filed with the Vital Records Division or paternity has been established in court.

> **Note:** If the child is born out of wedlock, the VPA form is valid only if both the mother and alleged father sign the form.

When eligibility for the TANF benefit is based on the incapacity, disability, or age of one parent, the second parent, if living in the home, is eligible for TANF regardless of marital status.

TANF cannot be denied on the basis that conditions in the child's home are believed to be "unsuitable" for the child’s care. Conditions thought by staff to jeopardize the child's best interests shall be brought promptly to the attention of appropriate social service personnel.

Deprivation Reasons 400-19-45-70-10

(Revised 10/1/2025 Release 25.1)

View Archives

(N.D.A.C. 75-02-01.2-15)

(N.D.A.C. 75-02-01.2-17)

(N.D.A.C. 75-02-01.2-18)

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

1. Death of a Parent -- If either parent is deceased, the child is considered deprived;

2. Continued Absence of a Parent -- The continued absence of either parent from the home constitutes deprivation when all of the following factors are present:

    a. The parent is physically absent from the home; and

    b. The nature of the absence is such as to interrupt or terminate the parent's functioning as a provider of maintenance, physical care, or guidance for the child; and

    c. The known or indefinite duration of the absence prevents relying on the parent to perform their function in planning for the present support or care of the child.

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

a. DIVORCE - The legal termination of a marriage. Continued absence of a parent may be established as the result of divorce.

b. LEGAL SEPARATION - A lawful arrangement by which spouses agree to live apart but not divorce. Continued absence of a parent as a result of this arrangement can be established if there was no agreement between the parents to render the family eligible for TANF.

c. SEPARATION BY MUTUAL CONSENT OR AGREEMENT - The discontinuance of the marital relationship without legal action. Continued absence of a parent as a result of this arrangement can be established if there was no agreement between the parents to render the family eligible for TANF.

d. IMPRISONMENT – The incarceration of a parent in a public institution. Continued absence exists only if the parent is sentenced to and/or serves a 30-day or longer term. Any portion of a sentence actually suspended and not served does not count toward the 30-day minimum.

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

i. The term served is shortened by order of the court; or

ii. The term actually served is less than the sentence imposed.

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

e. ABANDONMENT - The voluntary and willful desertion by a parent without making adequate provision for the child's care and support. Continued absence of a parent may be established when a child is abandoned.

f. NEVER MARRIED - The parents having never married and who live apart. Continued absence of a parent may be established as a result of the parents never being married to each other.

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

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

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

3. Aged Parent – Deprivation exists for purposes of TANF when a household contains two natural or adoptive parents and at least one attains age 65.

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

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

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

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

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

5. Incapacitated Parent - Deprivation exists for purposes of TANF when a household contains both natural or adoptive parents with a child(ren) in common, when one of the natural or adoptive parents is determined incapacitated by the State Review Team. The parent whose incapacity results in the deprivation of a child's support or care may be either parent. In an incapacity case, the financial needs of both parents must be included in the TANF benefit even if the parents are not married or, if married and the wife is pregnant. However, the parents must reside together.

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

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

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

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

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

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

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

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

b. Whether or not a future review of the incapacity or disability is needed and, if so;

c. The date of such a review and information needed to complete that review.

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

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

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

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

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

Incapacitated Parent due to participation in the Alternative Response for Substance Exposed Newborns (ARSEN) Program – Deprivation exists for purposes of TANF for those households containing a minor child who physically resides with both their natural or adoptive parents when one of the natural or adoptive parents is determined incapacitated by participation in ARSEN. While the financial needs of both parents must be included in the TANF benefit, the parent whose incapacity results in the deprivation of a child's support or care may be either parent.

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

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

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

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

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

Absence Reasons that DO NOT Establish Deprivation 400-19-45-70-15

(Revised 6/1/10 ML #3218)

View Archives

A child is not considered deprived when a parent is temporarily living apart from the child(ren) due to:

1. Employment;
2. Education;
3. Training;
4. Medical Care;
5. Intermittent Imprisonment (less than 30 continuous days);
6. Joint or Shared Parentage (See Section 400-19-45-70-25, Joint or Shared Parentage); or
7. Uniformed Service

A parent whose absence is caused solely by reason of performing active duty in uniformed service is not considered absent from the home unless there is evidence that continued absence would have existed irrespective of the parent's serving in uniformed service. Acceptable verification that such an absence exists includes proof of legal separation, desertion, or divorce, either finalized or in-progress. If there has been no legal action, there should be some indication of how the "absence" requirement was met.

“Intermittent imprisonments”, such as probation or house arrest, are sentencing alternatives available to North Dakota State Courts. If the individual is sentenced to probation, the court can impose conditions including curfew, home confinement, and house arrest. Thus, someone serving a criminal sentence may be living in their own home, but is:

- Required to return to custody on weekends,
- Required to remain at home between certain hours of the day as imposed by the court (curfew),
- Required to remain in the home all or nearly all times (home confinement or house arrest).

Under "intermittent imprisonment" the offender is typically released to go to work (day release) and is permitted to serve the sentence on weekends. In the following circumstances, deprivation does not exist:

- If an offender is serving a sentence on weekends only, even if the total day's served exceeds 30 days.
- If an offender is sentenced to house arrest and resides in the home while serving a court-imposed sentence, the offender is considered part of the household.
- If an offender spends the day in jail and the nights at home, the offender is considered part of the TANF household.

Documentation/Verification of Deprivation 400-19-45-70-20

(Revised 9/1/2021 ML #3629)

View Archives

Death

The death certificate is the primary verification for this element.

Document or other record available from the client or other sources

- Death Certificate
- OASDI Record of Lump Sum Death Payment
- Veteran's Record of Widow or Survivor's Benefits
- Veteran's Administration Death Payment Correspondence
- Insurance Company Death Settlement Correspondence
- OASDI Survivor's Benefit Notices
- Vital Statistics
- Newspaper death notice
- Insurance company records
- Social Security records
- Funeral Director
- Veterans Administration
- Hospital records
- Institutional records
- Military service records
- Church Record
- Tribal Record

Incapacity/Disability

Document or other record available from the client or other sources

- Disability Certification by Social Security Administration
- Medical Examination Report
- Medical Statement from doctor, hospital, or clinic
- Physician's Records
- Hospital Records
- Clinic Records
- Veterans Administration Records
- Rehabilitation Centers' Records
- Psychological Tests
- Psychiatric Records
- State Review Team

Incapacity due to Alternative Response to Substance Exposed Newborns (ARSEN) Program

Documentation includes verification of the individuals':

Completed SFN, 640 Verification of Participation in Alternative Response for Substance Exposed Newborns (ARSEN).

Continued Absence from the home

Document or other record available from the client or other sources

- Divorce Papers
- Separation Papers
- Military Record Papers or Induction Notice
- Annulment Papers
- Contact with absent parent
- Shelter Record of absent parents, lease, or rent receipts, etc.
- Post Office Record of Address
- Motor Vehicle Registration
- Driver's License
- Court Records
- Correctional Institution records
- Statements from reputable sources in the community
- Union Records
- Law Enforcement Officials
- Employer Records

Joint or Shared Parentage 400-19-45-70-25

(Revised 6/1/10 ML #3225)

View Archives

Divorce courts often award custody of children to both parents. However, legal custody orders have no bearing on whether or not a child is considered "deprived." Rather than legal custody, it is the parent's absence and level of participation in parenting that is relevant. Even though a household indicates a child enjoys joint or shared custody, a child must be determined deprived of parental support and care in order for deprivation to exist.

Note: Parental support is not limited to financial support only.

A parent who does not reside with the child is not considered absent when the day to day support and care of the child is shared by both parents.

The number of days a child resides with each parent does not, in and of itself, determine whether a child is deprived. Rather, the answers to the following questions must be considered by TANF Eligibility Staff:

- Is the parent physically absent from the child's home on other than a temporary basis; and
- Does the absence interrupt or terminate the parent's functioning as a provider of maintenance, physical care, or guidance for the child; and
- Does the known or indefinite duration of the absence prevent relying on the parent to perform their function in planning for the present support and care of the child?

The eligibility worker must use the 'Prudent Person Concept' when making a determination of whether a child is deprived of parental support and care. Deprivation is determined to exist if a parent's physical absence interrupts or terminates the parent's functioning as a provider of maintenance, physical care, or guidance for the child.

It is imperative that the information relied upon and rationale used when a determination of deprivation (or lack thereof) was made be clearly and thoroughly explained in the case narrative.

Eligibility During Month of Change in Deprivation 400-19-45-70-30

(Revised 6/1/10 ML #3218)

View Archives

When a change in deprivation occurs during a month, eligibility continues through the month if eligibility existed for any portion of that month. For example, eligibility continues through the month in which:

1. A parent returns home;
2. An eligible caretaker marries; or
3. A parent's incapacity or disability ends.

Eligibility may continue beyond the month of return if all other factors of eligibility exist, including deprivation. However, if eligibility ceases the case must be closed effective the last day of the month the change in the deprivation factor occurred.

Voluntary Quit or Refusal of Employment 400-19-45-75

Overview 400-19-45-75-05

(Revised 6/1/10 ML #3225)

View Archives

(N.D.A.C. 75-02-01.2-52)

At the time a household applies for TANF, the eligibility worker must determine whether a TANF household member refused a bona fide offer of employment or terminated employment, without good cause, within 30 days prior or equal to the date the application is filed. The day prior to the application date counts as day 1 of the 30-day period.

> **Note:** The day prior to the application date counts as day 1 of the 30 day period.

Voluntary quit or refusal of employment provisions will not apply:

1. If the quit occurs any time after the date of application;
2. To an individual being added to an ongoing case;
3. To a minor dependent child(ren); or
4. Upon receipt of a new application when the household was eligible for a TANF benefit in the month prior to the new Application/Request for Benefit date (even if the benefit amount was zero). Since there is no break in assistance for a full calendar month, the case is considered an ongoing case.

Voluntary Quit 400-19-45-75-10

(Revised 10/1/10 ML #3241)

View Archives

Voluntary quit is defined as a job termination due to the action or inaction of the terminated individual. This includes failing to attend required training for a job an individual has been hired.

Voluntary Quit applies when the individual:

1. Voluntarily quits a job without good cause;
2. Simply leaves the job unannounced or does not return to work;
3. Had been warned by the employer and continues the objectionable behavior after the warning and is terminated;
4. Is continually late for work or does not show up for work; or
5. Is terminated for misconduct.

If the individual states they quit a job and is claiming good cause, an employer contact may be necessary. However, if the individual is not claiming good cause, an employer contact is not required. In either situation, the information used in the determination must be thoroughly documented in the case file.

Voluntary Quit does not apply when:

1. The reason for the termination/reduction was beyond the individual's control;
2. Terminating a self-employment enterprise;
3. Resigning a job at the demand of an employer;
4. The wages paid do not meet applicable minimum wage requirements or are not customary for such work in the community;
5. The ability of the individual to continue engagement in such employment or training for employment is questionable due to physical and/or mental reasons (e.g. victims of family violence, rash or asthma caused by working conditions) as verified by a qualified professional.
6. The working conditions pose a health or safety hazard;
7. The employer does not carry Workforce Safety and Insurance coverage;
8. The individual no longer has the means to get to or from the job or training site even after exhausting all possible alternatives for transportation, provided the reason for lack of transportation is one which is beyond the individuals control;
9. The individual, as a condition of employment, would be required to join a company union, or to resign or refrain from any bona fide labor organization, or would be denied the right to retain membership in and observe the lawful rules of any such organization;

10. The gross wages are less than the allowable employment expense (27% or $180 and other expenses allowed under TANF, including those child/adult dependent care costs paid by the household);
11. The employment is at an unreasonable distance from the individual's residence (one-way travel time of one hour or less may not be treated as an unreasonable distance);
12. A parent or spouse whose substantial continuous presence in the household is necessary to care for a disabled family member living in the home to whom the individual seeking good cause owes a legal duty to provide care. The disabled family member must have a condition, verified by reliable medical evidence, which does not permit self-care, care by another household member, or care provided as supportive services.
13. At the time an individual quits a job, new employment at comparable wages or hours had been secured.

    Note: If the individual is then laid off, or, through no fault of their own loses the new job, the earlier quit will not be considered a job quit.

14. If an individual is exempt from participation in the JOBS Program, job quit or refusal of employment will not apply.

Refusal of Employment 400-19-45-75-15

(Revised 6/1/10 ML #3218)

View Archives

Refusal of employment occurs when an individual refuses a bona fide offer of employment without good cause. Before it is determined that a TANF household member has refused a bona fide offer of employment, it must be determined such an offer was actually made.

Refusal of Employment does not apply when:

1. There was not a definite offer of employment;
2. There was an offer of employment but the wages offered did not meet applicable minimum wage requirements or were not customary for such work in the community;
3. The ability of the individual to engage in such employment or training for employment is questionable due to physical and/or mental reasons (e.g. victims of family violence, rash or asthma caused by working conditions) as verified by a qualified professional;
4. The working conditions pose a health or safety hazard;
5. The employer does not carry Workforce Safety and Insurance coverage;
6. The individual does not have the means to get to or from the job or training site even after exhausting all possible alternatives for transportation;
7. The individual, as a condition of employment, would be required to join a company union, or to resign or refrain from any bona fide labor organization, or would be denied the right to retain membership in and observe the lawful rules of any such organization;
8. The position offered is vacant directly due to a strike, lockout, or other labor dispute;
9. The gross wages are less than the allowable employment expense (27% or $180 and other expenses allowed under TANF, including those child/adult dependent care costs paid by the household);
10. The employment is at an unreasonable distance from the individual's residence (one-way travel time of one hour or less may not be treated as an unreasonable distance); and
11. A parent or spouse whose substantial continuous presence in the household is necessary to care for a disabled family member living in the home to whom the individual seeking good cause owes a legal duty to provide care. The disabled family member must have a condition, verified by reliable medical evidence, which does not permit self-care, care by another household member, or care provided as supportive services.

Determination of Job Quit/Refusal of Employment 400-19-45-75-20

(Revised 4/1/2026 Release 26.1)

View Archives

Upon receipt of the application, the eligibility worker must determine whether a TANF household member refused a bona fide offer of employment or terminated employment, without good cause, on the date of application or within 30 days prior to the date the TANF Application is filed.

If it has been determined that a bona fide offer was refused or employment was terminated by a household member without good cause on the date of application or during the 30-day period prior to the date the application is filed, the household will be ineligible for 30 days following the actual date of refusal or termination of employment. The earliest date the household could be determined eligible is the 31st day after refusal or termination. (The day of refusal or termination is not counted as part of the 30-day period.)

> **Example: The household applied for TANF on April 15th. Head of household was employed until April 14th, when the employer fired the individual for poor attendance. A firing due to poor attendance would be considered a job quit.**
>
> The household will not be eligible for TANF until the 31st day AFTER the job quit or effective May 15th. The application must be denied for April. The same application can be used to register and determine eligibility for May. The integrated eligibility system will pro-rate the May benefit from May 15th, the date of eligibility based on the job quit.

Effective June 1, 2010, JOBS Employment Contractors will be required to make a good cause determination of a job quit or refusal of employment for TANF applicants who quit a job or refuse employment any day following the application Date. The JOBS Referral has been enhanced to display the application Date.

> **Note: The eligibility worker is required to make the job quit or refusal of employment determination for periods prior to or on the application date.**

The following procedure will be followed by the JOBS Employment Contractors when determining whether an individual Quit a Job or Refused Employment with or without ‘good cause’:

Upon receipt of a JOBS Referral, the JOBS Employment Contractor must determine if the referral is for a new applicant or an individual in an ongoing case whose ‘good

cause' or 'exemption period' is ending. (This can be determined based on the application Date displayed on the JOBS Referral form.)

1. If the referral is for a TANF applicant (to meet Up-front Eligibility Requirements and/or complete a Proof of Performance (POP)) AND the job quit or refusal of employment occurred after the application Date (thru the Up-front Eligibility or POP period), the JOBS Employment Contractor must determine if 'good cause' exists for the job quit or refusal of employment.

    a. If 'good cause' does exist, the eligibility worker must be notified that the 'good cause claim' was approved and the JOBS participant must continue to follow JOBS requirement.

    b. If 'good cause' does not exist, the individual is deemed to have failed the Up-front and/or POP requirements and the referral must be returned to the eligibility worker. The eligibility worker will deny the application and the individual will need to serve a 30 day disqualification period, beginning the day following the day the job quit or refusal of employment occurred.

        Note: Should the individual reapply within 30 days of the job quit or refusal of employment, the eligibility worker would make the determination based on policy defined in Section 400-19-45-75-05, Overview.

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 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 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 POP, 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 POP, and a job quit or refusal of employment occurred:

   a. If 'good cause' does exist, the 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 POP requirements and the 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 POP, 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.

Ineligibility Due to Participation in Strikes 400-19-45-80

(Revised 6/1/10 ML #3218)

View Archives

(N.D.A.C. 75-02-01.2-29)

The term "striker," as defined in Section 501(2) of the Labor Management Relations Act, 1947, includes anyone involved in a strike or stoppage of work by employees (including a stoppage by reason of the expiration of a collective-bargaining agreement) and any concerted slowdown or other concerted interruption of operations by employees.

'Participating in a strike' means actual refusal, in concert with others, to provide services to one's employer.

No household is eligible for a TANF benefit for any month in which any member of the household participates in a strike. When it is discovered that a member of a TANF household is on strike, the case must be closed.

If it is discovered that a household member participated in a strike during a month in which a TANF benefit has already been paid, the amount paid shall be considered an overpayment subject to recovery.

Fleeing Felons and Probation/Parole Violators 400-19-45-95-05

(Revised 4/1/2026 Release 26.1)

View Archives

(N.D.A.C. 75-02-01.2-72.1)

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, 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.

An individual is disqualified from receiving TANF if the individual is a Fleeing Felon or Parole or Probation Violator. Fleeing felons (charged with or convicted of any felony) and parole or probation violators are ineligible to participate in the program.

Fleeing felons and probation/parole violators who are disqualified from receiving TANF assistance continue to have their income and assets considered when determining eligibility for remaining household member(s). Disqualified individuals are permitted applicable income disregards (i.e., standard employment expense allowance, employment incentive disregard and work-related child/adult dependent care). Individuals participating in the JOBS program are eligible for Supportive Services.

Misrepresentation of Residence 400-19-45-95-15

(Revised 6/1/10 ML #3225)

View Archives

Part A, Section 408 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 implemented a provision which prohibits a State to which a grant is made under section 403 from using any part of the grant to provide cash assistance to an individual during the 10-year period that begins on the date the individual is convicted in Federal or State court of having made a fraudulent statement or representation with respect to the place of residence of the individual, in order to receive TANF, Medicaid, SNAP or SSI simultaneously from 2 or more States.

> **Note:** This provision does not apply with respect to a conviction of an individual, for any month beginning after the President of the United States grants a pardon with respect to the conduct which was the subject of the conviction.

Any individual convicted in federal or state court of having made a fraudulent statement or representation after July 1, 1997, with respect to their place of residence in order to receive TANF, Medicaid, SNAP or SSI simultaneously from two or more states shall be disqualified from TANF for a period of 10 years, effective the date of conviction.

> **Note:** If the individual was not in receipt of TANF when convicted in federal or state court of receiving Medicaid, SNAP and/or SSI in 2 states simultaneously, a 10-year penalty must be imposed for TANF.

If the court conviction does not include the period of disqualification, the eligibility worker must forward the following information to the Appeals Supervisor to process the findings under the Intentional Program Violation (IPV) provisions.

- Criminal Complaint;
- Judgment or Order; and
- A cover letter detailing the violation and providing the name, address, and Vision Case and Client ID number. Inclusion of any prior disqualifications should also be noted.

Upon receipt of the Findings and Order, signed by the HHS Commissioner of the Department, the period of disqualification for the IPV will remain 10 years if it is the individual's first or second, and permanently, if it is the individual's third.

If an individual is not convicted in federal or state court after July 1, 1997, but has made a fraudulent statement or representation, with respect to their place of residence

in order to receive TANF simultaneously from two or more states, the 10 year penalty cannot be applied. However, the individual shall be referred for Intentional Program Violation (IPV). If it is the individual's first IPV, the disqualification penalty is 1 year, if it is the second IPV, the disqualification penalty shall be 2 years. If it is the individual's third IPV, the penalty is a permanent disqualification. (See Section 400-19-135-20, Types of Intentional Program Violations.)

Individuals convicted of Misrepresentation of Residence who are disqualified from receiving TANF assistance continue to have their income and assets considered when determining eligibility for remaining household member(s). Disqualified individuals are permitted applicable income disregards (i.e., standard employment expense allowance, employment incentive disregard and work-related child/adult dependent care). Individuals participating in the JOBS program are eligible for Supportive Services.

Eligibility Factors for Migrant Households 400-19-45-100

(Revised 6/1/10 ML #3218)

View Archives

All factors of eligibility for TANF apply to migrant households.

Eligibility Factors for Refugee Households 400-19-45-105

(Revised 1/1/17 ML #3482)

View Archives

Lutheran Social Services (LSS) provides services to all Refugees during the first eight (8) months they reside in the United States, and may refer the family to TANF after the eight (8) month period. As a result of a change in Federal Law, Refugees who arrive on or after October 1, 2010, will no longer receive Refugee Cash Assistance from LSS during the first eight (8) months they reside in the this country if the household meets the eligibility criteria for TANF. However, Refugee's eligible for TANF will receive the Reception and Placement assistance and some case management services from LSS during this period.

> **Note:** Lutheran Social Services will continue to provide cash assistance, case management and employment services for individuals that are not TANF eligible.

LSS will provide Reception and Placement Program services to individuals eligible for TANF for 90 days from the date of entry. After the 90 days, LSS will continue to provide limited case management services. Case management services will be provided by the JOBS Employment Contractors, as is done with all JOBS participants.

All factors of eligibility for TANF apply to Refugee Households.

LSS will provide a payment to TANF eligible Refugees, in an amount equal to the difference between the TANF benefit and the Refugee Cash Assistance Benefit. These benefits will be paid directly to the landlord as a Vendor Payment and therefore are not countable for TANF.

> **Note:** Since these payments are paid directly to the landlord for rental expenses, households will be considered as receiving a housing subsidy and will not be eligible for the $50 housing allowance.

The unrestricted money payment is the basic method for providing assistance to eligible households. However, the individual must have a Social Security Number (SSN) in order to issue the TANF benefit through use of the electronic funds transfer. For households where the Primary Individual (PI) does not have an SSN, payment of the TANF benefits must be issued through the Protective Payee method until the PI receives their SSN.

Once the SSN is received, enter the SSN and remove the Protective Payee data. That information will then be sent to the electronic payment card vendor who will set up an account and issue the household an electronic payment card.

Eligibility Rules Governing Participation (Codes) 400-19-50

(Revised 7/1/2023 ML #3726)

View Archives

The integrated eligibility system is programmed with the participation and eligibility rules which govern TANF. These rules determine the participation code which calculates the benefit level for each household based on all factors of eligibility.

Each individual's eligibility to participate as well as their effect on others found eligible are detailed as follows:

SSI Recipient (SS)

An individual in receipt of Supplemental Security Income (SSI), including those in receipt of presumptive SSI.

An SSI individual is not included as a member of the TANF household. The income and equity value of all assets owned solely or jointly by any SSI recipient shall be exempt in determining TANF eligibility. SSI Recipients are not eligible to participate in the JOBS Program and are not eligible to receive JOBS Supportive Services.

Minor Parent's Parents (MP)

A mother and father (natural or adoptive) who are not otherwise eligible for TANF and who have a child who is a minor parent and the minor parent and minor parent's child reside with them.

The income (but not assets) of the minor parent's parents is considered available to the TANF household and is subject to the same disregards as stepparents when determining eligibility for remaining household member(s). The minor parent's parents are not eligible to participate in the JOBS Program and are not eligible to receive JOBS Supportive Services.

When minor parent budgeting is used, no child support assignments are filed against the parents because their income is already taken into account.

Stepparents (ST)

A person married to a parent of a child to whom the person is not the parent either by birth or adoption.

Note: The individual will not be treated as a stepparent if the individual has a natural or adopted child residing in the home and is in receipt of TANF.

Stepparent's income and assets are considered, and allowable disregards and expenses are deducted when determining eligibility for remaining household

member(s). (See Section 400-19-55-05-20, Stepparent Assets and Section 400-19-55-15-30, Stepparent Income.) Stepparents are not eligible to participate in the JOBS Program and are not eligible to receive JOBS Supportive Services.

Ineligible Individuals (OU)

Ineligible Caretakers (OU):

Caretakers who have children residing with them for whom they are not the parent but to whom they are related within the 5th degree of relationship.

Ineligible caretakers are not included as members of the TANF household and their income and assets are not considered when determining eligibility for remaining household member(s). These individuals are not eligible to participate in the JOBS Program and are not eligible to receive JOBS Supportive Services.

Ineligible Household Members (OU): Individuals who are:

a. Not related to the Primary Individual within the 5th degree; Children related within the 5th degree to the Primary Individual but who do not meet the age requirements or are not deprived of parental support and care;
b. Residing in a public institution for a full calendar month;
c. Not a resident of the State of North Dakota;
d. Married caretakers who have a child residing with them, to whom they are not related in the 1st degree; and
e. Individuals who are not otherwise eligible.

Ineligible Household Members are not included as members of the TANF household and their income and assets are not considered when determining eligibility for remaining household member(s). These individuals are not eligible to participate in the JOBS Program and are not eligible to receive JOBS Supportive Services.

Disqualified Alien (DA)

These are individuals who are not US citizens and do not meet the citizenship requirements of the TANF Program.

Disqualified Aliens are not included as members of the TANF household but continue to have their income and assets considered when determining eligibility for remaining household member(s). Disqualified Aliens are permitted applicable income disregards (i.e., standard employment expense allowance, employment incentive disregard and work-related child/adult dependent care). Disqualified Aliens are not eligible to participate in the JOBS Program and are not eligible to receive JOBS supportive services.

Disqualification for Fleeing Felons and Probation/Parole Violators

Individuals charged or convicted of any felony who has left the jurisdiction of the charging authorities and individuals determined by the court to have violated the terms of their parole or probation from a felony conviction.

Fleeing Felons and Probation/Parole Violators who are disqualified from receiving TANF assistance continue to have their income and assets considered when determining eligibility for remaining household member(s). These individuals are permitted applicable income disregards (i.e., standard employment expense allowance, employment incentive disregard and work-related child/adult dependent care). These individuals are eligible to receive Supportive Services if participating in the JOBS Program.

Disqualified Fraud/Misrepresentation of Residence (DF)

1. Has had an Intentional Program Violation (IPV) imposed through court conviction, disqualification consent agreement, or Administrative Disqualification Hearing (ADH); or
2. Has been convicted in federal or state court of having made a fraudulent statement or misrepresentation of their state of residence after July 1, 1997 and has received assistance in more than one state for the same month.

Individuals who are disqualified due to Fraud or Misrepresentation of Residency are disqualified from receiving TANF assistance and continue to have their income and assets considered when determining eligibility for remaining household member(s). These individuals are permitted applicable income disregards (i.e., standard employment expense allowance, employment incentive disregard and work-related child/adult dependent care). These individuals are eligible to receive Supportive Services if participating in the JOBS Program.

Disqualified JOBS (DI)

An individual who is disqualified for non-compliance with the JOBS Program.

Disqualified JOBS individuals are disqualified from receiving TANF assistance and continue to have their income and assets considered when determining eligibility for remaining household member(s). These individuals are permitted applicable income disregards (i.e., standard employment expense allowance, employment incentive disregard and work-related child/adult dependent care). These individuals may be eligible to receive Supportive Services if participating in the JOBS Program (e.g. completing a POP to cure a sanction).

Disqualified Child Support (DM)

An individual who is disqualified for non-compliance with the Child Support Division.

Disqualified Child Support individuals are disqualified from receiving TANF assistance and continue to have their income and assets considered when determining eligibility for remaining household member(s). These individuals are permitted applicable income disregards (i.e., standard employment expense allowance, employment incentive disregard and work-related child/adult dependent care). These individuals are eligible to receive Supportive Services if participating in the JOBS Program.

Out of Home (OH)

An individual who does not reside in the home whose personal needs are included in the TANF grant.

Out of Home individuals are eligible for a monthly personal needs allowance of $45, and their income and assets are considered when determining eligibility for remaining household member(s). These individuals are permitted applicable income disregards (i.e., standard employment expense allowance, employment incentive disregard and work-related child/adult dependent care). These individuals are eligible to receive Supportive Services if participating in the JOBS Program.

Eligible (IN)

An individual who is or is deemed to be residing in the home and is eligible for TANF.

Eligible individuals are included in the full TANF Basic Standard of Need and their income and assets are considered when determining eligibility for the household. These individuals are permitted applicable income disregards (i.e., standard employment expense allowance, employment incentive disregard and work-related child/adult dependent care). These individuals are eligible to receive Supportive Services if participating in the JOBS Program.

Unborn (UB)

The unborn child of a pregnant woman.

TANF Financial Eligibility Factors 400-19-55

Assets 400-19-55-05

(Revised 6/1/10 ML #3218)

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Assets, not otherwise exempt, that are available to an applicant or recipient (including children) that are in excess of the TANF asset limits are considered available to meet the financial needs of the household and cause ineligibility for TANF. Assets include real or personal property and liquid assets which a household owns and can apply, either directly or by sale or conversion, to meet basic needs of food, clothing, shelter, etc.

Asset Limits 400-19-55-05-05

(Revised 4/1/2026 Release 26.1)

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(N.D.A.C. 75-02-01.2-22)

The asset limit for the TANF Program is:

- $9,000 for one person;
- $15,000 for two-person household; and
- $500for each additional person.

Asset Availability 400-19-55-05-10

(Revised 4/1/2026 Release 26.1)

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(N.D.A.C. 75-02-01.2-21)

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 or recipient'ss 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.

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

An individual identified on an account signature card as an individual who can draw on the account of a non-household member has no legal ownership of the funds in the account. Thus, the funds are not considered available and are exempt as an asset.

A checking or savings account is sometimes opened jointly in the names of a non-household member and the applicant or recipient of TANF. Such accounts are established for the convenience of the parties involved. However, the TANF applicant or recipient may not have contributed to the account and may or may not have knowledge of its existence. Regardless of the source of the funds, whenever the applicant or recipient is a joint account holder and can legally withdraw funds from that account, the individual is presumed to have unrestricted access to the funds. As such, the individual is deemed to be the sole owner of those funds.

If it is clearly established that, despite having access to the account, the household has neither contributed to nor withdrawn funds from the account, the applicant or recipient should be given the opportunity to have their name removed from the account or, by other action, preclude all access to the funds.

- If the household is in the process of applying for TANF, such action must be taken before the initial benefit is authorized.
- If the household is already receiving TANF, the action must be completed within 30 days of notification by the eligibility worker.

In both situations, failure to do so will result in consideration of the asset when determining eligibility for TANF.

An asset may be temporarily unavailable (exempt) while the family is taking reasonable measures to overcome a legal impediment. Examples of a legal impediment are divorce proceedings that will eventually result in the distribution individually of jointly owned property and the refusal of other owner(s) to agree to the sale of jointly held assets. A jointly owned vehicle that is taken by a deserting parent may not be a "currently available" asset but may later become available when the

legal impediment is overcome. On rare occasions, the process of liquidating an asset, even though technically "available" to the family, would be unreasonable to pursue, particularly if costly litigation is required. Such assets, on a carefully evaluated case-by-case basis, can be disregarded.

The question of availability is particularly critical to individuals being served by shelters for abused women and children. Assets, regardless of ownership rights, may have to be at least temporarily considered inaccessible until such time as the legal and social ramifications can be resolved. Staff are urged not to apply the "availability" concept so stringently as to risk worsening an already tense situation.

As in all instances in which there is a question of ownership, the household should be given the opportunity to present evidence in rebuttal of the presumption that a joint account is an available asset. A successful rebuttal will result in a finding that the funds in the joint account are in fact not owned by the TANF household. For example, when the funds are clearly available to the TANF household only in the event of the co-owner's death, access is restricted and the funds are therefore not an asset. The funds are likewise not an asset to the TANF household if withdrawals from the account are possible only with the surrendering of the passbook, which is not accessible to the applicant or recipient, or with dual signatures and the co-owner will not sign.

Staff must be alert to interruptions in eligibility resulting from changes in assets (e.g., conversion from one form of asset to cash or an increase in the value of an asset). Applicants and recipients should understand that they are required to report such changes. Although eligibility normally does not exist during any month in which the equity limitation on assets is exceeded, funds from the sale of an exempt asset or from a property insurance settlement can be temporarily reserved for the replacement or repair of an essential item such as a house, car, furniture, or appliance. In this instance, the household should indicate immediately that it intends to replace or repair a given item and should be given 30 days to complete the repair or replacement of the exempt asset. The repair or replacement of a house may take considerably longer. This time can be extended as appropriate or for extenuating circumstances.

Assets, once determined available for current use, must be reasonably evaluated in accordance with their equity value (fair market value minus legal debts). A reasonable evaluation of an asset is an amount that a willing buyer would pay. In some instances, the asking price of an asset may need to be lowered, perhaps more than once, until such time as there is a market.

Proceeds from the sale of an asset continue to be an asset subject to the appropriate asset level.

Neither the household's TANF benefit, nor the income (earned and unearned), taken into account in determining the benefit for a particular month is to be considered part of the asset test for that same month.

Countable Assets 400-19-55-05-15

(Revised 4/1/2026 Release 26.1)

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(N.D.A.C. 75-02-01.2-25)

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

1. **Individual Indian Monies Accounts** -- The value of all interests of Individual Indian Monies Accounts in trust or restricted lands, including mineral rights, are exempt from the asset limit pursuant to the Indian Judgment Distribution Act of 1973.

Monies in IIM accounts are payments from range unit leasing, farm leases, gravel pit contract, sales, etc. Any portion that is not counted as income for a month, if retained by the household, would count as an asset the following month.

2. **Life Estates and Remainder Interests** -- Real property interests may be divided in terms of the time when the owner of the interest is entitled to possession of the property. The owner of a life estate is called a "life tenant" and is entitled to possession of the real property for a period of time measured by the lifetime of a specific person or persons. A life tenant has the right to use the property and is entitled to any rents or profits from the property. A life tenant may sell the life estate, but such a sale does not change the identity of the person or persons whose lifetimes measure the duration of the life estate. A life estate may also be referred to as a "life lease."

When a life estate is created, the right to possess the real property after the death of the life tenant must also be created. That right is called a "remainder interest," and the owner of that right is called a "remainderman." Upon the death of the life tenant, the remainderman owns the real property. The remainderman is not entitled to possess or use the property until the death of the life tenant. The remainderman does, however, have the right to sell the remainder interest.

In order to determine the value of a life estate or remainder interest, it is necessary to first know the age of the life tenant or, if there is more than one life tenant, the age of the youngest life tenant and the fair market value of the real property subject to the life estate or remainder interest. The value of the life estate or remainder interest is determined by the integrated eligibility system. (Refer to the Life Estate and Remainder Interest Table on the County Intranet (P: Drive) under TANF Hard Cards.)

3. **Life Insurance Cash Surrender Value** -- Cash surrender value of life insurance, cash and savings (including those of eligible children), accounts receivable.

4. **Liquid Assets** -- Liquid assets such as cash on hand, checking, savings and money market accounts, certificate of deposits, stocks, bonds, crytocurrency, 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.

5. **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.

To determine the value of mineral rights:

a. If determining the value for mineral rights currently for sale:

- The fair market value is the value established by a good faith effort to sell. The best offer received establishes the value.

  A good faith effort to sell means offering the mineral interests to at least three (3) companies purchasing mineral rights in the area, or by offering for bids through public advertisement.

b. If determining the value for mineral rights sold or transferred in the past, the fair market value is:

i. If the minerals are producing, three (3) times the annual royalty income based on:
   - Actual royalty income from the 36 months following the transfer; or
   - If 36 months have not yet passed, based on actual royalty income for the months that have already passed, and an estimate for the remainder of the 36 month period.

ii. If the minerals are not producing, but the mineral rights are leased, two (2) times the lease amount (based on the actual lease and not the yearly lease amount).

iii. If the mineral rights are not leased, the greater of two times the estimated lease amount or the potential sale value of the mineral rights, as determined by a geologist, mineral broker, or mineral appraiser.

In determining current or previous value, an applicant or recipient may provide persuasive evidence that the value established using the above process is not

accurate. Likewise, if an established value is questionable, the Department may require additional evidence be provided to establish estimated fair market value.

6. **Real and Personal Property**

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

7. **Retirement Plans and Pension Plans** – Retirement funds and pension plans, including individual retirement accounts, SEP, SIMPLE, and qualified plans that have been withdrawn.

8. **Trusts** -- Trust assets available for disposal or use by the TANF household. This does not include trust assets held by a member of the TANF household as trustee unless the trust beneficiaries are also members of the TANF household. If the eligibility worker is not certain whether an arrangement constitutes a trust, contact the Legal Advisory unit. Submit all trusts to the Legal Advisory unit for review and identify who is applying for assistance, send a complete copy of the trust agreement, provide verification of all assets owned by the trust, and provide any other relevant documents or information.

9. **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.

Stepparent Assets 400-19-55-05-20

(Revised 6/1/10 ML #3218)

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A stepparent's assets, whether owned exclusively by the stepparent or jointly with the natural parent, are considered available in their entirety to the spouse and the stepparent. When the TANF household with a stepparent includes the natural parent, the equity value of those assets must fall within program asset limitations or the entire household is ineligible. If the natural parent is not in the household but the children remain in the household with the step-parent, since the stepparent must be included as an eligible household member, the assets of the stepparent and children are considered.

Documentation/Verifications of Assets 400-19-55-05-25

(Revised 6/1/10 ML #3218)

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Savings, Cash, Investments, Etc.

When an individual has declared ownership of these assets the individual will generally have documents in their possession to establish ownership and valuation of the asset. If the individual does not have documents to establish ownership and valuation of the asset, this information can be obtained from the custodian of the funds or the investment organization.

For those situations in which the individual denies ownership of assets and the statement is questionable, a basis for a decision of non-ownership needs to be established, which could include:

- Evaluating the individual's past circumstances and present living standards to determine the possibility of these assets.
- Requesting verifications of one or more nearby neighborhood banks to establish that the individual does not have accounts at these institutions.

Note: The individual should be asked where checks are cashed, or what banks or institutions were used for past transactions, or what source of financing was used for major purchases. Through a thorough and well-directed interview, leads can be obtained for verification sources to establish ownership or non-ownership of these resources.

Automobile Ownership

The primary verification for ownership is the Department of Transportation, Motor Vehicle. This agency can establish whether the client owns a vehicle. The motor vehicle registration can also be used to establish non-ownership of a vehicle.

Reliable used car guides (NADA Car Guide or Kelley Blue Book, etc.) can be used to establish the value of motor vehicles. Another source which can be used to establish valuations are car dealers who can give approximate valuation based on make, year, and model of the vehicle.

Document or other record generally available from the individual

- Bank books

- Savings & Loan statements
- Bank statements
- Mortgages
- Car title and registration
- Auto financing data

Life Insurance

When an individual declares ownership of insurance, the individual will generally be able to present the policies for verification of the resource. If the value of the insurance policy is unable to be determined, the issuing company can furnish data as to the policy's cash surrender value.

Document or other record generally available from the individual

- Insurance Policies
- Burial Agreements with Funeral Director
- Insurance payment book
- Employer's insurance records
- Club—lodges—Fraternal associations
- Funeral Director
- Relatives and friends holding policies for client
- Veteran's Administration records

Exempt Assets 400-19-55-05-30

(Revised 4/1/2026 Release 26.1)

View Archives

(N.D.A.C. 75-02-01.2-23)

(N.D.A.C. 75-02-01.2-25)

The following assets are exempt when determining asset eligibility for TANF households:

1. **Achieving a Better Life Experience (ABLE) accounts**- This includes the exclusion of any contributions to the ABLE account of the individual and any distributions for qualified disability expenses.

   Since the funds in an ABLE account can only be withdrawn to be used for a 'qualified disability expense,' funds withdrawn from the account are also disregarded.

   A transfer of funds into an ABLE Account is subject to Disqualifying Transfer.
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 a business loan collateral** - If the assets cannot be sold due to a security agreement or lien.
5. **Basic Maintenance Items** - Basic maintenance items such as clothing, furniture, appliances, and personal effects.
6. **Burial/Funeral Agreement** - 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.
8. **Crime Victim Compensation** - Crime victim compensation is exempt.
9. **Earned Income Tax Credit** - Federal Earned Income Tax Credit (EITC) refunds are exempt assets for a period of 12 months from the month of receipt.

   Note: These funds become a countable asset beginning the month following the 12th month of exemption.

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.
11. **Economic Stimulus Tax Rebates** - Economic Stimulus Tax Rebates are exempt assets for a period of 12 months from the month of receipt.

    Note: These funds become a countable asset beginning the month following the 12th month of exemption.

12. **Cryptocurrency** – must be evaluated for availability and market value. If determined inaccessible, it may be excluded as a resource.
13. **Educational Loans, Grants, Scholarships and Stipends** - Student assistance programs, for both undergraduate and graduate students, are exempt.

    Note: Any stipend received while attending training that is specifically identified to cover the cost of daily living expenses must be counted as unearned income, as it is intended to cover the same basic needs as those provided under TANF.

14. **Home** - The house or mobile home which is the usual residence of the TANF household. A home is defined as including the land on which it is located provided the acreage does not exceed 20 contiguous acres, if rural, or two (2) contiguous acres, if located in town. Temporary absences for reasons of medical necessity, educational plans, or other good cause, usually approved in advance, do not constitute loss of the exemption if the intent is to return to the home.
15. **Income Tax Refunds** - Federal or state income tax refunds are exempt for a period of 12 months from the month of their receipt.

    Note: These funds become a countable asset beginning the month following the 12th month of exemption.

16. **Federal Disaster Assistance Programs** - Financial assistance provided to individuals affected by disasters.
17. **Indian Per Capita and Judgment Funds** - Indian per capita funds and judgment funds awarded by either the Indian Claims Commission or the Court of Claims after October 19, 1973, while held in trust, are exempt assets. This includes interest and investment income accrued on such funds.

    Note: The funds must be identifiable and distinguishable from other funds. If commingled with any other countable assets, these funds become a

countable asset beginning the second month following the month commingled.

Purchases made using per capita or judgment funds and the interest or investment income accrued on such funds, while held in trust are exempt. However, once sold, the item purchased loses its exemption.

(Refer to Section 400-19-55-25, Disregard of Certain Income, for policy on the treatment of Indian Per Capita income.)

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.
19. **Indian Trust or Restricted Land** - Indian Trust or restricted lands are exempt assets. The proceeds from the sale of these lands are also exempt provided the proceeds are held with the original trust. When paid out, the proceeds remain exempt as long as they are not commingled with other funds.
20. **Individual Development Accounts (IDA)** – Funds received through a grant made available under Section 403 of the Personal Responsibility and Work Opportunity Act of 1996 (PRWORA – Public Law 104-193) to enable individuals to acquire a lasting asset after saving for an extended period of time. Currently, this grant is being administered by Community Action Programs.
21. **Individual Indian Monies Accounts** - The value of all interests in Individual Indian Monies Accounts held in trust are exempt from the asset limit pursuant to the Indian Judgment Distribution Act of 1973.

    (Refer to Section 400-19-55-20-15, Countable Unearned Income Types, for policy on the treatment of income from Individual Indian Monies (IIM) accounts.)
22. **Loans** - A loan from any source with written documentation verification that is subject to repayment.
23. **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.
24. **Minor Parents' Parents Assets** – The assets of minor parents' parents shall be exempt in determining TANF eligibility.
25. **Nonrecurring lump sum payments** - For twelve-months after the month of receipt nonrecurring lump sum payments are exempt assets.
26. **Plan to Achieve Self-Support (PASS) Program** – a program through SSA allowing an SSI individual to set aside income into an approved PASS account.
27. **Radiation Exposure Compensation Act Settlement Payments** - Payment settlements as a result of the Radiation Exposure Compensation Act (P.L. 101-426) are exempt as long as settlement payments and accrued interest are kept separate and apart from countable assets. Commingling of funds renders the entire account countable as an asset.

28. **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.

29. **Rental and Utility Rebates and Deposit Refunds** - Rebates and deposits from rental and utility companies are exempt in the month of receipt and month following receipt.

    Note: These funds become a countable asset beginning the second month following the month of receipt.

30. **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.
31. **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.
32. **Simple Retirement Account IRA** – Employer-based IRA (to which employers and employees contribute) available only to small businesses.
33. **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.
34. **SSI Recipients Assets** - The equity value of all assets owned by any SSI recipient are exempt. Solely or jointly owned assets with an SSI recipient are considered exempt assets.
35. **Tribal High School Graduate/GED Payments** - Payments from Tribes within North Dakota to tribal members who graduate from high school or receive a GED are considered non-recurring lump sum. These payments are an exempt asset in the month following the month of receipt.
36. **Value of Livestock** – Used to produce income, for home consumption, or maintained as household pets.

37. **Vehicles** - One vehicle limited to car, van, or pick-up normally used as a family vehicle of any equity value. The vehicle with the greatest equity value will be exempted.
38. **529 Qualified Tuition Program Plan** – Tax advantage program to help families save for future education expenses for a designated beneficiary. In North Dakota the program is administered through the Bank of North Dakota and is called College Save.
39. **530 Coverdell Education Savings Accounts** - Trusts created to pay the education expenses of the designated beneficiary.

Disqualifying Transfers of Assets 400-19-55-05-35

(Revised 7/1/2023 ML #3726)

View Archives

(N.D.A.C. 75-02-01.2-26)

The transfer of any property without adequate consideration is disqualifying if the transfer was for the purpose of becoming eligible or to remain eligible for TANF. The household's intent, lapse of time between such transfer, and the date of application are among the factors which must be evaluated. The 3 month period prior to the date of application must be reviewed for the occurrence of a transfer of assets. On-going cases must be periodically reviewed for a disqualifying transfer of assets.

Note #1: A transfer of an exempt asset (See Section 400-19-55-05-30, Exempt Assets) is not considered a Disqualifying Transfer.

Note #2: Disqualifying Transfer of assets by individuals with participation codes of 'OU', 'SS' and 'MP' are not considered disqualifying transfers.

If a transfer is determined to be disqualifying at time of application, the TANF household will be ineligible from receiving TANF benefits for a period beginning with the month of application. For on-going cases, the disqualification periods begins the month the transfer took place. The length of disqualification is as follows:

Disqualifying Transfer of Asset Amounts

Amount in Excess of Asset Limit	Period of Disqualification
$ 0 through $249.99	1 month
$250 through $999.99	3 months
$1000 through $2999.99	6 months
$3000 through $4999.99	9 months
$5000.00 or more	12 months

If the TANF household member who caused the household's ineligibility due to a disqualifying transfer leaves the household, the remaining household members are no longer subject to the disqualification period if the transferred asset was owned solely by the departing household member. Effective the day following the day in which the individual left the TANF household, the disqualifying transfer will no longer affect the remaining household members.

If the transferred asset was jointly owned with any remaining member of the household, the disqualification period will continue as initially calculated.

If the household member who caused a disqualification moves to another TANF household, a new disqualification period must be calculated for the new household based on the remaining period of disqualification. The disqualification period for the new TANF household is effective the month following the month in which the individual entered the new household.

Household members who leave a disqualified household are no longer subject to the disqualification penalty if the departing member did not own the transferred asset.

Contact State TANF policy for assistance in processing disqualifying transfers for applications received on and after January 1, 2017.

Income 400-19-55-10

Definition of Income 400-19-55-10-05

(Revised 1/1/17 ML #3482)

View Archives

(N.D.A.C. 75-02-01.2-44)

Income is the gain or benefit, earned or unearned, derived from labor, business, capital, or property which is received or is available to the household. It is considered when actually available and when the applicant or recipient has a legal interest in a liquidated sum and has the legal ability to make such sum available for support or maintenance.

Earned Income 400-19-55-15

Earned Income 400-19-55-15-05

(Revised 1/1/17 ML #3482)

View Archives

(N.D.A.C. 75-02-01.2-44)

Earned income is profit from activities in which an individual is engaged through employment. Earned income must entail personal involvement and effort on the part of the applicant or recipient.

The following types of earned income are countable unless identified otherwise:

1. Wages and salaries including:

    - Paid sick, vacation and holiday leave.
    - Commissions
    - Wages garnished by the employer
    - Advances are counted when received
    - Tips. When tips are not shown on wage stub, the recipient's statement as to the amount of tips received each month is adequate if consistent with place, type of employment and number of hours worked.
    - Bonuses – recurring and non-recurring.

2. Self-Employment.

3. Employment Contracts.

4. Wages received by an individual or Qualified Service Provider (QSP) for providing services under Family Home Care, when the individual is employed by an agency. (When an individual or QSP is not an employee of an agency, the income is considered self-employment.)

5. Short term or long term disability or loss of time insurance payments for illness or injury paid by the employer.

    EXCEPTION:

    Short term or long term disability or loss of time insurance payments for illness or injury paid by someone other than the employer is unearned income.

6. In-kind income is paid or given in goods, credit, including in-store credit or services instead of money. In-kind income is considered earned income when the individual has the option to receive a wage or monetary payment.

   The value of the goods received may have been verbally negotiated or specified in a written document and must be verified. Otherwise a mutually acceptable market value must be negotiated.

   Example:

   An individual working as an apartment manager receives a $330 deduction from the rent. The $330 deduction would be counted as income when the employee has the option to receive payment of $330.

7. Income earned by higher education students from internships, or stipends, teaching assistantships, or fellowships which require work participation to receive the income.

   EXCEPTION:

   Wages earned under the State and Federal Work Study Programs are excluded.

8. Military Pay, including:

a. Basic Allowance for Subsistence (BAS) and Family Subsistence Supplemental Allowance (FSSA) for members of the armed forces.
b. Variable Housing Allowances (VHA), Basic Allowance for Quarters (BAQ) and Basic Allowance for Housing (BAH) paid to military personnel for housing costs.
c. Military re-enlistment bonus.

   If a household receives up to 50% of the bonus amount as an initial payment with the remainder paid in equal annual installments, the initial payment and the annual installments are annualized.

   If a household receives the bonus as a lump-sum payment, it is excluded as a non-recurring lump-sum payment.

9. Wages received by an individual enrolled in a Job Corps Program, when the wages are not provided by the Job Corps Program.

10. Sheltered workshop employment - An organization that employs people with disabilities.

11. Earnings from on-the-job training.

12. Mainstream and Experience Works Programs.

13. Compensation for jury duty.

14. Compensation for plasma donations, participation in medical studies, etc.

15. Alternative Trade Adjustment Assistance/Reemployment Trade Adjustment Assistance wage subsidy, provided under the Trade Adjustment Assistance (TAA) Extension Act of 2011. This wage subsidy is paid to eligible workers over the age of 50 and pays a portion of the individuals wage (the difference between the individual's new wage and old wage).

16. Workforce Innovation and Opportunity Act (WIOA) or Youthbuild earnings.

EXCEPTION:

Earnings of minor parents who reside with a caretaker within the 5th degree of relationship and attend school full-time, dependent children under the age of 18 who are full-time students, or dependent children age 18 who are full-time students and can reasonably be expected to complete their secondary education before attaining age 19 are not counted.

Earned Income - When Received 400-19-55-15-10

(Revised 1/1/17 ML #3482)

View Archives

(N.D.A.C. 75-02-01.2-50)

Earned income received on a recurring basis is considered received on the date the income is normally received regardless of changes due to mailing cycles, pay dates or because weekends or holidays cause additional payments to be received within a given month.

Infrequent or irregular earned income is considered received in the month it is actually received.

Examples:

1. An employer may issue checks early because the normal payday falls on a weekend or holiday. Income will be counted in the month it would normally be received, rather than the month it is actually received.

2. An individual is paid on the 1st and the 15th of each month. If the 1st falls on a weekend or holiday, the employer issues the check early, on the last working day prior to the weekend or holiday. This income (1st of the month check) is counted in the month it would normally be received, regardless of when it is actually received.

Wages held at the request of the employee must be considered income in the month in which they would otherwise have been paid by the employer.

Wages held by the employer as a general practice, even if in violation of law, will not be counted as income to the household until actually received.

All income must be verified by the household and documented in the case record.

Earned Income Received on a Contractual Basis 400-19-55-15-15

(Revised 1/1/17 ML #3482)

View Archives

Contract income is a contracted wage which covers a specified period of work, usually 12 months or less. A contract for income must be written and the salary amount identified in the contract.

Examples:

School teachers, bus drivers, coaches, etc.

Earned income received on a contractual basis must be averaged over the number of months covered by the contract regardless of when the income from the contract is received or if the income is paid in more or fewer months at the convenience or option of either party.

Example:

A contract begins August 23 and ends May 31. Payment for the contract will not be received until June 1. The income must be pro-rated over the months covered by the contract (August through May) even if payment is received in June.

Documentation/Verification of Earned Income 400-19-55-15-20

(Revised 6/1/10 ML #3218)

View Archives

The primary verification for declared earnings is the employee's pay record (pay stubs, etc.) of wages received from his employer.

The information from Job Service and the Social Security Administration is not always current, but will serve as lead information for follow-up investigation.

Document or other record generally available from the client

- Pay stubs
- Employer's wage records
- Statement from client's employer
- Job Service
- Copy of contract if income is received on a contractual basis.

Self-Employment Income 400-19-55-15-25

(Revised 2/1/15 ML #3426)

View Archives

(N.D.A.C. 75-02-01.2-50(3))

An individual who is working for themselves, rather than for an employer, is considered self-employed. The individual may be a contractor, franchise holder, owner/operator, partner, etc. The individual must meet the following criteria to be considered self-employed:

1. Earn the income directly from business or trade, not from wages or salary from an employer.

2. Be responsible for the payment of entire Social Security and Federal withholding taxes. [If an employee, the employer would pay half of their Social Security Tax and withhold federal income tax from the employee's salary].

3. File self-employment tax forms, however, not all individuals file tax forms. In these special circumstances, income must be anticipated.

Documentation/Verification of Self-Employment Income 400-19-55-15-25-05

(Revised 2/1/15 ML #3426)

View Archives

Verification of self-employment income can be completed by obtaining copies of the individual's income tax returns. If the individual is involved in a partnership or corporation, copies of the partnership or corporation's tax return must also be obtained, if needed.

When a household has not filed a self-employment income tax return or there has been a significant increase or decrease in the operation of the business, income tax forms, monthly ledgers or bookkeeping records may be used as verification.

Calculating Self-Employment Income - 400-19-55-15-25-10

(New 2/1/2015 ML #3426)

View Archives

Self-employment income is normally calculated by completing the EAP Self-Employment Worksheet using data from tax forms as verification. Information for each business must be calculated separately. When a household has filed self-employment income taxes the income is determined as follows:

- If the income represents a household's annual income, the income must be annualized over a 12-month period of time, even if the income is received within a shorter period of time during those 12 months.
- If a self-employment enterprise has been in existence for less than a year and continues to operate, the income must be averaged over the period of time the business has been in operation.
- If an individual is self-employed for only part of the year to supplement their income from regular employment, the self-employment income must be averaged over the period of time it is intended to cover rather than a 12-month period.

> **Example: An individual may be a self-employed painter during the three summer months and also works as a housekeeper for regular wages the rest of the year. The self-employment income from painting is averaged over the three summer months because it is intended to meet the individual's needs for only part of the year.**

When the total business 'profit' as calculated above results in a loss, zero income will be used.

Anticipating Self-Employment Income - 400-19-55-15-25-15

(New 2/1/2015 ML #3426)

View Archives

When a household has not filed a self-employment income tax return or there has been a significant increase or decrease in the operation of the business, income tax forms, monthly ledgers or bookkeeping records may be used as verification. The income is determined as follows:

1. Business not in operation a complete calendar year or tax forms not filed;

    a. The applicant will need to provide monthly income and expense ledgers to anticipate self-employment income and unearned income as a result of self-employment. The EAP Anticipated Self-Employment Worksheet will assist with determining the monthly net farming and business income.

2. Partial liquidation of business;

    a. If a business sells some land, equipment, or other capital items to obtain money for current operating expenses and/or pay off a loan, and does not expect a substantial reduction in self-employment income as a result of the sale, continue to look at the most recent income tax forms.
    b. If the business liquidates a large enough portion of the business to result in an anticipated substantial reduction in the self-employment income, the income tax forms must be appropriately adjusted to accurately anticipate the current year's income using the most recent income tax forms. Income and expenses (other than depreciation and depletion) for the portion of the business that is not being liquidated is used to determine net self-employment income.

        Capital gains/losses on sale of property are counted as income.

        NOTE: Use only the income or loss from the sale of capital items that can be reasonably anticipated to recur during the current year.

    c. If the business expects to liquidate partially but has not done so yet, use the most recent income tax forms in their entirety until the liquidation takes place.

3. Significant increase or decrease in operation;

    A farm or business may have a significant increase or decrease in operation that is temporary and does not result in liquidation of the business. In these cases, one of the following methods must be used:

a. If the client has had an estimated tax return prepared for the current business year, use the estimated tax return forms to complete the EAP Self-Employment Worksheet.

b. If the client has prepared documents (such as farm plans) from a lender or bank or monthly income and expense ledgers, these documents may be used to arrive at the current year's anticipated income and expenses. The EAP Anticipated Self-Employment Worksheet will assist with determining the monthly net farming and business income.

   Anticipated capital gains/losses on sale of property are counted as income.

4. Termination of business;
   a. If a business expects to completely liquidate but has not done so yet, continue to use the most recent income tax forms or one of the methods described in #3 above until the business has liquidated.

   b. If a business has been completely liquidated, tax forms cannot be used to evaluate the applicant's income. Use only whatever income is currently available from other sources.

Treatment of Self-Employment Income - 400-19-55-15-25-20

(New 10/1/15 ML #3426)

View Archives

When an individual is actively engaged in a self-employment business, the income they receive is considered earned income. The following types of income are always considered earned income:

- Capital or Ordinary Gains/Losses
- Farm Income
- Business Income
- Partnership – Ordinary income, guaranteed payments to partners, depreciation and depletion

However, there are some types of income included on the self-employment income tax forms that are considered unearned income. The following types of income are considered unearned income:

- Royalty income
- Partnership – rental, interest and dividend income
- Income from S-Corporations
- Estate or trust income

The following types are considered earned or unearned depending on whether the individual is actively engaged in earning the income and the self-employment tax forms filed.

- Cooperative distributions from the sale of goods
- Farm rental income
- Other rental income

The earned income must be separated from the unearned income and will be when using the self-employment calculation worksheet.

Determining Self-Employment Income - 400-19-55-15-25-25

(New 10/1/2015 ML #3459)

View Archives

1. Capital or Ordinary Gains or Losses – A capital or ordinary gain or loss is the difference between the sale price and the cost basis. The cost basis may include improvements and sales expenses such as broker's fees and commissions.

   Capital or ordinary gains or losses are considered part of the EARNED income from self-employment. The gain or loss is calculated by deducting the cost basis from the gross sale price. The result is then added to or subtracted from the calculation of the self-employment income for the business the property was used in.

   NOTE: Use only the income or loss from the sale of capital items that can be reasonably anticipated to recur during the current year.

   This income is generally included on the Schedule D or Form 4797.

2. Farm Income – Income earned through the operation of a farm or ranch including farm rental income and CRP.

   a. Farm Rental Income – Income received by a landowner from the sale of crops or livestock produced by the tenant. This does not include cash rent of pasture or farmland.

   b. Conservation Reserve Program Payments (CRP) – Cost share and payment program under the USDA that encourages farmers to convert highly erodible crop land or other environmentally sensitive acreage to vegetative cover.

   Farm income, including farm rental income and CRP:

   - Is considered **EARNED** income when the individual is actively engaged in farming. The total farm income or loss is determined by taking the taxable amount of cooperative distributions (patronage dividends) from the net farm income and adding in the depreciation.

     The amount of cooperative distributions is deducted from farm income as it is excluded income. Depreciation is added back in as this is not an allowable expense.

     NOTE: Cooperative distributions may include income from the sale of goods (grain, milk, cattle, etc.). Any portion of cooperative distributions that is income from the sale of goods must not be deducted from farm income.

This income is generally included on the Schedule F.

- Is considered **UNEARNED** income as a result of self-employment when the individual is NOT actively engaged in farming. The total farm rental income or loss is determined by taking the taxable amount of cooperative distributions (patronage dividends) from the net farm rental income and adding in the depreciation.

  The amount of cooperative distributions is deducted from farm rental income as it is excluded income. Depreciation is added back in as this is not an allowable expense.

  NOTE: Cooperative distributions may include income from the sale of goods (grain, milk, cattle, etc.). Any portion of cooperative distributions that is income from the sale of goods must not be deducted from farm income.

  This income is generally included on the Form 4835.

3. Business Income – Income earned through the operation of a business other than farming or ranching.

   Business income is considered EARNED self-employment income. Business income is determined by taking the net business income profit or loss and adding in the depletion or depreciation. Depreciation and depletion are added back in as they are not allowable expenses.

   This income is generally included on the Schedule C.

4. Partnerships – A partnership is a self-employment business set up as a partnership with two or more partners. A partner's share of income, gain, loss, deductions or credits is determined by a partnership agreement.

   - Ordinary income and guaranteed payments to partners in a partnership is considered **EARNED** self-employment income. **This income is generally included on the Schedule K-1 (Form 1065)**. The partner's share of the partnership income is determined by adding the partner's share of depreciation or depletion to their ordinary income and guaranteed payments. Depreciation and depletion are added back in as they are not allowable expenses. **The depreciation and depletion are generally included on the Form 1065.**

   - Rental, interest and dividend income paid to partners in a partnership is considered **UNEARNED** income as a result of self-employment. The partner's share of the partnership income is the total of the rental, interest and dividend income. **This income is generally included on Schedule K-1 (Form 1065).**

5. Other Rental Income – Income received from the cash rental of property.

Other rental income is considered **UNEARNED** income as a result of self-employment. Rental income is determined by taking the total net rental income from all rental properties and adding in the depreciation or depletion. Depreciation and depletion are added back in as these are not an allowable expense. **This income is generally included on Schedule E.**

6. Royalty Income – a percentage of gross or net revenues derived from the use of an asset or a fixed price of a unit sold of an item. Income individuals receive from royalties is considered **UNEARNED** income as a result of self-employment. **Royalty income is generally included on Schedule E.**

7. Cooperative distributions from the sale of goods is countable income and must not be deducted from farm income.

8. S –Corporation – a separate business entity with 1 to 100 shareholder(s) that passes through the net profit or loss to their shareholder(s). The business profits are taxed at individual tax rates on each individual shareholder's income tax.

   Income shareholders receive from a corporation is considered **UNEARNED** income as a result of self-employment. This income is generally included on the Schedule K-1 (1120S). The shareholder's income is determined by adding the shareholder's share of depreciation or depletion to their ordinary business income, net rental real estate income, interest income and dividend income. Depreciation and depletion are added back in as these are not an allowable expense. **Depreciation and depletion are generally found on the Form 1120S.**

   NOTE: An owner or employee of a corporation is not a self-employed individual because the business income and liabilities belong to the corporation, not the individual. Wages that an owner or employee receive from a corporation are considered EARNED income.

9. Estate or Trust Income – Income received from an estate or trust. Income individuals receive from estate or trusts is considered **UNEARNED** income as a result of self-employment. **Estate or trust income is generally included on Schedule E.**

Other Types of Self-Employment Income - 400-19-55-15-25-30

(New 2/1/2015 ML #3426)

View Archives

The following types of income may or may not be listed on self-employment tax forms. If the income is not listed on the self-employment tax forms, the income must be verified separately.

1. Qualified Service Provider (QSP) – Qualified Service Providers (QSPs) are individuals who provide care for people who want to continue to live in their own homes and communities. QSPs do not need to have a special certificate or license, but they do need to prove they have the skills to provide care.

    - QSP income is considered **EARNED** self-employment income when the individual is not an employee of an agency.

    - QSP income is considered regular earned income when the individual is employed by an agency.

2. Boarder - Individuals or groups of individuals residing with others and paying reasonable compensation for lodging and meals.

    Income from boarders is considered EARNED self-employment income when the individual providing the board is actively engaged in providing the lodging and meals and the boarder is not included in the household based on program policy.

    To calculate income from room and board, take the monthly gross receipts less $100 per boarder.

Wages Paid to Family Members - 400-19-55-15-25-35

(New 2/1/2015 ML #3426)

View Archives

Wages paid to family members are an allowable business expense. However, the wages paid to family members must be counted as earned income separately from self-employment income unless the earned income is specifically excluded by program policy. (Refer to 400-19-55-15-30, Student Earned Income treatment for information regarding treatment of income earned by a child).

The income tax forms identify wages paid to family members as wages or labor hired but does not separate outside labor hired from wages paid to family members. The household will need to identify and verify the amount paid to family members (cancelled checks, W-2 forms, bank books showing transfer of funds).

Allowable Expenses 400-19-55-15-25-40

(New 2/1/2015 ML #3426)

View Archives

The following expenses are allowable deductions from self-employment income. Because the EAP Self-Employment Worksheet uses net income any of these expenses claimed on the tax form are already deducted. The Anticipated Self-Employment Worksheet also accounts for these expenses.

If a household verifies any of the following expenses incurred as a result of self-employment income that were not included on the tax forms, the expense must be allowed by deducting it from the net income.

- Advertising
- Car and truck expenses
- Chemicals
- Commissions and fees
- Conservation expenses
- Contract labor
- Custom hire (machine work)
- Employee benefit programs
- Feed
- Fertilizers and Lime
- Freight and Trucking
- Gasoline, Fuel and Oil
- Insurance (other than health)
- Interest (mortgage and other)
- Labor hired
- Legal and professional services
- Office expenses
- Pension and profit-sharing plans
- Rent or lease (vehicles, machinery, equipment, business property, land, animals)
- Repairs and maintenance
- Seeds and Plants
- Storage and Warehousing
- Supplies
- Taxes (Real estate, employer's match of payroll taxes, contributions to state unemployment insurance, licenses)
- Travel, meals, entertainment
- Utilities and phone
- Veterinary, breeding and medicine

- Wages
- Other expenses such as:
  - Bad debts
  - Bank service charges
  - Dues and publications
  - Laundry and cleaning
  - Tools
  - Day care meal expenses (if not reimbursed through a food program)

Non-Allowable Expenses 400-19-55-15-25-45

(New 2/1/2015 ML #3426)

View Archives

The worker must determine if an expense is non-allowable based on whether the expense is part of producing income. The following expenses are not allowable deductions from self-employment income:

- Expenses and net operating losses (NOL) from previous periods.
- Depreciation/depletion - to allow these costs would result in exclusion for amounts that are not actual costs.
- Other expenses that are not incurred as a result of self-employment income, such as:
    - Charitable contributions
    - Penalties and fines

Student Earned Income Treatment 400-19-55-15-30

(Revised 10/1/2023 ML #3749)

View Archives

(N.D.A.C. 75-02-01.2-45(1))

All earned income counts when:

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

A child is defined as:

1. Under age 18; or

2. Age 18 and a full-time student in elementary or high school, GED course of study, alternative high school or a vocational or technical school that is equivalent to secondary school if, before attaining age 19, such student can reasonably be expected to complete the training curriculum.

A minor parent is defined as an individual who has a marital status of never married, is under age 18, and is a natural or adoptive parent to a child. An individual is considered age 18 on the first day of the month of their 18th birthday. An individual under age 18 and pregnant is not considered a minor parent.

Stepparent Income 400-19-55-15-35

(Revised 6/1/10 ML #3218)

View Archives

(N.D.A.C. 75-02-01.2-60)

In order to encourage marriage among single-parent households and assist those households when the primary individual in a TANF household marries, the income of the stepparent whose needs were not previously included in the TANF household shall be disregarded in determining the TANF benefit for the first six calendar months, effective the month of the marriage. A six-month disregard of stepparent income is not allowed in situations where a caretaker marries before receiving TANF benefits. The six-month disregard does not apply in double stepparent cases.

Beginning with month seven, the stepparent's income must be considered with determining the TANF benefit. (See Section 400-19-105-40-55, Budgeting of Stepparent Income.)

Unearned Income 400-19-55-20

Definition of Unearned Income 400-19-55-20-05

(Revised 1/1/17 ML #3482)

View Archives

(N.D.A.C. 75-02-01.2-54)

Unearned income is income not gained by current labor, service, or skill. Most unearned income is the result of past labor, services, or investments, which have enabled the individual to receive a current benefit or pension.

Treatment of Unearned Income 400-19-55-20-10

(Revised 1/1/17 ML #3482)

View Archives

(N.D.A.C. 75-02-01.2-54)

If unearned income is withheld for:

- Child support or taxes, the gross amount must be counted.
- Repayment of an overpayment from the same source, the net amount must be counted.
- Repayment of another source, the gross amount must be counted.

Examples:

1. Back Taxes
2. Defaulted Student Loan

When unearned income is held at the request of an individual, it is considered income in the month normally received.

Unearned income received on a recurring basis is considered received on the date the income is normally received regardless of changes due to mailing cycles, pay dates or because weekends or holidays cause additional payments to be received within a given month.

Example:

State or federal assistance payments such as SSI or Social Security received on a recurring basis shall be considered as having been received once a month, even if mailing cycles may cause two payments to be mailed in one month and none in another month.

Infrequent or irregular unearned income is considered received in the month it is actually received.

When a member of the TANF household serves as a representative payee for federal benefits (i.e. SSI, Social Security, Veterans benefits, etc.) for a person or persons who are not members of the TANF household, the benefits paid to the representative payee on behalf of such individual(s) shall not be considered income available to the TANF household.

Countable Unearned Income Types 400-19-55-20-15

(Revised 4/1/2026 Release 26.1)

View Archives

The following types of unearned income are countable:

1. Payments from Social Security Administration (Retirement, Survivors, and Disability Insurance (RSDI)):

   Lump sum retroactive adjustments from Social Security due to changes in an individual's earnings record will be considered as follows:

   If the individual received SSA benefits AND had earnings in the year prior to the adjustment, the adjustment will be considered a recurring lump sum benefit.

   If the individual did not receive SSA benefits OR did not have earnings in the year prior to the adjustment, the adjustment will be considered a non-recurring lump sum benefit.

2. Unemployment and Workforce Safety and Insurance

   These benefits are paid on an Electronic Benefits Card and are considered income:

   a. On the date received; or
   b. When available and the recipient has a legal ability to access the income for support or maintenance.

   If the household cannot verify the date of actual receipt, the receipt date is deemed to be either:

   a. The date funds were deposited into the account based on a bank statement from the electronic card payment vendor or their personal bank account; or
   b. Two working days after the date the WSI or UIB was processed.

3. Other benefits, including but not limited to:

   - Monthly or regular payments from annuities, pensions and other retirement plans (including dividends and interest). Penalties if any should be deducted from the gross disbursement amount.
   - General Assistance
   - Military Allotment received from non-household member.

- Short term or long term disability or loss of time insurance payments for illness or injury paid by someone other than the employer (AFLAC, CIGNA, Thrivent, etc.).
- Railroad benefits
- Veterans benefits other than those designated for education.

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.

5. Unearned income as a result of self-employment.

6. Tribal Payments and Individual Indian Monies (IIM) Accounts. See this section for treatment of this income.

7. Foster Care Payments, including continuing education and job-training through PATH Inc.

8. Recurring Lump Sum Payments are those payments that can be reasonably anticipated to be received more than once. Payments may be recurring monthly, quarterly, yearly, etc.

   Recurring Lump Sum Payments include but are not limited to the following:

   - Gambling winnings
   - Mineral lease bonuses, oil and gas royalties. Any mandatory production taxes withheld prior to distribution are not counted and are allowed to reduce the amount of countable income. Any income taxes withheld are not allowed to reduce the amount of countable income.
   - Alaska Permanent Fund Payments
   - Insurance settlements
   - Inheritance
   - Income received from a trust - Submit SFN 1947 - Request for Trust Review, along with complete copies of all trust agreements to the Legal Advisory Unit of the Department of Human Services for review.
   - Lump sum retroactive social security payments when the individual had earnings in the year prior to the adjustment.

9. Cash Contributions received on a regular or irregular basis that can be reasonably anticipated.

10. Monetary gifts - Portions over $500 per month per household received for special occasions such as birthdays, graduation, holidays etc. Monetary gifts not related to a special occasion are considered a cash contribution.

11. Contracts for Payment. When an applicant or recipient has sold property with a contract to receive a series of periodic payments, rather than one payment, 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 a 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 valuable contract document may be called a note, accounts receivable, mortgage, or by some other name.

    NOTE: Some contractual rights may be written so the lender has the right to demand payment at any time. If so, the note is considered a demand note and can be called in at any time. If a note is written so the lender does not have the right to demand payment but the note is in default, it also becomes a demand note. Contractual rights may or may not have collateral or security to guarantee payment.

    The payments will include both interest and a portion of the sale price of the property that was sold (principle) and must be calculated separately.

    The interest portion of payments received for any contractual right to receive payments (such as Contracts for Deed) must be counted as unearned income. The payment must be prorated over the period of time intended to cover.

12. Refugee Cash Assistance Payments – Payments received under the Refugee Cash Assistance Program or the Wilson/Fish Alternative Program.

13. State Long Term Care Subsidy – Individuals receiving a payment from the State Long Term Care Subsidy Program.

14. Money deposited into a Joint Checking or Savings Account - Money deposited, when the depositor is not a member of the household, is counted as unearned income in the month in which it is deposited.

    EXCEPTION:

    If the client's name appears on a signature card, but no member of the household has an ownership interest in that account, funds in the account are not available as income or asset.

15. Money obligated to the household which is diverted by the household for an expense.

16. Stipends/Subsistence Payments - Any stipend/subsistence payment received while attending training that is specifically identified to cover the cost of daily living expenses must be counted as unearned income, as it is intended to cover the same basic needs as those provided under TANF.

17. WIOA or Youthbuild allowances and payments

EXCEPTION:

Allowances and payments to dependent children under the age of 18 who are full-time students, OR age 18 who are full-time students and can reasonably be expected to complete their secondary education before attaining age 19 are not counted.

18. Trade Readjustment Allowance (TRA) - Payments made to individuals the Trade Adjustment Assistance (TAA) Extension Act of 2011 who are not attending training as a result of being eligible under a training waiver (is under a waiver of the requirement to participate in training as training may be determined not feasible or appropriate and waived as a requirement for basic TRA eligibility) are considered unearned income.

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

(Revised 4/1/2026 Release 26.1)

View Archives

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.

Tribal Payments and IIM Accounts 400-19-55-50-15-03

(New 1/1/17 ML #3482)

View Archives

Following is policy regarding the treatment of income distributed to tribal members. These distributions are generally made directly to tribal members or put into an Individual Indian Monies (IIM) Account.

Countable Unearned Income

1. Tribal Distributions from tribal gaming or tribal enterprises distributed to enrolled tribal members (residing on or off a reservation).

   Payments made to enrolled tribal members from the proceeds of gaming or gambling businesses are not per capita payments; therefore the income must be counted.

   These payments are prorated over the period of time intended to cover with the exception of those noted. These payments include but are not limited to:

   - Spirit Lake Social Impact Payments
   - Sisseton-Wahpeton Oyate of the Lake Traverse Reservation Quarterly Casino Cash
   - Three Affiliated Tribal Elderly Payments
   - Three Affiliated Tribe's People's Fund Distributions
   - General distributions from tribal revenue.

   At application, review and when adding a new member to a case, payments received from the **Three Affiliated Tribes People's Fund** or **general distribution from tribal revenue** in the most recent FULL 12 month period are annualized and counted.

   Verification of the IIM account must also be obtained when a child turns 18.

2. Amounts in excess of $2,000 per year per person of monies derived from leases or other uses of individually owned trust or restricted lands are countable unearned income.

   25 USC 1408

Excluded Income

1. Indian per capita payments distributed from judgment awards and trust funds.

25 USC 1407

2. Amounts up to $2,000 per year per person of monies derived from leases or other uses of individually owned trust or restricted lands are excluded.

   25 USC 1408

3. Alaska Native Claims Settlement Act - payments received from a native corporation.

   43 USC 1626 (b) (c)

4. Sisseton-Wahpeton Oyate of the Lake Traverse Reservation Food Distribution Program.

5. Monies derived from certain sub-marginal land held in trust for certain Indian tribes. The tribes that may benefit are:

   - Bad River Band of the Lake Superior Tribe of Chippewa Indians of Wisconsin
   - Blackfeet Tribe
   - Cherokee Nation of Oklahoma
   - Cheyenne River Sioux Tribe
   - Crow Creek Sioux Tribe
   - Lower Brule Sioux Tribe
   - Devils Lake Sioux Tribe
   - Fort Belknap Indian Community
   - Assiniboine and Sioux Tribes
   - Lac Courte Oreilles Band of Lake Superior Chippewa Indians
   - Keweenaw Bay Indian Community
   - Minnesota Chippewa Tribe
   - Navajo Tribe
   - Oglala Sioux Tribe
   - Rosebud Sioux Tribe
   - Shoshone-Bannock Tribes
   - Standing Rock Sioux Tribe

   25 USC 459e

6. Spirit Lake Nation incentives and payments for grades issued to individuals attending college.

7. Tribal High School Graduate/GED Payments - Payments from a federally recognized tribe to tribal members who graduate from high school or receive a GED are considered non-recurring lump sum.

Determining Countable Income in Individual Indian Money (IIM) Accounts

Individual Indian Money (IIM) accounts are established for individual trust beneficiaries. These accounts can be created for a number of different reasons. The individual may:

- Be the original allottee of a parcel of land.
- Is an heir to the original allottee of a parcel of Indian trust land and have inherited the land through probate.
- Have received trust asset through a gift deed.
- Have received per capita trust payments from the tribe, a tribal settlement, or a judgment award.

Most IIM accounts receive income from the use or sale of a trust asset, such as agricultural or grazing leases, coal production, timber harvesting, and oil and gas royalties. Funds can also come from a per capita payment, income earned on deposited funds, inheritance, VA, SSA or SSI. Some accounts receive proceeds from an estate account following a probate.

Federal law requires that up to $2,000 per year of deposits derived from leases, trusts and restricted lands must be excluded.

At application, review or when adding a new household member, verification of the IIM account must be obtained for the most recent FULL 12 month period prior to the month of application.

Verification of the IIM account must also be obtained when a child turns 18.

IIM accounts can be verified in the following ways:

1. Client statement is acceptable when the account balance is less than $2000 and the income is derived solely from leases, trusts and restricted lands.
2. When client statement is questionable, the balance is over $2,000, or the account includes income from sources other than leases, trusts and restricted lands verification is required:

    a. Request for verification of IIM account information using form SFN 413, Individual Indian Monies Account. This form will need to be notarized per requirements of the United States Department of the Interior, Office of the Special Trustee for American Indians, Office of Trust Funds Management. These releases are valid for one (1) year and must be renewed annually.

    b. Individuals with IIM accounts receive statements from the Office of Trust Funds Management on a quarterly basis. A copy of this form may be requested from the recipient. However, the recipient will not receive the statement if the Office of Trust Funds Management does not have a current

address.

c. The individual may obtain a statement of their IIM account directly from the Office of Trust Funds Management through the Bureau of Indian Affairs (BIA) by requesting the information in person or by making a telephone request. In both cases, the individual will need to know their account number and provide at least two forms of identification.

Once verification is received the amount of countable income is calculated as follows:

1. Subtract any deposits that are not derived from leases, trusts or restricted lands. These sources of income would be considered separately based on policy.
2. The remaining deposits would be totaled for the twelve-month period.
3. Deduct the $2000 disregard. (The result is the annualized countable income).
4. Divide the annualized countable income by 12 to determine the monthly countable unearned income.

New Source of Income

When a new source of income is identified during the most recent FULL 12 month period the amount of countable income is calculated as follows:

1. Subtract any deposits that are not derived from leases, trusts or restricted lands. These sources of income would be considered separately based on policy.

2. Subtract the new source income from each month the income was received.

3. The remaining deposits would be totaled for the twelve-month period.

4. Total the new source income and divide by the number of months it was received. Multiple by 12 to determine a new annual amount of the new source income.

5. Add the annual amount of the new source income to the total of the remaining deposits.

6. Deduct the $2000 disregard. (annualized countable income).

7. Divide the annualized countable income by 12 to determine the monthly countable unearned income.

25 USC 1408

Documentation/Verification of Unearned Income 400-19-55-20-15-05

(Revised 1/1/17 ML #3482)

View Archives

All unearned income must be verified and documented in the case file.

The primary verification for Social Security benefits (SSDI or SSI) will be the established Beneficiary Data Exchange (BENDEX) or State Data Exchange (SDX) systems. When circumstances warrant, contact with the Social Security District Office to obtain benefit information may be necessary.

In regard to benefits other than Social Security, (e.g. Unemployment Compensation, Workmen's Compensation, Veteran's Pension, child support, etc.), inquiry should be made with the agency responsible for payment of the benefit. Veteran's benefits should be verified through the Veteran's Administration for appropriate cases.

Document or other record generally available from the client

- SSDI or SSI
- Benefit Check
- Unemployment Compensation award letter
- Pension award notice
- VA award notice
- Correspondence on benefits
- Railroad and Retirement award letter

Verification information from other sources

- BENDEX System
- SDX System
- Social Security District Office
- Job Service North Dakota
- Insurance Company Records
- Lodge or Fraternal Association Records
- Personal and Income Tax Records
- Railroad Retirement Board
- Employer Records
- Union Records
- Workforce Safety and Insurance
- Veteran's Administration
- Lawyer's Record

Child Support Payments

Document or other record generally available from the client

- Divorce or separation papers
- Court Order
- Support Agreement
- Correspondence on support payments

Verification information from other sources

- Court Record
- Receipts for contribution
- Income Tax Returns
- Employer Records of attached wages
- Child Support Division's FACSES ledger
- Child Support Division's electronic payment card (EPC) statement.

Disregard of Certain Income 400-19-55-25

(Revised 4/1/2026 Release 26.1)

View Archives

(N.D.A.C. 75-02-01.2-45)

The following types of income will be disregarded when determining eligibility for TANF:

Complementary Program Assistance - To the extent these do not serve the same purpose as TANF, assistance payments from other programs, agencies, or organizations will not be considered in determining the amount of TANF to be paid. In these complementary program relationships, there must be assurance that no duplication exists between such other assistance and TANF. Non-duplication of assistance shall be assured in relation to:

a. The different purpose for which the other program or agency grants such aid; or

b. The need for goods and services that are not included in the TANF benefit. If either of these two conditions are met, complementary assistance by another program, agency, or organization will not constitute duplication.

Types of Complementary Program Assistance include but are not limited to:

- Cash
- Adoption Assistance Payments/Subsidized Adoption Payments
- Employer Funded Medical Savings or Health Reimbursement Accounts
- Family Subsidy Payment
- Foster Care Payments
- Fund-Raisers
- Memorials, donations, remembrances, commemorations, etc., received by a household following the death of a family member shall be considered complementary assistance.
- Job Corps Program
- Sisseton-Wahpeton Oyate Lake Traverse Reservation Food Distribution Program
- Subsidized Guardianship Payments

All types Complementary Program Assistance listed above are addressed later in this section with the exemption of memorials, donations, remembrances, commemorations, etc., received by a household following the death of a family member.

The following types of income are excluded:

1. Non-recurring lump-sum unearned payments are those payments that cannot be reasonably anticipated to be received again. These payments include, but not limited to:

- Retroactive Social Security payments (whether it is paid in a lump sum or installments)
- Retroactive SSI (whether it is paid in a lump sum or installments)
- Retroactive adjustment payments from SSA due to changes in the individual's earning record
- Retroactive unemployment benefits
- Retroactive railroad retirement benefits
- Retroactive Veteran's benefits
- Retroactive Workforce Safety and Insurance
- Inheritance
- Gambling winnings
- Child support intercepted from Federal taxes
- Insurance settlements
- Mineral leasing bonuses and up-front payments
- Contests
- Employees retirement funds taken as a lump sum
- Severance Pay
- Income received from a trust - Submit SFN 1947 - Request for Trust Review, along with complete copies of all trust agreements to the Legal Advisory Unit of the Department of Human Services for review.

All non-recurring lump sum payments are excluded as assets 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.

2. Earned income received as a non-recurring lump-sum payment including, but not limited to:

    - Military re-enlistment bonuses

      If a household receives up to 50% of the bonus amount as an initial payment with the remainder paid in equal annual installments, the initial payment and the annual installments are annualized.

      If a household receives the bonus as a lump-sum payment, it is excluded as a non-recurring lump-sum payment.

3. Tribal Payments and Individual Indian Monies (IIM) Accounts. See this section for the treatment of this income.

4. Reimbursements to a household member or payments to third-party for past or future expenses, including but not limited to:

    - Housing Assistance Program (HAP) and other subsidized housing authorities
    - Housing and Urban Development (HUD)
    - Rent and utility payments through the Emergency Rent Assistance Program (ERAP)
    - Utility reimbursements made by the Department of Housing and Urban Development (HUD), Rural Housing Service, and Tribal Utility Payments including Tribal LIHEAP.
    - General Assistance reimbursements - BIA or CSSB
    - Medical
    - Child Care
    - Employment and training
    - Family Subsidy payments
    - Adoption Assistance Subsidies
    - Payments directed by a divorce decree to a third party

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.

6. Children’s earned income. See Student Earned Income Treatment 400-19-55-15-30 for how Children’s earned income is considered.

7. In-kind income that is paid or given in goods, commodities, credits, including in-store credits or services instead of money when the individual does not have the option to receive a wage or monetary payment.

8. Dividends and Interest derived from savings and checking accounts and investments.

    EXCEPTION:

    The interest portion of payments from investments, annuities, pensions, and other retirement plans will be considered countable income when withdrawn on a regular basis.

9. Money deposited into a checking or savings account when the client's name appears on a signature card, but does not have an ownership interest in the account.

10. Cooperative Distributions (patronage dividends)

EXCEPTION:

Any portion of cooperative distributions that is income from the sale of goods is countable income.

11. Withdrawals from medical savings, health reimbursements and flexible spending accounts.

12. Foster Care Payments, including continuing education and job-training through PATH Inc.

13. Subsidized Guardianship Payments.

14. Money received from a benefit or fund raiser and disbursed by a third party for a household expense.

    EXCEPTION:

    If the disbursement is given or made available to a household member the money is counted as unearned income.

15. When a member of the household serves as a representative payee for Federal benefits (SSI, Social Security, Veterans Benefit) for an individual who is not a member of the household, the income is not considered available to the household.

16. All income, allowances, and bonuses received as a result of participation in the Job Corps Program.

17. Refunds of a deposit from rental units, apartments, storage units, utility companies, child care providers, etc.

18. Homestead Tax Credit refunds.

19. Property Tax relief.

20. Loans that require repayment. A loan must be verified with a written agreement between the parties executed at the time the loan was agreed upon.

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.

22. Census Income.

23. Trade Adjustment Assistance (TAA) - The following payments made to individuals under the Trade Adjustment Assistance (TAA) Extension Act of 2011:

    - Training Readjustment Allowances - A wage subsidy available in the form of weekly cash payments to workers who are enrolled in a full-time training course;
    - Job Search Allowance – A cash allowance provided to workers who cannot find an available job within the commuting area, which is used to cover transportation costs, etc.

        - If the individual is participating in the JOBS Program, the Employment Contractor must be notified of the individual's receipt of these funds.

    - Relocation Assistance – A cash allowance provided to workers who have to accept a job outside of their commuting area and relocate.

        - If the individual is participating in the JOBS Program, the Employment Contractor must be notified of the individual's receipt of these funds.

    - Health Coverage Tax Credit – A tax credit offered to TAA participants to help pay for the health insurance premiums of the worker and their family.

        - If the individual is requesting reimbursement for a health insurance premium from TANF, TANF policy will only reimburse the difference between the actual premium amount and the amount of tax credit the individual receives and only that premium for coverage of a TANF eligible unit member.

24. Earned or unearned income set aside for the fulfillment of a Plan for Achieving Self-Support (PASS) under Title XVI of the Social Security Act (SSI).

25. The portion of monetary gifts under $500.00 per month received by household members for special occasions such as birthdays, graduation, holidays, etc.

26. Gift Cards and Gift Certificates.

27. SSI (Supplemental Security Income) Benefits - Recipients of SSI, including presumptive SSI, are not included as members of the TANF household and their income is not used to determine the benefit. If the individual is receiving a zero SSI benefit, the individual is not considered as receiving SSI benefits for TANF purposes and the individual and the income received is included in the household.

28. Volunteer Placement Program - Children in the Volunteer Placement Program are not foster care placements and the parents retain care, custody, and control of the

child. The child could be placed in a facility that is not inpatient care including PATH and county foster families or facilities, i.e. Manchester House, Dakota Boys Ranch, Prairie learning Center, etc.
Children in the Volunteer Placement Program are considered temporarily out of their home with a plan to return to their parental unit. The length of stay in a facility varies depending on the needs of the child. Children placed into a facility under the Volunteer Placement Program are eligible for the $45.00 clothing allowance provided all other factors of eligibility are met for the TANF Program. The out-of-home payment will be part of the TANF benefit paid to the parent/caretaker.

29. National School Lunch Act provides assistance to individual through the following programs:

    School Lunch Program
    Summer Food Service Program for Children
    Commodity Distribution Program
    Child and Adult Care Food Program (reimbursements to child adult care providers such as Heartland)

    (42 USC 1760 (e))

30. Child Nutrition Act provides assistance to children through the following programs:

    Special Milk Program
    School Breakfast Program
    Special Supplemental Food Program for Women, Infants, and Children (WIC)

    (42 USC 1780 (b))

31. Uniform Relocation Assistance and Real Property Acquisition Policy Act establishes minimum standards for federally funded programs and projects that require the acquisition of real property (real estate) or displace persons from their homes, businesses, or farms.

    (42 SC 4636)

32. All payments to volunteers under the National and Community Service Act which includes payments from the following programs:

    - Americorps (Americorps State and National
    - Americorps VISTA
    - Americorps NCCC (National Civilian Community Corps))
    - Retired Senior Volunteer Program (RSVP)
    - Foster Grandparents Program
    - Senior Companion Program

42 USC 5044 (f)

42 USC 5058

33. Disaster Relief Act - Federal major disaster and emergency assistance and comparable disaster assistance provided by States, local governments, and disaster assistance organizations.

    This includes payments such as Federal Emergency Management Assistance (FEMA) payments, Emergency Unemployment Benefits, Red Cross and Salvation Army.

    (42 USC 5155 (d))

34. Allowances, earnings, or payments received under WIOA or Youthbuild.

    EXCEPTIONS:

    Earnings of:

    - minor parents not residing with a caretaker within the 5th degree of relationship are counted
    - minor parent who reside with a caretaker within the 5th degree of relationship and does not attend school full-time are counted, or
    - dependent children under the age of 18 who are not full-time students are counted.

35. Low-Income Home Energy Assistance Act - LIHEAP payments paid directly or indirectly on behalf of the LIHEAP household.

    42 USC 8624 (f)

36. Supplemental Nutrition Assistance Program (SNAP) – Benefits received from SNAP are excluded.

    7 USC 2017 (b)

37. Child Care and Development Block Grant Act - Child Care Assistance Program payments paid directly or indirectly on behalf of the Child Care Assistance Unit.

    Payments received by providers are counted as self-employment income.

    (42 USC 9858q)

38. Federal funded Student Financial Assistance - All educational loans, grants, scholarships and stipends that do not require work participation and wages earned under a work study program. State and local funded Student Financial Assistance.

EXCEPTION:

Any stipend received while attending training that is specifically identified to cover the cost of daily living expenses must be counted as unearned income, as it is intended to cover the same basic needs as those provided under TANF.

Title IV aid includes:

- Pell or BEOG grants.
- Supplemental Education Opportunity Grants (SEOG).
- Stafford Loan (formerly Guaranteed Student Loan).
- PLUS/DEAL loans.
- Perkins Loans (formerly NDSL).
- Federal work study income.
- Bureau of Indian Affairs Grant Program.
- High School Equivalency Program (HEP).
- College Assistance Migrant Program (CAMP).
- Upward Bound (Trio Grants).
- National Early Intervention Scholarship and Partnership Program.
- Stipends funded until Title IV.
- Indian Vocational Education Program (IVEP)

Aid that is federally funded but not under Title IV includes:

- Workforce Investment Opportunity Act (WIOA)
- Veteran’s benefits or other benefits through the United States Armed Services
- Reserve Education Assistance Program (REAP)
- Recruitment/Retention of American Indians Into Nursing (RAIN)
- Education funds received through the John H. Chafee Foster Care Independence Program.

Aid that is not federally funded includes:

- SELF loan program.
- State work study income.
- Division of Rehabilitation Services.

20 USC 1087uu

39. Reduction in basic pay for veteran's educational assistance - Any amount by which the basic pay of an active duty or selected reserve member is reduced for educational assistance.

    The funds are a pre-tax deduction from the service member's gross pay and are identified as a Montgomery GI Bill (MGIB) deduction.

38 USC 3011 (b)(3) and 38 USC 3012 (c)(3)

40. Payments to certain United States citizens of Japanese ancestry, resident Japanese aliens, and eligible Aleuts made under the Restitution for World War II Internment of Japanese-Americans and Aleuts.

    50 USC appendix 1989b-4(f-2)
    50 USC appendix 1989c-5(d-2)

41. Radiation Exposure Compensation Act.

    42 USC 2210 (h) (2)

42. State or Federal tax refunds, Earned Income Tax Credits (EITC) and Economic Stimulus Tax Rebates.

    26 USC 6409

43. Crime Act - compensation paid through a crime victim's compensation program.

    (42 USC 10602 (c))

44. Individual Development Accounts - funds (including interest accruing) in an individual development account.

    (42 USC 604 (h) (4) & 42 USC 604nt Section 415)

45. Vietnam Veterans - the following payment made to the children of Vietnam veterans:

    - Children of Vietnam Veterans Born with Spina Bifida
    - Children of Women Vietnam Veterans Born with Certain Birth Defects
    - Children of Certain Korea Service Veterans Born with Spina Bifida

    (38 USC 1833 (c))

46. P.L. 108-447 - Combat Pay

    Additional monies received by a household as the result of the deployment of a service member to a designated combat zone.

    To determine the amount of service member's income that will be disregarded, compare the amount received before deployment and the amount received after the deployment. The difference between the two amounts is the amount that will be disregarded.

Combat Zone Tax Exclusion Areas - Executive Order 12744 (effective January 17, 1991).

Arabian Sea Portion that lies north of 10 degrees North Latitude and West of 68 degrees East Longitude

- Bahrain
- Gulf of Aden
- Gulf of Oman
- Iraq
- Kuwait
- Persian Gulf
- Qatar
- Oman
- Red Sea
- Saudi Arabia
- United Arab Emirates

Direct Support of EO 12744

- Turkey effective January 1, 2003 - December 31, 2005
- Israel effective January 1 - July 31, 2003
- Eastern Med effective March 19 - July 31, 2003
- Jordan effective March 19, 2003
- Egypt effective March 19 - April 20, 2003
- Executive Order 13239 (effective September 19, 2001
- Afghanistan

Direct Support of EO 13239

- Pakistan effective September 19, 2001
- Tajikistan effective September 19, 2001
- Jordan effective September 19, 2001
- Incirlik AFB effective September 21, 2001 - December 31, 2005
- Kyrgyzstan effective October 1, 2001
- Uzbekistan effective October 1, 2001
- Philippines (only troops w/orders that reference OEF) effective January 9, 2002
- Yemen effective April 10, 2002
- Djibouti effective July 1, 2002
- Somalia effective January 1, 2004

Executive Order 13119 (effective March 24, 1999)

Public Law 105-21 Establishing Kosovo as Qualified Hazardous Duty Area (March 24, 1999)

- The Federal Republic of Yugoslavia (Serbia/Montenegro)
- Albania
- The Adriatic Sea
- The Ionian Seas north of the 39th parallel
- Public Law 104-117 Establishing a Qualified Hazardous Duty Area (November 1995)
- Bosnia
- Herzegovina
- Croatia
- Macedonia

Allowable Expenses for TANF Household Members 400-19-55-30-05

(Revised 4/1/2026 Release 26.1)

View Archives

(N.D.A.C. 75-20-01.2-53)

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.

If an expense is deducted from income that was determined to be a terminated source, the expense cannot be allowed prospectively 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.

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

(Revised 4/1/2026 Release 26.1)

View Archives

(N.D.A.C. 75-02-01.2-53)

- 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.

  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.

- Adult Dependent Care - 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 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.

  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.

Child or Dependent Care Providers 400-19-55-30-15

(Revised 6/1/10 ML #3218)

View Archives

(N.D.A.C. 75-02-01.2-53)

Child or dependent care costs cannot be allowed when the provider is the caretaker relative's natural, adoptive or stepchild and is under the age of 21 except in instances in which all of the following conditions are met:

1. The provider does not live in the same home as the TANF household;
2. The provider is emancipated;
3. The provider was not claimed as a dependent on the caretaker relative's most recent federal income tax return;
4. A bona fide employer/employee relationship exists; and
5. The provider is not a member of the caretaker relative's TANF household.

Additionally, child or dependent care costs cannot be allowed when the care is provided by:

1. A natural parent, regardless of where the natural parent resides; or
2. A stepparent who resides in the same home as the TANF household.

Allowable Expense for Stepparents and Minor Parents' Parents 400-19-55-30-20

(Revised 6/1/10 ML #3218)

View Archives

Stepparents and minor parent's parents are allowed the following expenses to be deducted from income when calculating countable income to determine the TANF Benefit:

1. Paid court-ordered child support;
2. Paid court-ordered spousal support;
3. Non-household member deductions;
4. Amounts actually being paid to any others not living in the home who are claimed as dependents for income tax purposes;
5. Health insurance premiums.

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

Special Items of Need 400-19-60

Overview 400-19-60-05

(Updated 10/1/2025 Release 25.1)

View Archives

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

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

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

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

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

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

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

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

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

Types of Special Items of Need 400-19-60-10

(Revised 4/1/2026 Release 26.1)

View Archives

Child Restraint Seat

(N.D.A.C. 75-02-01.2-67) - State law requires that all children younger than seven be secured in a child restraint seat (car seat or booster seat) when riding in any motor vehicle.

Child restraint seats are available in many communities through hospitals, public health agencies, and civic organizations. In collaboration with many public health agencies, TANF will reimburse public health agencies for child restraints provided to TANF recipients. The public health agencies must complete SFN 471, Vendor Payment (TANF), Authorization and Request for Payment of Goods and Services and send it to the eligibility worker for authorization.

When a child restraint seat is not otherwise available, the household may purchase one and the cost may be reimbursed as a special item of need supplemental benefit once verification of the purchase amount is provided to the eligibility worker.

Note: When available, recipients may be required to go through public health agencies where they will be educated on the proper use of child restraints. Recipients should be advised about choosing a model that meets all criteria of the Federal Motor Vehicle safety standards. Because some models do not fit all cars, households should be certain that the model being considered for purchase would be suitable for their vehicle. Additional information is available from the North Dakota Department of Health, 1-800-472-2286.

As a child grows, a larger child restraint seat will be needed. For this reason, TANF can pay for multiple child restraint seats for the same child, provided one is not available through the local hospitals, public health agencies, and civic organizations.

Example: If an infant car seat was initially paid for, a booster seat may be paid for based on the child's age/size.

Essential Services

(N.D.A.C. 75-02-01.2-64) - The cost of a service considered essential to the well being of a TANF household member, including an SSI recipient or an ineligible caretaker who is not the parent of a child in the household, shall be provided for in the TANF benefit. If the need for the essential service is related to a special need

or condition of a household member, the cost can be met through the TANF benefit. The nature of the infirmity or illness must create a condition where the household cannot perform independently, and services will be considered to meet such needs. The necessary service(s) may require a person in the home temporarily or from outside the home to discharge a specific, transitory need. Medical documentation must substantiate the need for essential services.

Essential services are intended to accommodate such needs as housekeeping duties and/or child/dependent care during a household member's illness or hospitalization, attendant services, and extraordinary costs of accompanying a member of the family to a distant medical or rehabilitation facility.

Note: Transportation, lodging and meals for individuals who must travel to a distant medical or rehabilitation facility can be paid through Medicaid, with prior approval. If the household fails to obtain prior approval, or if Medicaid denies the claim as the treatment can be obtained within the state, the cost cannot be paid under Essential Services.

Essential Services:

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

GED/High School Graduate Incentive Payment

(N.D.A.C. 75-02-01.2-68) - In order to support the basic philosophy of TANF to promote individual and family self-sufficiency, each eligible TANF household member will receive a $250 one-time-only incentive payment upon completion of high school or general education development (GED) diploma. The individual must be TANF eligible in the month the individual completes high school or GED requirements.

Verification of completion of high school or GED is required.

Health Insurance Premiums

(N.D.A.C. 75-02-01.2-66) - The cost of a premium for health and hospitalization insurance carried by an individual residing in the home that covers an eligible member

of the TANF household can be paid. Health, hospitalization, drug, dental, and/or vision insurance is defined as any contract policy covering loss due to sickness or bodily injury.

Note: Specific insurance contracts covering loss due to accident, cancer, or disability, to include Workers with Disabilities enrollment fees or premium amounts, are not allowed as a special item of need payment.

If the policy covers individuals who are not members of the TANF household (stepparents, ineligible caretakers, etc), payment is limited to:

- The portion of the premium for each TANF eligible household member that is allocated by the insurance company; or, if that allocation is unavailable;
- The total premium amount, divided by the number of individuals covered, and then multiplied by the number of TANF eligible household members who are covered by the insurance.

The applicant or recipient must inform the eligibility worker of the insurance. In instances where there is more than one health insurance policy for the same coverage, only one policy of the household's choice shall be paid in the TANF benefit. Payment shall begin in the month in which the eligibility worker is informed of the insurance and receives verification of the cost.

Health Tracks Reimbursement

(N.D.A.C. 75-02-01.2-73) - TANF recipients who complete the Health Tracks screening are eligible for a $25.00 reimbursement per individual. The reimbursement is available after the completion of the initial screening and the annual Health Tracks screening, provided 12 months have passed between screenings. Completion of the screening, for this purpose, does not include the follow-up appointments or referrals to other physicians that are generated from a screening.

Example: An initial screening is completed in August and a $25.00 reimbursement is issued as a supplement for August. In order to be eligible for the $25.00 reimbursement again, the individual would need to be screened in August of the following year or thereafter. (August counts as month one (1) of the 12 month period.)

Housing Allowance

A TANF family (including one whose Primary Individual is a Minor Parent) who has sole responsibility for all housing costs is eligible to receive an additional $50 per month.

For purposes of this section, a TANF Family includes an individual or group of individuals:

1. Who reside together; and
2. Who are related within the 5th degree by either birth, marriage, or adoption; and

3. Whose needs are included in a TANF benefit (IN) or (OH), or if their needs are not included in the TANF benefit, because the individual is:

    a. In receipt of Supplemental Security Income (SSI) benefits (SS);
    b. An alien who does not meet citizen and alienage requirements (DA - Disqualified Alien);
    c. Ineligible for TANF benefits due to the imposition of a sanction (DI - Disqualified JOBS) or (DM -Disqualified Child Support);
    d. Ineligible for TANF benefit due to being disqualified (DF);
    e. A stepparent (ST) or a legal dependent of a stepparent;
    f. A minor parent's parents (MP) or a legal dependent of the minor parent's parents.
    g. An individual who does not meet the TANF eligibility requirements (e.g. age, citizenship, deprivation, etc.), but is a legal dependent or a legally responsible caretaker of a member of the TANF family (does not include roomers or boarders).

Sole Responsibility for Shelter Costs means the TANF Family is responsible for the full amount of rent or, if purchasing a home, the mortgage, property insurance, property taxes, special assessment, repairs, and improvements of the home.

A TANF family DOES NOT have sole responsibility for shelter costs (and is NOT eligible for the additional $50 Housing Allowance) if:

1. The family receives a subsidy for housing costs, resides in public housing, receives free housing, or is not solely responsible for the assistance unit's housing costs; or
2. The TANF family includes an individual who is at least eighteen years of age and not a member of the family or is not a legal dependent of a member of the TANF household, including a non-legally responsible relative who opts out of receiving TANF Benefits;
3. Any member of the family receives assistance for the payment of housing costs from someone not residing in the family.

    Exception: The family receives one month of temporary assistance with their rent or mortgage from an agency (e.g. Community Action, local social service agency, housing/shelter assistance through JOBS supportive services, etc.).

All individuals residing together in the household must be members of the TANF family and the TANF Family must be solely responsible for housing costs in order to be eligible for the $50 Housing Allowance. If anyone other than a member of the TANF family as defined above reside in the household, the

TANF family is not considered to have sole responsibility for all housing costs and therefore, is not eligible for the $50 Housing Allowance.

Example #1 – Household consists of mom and three children. No other individuals reside in the household. Mom and her three children are all members of the TANF family. The TANF Family is responsible for rent in the amount of $600 a month. The rent is not subsidized in any way. The household is eligible for the additional $50 Housing Allowance.

Note: If anyone other than a TANF Family member resided in the home, this household would not be eligible for the $50 Housing Allowance.

Example #2 – Household consists of mom, boyfriend, child in common and mom's child from another relationship. All members meet the definition of a TANF Family. The TANF family is responsible for the $600 per month rent. The rent is not subsidized in any way. The family is eligible for the additional $50 Housing Allowance.

Note: If this household did not include a child in common, all members residing in the home would not be members of the TANF family and thus would not be eligible for the additional $50 Housing Allowance.

Example #3 - The family lives in and is buying a home. The family consists of dad and his three children. The family pays the cost of mortgage, property insurance, property taxes, special assessment, repairs, and improvements. Dad's 20-year-old daughter returns home.

a. If the daughter is a legal dependent, the family would be eligible for the additional $50 Housing Allowance even if the daughter contributes towards the housing costs.
b. If the daughter is not a legal dependent the family would not be eligible for the additional $50 Housing Allowance regardless of whether she contributes towards the housing costs; this since she is not considered a member of the family.

Example #4 - A minor parent and her child are living with the minor parent's parent (grandmother). This is a three-generation case. The family resides in the minor parent's parents' home. The family pays the cost of mortgage, property insurance, property taxes, special assessment, repairs, and improvements. This family would be eligible for the additional $50 Housing Allowance.

Example #5 – Mom and her three children live with mom's mother and father. Mom pays the $100 per month rent that is charged.

a. If all reside in one residence, the family is not eligible for the additional $50 Housing Allowance.
b. If Mom and her three children reside in a separate, identifiable residence within the home (apartment), the family is eligible for the additional $50 Housing Allowance.

Example #6 - Mom and her child share a home with Mom's aunt and aunt's child. Both mom and mom's aunt are primary individuals for TANF families. Neither family is eligible for the additional $50 Housing Allowance.

Example #7 – A minor parent and her child are attending and residing at Job Corps in Minot, which provides housing with the training. This family is not eligible for the additional $50 Housing Allowance.

Example #8 - A minor parent and her child are living with the minor parent's parents (grandparents). The grandparents are not eligible for TANF. This family is not eligible for the additional $50 Housing Allowance.

The following circumstances shall not be considered when determining eligibility for the $50 Housing Allowance:

1. The amount of the rental expense;
2. Whether the rent is actually paid when due, provided the individual remains responsible for the entire amount;
3. The individual is responsible to pay shelter expenses other than rent (e.g. upkeep of the home, utilities, etc.).

Special Projects

In order to support county demonstration projects, two Special Items of Need are available – Special Projects Incentives and Special Projects Work Subsidies. These special items of need are utilized only with approval from State TANF/JOBS Policy staff.

Unforeseen Circumstances

There are two different Special Items of Need that are defined as Unforeseen Circumstances. These are:

a. Catastrophic Events (N.D.A.C. 75-02-01.2-65) - In the event of a disaster involving members of the TANF household, the JOBS Employment Contractor or eligibility worker, after exploring the availability of property insurance and community resources, shall authorize the replacement of clothing, furniture, household equipment, and other needed supplies at a level comparable to that maintained by the recipient at the time of the fire, flood, tornado, or other catastrophic event. Community organizations often provide assistance to victims of disasters. The JOBS Employment Contractor or eligibility worker should coordinate assistance with local resources.

   Payment for the replaced of these items shall be authorized and paid by using SFN 471, Vendor Payment (TANF), Authorization and Request for Payment of Goods and Services.

b. Unforeseen Circumstances - The unforeseen circumstances payment is to be used to reimburse a recipient for a payment made in situations that were beyond the individual's control. State office approval is required before making an unforeseen circumstances payment.

   Example: Reimbursement of late fees paid by the recipient, due to TANF benefits not received timely.

JOB Supportive Services 400-19-65

Overview 400-19-65-05

(Revised 6/1/10 ML #3218)

View Archives

(N.D.A.C. 75-02-01.2-90)

Within the limits described in this section, supportive services may be made available to a participant of the Job Opportunity and Basic Skills (JOBS) Program who would be unable to enter into or remain in an allowable work activity. Supportive service cannot be provided without approval from the JOBS Employment Contractor or eligibility worker and cannot be provided to a referred individual until the individual's TANF case has been approved.

> **Exception:** Advance Transportation Assistance Payments may be paid to individuals who are sanctioned and who would be unable to complete a proof of performance without that assistance. (See Section 400-19-65-15, Types of JOBS Supportive Services.)

All approved JOBS supportive services are paid directly to the JOBS participant or vendor, as applicable. Please refer to the specific supportive service category below for additional information.

Approval of JOBS Supportive Services 400-19-65-10

(Revised 6/1/10 ML #3218)

View Archives

To obtain approval for a supportive service, an individual must demonstrate, in addition to meeting the requirements for each of the specific supportive service categories, that:

1. The individual is participating in an approved work activity or self-initiated education activity;
2. The expense is necessary; and
3. The cost is reasonable.

Types of JOBS Supportive Services 400-19-65-15

(Revised 4/1/2026 Release 26.1)

View Archives

Care of Incapacitated Household Members

Assistance in the purchase of care for an incapacitated or disabled member of the participant's household to whom the JOBS participantowes a legal duty to provide care may be approved, provided:

a. There is no other individual in the household who can provide the care; and
b. The incapacitated or disabled household member cannot provide self-care.

The cost must be negotiated with the provider. The amount paid must be the actual costs incurred but cannot exceed $610.00 per month per incapacitated or disabled household member. Payment for these expenses is made to the vendor utilizing the Vendor Payment process.

Child Care Expense

Assistance with child care expenses is made available to allow referred individuals to participate in approved work activities or self-initiated educational activities. Child care expenses paid through the Child Care Assistance (CCAP) program must be processed based on the rules of that program with the exception that payment will be made at 100% of the allowable expenses. (Refer to the Child Care Assistance Manual Chapter 400-28.)

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.

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 a household who is experiencing homelessness or at risk of experiencing homelessness.

For recipient households, the maximum payment is limited to two months while the TANF case is open.

In both situations:

- The caretaker or caretaker's spouse must be participating in the JOBS Program.
- The family must be able to demonstrate that they will be able to sustain payment of these expenses for future months. (The income remaining after subtracting other expenses must be sufficient to pay the housing/shelter expenses without additional assistance.)

Note: Refer to Job Readiness Assistance (below) for assistance relating to utility shut-offs for ongoing cases.

All requests for assistance with housing/shelter expenses must be submitted to the State TANF/JOBS policy staff for approval. The request must include the calculation for sustainability. Hard copy verification of the expense is required from the family before a payment may be made.

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

Payments for Housing/Shelter expenses cannot exceed actual costs and are made to the vendor utilizing the Vendor Payment process. (See Section 400-19-65-35, Vendor Payment Process.)

Job Readiness Assistance

Job readiness assistance is intended to reimburse participants expenses associated with their preparation for work. Assistance may only be approved by the JOBS Employment Contractor and only when the expenses are necessary to help the individual achieve their employment goals.

Job readiness assistance may be used to reimburse:

a. Expenses related to the participant's purchase of employment related clothing;
b. Expenses for obtaining a driver's license or reinstatement of a driver's license;
c. Expenses for utility bills in an ongoing case which are pre-approved by State TANF/JOBS Policy staff, when there is the threat of a utility shut-off; and
d. Other expenses determined by the JOBS Employment Contractor to be reasonable and necessary for employment interviews including transportation, lodging, grooming and clothing.

Job readiness assistance may not be used to pay a participant's fines.

Example: Job readiness assistance may not be used to pay an individual's speeding tickets or a DUI fine. It could, however, be used to

pay the registration fee for a DUI seminar or a defensive driver's class that the individual is required to attend prior to re-instatement of the individual's drivers license.

Job readiness assistance may be used to help cover the cost of phone installation charges but may not be used to pay delinquent phone bills. Participants should contact their local telephone company to inquire about applying for the Link Up and Lifeline telephone assistance programs.

The Link Up program can reduce an eligible individual's initial charges to hookup primary telephone service by up to 50 percent. The Lifeline program can reduce an individual's monthly phone bill for local service.

Persons qualified for SNAP, or Medicaid are eligible for the Link Up or Lifeline programs if the service is made available by the local telephone company.

For additional information regarding the Link Up and Lifeline programs, please refer to 448 Administrative Procedures Manual:

Job Readiness Assistance cannot exceed actual costs, up to a maximum of $300 per participant, per state fiscal year (July 1 through June 30). Payment for these expenses is made to the vendor utilizing the Vendor Payment process.

License, Certification, and Examination Fees

Assistance with professional license, certification, or examinations fees may be allowed when necessary for the participant to become employed, where there is no other available source of funding (including fee waivers), and the professional license or examination is necessary to achieve an employment-related goal.

License, certification, and examination fee assistance is limited to a maximum of $200 per participant, per state fiscal year (July 1 through June 30) and cannot exceed actual costs. Payment for these expenses is made to the vendor utilizing the Vendor Payment process.

Relocation Assistance

Relocation assistance may be provided to a JOBS participant if:

a. The individual has a bona fide offer of employment, verified by the JOBS Employment Contractor, which will increase the individual's potential for increased earnings, job advancement, or permanent employment; or
b. The individual requests and receives approval from the JOBS Employment Contractor to move from an area of the state with few

employment opportunities to another area of the state (or out of state) with greater employment opportunities.

The relocation should be accomplished in the most economical manner possible taking into consideration the physical abilities of the participant and the participant's family. In most instances, the use of a rental truck or van would be preferred to accomplish the relocation.

The participant is responsible to provide the following documentation to the JOBS Employment Contractor to justify the proposed relocation expenses:

a. Two estimates of the household moving cost, if utilizing a moving company;
b. An estimate for the use of a non-commercial personal vehicle; and
c. A letter from the employer confirming the individual's employment start date and beginning wage if the relocation request is based on an offer of employment.

The JOBS Employment Contractor must agree that the relocation will increase the individual's potential for becoming employed, obtaining higher wages, job advancement, or permanent employment.

The plan must be approved prior to any expenses being incurred. Expense reimbursement may include but is not limited to:

a. Transportation of household goods via the most economical source;
b. Transportation costs including fuel and other mileage related costs;
c. Relocation of a mobile home; and
d. Security deposits and utility hook-up expenses such as gas, electricity, rent, water, sewer, garbage, and telephone.

Relocation assistance cannot exceed actual costs, up to a maximum of $1000 per household, per state fiscal year, (July 1 through June 30). Payment for these expenses is made to the vendor utilizing the Vendor Payment process.

Tools for Employment

Assistance for the purchase of tools and/or equipment required for a participant to accept or retain employment may be provided to participants in the JOBS program. The tools become the property of the participant. If the tools are subsequently lost or stolen, the individual is responsible for the costs of their replacement.

Tools for Employment assistance cannot exceed actual costs, up to a maximum of $200 per participant, per state fiscal year (July 1 through June 30). Payment for these expenses is made to the vendor utilizing the Vendor Payment process.

Transportation Assistance

Transportation assistance not exceeding $150.00 per month may be paid to a JOBS or Tribal NEW participant in orientation, assessment, a self-initiated educational activity, or any approved work activity including paid employment.

Transportation assistance may be utilized for monthly transportation expenses for the JOBS participant's private vehicle, public transportation passes, cab fares, or rides provided through an informal arrangement.

Transportation assistance may be utilized to pay fees or fines which prevent an individual from legally operating a vehicle. Allowable fees may include a reinstatement fee on a suspended license, registration fee for a DUI seminar, defensive driver's class required prior to reinstatement of a driver's license, driver's license exam fee, and vehicle insurance, license, or titles.

Traffic fines and DUI fines may be paid at the discretion of the JOBS Employment Contractor provided the individual demonstrates the ability to contribute in paying a portion of the fine. The portion of the fine to be paid by the individual will be determined by the JOBS Employment Contractor.

Once an individual's TANF case has been authorized as TANF eligible and the individual is participating in JOBS, the JOBS Employment Contractor is responsible to determine the participant's anticipated transportation needs and to document the anticipated need on the Employability Plan. Any changes in the participant's anticipated transportation needs should be communicated to the eligibility worker in writing.

Note: Once a transportation assistance payment has been issued to an individual, overpayments are not to be established.

This same process is to be followed by Tribal NEW if the Tribal NEW participant will be receiving transportation assistance through the county/state.

If transportation assistance is based on mileage, a monthly stipend or flat amount is not allowed. Instead, a mileage calculation must be identified on the Employability Plan. Transportation assistance based on mileage is calculated by multiplying the number of actual or estimated miles required to support the individual's approved work activity and a self-initiated educational activity by $0.45, the current reimbursement rate for travel under the TANF program.

When public transportation or informal transportation arrangements are used, the participant must review their transportation needs and plan with the JOBS

Employment Contractor. If appropriate, the JOBS Employment Contractor will approve the individual's plan.

Payments for Transportation Assistance are issued to the recipients via the TANF electronic payment card or are paid to the vendor utilizing the Vendor Payment process.

Advance Transportation Assistance Payments

The eligibility worker shall not provide a transportation assistance payment to an individual who is being referred to JOBS/Tribal NEW until the individual's case has been approved, unless the eligibility worker or JOBS Employment Contractor determines that an individual would be unable to participate without receiving transportation assistance.

- When an advance transportation assistance payment is provided to a sanctioned individual who needs to complete a Proof of Performance, the payment should be sufficient to cover the individual's transportation expenses from the time of the referral until the payment can be included in the regular TANF grant (or is provided through Tribal NEW as appropriate).

  Note: The eligibility worker may decide not to allow another Transportation assistance payment to the individual until the outstanding sanction is cured.

- When an advance transportation assistance payment is provided to a non-sanctioned individual, the advance payment should be sufficient to cover the individual's transportation expenses to attend the Orientation and complete the Assessment and Employability Plan.

When an eligibility worker determines the need for an advance transportation payment, the eligibility worker is to inform the JOBS Employment Contractor or Tribal NEW Coordinator that an advance payment was made.

Tuition Assistance

Reimbursement for expenses associated with approved or self-initiated training, including the cost of books, tuition and fees, provided:

a. Other educational funding sources, including grants and scholarships, have been explored and are exhausted; and
b. The participant is eligible for TANF benefits.

Tuition Assistance may not be allowed during periods when an individual is not eligible for financial aid as a result of their actions or inactions. Employment Contractors may contact State TANF policy for guidance in these situations.

The participant must submit a copy of the financial aid award and an itemized listing of costs for tuition, books, and fees.

Tuition assistance cannot exceed actual costs, up to a maximum of $1000 per participant, per state fiscal year (July 1 through June 30). Payment for these expenses is made to the vendor utilizing the Vendor Payment process.

Vehicle Repair and Insurance

Assistance for necessary vehicle repairs and insurance for basic liability coverage may be provided to participants in the JOBS program and approved by the JOBS Employment Contractor.

Vehicle insurance for basic liability coverage not to exceed one-fourth of the annual premium may be paid to the insurance provider.

The purchase of tires, wheel alignments, or other repairs considered essential for the safe operation of a vehicle may be approved, though normal maintenance such as oil changes, tune-ups, or nonessential vehicle repairs are not allowed.

The costs for repairs must be reasonable and necessary to return a participant's vehicle to operable condition. The JOBS Employment Contractor may request additional information to justify the need for repair, including two estimates.

The vehicle:

a. Must be registered to a mandatory member of the household; and
b. Must be covered by basic liability insurance; and
c. Must be needed by the participant to engage in an approved work activity; and
d. Must be in good general condition and the value of the vehicle justifies repairs.

Note: JOBS Supportive Services may not be used to purchase a vehicle.

Vehicle repair and insurance cannot exceed actual costs, up to a maximum of $650 for a state fiscal year (July 1 through June 30). Payment for these expenses is paid to the vendor utilizing the Vendor Payment process.

Following closure of a TANF case, the individual may continue to be eligible for Post-TANF Supportive Services. (See Section 400-19-155, Post TANF Supportive Services.)

For information about supportive services available to Tribal NEW participants, please see Section 400-19-80-50, Tribal NEW Supportive Services.

For information about providing supportive services to an individual who chooses to participate in JOBS/Tribal NEW pending the outcome of a Fair Hearing, please see Section 400-19-125-15, Requesting a Fair hearing – JOBS Sanction.

JOBS Supportive Services - Proof of Performance 400-19-65-25

(Revised 6/1/10 ML #3218)

View Archives

Transportation assistance may be authorized during a Proof of Performance (POP) in order to ensure the individual will be able to complete the POP. All other JOBS supportive services are not to be provided to a sanctioned individual.

Once the POP has been completed and the TANF case has been authorized as eligible, the JOBS Employment Contractor or Tribal NEW Coordinator is responsible to determine the participant's anticipated transportation needs and to document the anticipated need on the Employability Plan.

JOBS Supportive Services - Sanctions 400-19-65-30

(Revised 6/1/10 ML #3218)

View Archives

JOBS supportive services for allowable activities may continue to be paid until such time as the sanction becomes effective.

JOBS supportive services are not to be provided to a sanctioned individual during the Sanction Penalty Month unless the eligibility worker or JOBS Employment Contractor authorizes transportation assistance to help ensure the individual will be able to complete a Proof of Performance (POP).

If a child support sanction is imposed against a JOBS participant, the individual shall continue to receive authorized supportive services until such time as the child support sanction progresses to closure of the TANF case.

Vendor Payment Process 400-19-65-35

(Revised 6/1/10 ML #3218)

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The Vendor Payment Process is the method required by the North Dakota Department of Human Services to pay providers for services rendered on behalf of TANF recipients. Payments are made directly to providers.

In order for a payment to be made to a provider, the provider must complete and submit one of the following W-9 forms to the State TANF Policy office, by mail or fax (701-328-1060). These forms are available as E-forms on the North Dakota website at http://www.nd.gov/eforms/.

- SFN 54309, Individual Payee (Non-Business) Substitute IRS Form W-9.
    - This form is completed if this is an individual provider. For example, an individual that provides child care for a TANF recipient under essential services provision.
- SFN 53656 Business Payee Registration Substitute IRS Form W-9.
    - This form is used for all business providers.

Verification of the expense and the request for payment form SFN 471, Vendor Payment (TANF) Authorization and Request for Payment for Goods and Services must be submitted to the State TANF Policy office by mail or fax (701-328-1060) for processing.

> **Note:** The North Dakota Department of Human Services is tax exempt. Vendors cannot bill the Department or JOBS participants for taxes on goods and services.

If it is unknown whether a provider has completed a W-9 form, Public Assistance Administrative Staff will research the provider list. They may be reached by telephone at (701) 328-2332.

Child Support Division 400-19-70

Legal Base 400-19-70-05

(Revised 1/1/17 ML #3482)

View Archives

Public Law 93-647 added Part D to Title IV of the Social Security Act. In addition to mandating that each state develop and maintain a vigorous child support enforcement effort, the legislation created several eligibility requirements in TANF. These include:

1. Furnishing social security numbers; and
2. Assigning rights to child support; and
3. Cooperating in establishing paternity and securing child support by the caretaker; and
4. Promptly notifying the Child Support Division whenever TANF is provided to a child.

Public Law 97-35 expanded support enforcement to include spousal support.

Caretakers of a child are subject to these provisions only when the child receives a TANF benefit.

Born Out of Wedlock 400-19-70-10

(Revised 6/1/10 ML #3218)

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A child is considered to be born out of wedlock when:

- The child is born to a women who is not legally married; or
- The child was born 301 days or more after the marriage is terminated by death, annulment, declaration of invalidity, or divorce, or after a decree of separation is entered by a court.

Paternity 400-19-70-15

(Revised 12/1/2022 ML #3683)

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Paternity is considered legally established by marriage, adoption, adjudication in a court proceeding or through voluntary acknowledgement. Prior to authorizing TANF eligibility, the 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, 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.

Assignment of Rights to Support 400-19-70-20

(Revised 1/1/17 ML #3482)

View Archives

(N.D.A.C. 75-02-01.2-33)

Under state law, effective July 1, 1977 through September 30, 2009, applicants for TANF automatically assigned to the state all legal rights to past, present, and future support from any person, whether on behalf of the individual or another family member whose needs are to be included in the TANF benefit.

> **Note:** On October 1, 2009, the State IV-D Office released all assignments for non-TANF months for the period of October 1, 1997, thru September 30, 2009. These arrears are now owed to the family. Any child support collected and applied towards these arrears will be paid to the family.

Effective October 1, 2009 applicants for TANF automatically assign to the state all legal rights to current support from any person, whether on behalf of the individual or another family member whose needs are to be included in the TANF benefit. This assignment of support rights includes support due while benefits are being received. All current support collected on behalf of TANF households must be paid to the Child Support Division for distribution in accordance with federal law.

Cooperation in Obtaining Support 400-19-70-25

(Revised 1/1/17 ML #3482)

View Archives

(N.D.A.C. 75-02-01.2-33)

A custodian is an individual who has custodial responsibility for a deprived child. A custodian is required to cooperate with the human service zone office and with state and other county personnel who have been assigned responsibility for the Child Support Division. Normally, a custodian is a caretaker relative. The custodian may or may not have legal custody of the child(ren), but it is the custodian who has physical custody and is related to the child(ren) within the proper degree for TANF household purposes who is required to cooperate. In multi-generational TANF households, more than one individual will have custodial responsibility for deprived children .

Cooperation from a custodian is required with respect to any person on whose behalf a TANF benefit is being applied for or received, and includes:

1. Identifying and assisting in locating the absent parent of a child;
2. Establishing the paternity of a child born out of wedlock;
3. Obtaining support payments for such caretaker and/or child; and
4. Obtaining any other payments or property due such applicant or recipient.

Cooperation on the part of the custodian may include the following:

1. Appearing at the human service zone office, Child Support Divison office, or State's Attorney office, as necessary, to furnish verbal or written information or documentary evidence known to or possessed (or reasonably obtainable) by the custodian which is essential to obtaining support. This includes assisting in establishing a child's paternity.
2. Appearing as a party to or witness at court or other hearings or proceedings necessary to achieve the objectives of the Child Support Division.
3. Providing information or attesting to the lack of information, under penalty of perjury. This includes completing and returning paperwork to the Child Support Division within the timeframes requested.
4. Submitting any support payments received by the custodian on behalf of the child(ren) or adult in the TANF benefit to the Child Support Division after support rights have been assigned and to which they are not entitled. This includes signing and abiding by a repayment agreement relating to the recovery of support erroneously retained.

5. Appearing for a scheduled genetic testing appointment and submitting to such testing.

The efforts of the Child Support Division program to establish paternity and secure support will be consistent with the best interests of the child. The requirement for cooperation is normally satisfied when the Child Support Division has reason to believe that the information provided represents all relevant information known or possessed by the custodian.

'Good Cause' for Refusing to Cooperate 400-19-70-30

(Revised 4/1/2026 Release 26.1)

View Archives

(N.D.A.C. 75-02-01.2-34)

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 TANF Release 26.1 April 1, 2026 Release 26.1 Page 57 of 101 Department of Health and Human Services '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 a 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 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. TANF Release 26.1 April 1, 2026 Release 26.1 Page 62 of 101 Department of Health and Human Services 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.

Prompt Referral to Child Support Division 400-19-70-35

(Revised 10/1/2023 ML #3749)

View Archives

(N.D.A.C. 75-02-01.2-33)

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

A referral to the Child Support Division is required for any child whose deprivation is based on the absence of a parent. A referral to the Child Support Division is not required when both parents are in the home and deprivation is based on incapacity, disability, or age. When a child's deprivation is changed from incapacity to absence of a parent, a referral to the Child Support Division is required for all children affected by the change in deprivation.

A referral to the Child Support Division is not required for SSI children who reside in the household because these children are not included in the TANF benefit.

A custodian under age 18 who resides outside their parental home and whose needs are included in the TANF benefit assigns rights to support against their parents as well as the parent or alleged father of any deprived child for whom the custodian cares. In this instance, referrals are sent to the Child Support Division. At the time the custodian attains age 18, the assignment of rights to support and referral against the parents of the 18-year old end.

The Department of Human Services utilizes integrated eligibility system to transmit and receive referrals and information for all children deprived of parental support and care due to continued absence. The referral information sent to the Child Support Division is used to establish paternity, locate the absent parent(s), and establish a support order. The referral is transmitted the same evening TANF benefits are issued. Additionally, the Child Support Division will notify the eligibility worker any time information is received that may affect eligibility (i.e. absent parent address the same as the child, etc.).

Non-Cooperation with Child Support Division 400-19-70-40

(Revised 7/1/2023 ML #3726)

View Archives

If the Child Support Division notifies the eligibility worker of the custodian's failure to cooperate, the eligibility worker must use this information when determining the custodian's eligibility for assistance.

A custodian who refuses to cooperate with the Child Support Division is ineligible to receive TANF and a sanction will be imposed. If the custodian continues to refuse to cooperate, the sanction will progress to case closure. The custodian has the right to appeal that decision. (See Section 400-19-95, Sanctions for Non-Compliance with Child Support.)

If the child for whom the custodian is not cooperating leaves the household, the sanction must be ended effective the last day of the month the child left the household.

Job Opportunity and Basic Skills (JOBS) Program 400-19-75

Overview 400-19-75-05

(Revised 6/1/10 ML #3218)

View Archives

(N.D.A.C. 75-02-01.2-82)

The Job Opportunity and Basic Skills (JOBS) Program is the companion program to the Temporary Assistance for Needy Families (TANF) Program. It combines components of education, training, and employment to enable participants to become self-sufficient.

Unless first determined exempt or granted 'good cause' for nonparticipation, all individuals must, as a condition of eligibility, comply with the requirements of JOBS or a Tribal Native Employment Works (NEW) Program. (For additional information regarding the Tribal Native Employment Works (NEW) Program, See Section 400-19-80.)

Exempt, Excluded and Non-Exempt Individuals 400-19-75-10

Exempt Individuals 400-19-75-10-05

(Revised 4/1/2026 Release 26.1)

View Archives

(N.D.A.C. 75-02-01.2-87)

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 vocation or technical school that is equivalent to secondary school.

   Note: Individuals age 16 or older who are pursuing a GEB 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.

Exempt Individuals Who Choose to Volunteer 400-19-75-10-10

(Revised 9/1/2021 ML #3629)

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Exempt individuals who are informed of the value of the services provided by the JOBS or Tribal New Program (job search, job readiness, work experience, etc., and the possible reduction in the number of months applied to the lifetime, 12-month, caretaker exemption) may choose to volunteer. Individuals who volunteer are also able to access JOBS supportive services.

Those individuals who volunteer must be referred to the JOBS or Tribal New Program provided they are otherwise eligible for assistance.

Individuals who are exempt and volunteer to participate in the JOBS or Tribal New Program are subject to the same requirements as are non-exempt individuals.

> **Note:** At the time an exempt volunteer who is participating loses their exempt status, a new referral must be sent to the recipient and JOBS Employment Contractor or Tribal NEW Coordinator indicating the individual is no longer exempt.

Individuals who are exempt and volunteer to participate in the JOBS or Tribal New Program and who subsequently fail to participate must have their status changed to exempt. A new referral must be created should that same individual, while still exempt, choose to be referred.

> **Note:** A new referral must be created at the time an exempt individual who volunteered but did not comply, is no longer exempt.

A JOBS sanction cannot be imposed on an exempt individual who chooses to volunteer in the JOBS Program as the individual is not required to meet the JOBS requirements.

Excluded Individuals 400-19-75-10-15

(Revised 9/1/2021 ML #3629)

View Archives

Under Federal TANF law, the following individuals are not required to participate in the JOBS or Tribal New Programs and are excluded when calculating the state's work participation rate:

1. A minor parent and not the head-of-household (eligible child);
2. An alien who is ineligible to receive assistance due to their immigration status (disqualified caretaker);
3. A recipient of Supplemental Security Income (SSI), including presumptive SSI (excluded caretaker);
4. A recipient of Social Security Disability (SSDI) benefits (eligible caretaker);
5. A parent or spouse whose substantial continuous presence in the household is necessary to care for a disabled family member living in the home to whom the individual seeking good cause owes a legal duty to provide care. The disabled family member must have a condition, verified by reliable medical evidence, which does not permit self-care, care by another household member, or care provided as supportive services. (eligible caretaker) (See Section 400-19-75-10-15-05 “Verified Providers of Care to Disabled Family Members” for additional information).

> **Note:** Only those individuals with a participation of eligible can volunteer to participate in the JOBS Program.

Verified Provider of Care to a Disabled Family Member 400-19-75-10-15-05

(Revised 7/1/2023 ML #3726)

View Archives

For purposes of this section:

- "Parent" means a parent or caretaker relative who would otherwise be considered a non-exempt caretaker.
- "Disabled" or "Disability" means the existence of a verifiable physical or mental impairment.
- "Family member" means an individual who is within the fifth degree of relationship to the 'parent'.
- "Living in the home" means physically residing within the home of the 'parent' or spouse.
- "State Exemption Determination Team (SEDT)" means the TANF/JOBS Policy Unit.
- "Legal Duty to Provide Care" means an individual whose legal responsibility to provide care to an individual is conveyed by marriage, parentage or by court order.

  Note: Unless ordered by the court, a parent's 'Legal Duty to Provide Care' ends:

  1. For a child who turns age 18, the month following the month the child turns age 18; or
  2. For a child who is age 18 and will complete their training curriculum from a secondary school or vocational or technical school that is equivalent to secondary school by the last day of the month of their 19th birthday, the month following the month the child completes their training curriculum.

The TANF Program shall exclude from participation in the JOBS Program a parent or spouse who is providing care to a disabled family member if:

1. The disabled family member is "living in the home" and the parent or spouse has a "legal duty to provide care"; and

2. The SEDT has determined that the “family member’s” disability supports the parent’s or spouse’s need to provide care to the disabled family member.

Requests to have the SEDT grant VP exemption to an individual may be initiated by the disabled family member’s parent or spouse, the eligibility worker, or the JOBS Employment Contractor, as described below.

Required Process For Determining If A Parent or Spouse Should Be Considered A Verified Provider Of Care To A Disabled Family Member:

1. The parent or spouse must provide current medical documentation verifying the family member’s disability and supporting the parent or spouse's need to remain at home to provide full-time care to the disabled family member.

2. The eligibility worker or JOBS Employment Contractor must forward a completed copy of SFN 451 “Eligibility Report on Disability/Incapacity” along with all available medical documentation to the SEDT requesting that VP exemption be granted to the parent or spouse.

3. The SEDT will determine if the VP exemption will be granted. If the SEDT grants VP exemption to the parent or spouse, the parent or spouse will not be required to participate in the JOBS or Tribal New Programs.

4. The SEDT will inform the eligibility worker and JOBS Employment Contractor of the determination. If VP exemption is granted, the eligibility worker is informed of:

    a. The date of the next scheduled review; and

    b. The information that must be provided to complete the review.

Non-Exempt (Work Eligible) Individuals 400-19-75-10-20

(Revised 4/1/2026 Release 26.1)

View Archives

(N.D.A.C. 75-02-01.2-84)

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:
    - A caretaker who is sanctioned due to non-compliance with work requirements
    - A caretaker who is disqualified due to intentional program violations
    - A caretaker who is disqualified due to being a fleeing felon
    - A caretaker who is disqualified due to parole or probation violation, or
    - 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 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.

Good Cause Decision-Making Principles for JOBS 400-19-75-15

(Revised 6/1/10 ML #3218)

View Archives

(N.D.A.C. 75-02-01.2-12)

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.)

Good Cause Allowable Reasons for Nonparticipation in JOBS or Tribal NEW 400-19-75-20

(Revised 9/1/2021 ML #3629)

View Archives

(N.D.A.C. 75-02-01.2-103)

All nonexempt individuals capable of working or participating in JOBS Program activities at any level will not be granted good cause from participation in the JOBS Program.

A nonexempt individual who is unable to work or participate at any level may be granted good cause to **temporarily postpone** the referral to or **temporarily excuse** the individual from participation in JOBS. However, since most individuals will be able to participate at some level, a very small number of individuals will be granted good cause.

> **NOTE:** A month in which a TANF recipient is granted good cause counts toward the state's work participation rate. It is imperative that an individual with good cause be referred to the JOBS Program as soon as good cause ends.

Nonexempt individuals who are granted good cause to temporarily postpone a referral to the Job Opportunities and Basic Skills (JOBS) or Tribal Native Employment Works (NEW) Program or who are granted good cause to reduce expectations for their involvement in work activities are always included in the state's work participation rate. Therefore, good cause must be used sparingly.

All nonexempt individuals must participate in the JOBS Program unless good cause is granted. Except for good cause due to medical reasons, other than Alternative Response to Substance Exposed Newborns (ARSEN) Program individuals, determinations of good cause are made by the eligibility worker. All requests for good cause due to medical reasons must be submitted to State TANF Policy. Once State TANF Policy ensures all necessary information is included with the request, the request will be forwarded to the State Review Team (SRT) for a final decision.

SRT does not make good cause decisions for ARSEN. JOBS good cause requests based on ARSEN are determined by the eligibility worker.

> **Note:** For individuals who have given birth and are not eligible for the Caretaker of a Newborn exemption, the eligibility worker may grant good cause for the

month of birth and the month following (e.g. The caretaker met the 12-month lifetime limit; the newborn was never added to the TANF case due to death, adoption or placed in Foster Care, etc.).

Good cause for failure or refusal to participate in the JOBS or Tribal NEW Program exists when:

1. Incapacitated - The individual is incapacitated with a physical or mental impairment verified by reliable medical evidence which, by itself or in conjunction with age, prevents the individual from working or participating in any JOBS Program activity (Refer to N.D.A.C. § 75-02-01.2-103(1)(a));

2. Temporary Illness - An individual has an illness or injury, verified by reliable medical evidence and reviewed every thirty days, which is serious enough to temporarily prevent entry into employment or participation in any JOBS Program activity (Refer to N.D.A.C. § 75-02-01.2-103(1)(c)); or

3. Child Care Unavailable - In the case of a parent or other eligible caretaker relative of a child under age six who is personally caring for the child full-time and who demonstrates an inability to obtain needed child care for one or more of the following reasons (Refer to N.D.A.C. § 75-02-01.2-103(1)(d)):

    a. The commuting time, based on personal vehicle use, from the parent's home to the child care provider to the parent's worksite exceeds one hour;

    b. Suitable child care is not available from a relative, from an approved licensed or registered child care provider, or from a child care provider not required to be licensed or registered under NDCC 50-11.1; or

    c. Child care is not available, from a licensed or registered child care provider under NDCC 50-11.1, at a rate equal to or less than 2 (two) times the maximum allowable amount as determined by the Child Care Assistance Program for the Provider Type of 'Center'.

    All requests for 'good cause' for the reason of 'Child Care Unavailable' must be submitted to State TANF Policy for final approval.

4. Family Violence - A victim of family violence may be granted good cause for non-participation in the JOBS Program. (See Section 400-19-75-20-05, Good Cause - Family Violence Option.)

5. Contractor Limits - Contractor Limit good cause may only be used when the Department determines it is necessary to administratively limit the number of individuals being referred to, or participating in, the JOBS Program. The

Department will inform counties when and how contractor limit good cause may be used.

Using the Decision-Making Principles in Section 400-19-05, Definitions, the eligibility worker is responsible to determine if a nonexempt TANF applicant has good cause to postpone the referral to JOBS or Tribal NEW Program.

Once an individual begins participation in JOBS or Tribal NEW, the JOBS Employment Contractor, Tribal NEW Coordinator, or the eligibility worker has the authority to pursue good cause for the individual to temporarily reduce their involvement within the JOBS Program or to temporarily excuse them from participation in JOBS.

Good Cause - Family Violence Option 400-19-75-20-05

(Revised 4/1/2026 Release 26.1)

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The provisions of the family violence option contained in the Personal Responsibility and Work Opportunity Act of 1996 and N.D.C.C. § 50-09-31, provides that:

1. All TANF applicants and recipients must be informed of the family violence option; and
2. All applicants must be screened to determine if they are past or present victims of family violence or are at risk of further family violence; and
3. Individuals with positive screening results must be referred to a local family violence, sexual assault organization (See DN 1332, Family Violence Option brochure, for a listing of available family violence resource centers) for safety planning and supportive services; and

   Note: If the individual referred to a local family violence, sexual assault organization for safety planning and supportive services refuses to comply with the referral, the eligibility worker must document that a referral was offered and declined.

4. Determine if good cause exists to waive participation in the JOBS program.
   - A referral to JOBS or Tribal NEW must be made if it is determined that participation will not place the individual and their family at risk of family violence. However, the individual may be placed under a Modified Employability Plan. (See Section 400-19-75-40-40-05, Modified Employability Plans.)
   - Good cause must be granted if it is determined that participation is likely to place the individual and their family at risk of further family violence.

     Note: Good cause will continue only until such time as it is determined that participation will not place the individual and their family at risk of further family violence.

The eligibility worker is ultimately responsible to make a good cause determination and should do so with assistance and input from the applicant/recipient and staff from the local family violence resource center or other service providers, as appropriate.

In the event that the eligibility worker is unable to determine whether a victim of family violence should be referred or not referred to the JOBS program, the 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 TANF Release 26.1 April 1, 2026 Release 26.1 Page 65 of 101 Department of Health and Human Services (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.

Good Cause - State Review Team (SRT) 400-19-75-20-10

(Revised 9/1/2021 ML #3629)

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When a claim of good cause for non-participation in JOBS or Tribal NEW is based on a medical reason, either the eligibility worker or JOBS Employment Contractor must complete SFN 451 'Eligibility Report on Disability/Incapacity' and request the individual provide medical evidence. This information must be submitted to State TANF Policy to ensure all necessary information is included with the request. Once State TANF policy determines all necessary information is received, the information will be forwarded to the State Review Team (SRT) for a determination.

> **Note:** While it is the responsibility of the applicant or participant to ensure that medical evidence is provided for review by the SRT, the eligibility worker or JOBS Employment Contractor may assist the individual in obtaining this information.

Depending on the type and severity of a non-exempt individual's physical, mental, emotional, or intellectual impairment, the individual will be expected to fully participate or participate at a reduced level in JOBS or Tribal NEW, pending the decision from the SRT.

> **Note:** In special circumstances, the State TANF Policy staff may approve good cause pending the decision from the SRT.

If the SRT determines that an individual's impairment could affect the individual's ability to fully participate in JOBS or Tribal NEW, the SRT will recommend that the individual's physician, counselor, health care or other qualified professional be contacted to determine a reasonable level of involvement and expectations for remediation of the individual's physical, mental, emotional, or intellectual impairment.

The eligibility worker must share the SRT's recommendation with the JOBS Employment Contractor and the JOBS Employment Contractor must ensure that appropriate accommodations are made for the individual and that the Employability Plan reflects the individual's functional capabilities and work limitations.

SRT does not make good cause decisions for ARSEN. JOBS good cause requests based on ARSEN are determined by the eligibility worker.

Good Cause - Incapacity vs. Incapacity of a Parent/TANF Eligibility 400-19-75-20-15

(Revised 6/1/10 ML #3218)

View Archives

(N.D.A.C. § 75-02-01.2-18)

(N.D.A.C. § 75-02-01.2-103)

Incapacity of a parent is the basis for determining TANF eligibility for a two-parent family with a child(ren) in common. If either of the parents is determined incapacitated by the State Review Team (SRT), deprivation exists. However, such a determination does not convey good cause to the incapacitated parent for non-participation in the JOBS program.

Before an incapacitated parent may be considered to have good cause for non-participation in the JOBS program, a determination must be made that the parent's physical, mental, emotional, or intellectual impairment is serious enough to prevent any involvement in the JOBS program.

If an incapacitated parent is capable of working or participating in the JOBS program activities at any level, the parent should be referred to the JOBS program. Based on the incapacitated parent's work assessment and recommendations from the eligibility worker, the SRT, or other professionals, the individual will then be required to participate in JOBS activities that best match the parent's abilities.

> **Example:** A father and mother with a child in common who have been determined to be otherwise eligible request TANF benefits based on deprivation related to the father's medical condition.
>
> The eligibility worker will send a completed SFN 451, Eligibility Report On Disability/Incapacity, along with current medical documentation (e.g. actual copies of clinical visits, medical or psychological reports, etc.), to the SRT to determine if the father is incapacitated and, if so, whether good cause for non-participation in the JOBS program should be granted.
>
> > **Note:** Both the Incapacity and JOBS Good Cause boxes should be checked on the SFN 451.
>
> Review of the SFN 451 and the father's medical records by the SRT results in their determination that he is incapacitated but that his incapacity is not serious

enough to totally prevent him from working or participating in any JOBS program activities.

Based on the father's incapacity, the family is determined to be eligible to receive TANF. Since the father's incapacity is not serious enough to totally prevent him from participating in the JOBS program, good cause is not granted. Both the mother and the father are referred to the JOBS program and the referrals should include the SRT's recommendation, if any.

Note: If, in the above example, the SRT had determined that the incapacitated father's physical or mental impairment was serious enough to totally prevent him from participating in the JOBS program, the SRT would have recommended that good cause be granted for non-participation in JOBS and would have established future review dates and expectations for remediation of his physical, mental, emotional, or intellectual impairment.

Good Cause for Non-Participation - Approved 400-19-75-20-20

(Revised 9/1/2021 ML #3629)

View Archives

When a request for good cause for non-participation in the JOBS Program is approved, the reason approved and the date for the next review must be documented in the casefile.

Upon receipt of a determination from the State Review Team (SRT), the State Exemption Determination Team (SEDT) or when the determination is made by the eligibility worker:

- If a JOBS referral has not been made, the individual must be sent notification which includes:
  - The decision;
  - The good cause expected end date; and
  - The information that will need to be submitted and the due date by which the information must be submitted should they wish to continue their claim of good cause.

- If a JOBS referral has been made, the eligibility worker must inform the JOBS Employment Contractor of the approval by using the SFN 323, JOBS Status of Change form or another means of electronic or hard copy notification. The individual must be sent notification which includes:
  - The decision;
  - The good cause expected end date; and
  - The information that will need to be submitted and the due date by which the information must be submitted should they wish to continue their claim of good cause.

Good Cause for Non-Participation - Denied 400-19-75-20-25

(Revised 6/1/10 ML #3218)

View Archives

When a request for good cause for non-participation in the JOBS program is denied, the denial reason must be documented in the casefile.

Upon receipt of a determination from the State Review Team (SRT), the State Exemption Determination Team (SEDT) or when the determination is made by the eligibility worker:

- If a JOBS referral has not been made, the individual must be sent notification of the decision. A JOBS referral must be created immediately and the individual informed of the requirement to participate.
- If a JOBS referral has been made, the individual must be sent notification of the decision which includes the requirement for their continued participation. A copy of the letter should be forwarded to the JOBS Employment Contractor.

Good Cause for Non-Participation - Denied - Resulting in a Modified Employability Plan 400-19-75-20-30

(Revised 6/1/10 ML #3218)

View Archives

When a request for good cause for non-participation in the JOBS program is denied, the JOBS Employment Contractor may determine that the individual can only participate at a reduced level. A Modified Employability Plan is developed based on the medical or psychological information provided. (See Section 400-19-75-40-40-05, Modified Employability Plan.)

Hours of Participation 400-19-75-25

(Revised 6/1/10 ML #3218)

View Archives

(N.D.A.C. § 75-02-01.2-84)

(N.D.A.C. § 75-02-01.2-87)

All referred individuals are required to participate in approved and countable work activities within the JOBS or Tribal NEW program Referred individuals will be expected to meet their minimum average hours of participation, as indicated below.

Non-exempt individuals who are involved in the JOBS program must complete a minimum average of 30 hours per week in approved work activities with the following exception:

- A single parent or caretaker relative of a child under age six who is personally caring for that child and is the only parent or caretaker relative in the household is required to participate in an approved work activity for a minimum average of 20 hours per week.

  Note: If the only child is unborn, the individual is required to participate 30 hours per week.

A caretaker who is married or a single head-of-household under age 20:

1. Who participate in education that is directly related to employment will be considered fully engaged in work if the individual participates for an average of at least 20 hours per week during a month (JOBS Work Activity of Education Directly Related to Employment).
2. Who attends secondary school or a vocational or technical school that is equivalent to secondary school will be considered engaged in and meeting their 20 or 30 hour minimum work requirements (JOBS Work Activity of Satisfactory Attendance at a Secondary School Leading to a HS Diploma or GED).

Some individuals may be unable to meet the required minimum work hours as a result of physical or mental impairments, disabilities, or due to experiencing family violence. These individuals will be placed under a Modified Employability Plan allowing the individual to participate at a reduced level. Individuals who are meeting the expectations of their Modified Employability Plans shall be considered to be fully complying with their TANF minimum work requirement even though they are not

meeting the federal work requirements. (See Section 400-19-75-40-40-05, Modified Employability Plan.)

The JOBS Employment Contractor may require participation in multiple work activities or require the individual to work sufficient hours throughout the month in order to ensure that an individual meets the minimum average weekly hours.

Work Activities 400-19-75-30

(Revised 6/1/10 ML #3218)

View Archives

(N.D.A.C. 75-02-01.2-85)

All referred individuals are required to participate in one or more work activities for periods of time necessary to allow a participant to complete tasks that will move them directly into employment.

Following are the allowable work activities within the JOBS program:

1. Unsubsidized Employment;
2. Subsidized public or private sector employment
3. On the Job Training;
4. Public or private work experience;
5. Job Search and job readiness activities;
6. Community Service;
7. Vocational Training;
8. Education directly related to employment for a participant under age 20 who has not completed high school or received a GED;
9. Satisfactory attendance at secondary school or in a course of study leading to a GED for a participate under age 20;
10. Providing child care services to another participant engaged in a community service program; and
11. Job skills training directly related to employment.

JOBS Status Change 400-19-75-35

(Revised 7/1/2023 ML #3726)

View Archives

SFN 323, JOBS Status Change form, or the integrated eligibility system generated JOBS Status form may be used by the eligibility worker and the JOBS Employment Contractor to communicate and document pertinent information regarding a JOBS participant. The JOBS Status Change Form may be used:

1. When a permanent record is needed to document approval for adjustments in supportive services;
2. To notify the JOBS Employment Contractor that an application has been denied or a case has been closed; and
3. To report employment or other changes.

Referrals to the JOBS Program 400-19-75-40

Overview 400-19-75-40-05

(Revised 6/1/10 ML #3218)

View Archives

(N.D.A.C. 75-02-01.2-88)

Any individual who is not exempt from the Job Opportunities and Basic Skills (JOBS) program and anyone who volunteers must be referred to the JOBS program. Referrals may be made only after the individual is determined otherwise eligible for assistance.

The JOBS or Tribal NEW referral includes the tasks that are required to be completed and outlines the potential consequences for noncompliance with those requirements.

Referrals for Non-Sanctioned Individuals 400-19-75-40-10

(Revised 7/1/2023 ML #3726)

View Archives

Referred individuals MUST:

1. Contact the JOBS program within seven (7) business days from the referral date of the referral to schedule an 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, unless they are determined to have good cause for not attending.

An individual who is referred to JOBS or Tribal NEW (including individuals whose exemption or good cause has ended) are required to contact JOBS or Tribal NEW to schedule an initial appointment within seven (7) business days from the referral date of the referral. The contact must be made prior to the close of business of the JOBS or Tribal NEW office's last working day within the required seven (7) business day period. The first business day after the referral date is considered day one of the seven (7) business day period.

This period shall be extended one working day for each workday the JOBS or Tribal NEW office is closed only due to severe weather or other emergencies.

Note: The seven (7) business day period shall NOT be extended due to agency closings related to weekends, Federal, State or Tribal holidays.

Example: A new TANF applicant is being referred to JOBS or Tribal NEW. The individual's JOBS or Tribal NEW referral form is printed on Friday, June 23rd. The first business day after the referral date is considered day one of the seven (7) business day period, Monday, June 26th. Based on the seven (7) business day period, the individual would be required to contact JOBS or Tribal NEW by Tuesday, July 4th. However, JOBS or Tribal NEW office will be closed on Monday, July 4th, due to the Independence Day holiday. Because the referral period can only be extended due to severe weather or other emergencies, the individual is required to contact JOBS or Tribal NEW by the close of business on Monday, July 3rd (the last working day within the seven (7) business day period).

Referrals for Sanctioned Individuals 400-19-75-40-15

(Revised 7/1/2023 ML #3726)

View Archives

Referred individual MUST:

1. Contact the JOBS program within seven (7) business days from the referral date of the referral to schedule an 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 unless they are determined to have good cause.

An individual who is referred to JOBS or Tribal NEW (including individuals whose exemption or good cause has ended) is required to contact JOBS or Tribal NEW to schedule an initial appointment within seven (7) business days from the referral date of the referral. The first business day after the referral date is considered day one of the seven (7) business day period. The contact must be made prior to the close of business of the JOBS or Tribal NEW office's last working day within the required seven (7) business day period.

This period shall be extended one working day for each workday the JOBS or Tribal NEW office is closed only due to severe weather or other emergencies.

Note: The seven (7) business day period shall NOT be extended due to agency closings related to weekends, Federal, State or Tribal holidays.

Example: A new TANF applicant is being referred to JOBS or Tribal NEW. The individual's JOBS or Tribal NEW referral form is printed on Friday, June 23rd. The first business day after the referral date is considered day one of the seven (7) business day period, Monday, June 26th. Based on the seven (7) business day period, the individual would be required to contact JOBS or Tribal NEW by Tuesday, July 4th. However, JOBS or Tribal NEW office will be closed on Monday, July 4th, due to the Independence Day holiday. Because the referral period can only be extended due to severe weather or other emergencies, the individual is required to contact JOBS or Tribal NEW by the close of business on Monday, July 3rd (the last working day within the seven (7) business day period).

Referrals When an Individual's JOBS Status Changes 400-19-75-40-20

(Revised 9/1/2021 ML #3629)

View Archives

A JOBS referral is required when an individual's JOBS status changes due to the following situations:

1. An individual is no longer determined exempt from participation;
2. An individual who is exempt from participation chooses to volunteer;

   Note: A referral is also required when an exempt individual who volunteered, did not comply during the volunteer period, and has become nonexempt.

3. An individual who is no longer determined excluded from participation;
4. An individual's good cause period has ended and continued good cause has not been established.

When completing the referral process, see Section 400-19-75-40-10, Referrals for Non-Sanctioned Individuals and Section 400-19-75-40-15 for Referrals for Sanctioned Individuals.

JOBS or Tribal NEW Participant Moves to Another Human Service Zone 400-19-75-40-25

(Revised 7/1/2023 ML #3726)

View Archives

When an individual moves from one human service zone to another, participation in JOBS or Tribal NEW is considered a continuation of service and the individual is not treated as a new participant.

If the individual continues to be serviced by the same JOBS Employment Contractor or the same Tribal NEW agency, a new referral is not required. Anytime an individual relocates and continues to work with the same Tribal NEW agency, an SFN 323, JOBS Status of Change, must be sent to the Tribal NEW agency notifying them of the move.

If there is a change in the JOBS Employment Contractor or Tribal NEW agency, a new referral is required. These individuals must resume involvement in JOBS or Tribal NEW within seven (7) business days from the referral date of the new referral. The first business day after the referral date is considered day one of the seven (7) business day period. An SFN 323, JOBS Status of Change must be sent to the previous Tribal NEW agency notifying their agency the recipient is no longer working with their agency.

Referrals must be manually mailed to Tribal NEW agencies.

Sending Human Service Zone:

Consistent with Service Chapter 448-01-40-40, the eligibility worker is responsible to complete any unresolved actions in the individual's case prior to transferring the file to the receiving human service zone.

Receiving Human Service Zone:

The eligibility worker must:

1. Determine whether the individual should be referred to JOBS or Tribal NEW;
2. If required, create a new referral form in the integrated eligibility system.
3. If the referral is being made to a Tribal New Program, send a copy of the Tribal NEW referral form to the Tribal NEW office.

Resuming Participation in JOBS or the Same Tribal NEW Program After a Move to Another Human Service Zone 400-19-75-40-25-05

(Revised 7/1/2023 ML #3726)

View Archives

When an individual moves from one human service zone to another, participation in JOBS or Tribal NEW is considered a continuation of service and the individual is not treated as a new participant. Individuals must resume involvement in JOBS or Tribal NEW without any break in service.

If the individual continues to be serviced by the same JOBS Employment Contractor or the same Tribal NEW agency, a new referral is not required.

If there is a change in the JOBS Employment Contractor or Tribal NEW agency, a new referral is required. These individuals must resume involvement in JOBS or Tribal NEW within seven (7) business days from the referral date of the new referral. The first business day after the referral date is considered day one of the seven (7) business day period. An SFN 323, Status of Change must be sent to the previous Tribal NEW agency notifying their agency the recipient is no longer working with their agency.

Referrals must be manually mailed to Tribal NEW agencies.

When a new referral is applicable, the individual who moves must resume their participation within seven (7) business days from the referral date of the new JOBS or Tribal NEW referral. The first business day after the referral date is considered day one of the seven (7) business day period. This period shall be extended one working day for each workday the JOBS or Tribal NEW office is closed due to severe weather or other emergencies

> **Note:** The seven (7) business day period shall NOT be extended due to agency closings related to weekends, Federal, State or Tribal holidays.

If an individual fails to resume participation with the new JOBS Employment Contractor or Tribal NEW within seven (7) business days from the referral date on the JOBS or Tribal NEW referral (the first business day after the referral date is considered day one of the seven (7) business day period), the JOBS Employment Contractor or Tribal NEW Coordinator is responsible to initiate the good cause determination process and recommend sanction, if appropriate.

Resuming Participation With a New Tribal NEW Program After a Move to Another Human Service Zone 400-19-75-40-25-10

(Revised 7/1/2023 ML #3726)

View Archives

When an individual moves from one human service zone (HSZ) to another, participation in Tribal NEW is considered a continuation of service and the individual is not treated as a new participant. Individuals must resume involvement in Tribal NEW without any break in service. The individual who moves must resume their participation within seven (7) business days from the referral date of the new JOBS or Tribal NEW referral. The first business day after the referral date is considered day one of the seven (7) business day period. This period shall be extended one working day for each workday the JOBS or Tribal NEW office is closed due to severe weather or other emergencies.

Note: The seven (7) business day period shall NOT be extended due to agency closings related to weekends, Federal, State or Tribal holidays.

Note: Tribal NEW is also responsible to send a copy of the individual's new Employability Plan (EP) to the HSZ within 30 days from the print date of the JOBS or Tribal NEW referral. If an individual's EP is not received within 30 calendar days, the eligibility worker must contact Tribal NEW to request a copy.

If an individual fails to resume participation with the new Tribal NEW Program within seven (7) business days from the referral on the JOBS or Tribal NEW referral (the first business day after the referral date is considered day one of the seven (7) business day period), Tribal NEW shall immediately return the referral to the eligibility worker. The eligibility worker must initiate the good cause determination process.

Failure or Refusal to Enroll or Participate in the JOBS or Tribal NEW Program 400-19-75-40-30

(Revised 7/1/2023 ML #3726)

View Archives

(N.D.A.C. 75-02-01.2-102)

A failure or refusal of a non-exempt individual to participate in the JOBS or Tribal NEW Program occurs any time the individual:

1. Fails to attend a scheduled appointment;
2. Fails to participate in an approved work activity;
3. States an unwillingness to participate in any approved work activity;
4. Fails to contact the JOBS or Tribal NEW within seven (7) business days from the referral date of the referral to schedule an appointment to begin involvement in the program. The first business day after the referral date is considered day one of the seven (7) business day period;
5. Refuses, despite apparent ability, to maintain satisfactory progress in any approved work activity; or
6. Fails to comply with the requirements of the Employability Plan (EP);

When an individual fails or refuses to participate in JOBS or Tribal NEW, the individual shall be provided an opportunity to present any good cause reason prior to the imposition of a sanction. Either the eligibility worker or the JOBS Employment Contractor may oversee the good cause determination process.

1. The JOBS Employment Contractor oversees the good cause determination process for individuals enrolled in the JOBS Program.

   Exception: When an individual moves and must resume participation in a new Tribal NEW Program, the eligibility worker is responsible to initiate the good cause determination process and impose a sanction, if appropriate. (See Section 400-19-75-40-25-10, Resuming Participation With a New Tribal NEW Program after a Move to Another human service zone).

2. The eligibility worker oversees the good cause determination process when an individual fails to enroll in JOBS or Tribal NEW. The JOBS Employment Contractor or Tribal NEW staff must notify the eligibility worker when an individual fails to enroll. This can be accomplished by returning the referral or sending an electronic or hard copy notification.

Exception: When an individual moves and must resume participation in the same Tribal NEW, Tribal NEW is responsible to initiate the good cause determination process and recommend sanction, if appropriate. (See Section 400-19-75-40-25-05 Resuming Participation in JOBS or the Same Tribal NEW Program after a Move to Another human service zone).

Note: A good cause determination meeting is not required in instances where an individual fails to comply with JOBS Up-front eligibility requirements (which may include completion of a Proof of Performance). (See Section 400-19-75-40-35-05, Eligibility Worker Responsibility).

Good Cause Determination Process for Non-Compliance with JOBS/Tribal NEW 400-19-75-40-35

(Revised 6/1/10 ML #3218)

View Archives

(N.D.A.C. 75-02-01.2-80)

(N.D.A.C. 75-02-01.2-103)

When an individual fails or refuses to comply with the requirements of JOBS or Tribal NEW, the individual shall be provided an opportunity to present the good cause reason prior to the imposition of a sanction. The JOBS Employment Contractor, Tribal NEW Coordinator, and the eligibility worker will use the Decision-Making principles in Section 400-19-05, Definitions, to determine if the individual has good cause for failure to comply with the requirements of the JOBS program.

Eligibility Worker Responsibility 400-19-75-40-35-05

(Revised 7/1/2023 ML #3726)

View Archives

When an individual is required to contact JOBS or Tribal NEW and then fails to schedule or schedules but does not show for the appointment, the JOBS Employment Contractor or Tribal NEW Coordinator is responsible to notify the eligibility worker.

1. When an individual fails to contact JOBS or Tribal NEW as required, and the JOBS Up-front eligibility requirement applies, the individual's application shall be denied.

   Note: A good cause determination meeting is NOT held in this instance since the individual's failure to comply does not result in a sanction but, instead, denial of the TANF application.

2. When an individual fails to contact JOBS as required and the JOBS Up-front eligibility requirement does NOT apply:

   a. The eligibility worker is responsible to send a Good Cause Determination notice to the individual within two (2) days from the date of receipt of notification of non-compliance.
   b. The individual is required to schedule an appointment and meet with the eligibility worker within seven (7) business days from the print date of the good cause determination notice to show good cause for the failure or refusal to participate.The first business day after the print date is considered day one of the seven (7) business day count. The meeting may be held by phone or in person.

      Note: Since individuals must be allowed ‘due process’, good cause meetings cannot be held prior to the individuals scheduled meeting unless the individual requests the meeting be rescheduled to an earlier date. Documentation of the individuals request to reschedule must be included in the casefile.

   c. After assessing the good cause claim and information received during the good cause meeting, the eligibility worker has the following options:

      i. When good cause for non-cooperation exists, the individual will be re-referred to JOBS or Tribal NEW (A new referral must be created.); or
      ii. When good cause exists for continued non-participation in JOBS or Tribal NEW, a review date must be established to re-evaluate the basis for good cause; or

iii. When it is determined that good cause does not exist, the eligibility worker will impose a JOBS sanction.

d. If an individual fails or refuses to participate in the good cause determination process, or if the eligibility worker determines that the individual did not show good cause for the initial failure or refusal to participate, the eligibility worker shall notify the individual of the sanction. (See Section 400-19-85-15, Imposing a JOBS Sanction on an Open Case, when the JOBS Employment Contractor makes the good cause determination)

JOBS Employment Contractor/Tribal NEW Coordinator Responsibilities 400-19-75-40-35-10

(Revised 7/1/2023 ML #3726)

View Archives

The JOBS Employment Contractor or Tribal NEW Coordinator is responsible to oversee the good cause determination process for individuals already involved in JOBS or Tribal NEW who are not complying with JOBS or Tribal NEW requirements.

The JOBS Employment Contractor or Tribal NEW Coordinator is responsible to send a Good Cause Determination notice to the individual within two (2) days after learning of the individual's failure or refusal to comply. The JOBS Employment Contractor or Tribal NEW Coordinator must meet with the JOBS or Tribal NEW participant within seven (7) business days from the date the notice is sent to determine good cause. The first business day after the notice is sent is considered day one of the seven (7) business day period. The meeting may be held by phone or in person.

A Good Cause Determination notice shall offer the individual an opportunity to show good cause for the failure or refusal to comply and must state:

1. The date, time, place, and reason for the Good Cause Determination meeting with the JOBS Employment Contractor or Tribal NEW Coordinator; and

   Note: The eligibility worker should review the Good Cause Determination notice to ensure the inactions leading to the non-compliance are included in the Employability Plan (EP).

2. A sanction will be recommended if the participant:

   a. Does not attend the good cause meeting; or
   b. Does not show good cause for failure or refusal to participate, as required.

      Note: Since individuals must be allowed 'due process', good cause meetings cannot be held prior to the individuals scheduled meeting unless the individual requests the meeting be rescheduled to an earlier date. Documentation of the individuals request to reschedule must be included in the casefile.

The JOBS Employment Contractor or Tribal NEW Coordinator is responsible to review the individual's good cause claim, if presented, to determine if a recommendation for sanction is appropriate. If the JOBS Employment Contractor or Tribal NEW Coordinator determines that good cause exists, written notification must be sent to the

eligibility worker and the participant advising that a sanction will not be recommended, and that the participant:

1. Is re-engaged in work activities under the JOBS or Tribal NEW Program; or
2. Has demonstrated that limitations exist that warrant a modified EP. The JOBS Employment Contractor, Tribal NEW Coordinator or the eligibility worker also may pursue temporary excusal from participation in JOBS or Tribal NEW. (See Section 400-19-75-20-10, Good Cause – State Review Team (SRT).)

If the JOBS Employment Contractor or Tribal NEW Coordinator determines that the individual did NOT participate in the good cause determination process, or the individual participated but did NOT show good cause for the failure or refusal to participate, written documentation will be provided to the eligibility worker recommending that a sanction be imposed. A detailed chronological history of the individual's failure or refusal to participate, the individual's good cause reason (if a good cause reason was provided), and any actions taken by the JOBS Employment Contractor or Tribal NEW Coordinator must be included.

Note: A sanction recommended by Tribal NEW has the same impact on a participant, and will be processed by the eligibility worker in the same manner, as a sanction recommended by the JOBS program.

JOBS Employability Plan 400-19-75-40-40

(Revised 10/1/2025 Release 25.1)

View Archives

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

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

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

Electronic or handwritten signature is acceptable on the EP.

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

The Employability Plan (EP)must:

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

5. Describe the progress the participant has made since the previous Employability Plan.

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

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

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

Modified Employability Plan 400-19-75-40-40-05

(Revised 10/1/10 ML #3241)

View Archives

A Modified EP allows an individual to participate in the JOBS Program at a reduced level, even though the individual's participation does not meet federal participation requirements. A Modified Employability Plan (EP) can be created for participants:

1. When there is current, clear and specific medical documentation that identifies the individual's physical, mental, emotional, or intellectual impairment(s);

   Note: The medical documentation does not need to be provided by a licensed physician. Any qualified professional working within the physical, mental, emotional, or intellectual fields can provide the medical documentation.

2. For 60 days following the date of entry into the United States as a Qualified Alien, when the Qualified Alien has Limited English Proficiency (LEP); or

   Note: If the Qualified Alien is proficient in the english language, a modified plan would not be applicable.

3. For individuals subject to Family Violence, who are participating in family violence counseling.

   Note: When a Modified EP is created for individuals subject to Family Violence, participation in family violence treatment activities are countable hours for federal reporting purposes.

Tribal Native Employment Works (NEW) Program 400-19-80

Overview 400-19-80-05

(Revised 6/1/10 ML #3218)

View Archives

(N.D.A.C. 75-02-01.2-86)

Tribal Native Employment Works (NEW) programs are sister programs to the State JOBS program and are available to TANF eligible enrolled or enrollable members of tribes. An individual who participates in a Tribal New Programshall meet all work requirements described in this section.

When individuals are required to participate in the Tribal NEW Program, the Tribal NEW Memorandum of Understanding (MOU) along with the policy defined in this section should be referenced. (See Section 400-19-165-165, Tribal NEW Memorandum of Understanding.)

Tribal NEW Memorandum of Understanding 400-19-80-10

(Revised 6/1/2023 ML #3721)

View Archives

A Tribal NEW Memorandum of Understanding (MOU) has been made and entered into by and between:

1. The Standing Rock Sioux Tribe, Spirit Lake Sioux Tribe, Turtle Mountain Band of Chippewa - Tribal Native Employment Works (NEW) programs, hereafter referred to collectively as Tribal NEW; and
2. The North Dakota Department of Health and Human Services Section (NDDHHS), Economic Assistance Section.

The purpose of the MOU is to:

1. Define the responsibilities of the parties with respect to the administration and coordination of North Dakota's TANF Program and the Tribal New Programs within North Dakota;
2. Outline the interaction between the Department, human service zones, and the three (3) Tribal New Programs within North Dakota; and
3. Define the specific referral criteria to be used when making referrals to the Tribal New Programs within North Dakota.

To view this document, see Section 400-19-165, Tribal NEW Memorandum of Understanding. A signed copy of the document is maintained by the North Dakota Department of Health and Human Services.

Referrals to Tribal NEW Programs 400-19-80-15

(Revised 6/1/2023 ML #3721)

View Archives

The Tribal Native Employment Works (NEW) Programs may provide services to Native Americans, as defined in the Memorandum of Understanding (MOU). Based on the TANF State Plan, effective October 1, 2007, participants in the Tribal New Programs are excluded in the work participation rate calculation.

All individuals referred must contact Tribal NEW within seven (7) days from the date of the referral and attend their scheduled appointment to develop a Tribal NEW service plan.

If the individual fails to comply, Tribal NEW must immediately return the referral to the eligibility worker. The eligibility worker must:

1. In the case of a new application, deny the application; or
2. In an ongoing case, the good cause determination process must be initiated and a sanction imposed if good cause is not shown.

Based on each tribe's service area, Tribal New Programs in North Dakota agree to serve Native American TANF clients from their own Tribe as well as any other federally-recognized Tribe. Individuals should be referred to the Tribal New Program based on the following:

Standing Rock Sioux Tribe, Tribal NEW Program

Standing Rock Tribal NEW shall provide services to Native American TANF clients from the Standing Rock Sioux Tribe as well as those who are from out-of-state (federally recognized) tribes residing in Sioux County, Morton County or Burleigh County who are:

- attending or planning to attend either post-secondary or vocational education; or
- who have completed high school or a General Educational Development (GED) and wish to pursue advanced education; or
- who are age twenty or older and have not completed high school or a GED and wish to pursue GED.

Spirit Lake Sioux Tribe, Tribal NEW Program

Spirit Lake Tribal New Program shall provide services to Native American TANF clients from the Spirit Lake Sioux tribe as well as those who are from out-of-state

(federally recognized) tribes residing in North Dakota wishing to pursue advanced education and are attending or planning to attend post-secondary or vocational education in Devils Lake, Ellendale, Jamestown, Ft. Totten, Fargo, Valley City, or Wahpeton, should be referred to the Spirit Lake Tribal New Program.

Spirit Lake Tribal New Program shall provide services to Native American TANF clients from the Spirit Lake Sioux tribe residing in the service area who are age twenty or older and have not completed high school or a GED.

Turtle Mountain Band of Chippewa, Tribal NEW Program

Turtle Mountain Band of Chippewa (TMBC) Tribal New Program shall provide services to enrolled TMBC Native American TANF clients residing on or off the Turtle Mountain Band of Chippewa reservation who are attending or planning to attend post-secondary or vocational education. TMBC shall provide services to Native American TANF clients from a federally recognized tribe residing on the Turtle Mountain and of Chippewa reservation.

TMBC shall serve Native American TANF clients residing within Rolette County:

- A child, over the age of 16, who has dropped out of school and is a dependent of a Tribal NEW participant.
- All Native American TANF caretakers residing within Rolette County, who are age 25 or older, who have not completed high school or a General Education Development (GED) and wish to pursue completion of a high school diploma or General Educational Development (GEG).

If, for any reason, a TANF client is not accepted for enrollment in the Tribal New Program, Tribal NEW staff must immediately notify the referring human service zone office of that fact. The TANF client must then be referred to the State JOBS program by the eligibility worker.

Individuals who are referred to Tribal NEW must comply with TANF Up-front Eligibility requirements as outlined in Section 400-19-35-10. Those individuals, who fail to comply with the TANF Up-front Eligibility requirements, will have their application denied.

Individuals who are sanctioned through Tribal NEW must cure the sanction through the Tribal New Program if they are 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.

Individuals who were sanctioned through State JOBS and are required to be referred to Tribal NEW will be allowed to complete their Proof of Performance through Tribal NEW.

Continuation of Services - Tribal NEW Program 400-19-80-20

(Revised 6/1/2023 ML #3721)

View Archives

Individuals who are referred to the Tribal New Program are to remain with the Tribal New Program until:

1. The goals and objectives identified in their Tribal NEW Employability Plan (EP) have been completed (e.g. the client has completed their education); or
2. The goals and objectives identified in their Tribal NEW EP are no longer applicable (e.g. the individual has dropped out of post-secondary education or no longer plans on completing the educational program).

When an individual has completed the goals and objectives or the goals and objectives are no longer applicable, the individual must be referred to the State JOBS program unless the individual:

1. Becomes exempt; or
2. Has been granted good cause for non-participation in the JOBS program; or
3. Meets the referral criteria defined in Section 400-19-80-15, Referrals to Tribal New Programs.

Transferring Individuals from State JOBS to Tribal NEW 400-19-80-25

(Revised 9/1/2021 ML #3629)

View Archives

When creating a referral to the Tribal New Program in ongoing TANF cases, a referral is made in the current calendar month the individual is requesting to participate in Tribal NEW.

Example: An individual begins post-secondary education in August and is required to be referred to Tribal NEW. In the calendar month of August, a Tribal NEW referral must be created.

Tribal NEW participants are excluded from the work participation rate requirements for federal reporting purposes.

Transferring Individuals from Tribal NEW to State JOBS 400-19-80-30

(Revised 9/1/2021 ML #3629)

View Archives

When an individual is no longer participating in the Tribal New Program and needs to be referred to the State JOBS Program, the referral is made in the current calendar month the individual is required to participate in State JOBS.

> **Example:** An individual completes post-secondary education in May and is now required to be referred to State JOBS. In the calendar month of May a referral to State JOBS is created.

Tribal NEW participants are excluded from the work participation rate requirements for federal reporting purposes.

Tribal NEW Employability Plans 400-19-80-35

(Revised 6/1/2023 ML #3721)

View Archives

Tribal NEW shall provide the eligibility worker with a copy of each TANF Tribal NEW participant's initial Employability Plan (EP) no later than 30 calendar days after the date of referral. Since the EP identifies a participant's need for child care and transportation assistance it is very important that the eligibility worker receive a copy of a participant's EP as soon as possible.

Tribal NEW may approve an EP for a Tribal NEW participant residing in a Tribal NEW service area to complete education outside that service area. The EP must be approved prior to relocation. The EP must specify the approved education, beginning and ending dates, and include a class schedule at the beginning of each school term.

Tribal NEW must advise the human service zone (HSZ) immediately if there is any change in school status.

If Tribal NEW terminates the individual's participation in Tribal NEW, the individual must be referred to the State JOBS Program.

At a minimum, the Tribal NEW Coordinator must provide updated copies of the EP's for all Tribal NEW participants:

1. In the month prior to the first month of each school term or beginning of each school term;
2. For existing participants moving from one area of the state to another along with a revised EP that includes the activity and relocation which must be approved prior to relocation.

   Note: The receiving HSZ office is required to create a new referral to Tribal New Program and the participant is expected to continue involvement in Tribal NEW**.**
3. All EPs must identify the TANF Tribal NEW participant's approved activity or activities, scheduled hours, start date for each activity, the expected completion date for each activity, anticipated supportive services provided by Tribal NEW, and requests for state childcare and transportation assistance.

Tribal NEW Sanctions 400-19-80-40

(Revised 6/1/2023 ML #3721)

View Archives

A sanction recommended by Tribal NEW will have the same impact on an individual and will be processed in the same manner as a sanction recommended by the State JOBS program. The process for imposing a sanction against a Tribal NEW participant is the same as that described in Section 400-19-85-15, Imposing a JOBS or Tribal NEW Sanction an Open Case or Section 400-19-85-20, Imposing a JOBS or Tribal NEW Sanction on a Closed Case.

Once a referred TANF client keeps the initial appointment with Tribal NEW, the TANF client will be considered a Tribal NEW participant. If the participant then fails to comply with the requirements of the Tribal NEW Employability Plan (EP), Tribal NEW staff shall determine if the participant had good cause for failure to comply.

1. If Tribal NEW determines the participant had good cause for the failure to comply, a recommendation for sanction will not be made and the participant will be expected to continue involvement in Tribal NEW.
2. If Tribal NEW determines that the participant did not have good cause for the failure to comply, Tribal NEW shall recommend a sanction be imposed against the participant. Tribal NEW shall include a written detailed chronological history of the individual's failure or refusal to participate, the individual's good cause reason (if a good cause reason was provided), and any actions taken.

When action is taken to reduce a Tribal NEW participant's TANF grant, the individual has a right to appeal the adverse action. An appeal regarding a TANF grant reduction will be heard by the Office of Administrative Hearings in accordance with N.D.A.C. § 75-01-03. For additional information regarding the appeal process, see Section 400-19-125-15, Requesting a Fair Hearing – JOBS or Tribal NEW Sanction.

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.

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

(Revised 4/1/2026 Release 26.1)

View Archives

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 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 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.

Tribal NEW Supportive Services 400-19-80-50

(Revised 6/1/10 ML #3218)

View Archives

A Tribal NEW participant may choose to receive child care assistance through the Child Care Assistance Program and transportation assistance through TANF instead of receiving those supportive services through the Tribe. All other available supportive services are to be provided through the Tribal New Program.

If a Tribal NEW sanction is imposed against an individual, the individual may continue to receive authorized supportive services through TANF for allowable Tribal NEW activities until the sanction becomes effective.

An individual who chooses to participate in Tribal NEW during the appeal of a sanction may continue to receive child care assistance through the Child Care Assistance Program and transportation assistance through TANF based on the individual's actual involvement in Tribal NEW.

For additional information on providing supportive services to a Tribal NEW participant during the appeal process, see Section 400-19-125-15, Requesting a Fair Hearing – JOBS or Tribal NEW Sanction.

Transportation Assistance for Tribal NEW Participants 400-19-80-55

(Revised 6/1/2023 ML #3721)

View Archives

Transportation Assistance of up to $150.00 per month may be paid to a Tribal NEW participant when approved by the Tribal NEW Coordinator and authorized by the eligibility worker.

Transportation assistance may be utilized for monthly transportation expenses for the Tribal NEW participant's private vehicle, public transportation passes, cab fares, or rides provided through an informal arrangement.

Transportation assistance may be utilized to pay fees or fines which prevent an individual from obtaining or legally operating a vehicle. Allowable fees may include a reinstatement fee on a suspended license, registration fee for a DUI seminar, defensive driver's class required prior to reinstatement of a driver's license, driver's license exam fee, and vehicle insurance, license, or titles.

Traffic fines and DUI fines may be paid at the discretion of the Tribal NEW Coordinator provided the individual demonstrates the ability to contribute in paying a portion of the fine. The portion of the fine to be paid by the individual will be determined by the Tribal NEW Coordinator.

Once an individual's TANF case has been authorized as TANF eligible and the individual is participating in Tribal NEW, the Tribal NEW Coordinator is responsible to determine the participant's anticipated transportation needs and to document the anticipated need on the Tribal NEW Employability Plan (EP). Any changes in the participant's anticipated transportation needs should be communicated to the eligibility worker in writing.

> **Note:** Once a transportation assistance payment has been issued to an individual, overpayments are not to be established.

> If transportation assistance is based on mileage, a monthly stipend or flat amount is not allowed. Instead, a mileage calculation must be identified on the EP. Transportation assistance based on mileage is calculated by multiplying the number of actual or estimated miles required to support the individual's approved work activity and a self-initiated educational activity by $0.45, the current reimbursement rate for travel under the TANF program.

When public transportation or informal transportation arrangements are used, the participant must review their transportation needs and plan with the Tribal NEW Coordinator. If appropriate, the Tribal NEW Coordinator will approve the individual's plan.

Payments for Transportation Assistance are issued to the recipients via the TANF electronic payment card or are paid to the vendor utilizing the Vendor Payment process.

Advance Transportation Assistance Payments

The eligibility worker shall not provide a transportation assistance payment to an individual who is being referred to Tribal NEW until the individual's case has been approved, unless the eligibility worker or Tribal NEW Coordinator determines that an individual would be unable to participate without receiving transportation assistance.

- When an advance transportation assistance payment is provided to a sanctioned individual who needs to complete a POP, the payment should be sufficient to cover the individual's transportation expenses from the time of the referral until the payment can be included in the regular TANF grant (or is provided through Tribal NEW as appropriate).

  Note: The eligibility worker may decide not to allow another Transportation assistance payment to the individual until the outstanding sanction is cured.

- When an advance transportation assistance payment is provided to a non-sanctioned individual, the advance payment should be sufficient to cover the individual's transportation expenses to attend the Orientation and develop the Tribal NEW EP.

When an eligibility worker determines the need for an advance transportation payment, the eligibility worker is to inform the Tribal NEW Coordinator that an advance payment was made.

Post-TANF Supportive Services for Tribal NEW Participants 400-19-80-60

(Revised 6/1/10 ML #3218)

View Archives

Following case closure, a former Tribal NEW participant may be eligible for Post-TANF Supportive Services. Tribal NEW does not determine eligibility for Post-TANF Support Services. Instead, determining eligibility for and issuing payment of Post-TANF Supportive Services is the responsibility of the eligibility worker. (See Section 400-19-155, Post-TANF (Formerly Transitional) Supportive Services.)

Sanction for Non-Compliance with JOBS and Tribal NEW 400-19-85

Overview 400-19-85-05

(Revised 1/1/17 ML #3482)

View Archives

(N.D.A.C. 75-02-01.2-61)

(N.D.A.C. 75-02-01.2-79)

In order to assist households in becoming self-sufficient, individuals in receipt of TANF are required to participate in the Job Opportunity and Basic Skills (JOBS) or Tribal Native Employment Works (NEW) program. Individuals who fail or refuse to comply with the requirements of the JOBS program, without good cause, may be sanctioned.

A sanction may be imposed against individuals who fail to show good cause for failure or refusal to participate, as required. A sanction serves as a natural and logical consequence for an individual's noncompliance with TANF program requirements. The consequences of a sanction are the same regardless of how many times an individual may have been sanctioned.

If the sanctioned individual is:

1. A caretaker, the sanctioned individual remains included in the household size and the income and assets must be considered when determining eligibility. The Standard Employment Expense Allowance and the Time Limited Percentage are applied to the earned income of the sanctioned individual;
2. A dependent child, the sanctioned individual remains included in the household size and the income and assets must be considered based on criteria for counting income and assets for dependent children. (See Section 400-19-55-15-25, Student Earned Income Treatment.)

> **Note:** If the sanctioned individual is the only dependent child in the TANF case, the caretaker may still be eligible for TANF.

Regardless of whether the individual is a caretaker or dependent child, the financial needs of the sanctioned individual are deducted when determining the assistance payment for the remainder of the household.

If the sanctioned individual is a parent or other caretaker relative, assistance payments for the remaining members of the TANF case may be in the form of protective payments. (See Section 400-19-120-35, Protective Payments.)

All sanctions are imposed against and follow the responsible individual. The first month of a sanction period is referred to as the Sanction Penalty Month. A Sanction Penalty Month runs from the effective date of a sanction through the last day of that month.

If the sanctioned individual does not cure the sanction prior to the end of the Sanction Penalty Month, the sanction may progress to closure of the entire TANF case effective the last day of the Sanction Penalty Month. This is referred to as Sanction Progression.

If a sanction leads to closure of the entire TANF case, the household will be ineligible for assistance for the month following the Sanction Penalty Month. This is referred to as the Month of Ineligibility.

Adequate notice is required when imposing a sanction.

An individual sanctioned for non-cooperation with the Child Support Division will be required to comply with the JOBS program requirements. Likewise, individuals sanctioned for JOBS will be required to cooperate with the Child Support Division.

Determining Whether a Sanction is Appropriate 400-19-85-10

(Revised 6/1/10 ML #3218)

View Archives

Prior to imposing a sanction the Eligibility Worker must determine whether:

- The individual was properly notified of their opportunity to show good cause;
- The results of the good cause determination were documented; and,
- The individual failed to show good cause (or failed to take advantage of the opportunity to show good cause).

Sanctions cannot be imposed upon individuals who are not responsible for meeting TANF program requirements.

Imposing a JOBS or Tribal NEW Sanction on an Open Case 400-19-85-15

(Revised 4/1/2026 Release 26.1)

View Archives

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.

A recommendation for sanction is received from the JOBS Employment Contractor or Tribal NEW Coordinator. When recommending a sanction, the JOBS Employment Contractor or Tribal NEW Coordinator must provide the eligibility worker with written documentation supporting the sanction recommendation, including a detailed chronological history of the individual's failure or refusal to participate along with any action(s) taken by the JOBS Employment Contractor or Tribal NEW Coordinator.

Before a JOBS sanction may be imposed against an individual, the individual must be given an opportunity to show good cause through the good cause determination process. The final determination to impose a JOBS sanction remains with the eligibility worker.

> **NOTE:** When a sanction has been recommended by the JOBS Employment Contractor or Tribal NEW Coordinator, the eligibility worker will not conduct another good cause determination but is responsible to review the case (as described in the previous paragraph) to determine if a sanction is appropriate.

The eligibility worker must make a sanction determination within five (5) working days from the receipt of the Recommendation for Sanction form. Once the eligibility worker has made a decision, the form must be completed, indicating the decision, and returned to the JOBS Employment Contractor.

> **Note:** An exempt volunteer may not be sanctioned for non-cooperation.

Prior to imposing a sanction recommended by a JOBS Employment Contractor or Tribal NEW Coordinator, the eligibility worker must:

1. Review the documentation received from the JOBS Employment Contractor or Tribal NEW Coordinator to ensure that the individual was provided an opportunity to present their good cause claim;
2. If a good cause claim was made, the eligibility worker must determine whether they are in agreement with the JOBS Employment Contractor or Tribal NEW Coordinator's preliminary determination that the individual failed to show good cause.

When a sanction is imposed, the sanctioned individual's financial needs are removed from the household's TANF benefit for one month. This is referred to as the Sanction Penalty Month. If eligible, the financial needs of the remainder of the household can be met during the Sanction Penalty Month.

The sanctioned individual must serve the one-month penalty even if the individual becomes exempt, is granted good cause, or cures the sanction. (See Section 400-19-85-35, Effect of Exemption, Temporary Good Cause and Changes in Participation on JOBS or Tribal NEW Sanctions, for additional information.)

Note: A JOBS or Tribal NEW sanction becomes fixed in time as of the effective date, and the Sanction Penalty Month must be served. When the TANF case which progressed to close is later reverted to open, the Sanction Penalty Month is applicable and must be served. (See Section 400-19-110-30, Revert to Open Following Case Closure.)

If a sanctioned individual who is sanctioned for JOBS/Tribal NEW or Child Support non-cooperation, disqualified for fleeing felon, probation/parole violators, fraud/misrepresentation of residence or is out of home fails to cure a sanction with a cure date equal to the Sanction Penalty Month (by successfully completing a Proof of Performance), the entire TANF case will close at the end of the Sanction Penalty Month. This is referred to as Sanction Progression.

If a sanction progresses to case closure, the entire household will be ineligible for TANF in the month following the Sanction Penalty Month. This is referred to as the Month of Ineligibility.

Example: An individual is sanctioned effective January 1st. The individual's financial needs are removed from the household's January TANF benefit. The individual does not cure the sanction in the Sanction Penalty Month (January), the entire TANF case closes January 31st.

If the sanctioned individual reapplies for TANF during the month of February (the Month of Ineligibility), the application is denied. The entire household is ineligible for TANF during the month of February. (See Section 400-19-85-35, Effect of Exemption, Temporary Good Cause and Changes in Participation on JOBS Sanctions).

A sanction cannot be imposed on the last two working days of the month as the benefit amount for the future month cannot be decreased without adequate notice. Instead, a JOBS or Tribal NEW sanction will result in the creation of an overpayment. The eligibility worker must wait until the first day of the next month to impose the sanction which will become effective for the benefit month equal to the current calendar month. The TANF JOBS Sanction notice will provide the household with adequate notice of the adverse action.

Note: When imposing a JOBS or Tribal NEW sanction for a current month (i.e., sanction imposed in January to be effective for the month of January), the sanction must be imposed no later than the 15th of the month. When the 15th falls on a weekend or holiday, the sanction must be imposed no later than the next business day. If the sanction is not imposed by the 15th of the month or the next business day should the 15th fall on a weekend or holiday, the eligibility worker must disregard the sanction. If the individual continues to be out of compliance, a new recommendation for sanction should be made and the sanction process is to start over.

Sanctions under TANF follow the responsible individual.

Imposing a JOBS or Tribal NEW Sanction on a Closed TANF Case 400-19-85-20

(Revised 7/1/2023 ML #3726)

View Archives

A JOBS or Tribal NEW sanction can be imposed against an individual in the month immediately following case closure, if all of the following criteria are met:

1. The eligibility worker received the recommendation for sanction **prior** to case closure; and
2. Good cause determination was offered with proper notice provided, i.e., the individual was properly notified of their opportunity to show good cause for the failure or refusal to participate; and
3. The participant either failed to show good cause or failed to attend the good cause meeting within the allowed time period (seven (7) business days from the print date of the good cause determination notice, the first business day after the referral date is considered day one of the seven (7) business day period).

After determining that the above criteria have been met, the eligibility worker shall:

1. Impose the sanction;
2. Send a sanction notice to the household;
3. Complete and return the Recommendation for Sanction form to the JOBS Employment Contractor or Tribal NEW Coordinator.

When imposing a JOBS or Tribal NEW sanction for a current month (i.e., sanction imposed in January to be effective for the month of January), the sanction must be imposed no later than the 15th of the month. When the 15th falls on a weekend or holiday, the sanction must be imposed no later than the next business day. If the sanction is not imposed by the 15th of the month or the next business day should the 15th fall on a weekend or holiday, the eligibility worker must disregard the sanction.

Example #1: A sanction recommendation is received from JOBS or Tribal NEW on January 30th. The eligibility worker determines that a sanction is appropriate but there is not enough time to reduce the household's February benefit with adequate notice.

The eligibility worker waits until the first of the next month (February) to impose the JOBS or Tribal NEW sanction, effective February 1st. The eligibility worker creates and sends both a TANF JOBS Sanction notice and an Overpayment Notice to the household if the JOBS or Tribal NEW sanction results in an

overpayment. Recoupment of the February overpayment will begin with the household's next TANF benefit.

Example #2: A TANF case closed January 31st. A sanction recommendation is received from JOBS or Tribal NEW on February 1st. Since the recommendation was received **after** the case closure date, the sanction cannot be imposed.

Notice Requirements When Imposing a JOBS or Tribal NEW Sanction 400-19-85-25

(Revised 9/1/2021 ML #3629)

View Archives

Once a eligibility worker has determined that a sanction is appropriate, the sanction must be imposed as soon as possible keeping in mind that adequate notice must be provided before the household's TANF benefit is reduced. This will allow the household to receive the sanction notice no later than the date it would normally receive its TANF benefit. In either situation, the eligibility worker must send the notice to Central Print.

To ensure that the household is provided adequate notice of the sanction prior to the reduction of the TANF benefit; the eligibility worker must send a TANF JOBS Sanction notice no later than the close of business on the 3rd to the last of a month.

The TANF JOBS Sanction notice informs individuals of the potential consequences for failing to cure the sanction. Since the TANF JOBS Sanction notice addresses the potential for case closure, sending a TANF closing notice is not required if the case is closing for sanction progression only.

A sanction cannot be imposed on the last two working days of the month as the benefit amount for the future month cannot be decreased without adequate notice. In this situation, the eligibility worker must wait until the first day of the next month to impose the sanction. (See Section 400-19-85-15, Imposing a JOBS or Tribal NEW Sanction on an Open Case and Section 400-19-85-20, Imposing a JOBS or Tribal NEW Sanction on a Closed Case.)

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

(Revised 4/1/2026 Release 26.1)

View Archives

TANF policy allows an exception to the regular sanction policy to permit a sanctioned individual in receipt of regular TANF benefits the opportunity to cure their JOBS or Tribal NEW sanction in the Month of Ineligibility.

> **Note:** This exception does not apply to individuals in receipt of Transition Assistance as their case must be closed when a JOBS sanction is imposed.

This exception is allowed when:

1. The eligibility worker determines that a household is ineligible for TANF in the Sanction Penalty Month due to excess income; and
2. The household's income would have caused ineligibility for TANF even if a sanction had not been imposed; and
3. The household reapplies for TANF in the Month of Ineligibility.

When the exception is applied:

1. The eligibility worker shall refer the sanctioned individual to the JOBS or Tribal New Program.
2. The sanctioned individual is required to successfully complete a Proof of Performance (POP) within 30 days from the date of application unless it is determined that there are extenuating circumstances. If extenuating circumstances exists, the eligibility worker should allow the individual additional time to successfully complete the POP.

   > **NOTE:** The eligibility worker may extend the 30-day time limit for processing an application due to extenuating circumstances, such as timing delays on the part of the human service zone, JOBS, or Tribal NEW. See Section 400-19-20-30, Timeliness Standards for Processing TANF Benefits, for additional information on this topic.

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 mut 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).

Effect of Exemption, Temporary Good Cause or Changes in Participation on JOBS and Tribal NEW Sanctions 400-19-85-35

(Revised 9/1/2021 ML #3629)

View Archives

If an individual becomes exempt or is granted good cause from JOBS or Tribal NEW participation in the month prior to the Sanction Penalty Month, the eligibility worker shall not impose the sanction and the individual will remain eligible if all other factors of eligibility are met.

If an individual becomes exempt or is granted good cause from participation effective in the Sanction Penalty Month, the individual remains sanctioned during the Sanction Penalty Month. The sanction is considered ended in the Sanction Penalty Month, thus preventing the case from closing due to Sanction Progression.

If an individual becomes exempt or is granted good cause from JOBS or Tribal NEW effective in the Month of Ineligibility, the individual must serve the one month of ineligibility. The sanction is considered ended in the Month of Ineligibility and the individual would not be required to complete a Proof of Performance (POP).

If an individual becomes exempt or is granted good cause from participation in JOBS or Tribal NEW effective in any month following the Month of Ineligibility, upon reapplication, the sanction is considered ended and the individual would not be required to complete a POP.

If a sanctioned individual timely reports a change that occurs in the Sanction Penalty Month which results in their participation changing to stepparent, Minor Parent's Parents, Disqualified Alien or SSI recipient (including presumptive SSI) for the Month of Ineligibility, the sanction must be Ended in the Sanction Penalty Month and the case cannot progress to close.

A participant who is not a parent but is a caretaker within the 5th degree of relation cannot avoid the effects of a sanction by electing to 'opt out' of receiving TANF benefits. If a Recommendation for Sanction is received in a month the caretaker has chosen to be included in the TANF benefit, the sanction must be imposed, if appropriate. The individual becomes ineligible due to JOBS/Tribal NEW sanction and must serve their Sanction Penalty Month.

1. If the POP is successful, the sanction is Ended in the Sanction Penalty Month and the individual can 'opt out' the month following the Sanction Penalty Month.

2. If the sanctioned individual does not begin, or begins and does not successfully complete a POP, the case would close and the household would serve their Month of Ineligibility.

   Note: If the household reapplies after the Month of Ineligibility, the individual can choose to 'opt out' at that time and the sanction would be ended.

Minor Dependent Child and Minor Parent JOBS and Tribal NEW Sanction Policy 400-19-85-40

(Revised 6/1/10 ML #3218)

View Archives

A minor dependent child age 16 and older or a minor parent is subject to sanction under the JOBS or Tribal New Program if it is determined that the individual failed without good cause to attend high school, GED, a secondary school, a vocational or technical school that is equivalent to secondary school, or participate in an approved activity.

All JOBS or Tribal NEW Sanction policies apply to these individuals.

Curing a JOBS or Tribal NEW Sanction 400-19-90

Overview 400-19-90-05

(Revised 4/1/2026 Release 26.1)

View Archives

(N.D.A.C. 75-02-01.2-79 (3) (5) & (6))

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.

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

(Revised 4/1/2026 Release 26.1)

View Archives

A Proof of Performance (POP) is a specific period of time, of not less than five (5) and not more than 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 being 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.

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 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.

Curing a JOBS or Tribal NEW Sanction Prior to the Sanction Penalty Month 400-19-90-15

(Revised 9/1/2021 ML #3629)

View Archives

If an individual is not exempt or been granted good cause, the sanctioned individual may complete a Proof of Performance (POP) prior to the Sanction Penalty Month. When the POP is successfully completed and the sanction cured prior to the Sanction Penalty Month, the sanctioned, individual's financial needs will not be included in the grant for the Sanction Penalty Month. However, the individual will not be required to serve the Month of Ineligibility.

When a sanction is imposed for the future month, the individual is expected to continue participation in the JOBS of Tribal NEW, until the case is closed.

Curing a JOBS or Tribal NEW Sanction in the Sanction Penalty Month 400-19-90-20

(Revised 9/1/2021 ML #3629)

View Archives

If an individual is not exempt or been granted good cause, the sanctioned individual may complete a Proof of Performance (POP) during the Sanction Penalty Month.

1. When the sanctioned individual begins and successfully completes their POP in the Sanction Penalty Month, the sanctioned individual's financial needs will not be included in the grant for the Sanction Penalty Month. However, the individual will not be required to serve the Month of Ineligibility.
    - If the eligibility worker does no process the case until after the case closed, the case will need to be reverted to open. (See section 400-19-90-40 for information regarding Reverting to Open a JOBS or Tribal NEW Sanction Progressed Closed Case).
2. When the sanctioned individual begins a POP in the Sanction Penalty Month and successfully completes it in the Month of Ineligibility, the sanctioned individual's financial needs will not be included in the grant for the Sanction Penalty Month. However, the individual will not be required to serve the Month of Ineligibility.
    - Since the eligibility worker could not process the case until after the case closed, the case will need to be reverted to open. (See section 400-19-90-40 for information regarding Reverting to Open a JOBS or Tribal NEW Sanction Progressed Closed Case).

A sanctioned individual's needs cannot be included in the grant during the Sanction Penalty Month even if the individual completes the tasks necessary to cure the sanction.

Sanction Impact When Reapplication Occurs During the Sanction Penalty Month 400-19-90-25

(Revised 7/1/2023 ML #3726)

View Archives

If an otherwise eligible, sanctioned individual reapplies for TANF during the Sanction Penalty Month, the otherwise eligible members of the household may not receive a TANF benefit until the sanctioned individual meets the JOBS Up-front eligibility requirement, to include a Proof of Performance (POP). A new JOBS or Tribal NEW referral must be created and sent.

A sanctioned individual must:

1. Contact the JOBS Employment Contractor or Tribal NEW Coordinator within seven (7) business days from the referral date of the referral (the first business day after the referral date is considered day one of the seven (7) business day period 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. (Due to the timeframe to complete a POP, the 30 day application processing timeframe may need to be extended.)

If the sanctioned individual does not successfully complete the POP, the sanctioned individual has NOT met the JOBS Up-front eligibility requirement and the application will be denied.

If the sanctioned individual successfully completes the POP, the individual has met the JOBS Up-front eligibility requirement and the sanction is considered cured. The eligibility worker must end the current sanction.

A sanctioned individual’s needs cannot be included in the grant during the Sanction Penalty Month even if the tasks necessary to cure the sanction are completed.

Curing a JOBS or Tribal NEW Sanction in the Month of Ineligibility 400-19-90-30

(Revised 6/1/10 ML #3218)

View Archives

If a sanctioned individual reapplies for TANF during the Month of Ineligibility, the sanctioned individual is not allowed to cure the sanction. The application must be denied unless the individual meets the criteria identified in Section 400-19-85-30, Exception to the Requirement to Serve the Month of Ineligibility Following a JOBS or Tribal NEW Sanction.

> **NOTE:** If the 'Exception to Imposing a JOBS Sanction' policy is allowed and the individual is referred to the JOBS or Tribal New Program, processing of the sanction will follow policy defined in Section 400-19-90-35, Curing a JOBS or Tribal NEW Sanction in a Month following the Month of Ineligibility.

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

(Revised 4/1/2026 Release 26.1)

View Archives

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.

Reverting to Open a JOBS or Tribal NEW Sanction Progressed Closed Case 400-19-90-40

(Revised 9/1/2021 ML #3629)

View Archives

The eligibility worker may revert TANF to open during the Month of Ineligibility if the sanctioned individual and the household remain otherwise eligible for TANF and:

1. The eligibility worker is informed by JOBS or Tribal NEW that an individual started a Proof of Performance (POP) prior to the Month of Ineligibility and subsequently completed it; or
2. An individual timely reported a change that occurred prior to the Month of Ineligibility which resulted in the individual being exempt; or
3. An individual provided information which resulted in approval of the good cause request prior to the Month of Ineligibility.

The eligibility worker should contact the JOBS Employment Contractor or Tribal NEW Coordinator immediately to inform them that the individual's case was reverted to open and the individual's current JOBS status. The eligibility worker may share this information with the JOBS Employment Contractor or Tribal NEW Coordinator by telephone, email, or through the use of an SFN 323, – JOBS Status of Change.

Appealing a JOBS Sanction 400-19-90-45

(Revised 6/1/10 ML #3218)

View Archives

TANF clients have the right to appeal an adverse action as a direct result of a JOBS sanction. (See Section 400-19-125, Appeals and Fair Hearings for additional information.)

Sanctions for Non-Compliance with Child Support Division 400-19-95

Overview 400-19-95-05

(Revised 1/1/17 ML #3482)

View Archives

(N.D.A.C. 75-02-01.2-79)

To benefit the household and assist in leading them to self-reliance, individuals in receipt of TANF are required to cooperate with enforcement of Child Support services. Individuals who fail to meet the Child Support Division requirements will be sanctioned.

A sanction serves as a natural and logical consequence for an individual's noncompliance with TANF program requirements. The consequences of a sanction are the same regardless of how many times an individual may have been sanctioned.

If the sanctioned individual is:

1. A caretaker, the individual remains included in the household size and their income and assets must be considered when determining eligibility. The Standard Employment Expense Allowance and the Time Limited Percentage are applied to the individual's earned income.

2. A dependent child who is minor parent, the sanctioned individual remains included in the household size and their income and assets must be considered based on criteria for counting income and assets for dependent children. (See Section 400-19-55-15-30, Student Earned Income Treatment.)

The financial needs of the sanctioned individual are deducted when determining the assistance payment for the remainder of the household regardless of whether the sanctioned individual is a caretaker or a dependent child who is a minor parent.

If the sanctioned individual is a parent or other caretaker relative, assistance payments for the remaining members of the TANF case may be in the form of protective payments. (See Section 400-19-120-35, Protective Payments.)

All sanctions are imposed against and follow the responsible individual. The first month of a sanction period is referred to as the Sanction Penalty Month.

If the sanctioned individual does not cure the sanction prior to the end of the Sanction Penalty Month, the sanction may progress to closure of the entire TANF case effective the last day of the Sanction Penalty Month. This is referred to as Sanction Progression.

If a sanction leads to closure of the entire TANF case, the household will be ineligible for assistance for the month following the Sanction Penalty Month. This is referred to as the Month of Ineligibility.

Ineligible caretakers who do not cooperate with the Child Support Division for the child(ren) for whom they are receiving TANF, will be sanctioned. Those individual's needs are not being met through the TANF benefit so the Sanction Penalty Month will not apply but the Month of ineligibility will apply.

Adequate notice is required for all sanctions.

An individual sanctioned for non-cooperation with the Child Support Division will be required to comply with the JOBS program requirements. Likewise, individuals sanctioned for JOBS will be required to cooperate with the Child Support Division.

If the child for whom the custodian is not cooperating leaves the household, the sanction must be ended effective the last day of the month the child left the household.

> **Note:** If the child left prior to the effective date of the sanction, the sanction must be deleted.

Imposing a Child Support Division Sanction 400-19-95-10

(Revised 9/1/2021 ML #3629)

View Archives

When the Child Support Division's determination of non-cooperation occurs:

1. Prior to the third to the last working day, the integrated eligibility system:

    a. Creates a task informing the eligibility worker of the non-cooperation;

    b. Creates a Child Support Sanction;

        Note: When a child support sanction is created, the integrated eligibility system will:

        - Impose the sanction and rework TANF if TANF was authorized as eligible for the future month.
        - If TANF is not authorized as eligible for the future month or the case will close for the future month, only impose the sanction.

    c. Updates the Cooperation Code to 'Not Cooperating'.

    d. Creates and sends the TANF Child Support Sanction notice to the recipient.

2. On or after the third to the last working day, the integrated eligibility system holds the sanction until the first day of the future month. A Child Support sanction cannot be imposed on the last three working days of the month as the benefit amount for the future month cannot be decreased without adequate notice.

    On the first of the future month, the integrated eligibility system:

    a. Creates a task informing the eligibility worker of the non-cooperation;

    b. Creates a Child Support Sanction effective the first day of the future month;

    c. Updates the Cooperation Code to 'Not Cooperating'; and

    d. Creates and sends the TANF Child Support Sanction notice to the recipient.

        Example: A sanction recommendation is received from the Child Support Division on January 30th. The integrated eligibility system

holds the sanction until the first day of February as there is not enough time to reduce the household's February benefit with adequate notice. On February 1, the integrated eligibility system automatically imposes the Child Support Sanction to be effective March 1. March becomes the Sanction Penalty Month.

Notification Requirements when Imposing a Child Support Sanction 400-19-95-15

(Revised 1/1/17 ML #3482)

View Archives

Adequate notice is required when imposing a Child Support sanction. To ensure that the household is provided adequate notice of the sanction prior to the reduction of the TANF benefit:

1. When Child Support Division's determination of non-cooperation occurs prior to the 3rd to the last , the notice is generated by the integrated eligibility system no later than the close of business on the third to the last working day of a month.

2. When Child Support Division's determination of non-cooperation occurs on or after the third to the last working day, the integrated eligibility integrated eligibility system processes both the sanction and sends the notice on the first day of the future month.

The TANF Child Support Sanction notice informs the individual of the potential consequences for failing to cure the sanction, and serves as the adequate notice for both reduction in benefits and case closure. Therefore, it is not required to send a TANF Closing notice if the case is closing for sanction progression only.

Effect of Good Cause and Changes in Participation on Child Support Division Sanctions 400-19-95-20

(Revised 9/1/2021 ML #3629)

View Archives

If the custodian claims 'good cause' (See Section 400-19-70-30, 'Good Cause' for Refusing to Cooperate) or their participation becomes stepparent or minor parent's parents after receipt of non-cooperation from the Child Support Division, the Sanction must be:

1. Deleted if the claim is received or the participation change occurs prior to the sanction effective date or in the Sanction Penalty Month; or

2. Ended in the month prior to the month in which the claim was received or the participation change occurs if the claim was received or participation changed after the Sanction Penalty Month.

Once a 'good cause' decision is rendered:

1. If the claim of 'good cause' is denied, the sanction must be imposed effective the first day of the month following the month of the determination.

2. If the claim of 'good cause' is approved:

    a. For the month prior to the Sanction Penalty Month, the sanction must not be imposed and the individual will remain eligible if all other factors of eligibility are met.

    b. For the Sanction Penalty Month, the individual remains sanctioned for Child Support and the sanction must be ended in the Sanction Penalty Month.

    c. For the Month of Ineligibility, the individual must serve the one month of ineligibility and the sanction must be Ended in the Month of Ineligibility.

An individual who is not a parent but is a caretaker within the 5th degree of relation cannot avoid the effects of a sanction by electing to 'opt out' of receiving TANF benefits.

- If the sanction is not resolved prior to the 1st day of the Sanction Penalty Month, the individual becomes ineligible due to the child support sanction and must serve their Sanction Penalty Month.

- If the sanction is not resolved by the last day of the Sanction Penalty Month, the case will progress to close. The household must serve the Month of Ineligibility.
- If the household reapplies after the Month of Ineligibility, the individual can choose to 'opt out' at that time and the sanction would be ended the first day of the month following the Month of Ineligibility.

Curing a Child Support Division Sanction 400-19-95-25

(Revised 9/1/2021 ML #3629)

View Archives

A sanction will progress to case closure when the sanctioned individual does not cure the sanction by the last day of the Sanction Penalty Month.

A sanction may only be considered cured upon notification from the Child Support Division that the sanctioned individual is cooperating in obtaining child support and, if necessary, establishing paternity.

If an individual cooperates with the Child Support Division prior to the effective date of a sanction, the Child Support Division sanction must be deleted.

Curing a Child Support Sanction in the Sanction Penalty Month 400-19-95-25-05

(Revised 9/1/2021 ML #3629)

View Archives

Once a sanction becomes effective, the sanctioned individual must serve the penalty during the Sanction Penalty Month. The day the Child Support Division determines an individual to have cooperated with their requirements is considered the sanction cure date. Even if the sanction is cured by the last day of the Sanction Penalty Month, the sanctioned individual's financial needs will not be included in the grant for the Sanction Penalty Month. However, the case will not progress to close and the individual will not be required to serve the Month of Ineligibility.

Curing a Child Support Sanction in the Month of Ineligibility 400-19-95-25-10

(Revised 6/1/10 ML #3218)

View Archives

When a sanctioned individual reapplies for TANF during the Month of Ineligibility, the application must be denied since the Month of Ineligibility must be served. However, the sanctioned individual may cure the sanction by resolving the issues that caused the sanction.

Ending a Child Support Division Sanction After the Month of Ineligibility and a Medicaid Referral Closed or was not Made 400-19-95-25-15

(Revised 1/1/17 ML #3482

View Archives

When a sanctioned individual reapplies for TANF after the Month of Ineligibility and the Medicaid referral closed or was not made prior to TANF reapplication, the Child Support sanction must be Ended effective the last day of the Month of Ineligibility. Child Support Up-front Eligibility requirements apply. (See Section 400-19-35-15, Child Support Up-front Eligibility.)

> **Note:** Effective July 1, 2010, Medicaid only makes referrals to Child Support to pursue Medical Support in certain circumstances.

Curing a Child Support Sanction in a Month Following the Month of Ineligibility, Medicaid Remains Open, and a Referral was Made 400-19-95-25-20

(Revised 1/1/17 ML #3482)

View Archives

When a sanctioned individual reapplies for TANF in a month following the Month of Ineligibility, Medicaid remains open, and a Referral that was made to Child Support for Medicaid remains active, Child Support Up-front Eligibility requirements apply. In addition, the individual must comply with requirements to cure any outstanding sanction. (See Section 400-19-35-15, Child Support Up-front Eligibility.)

- If the individual meets the Child Support Up-front Eligibility Requirements, a cure date equal to the application date must be entered on the Sanction window upon notification from the Child Support Division.

  Note: Effective July 1, 2010, Medicaid only makes referrals to Child Support to pursue Medical Support in certain circumstances. If a Child Support Referral was not made for Medicaid, or if the referral was made but is no longer active, see section 400-19-95-25-15 for processing.

Reverting Child Support Sanction Progression Cases to Open 400-19-95-30

(Revised 9/1/2021 ML #3629)

View Archives

The eligibility worker may revert a case to open during the Month of Ineligibility if the sanctioned individual and the household remain otherwise eligible for TANF if:

1. The eligibility worker receives notification from the Child Support Division that an individual cooperated with Child Support Program requirements by the end of the Sanction Penalty Month, or
2. A change was reported timely that occurred prior to the Month of Ineligibility which resulted in removal of a child from the TANF household. The child removed must be the child for whom a caretaker was not cooperating with the Child Support Division, or
3. An individual submitted a claim for 'good cause' prior to the end of the Sanction Penalty Month which was subsequently approved.

Note: Once the TANF case has been reverted to open the sanction must be Cured (#1) or Ended (#2 and #3) in the Sanction Penalty Month.

Appealing a Child Support Sanction 400-19-95-35

(Revised 1/1/17 ML #3482)

View Archives

TANF clients have the right to appeal an adverse action as a direct result of a child support sanction. (See Section 400-19-125-10, Requesting a Fair Hearing - Other than JOBS Sanction)

Multiple Sanctions, Participation Change, and Out-of-State Sanctions 400-19-100

Multiple Sanctions and Participation Change 400-19-100-05

(Revised 10/1/10 ML #3241)

View Archives

A household may have multiple sanctions. The sanction with the earliest effective date will drive the Sanction Penalty Month, case closure, and the Month of Ineligibility. If a household has multiple sanctions, all sanctions must be cured to prevent sanction progression.

If a JOBS and child support sanction are effective the same date, the individual must resolve the issues for both to avoid the case progressing to close. If the individual resolves the issue in one but not the other, the unresolved sanction will cause the case to progress to close.

If there is more than one sanction and the individual becomes exempt or granted good cause for one requirement but not all requirements, the case will progress to close.

Individuals Sanctioned for Non-compliance with TANF Work Requirements or Child Support Division in Another State 400-19-100-10

(Revised 1/1/17 ML #3482)

View Archives

When an individual moves to North Dakota from another State and applies for TANF, sanctions for non-compliance with TANF Work Requirements or Child Support Division imposed and in effective in the other state shall not be imposed in North Dakota.

TANF Budgeting 400-19-105

Overview 400-19-105-05

(Revised 1/1/17 ML #3482)

View Archives

(N.D.A.C. 75-02-01.2-47)

The process by which a household's financial needs are determined is known as budgeting. If income exceeds the Total TANF Standard of Need, no need or eligibility exists. If income is insufficient, financial need exists.

Income of household members for whom benefits are requested must be combined and considered in determining TANF eligibility and benefits.

Income prorated over a period of time or income in its entirety for applicants and recipients is used to determine eligibility and the benefit amount.

Income received from recurring lump sum payments must be prorated over the period the payment is intended to cover.

Recurring lump sum payments received after application for TANF are prorated over the number of months the payment is intended to cover. The prorated recurring lump sum payment must continue to be counted if the case closes and then reopens during the prorate period or within the following prorate period. This prevents cases from being closed temporarily to avoid using the lump sum income.

Definition of Need 400-19-105-10

(Revised 6/1/10 ML #3218)

View Archives

The TANF benefit for the initial month may include current need only, and cannot include need from prior months. The Total TANF Standard of Need represents amounts of income, by household size, considered by the North Dakota Department of Health and Human Services (NDHHS) to be necessary for a standard of living compatible with decency and health.

The six basic items of need, which represent 100% of the TANF Basic Standard of Need as currently defined by the department, are: Shelter, food, clothing, personal needs, household supplies, and fuel and utilities.

Prospective Budgeting 400-19-105-15

(Revised 4/1/2026 Release 26.1)

View Archives

(N.D.A.C. 75-02-01.2-56)

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.

Earned Income Disregards 400-19-105-25

(Revised 4/1/2026 Release 26.1)

View Archives

(N.D.A.C. 75-02-01.2-51(2))

Standard Employment Expense Allowance

Reasonable costs associated with maintaining employment are considered. A standard employment expense allowance of 27% or $180.00 whichever is greater of gross earnings has been established to defray costs associated with employment, including transportation, uniforms, social security, tax withholding, etc. This standard allowance applies to earned income of each adult household member, a minor parent, stepparents, parents of minor parents, and non-student dependent children.

Time Limited Percentage

TANF provides an employment incentive that affords a greater reward for the employed individual and TANF household. The time-limited percentage (TLP) disregard is for a 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, 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.

Net Income Eligibility Test 400-19-105-30

(Revised 10/1/2015 ML #3459)

View Archives

(N.D.A.C. 75-02-01.2-48)

Households must meet the net income test in order to be eligible for TANF. This test compares the adjusted net income to the Total TANF Standard of Need (which includes the $45 personal needs allowance for out-of-home TANF eligible individuals, Kinship Care maintenance payment and special items of need).

- If the adjusted net income is greater than or equal to the Total TANF Standard of Need, the household does not meet the financial eligibility criteria and the household is ineligible for TANF benefits.

- If the adjusted net income is less than the Total TANF Standard of Need, the household meets the financial eligibility criteria. If all other factors of eligibility are met, the TANF benefit is calculated.

Payments in Whole Dollars 400-19-105-35

(Revised 6/1/10 ML #3218)

View Archives

(N.D.A.C. 75-02-01.2-42)

(N.D.A.C. 75-02-01.2-43)

The TANF benefit calculation is rounded down to the nearest whole dollar. Individual needs and income shall be computed in their exact amounts with the rounding-down process being the final step in the computation.

TANF benefits, $10 or greater, are issued for any benefit month. In instances in which net need is computed to be less than $10.00, the household is considered an eligible household though a benefit is not issued. This may occur in the initial month due to proration or in ongoing cases where income is used to determine the payment.

TANF Budgeting Procedures in Various Circumstances 400-19-105-40

Legally Responsible Relatives who are Ineligible Caretakers 400-19-105-40-05

(Revised 11/1/19 ML #3562)

View Archives

(N.D.A.C. 75-02-01.2-63)

A child may reside with a legally responsible relative whose needs are excluded from the TANF benefit because the individual is:

1. An ineligible Alien;
2. Disqualified for fraud due to an intentional program violation,
3. Disqualified for being a fleeing felon;
4. Disqualified due to parole or probation violation;
5. Disqualified due to non-participation in the JOBS Program; or
6. Disqualified for non-cooperation with the Child Support Division,

The TANF benefit is intended to meet the needs of all eligible individuals in the TANF household. In the instance of an individual whose needs are deleted from the unit for one of these reasons, that individual's income and assets must be considered when determining eligibility for the remaining eligible household members. The income disregards and employment incentives are allowed for the income of the individual who has been disqualified.

Non-legally Responsible Relatives who are Caretakers 400-19-105-40-10

(Revised 4/1/2012 ML #3309)

View Archives

(N.D.A.C. 75-02-01.2-63)

Children may live in the home of non-legally responsible relatives such as grandparents, aunts, uncles, brothers, sisters, stepparent etc.

- If the spouse or ex-spouse of the non-legally responsible relative resides in the home, the non-legally responsible relatives are ineligible to be included in the TANF benefit and will be designated as an ineligible caretaker. TANF eligibility for the child(ren) will be tested against the income and assets of the child(ren) only.

- If the spouse or ex-spouse of the non-legally responsible relative does not reside in the home for reasons other than of a temporary nature, the non-legally responsible relative has the option of being included as the eligible caretaker, or can choose to 'opt out'. If the non-legally responsible relative chooses to be included as an eligible caretaker, income and assets of the eligible caretaker are added to those of the child(ren) in determining eligibility and benefit amount.

    - If the income and assets of the non-legally responsible relative results in ineligibility, the non-legally responsible relative must be 'opted out' so that their income and assets are not considered when determining eligibility and benefits for the child(ren).

    - If the inclusion of the non-legally responsible relative's income reduces the benefit below what it would be for the child(ren) only, the non-legal responsible relative has the option of being 'opted out'.

SSI Recipient who is a Caretaker 400-19-105-40-15

(Revised 11/1/19 ML #3562)

View Archives

(N.D.A.C. 75-02-01.2-63)

A caretaker who is in receipt of SSI or presumptive SSI is an ineligible caretaker who cannot have their needs met by TANF. Their income and assets are not considered in the determination of the household's eligibility or benefits.

Budgeting of Newborn 400-19-105-40-20

(Revised 4/1/2026 Release 26.1)

View Archives

N.D.A.C. 75-02-01.2-58

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 fo 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.

Recipient Attending School in Another community 400-19-105-40-25

(Revised 4/1/2026 Release 26.1)

View Archives

(N.D.A.C. 75-02-01.2-62)

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 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 eligibility worker is notified of the child's return to the home in the month of return if the household reports within 10 days.

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.

Budgeting for Persons Being Added to the Household 400-19-105-40-30

(Revised 4/1/2026 Release 26.1)

View Archives

(N.D.A.C. 75-02-01.2-58)

TANF households are required to report all individuals, who enter their household within 10 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; 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.

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.

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.

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

(Revised 4/1/2026 Release 26.1)

View Archives

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.
- 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.

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

(Revised 4/1/2026 Release 26.1)

View Archives

(N.D.A.C. 75-02-01.2-20)

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 days 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.

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 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.

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

(Revised 4/1/2026 Release 26.1)

View Archives

(N.D.A.C. 75-02-01.2-59)

Individuals leaving the household will be eligible through the month in which they leave. If a TANF household reports a mandatory TANF household member has or will leave the household during the benefit month, that individual must be included in the household for the benefit month in which the individual left, and removed effective the month following.

Note: Children are eligible through the month of their 18th birthday or, if age 18 and a full-time student in a secondary school or a vocational or technical school that is equivalent to secondary school, will, before the end of the calendar month in which the student attains age 19:

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

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 TANF benefit amount for the remaining household members shall be determined considering the income , 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.

These provisions also apply when a child leaves a TANF household and is placed in foster care. If, prior to the out-of-home placement, the child received TANF benefits and foster care payments are later made for the same month, the TANF benefit received for that month is not considered an overpayment.

Note #1: This duplication of benefits can only occur for the month of removal. If duplicate benefits are paid beyond the month of removal, TANF overpayments must be established.

Note #2: When a child exits a foster care setting to return to the TANF household, the eligibility worker must verify the last day for which Foster Care payments were made in order to prevent duplicate benefits. Eligibility for the child begins the first day following the last day for which a Foster Care payment was made.

Budgeting of Stepparent Income 400-19-105-40-55

(Revised 6/1/10 ML #3218)

View Archives

(N.D.A.C. 75-02-01.2-60)

When the Primary Individual marries while in receipt of TANF benefits, the income of the stepparent (ST) who was not previously included in the TANF household shall be disregarded in determining the TANF benefit for the first six calendar months, effective the month of the marriage. No six-month disregard of stepparent income is allowed in situations where a primary individual marries before receiving TANF benefits.

Note: The six-month disregard does not apply in double stepparent cases.

The following disregards apply in month seven (7), to the income of those stepparents who meet the above criteria or immediately for those who do not meet the above criteria:

1. Twenty-seven percent or $180.00 (standard work expenses) whichever is greater of the stepparent's gross earned income;
2. A non-household member deduction, equal to an amount from the TANF Basic Standard of Need Table, for:
    a. The support of the stepparent; and
    b. All other persons living in the home for whom the stepparent has a legal duty to support and whose needs are not included in the eligibility determination of the benefit.
3. Court-ordered alimony/spousal and child support payments, including arrearages, actually being made to or on behalf of persons not living in the household;
4. Amounts actually being paid to any others not living in the home and who are claimed as dependents for federal income tax purposes; and
5. Health insurance premiums and child care expenses not paid by any other source.

The remaining income shall be used in determining the TANF benefit.

If the stepparent is included as part of the TANF household, the stepparent budgeting procedures do not apply. In this instance, the income of the stepparent is treated the same as other members of the TANF household.

TANF Benefit Calculation 400-19-110

TANF Standard of Need 400-19-110-05

(Updated 10/1/2025 Release 25.1)

View Archives

(N.D.A.C. 75-02-01.2-35)

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

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

TANF Basic Standard of Need

Number of Caretakers	Number of Children										
	0	1	2	3	4	5	6	7	8	9	10
0	0	$366	$536	$697	$866	$1028	$1197	$1361	$1528	$1692	$1859
1	$523	$739	$962	$1175	$1393	$1612	$1830	$2049	$2267	$2485	$2702
2	$739	$962	$1175	$1393	$1612	$1830	$2049	$2267	$2485	$2702	$2922

Determining the Standard of Need in Various Circumstances 400-19-110-10

(Updated 10/1/2025 Release 25.1)

View Archives

Household composition and size determines the Standard of Need to be used when determining eligibility for TANF Benefits. TANF cases, where the Caretaker/Relative chooses to be excluded from the TANF Benefit or has been disqualified and cannot cure the disqualification are referred to as 'Child Only Cases'.

- Households where the Caretaker/Relative(s) has a participation code of 'OU', 'SS', 'DA', 'DD', or 'DF', will be considered 'Child Only Cases'. When determining the grant amount using the TANF Basic Standard of Need Chart, the row for -0- Eligible Caretakers will be utilized.
- Households where the Caretaker/Relative(s) is eligible, or has a Participation Code of 'DI' (Disqualified – JOBS Sanction) or 'DM' (Disqualified – Child Support), will not be considered 'Child Only Cases'. The Caretaker/ Relative will be included in the Standard of Need, and a deduction of $523 for one Caretaker or $739 for two caretakers will be made from the TANF Basic Standard of Need.

The following case types illustrate the appropriate TANF Basic Standard of Need:

1. If the only legally responsible caretaker is eligible (IN) for TANF, the TANF Basic Standard of Need is based on one caretaker and the number of eligible children.
2. If the only legally responsible caretaker is a pregnant woman and is eligible (IN) for TANF with no other eligible children, the TANF Basic Standard of Need is based on one caretaker with zero children.

   Note: If the pregnant legally responsible caretaker has other eligible TANF children, the TANF Basic Standard of Need does not consider the needs of the unborn.

3. If the only legally responsible caretaker is disqualified for reasons of non-compliance with JOBS or Child Support (DI or DM) the TANF Basic Standard of Need is based on one caretaker and the number of eligible children.
4. If the only legally responsible caretaker is disqualified for reasons of their Alien or Fraud status, (DA or DF), the TANF Basic Standard of Need is based on zero caretakers and the number of eligible children.
5. If the only legally responsible caretaker is an SSI recipient (SS) the TANF Basic Standard of Need is based on zero caretakers and the number of eligible children.
6. If a child, who is a mandatory household member in the TANF household, is an SSI recipient (SS), the child is not TANF eligible and is not included in the TANF

Basic Standard of Need. The TANF Basic Standard of Need is based on the caretaker and any other eligible children.

In each of the above situations instances, if there are two legally responsible caretakers, the TANF Basic Standard of Need is based on the status of each caretaker and the number of eligible children.

The following case types illustrate the appropriate TANF Basic Standard of Need when the caretaker is non-legally responsible:

1. If the non-legally responsible caretaker is eligible (IN) for TANF, the TANF Basic Standard of Need is based on one caretaker and the number of eligible children for whom TANF is requested.
2. If the eligible, non-legally responsible caretaker is subsequently disqualified for reasons of non-compliance with JOBS or Child Support (DI or DM), the TANF Basic Standard of Need is based on one caretaker and the number of eligible children for whom TANF is requested.
3. If the non-legally responsible caretaker opts out (OU) for TANF, the TANF Basic Standard of Need is based on zero caretakers and the number of eligible children for whom TANF is requested.
4. If the ineligible, non-legally responsible caretaker is disqualified for reasons of non-compliance with Child Support (OU) the TANF Basic Standard of Need is based on zero caretakers and the number of eligible children for whom TANF is requested.
5. If the non-legally responsible caretaker opts in for TANF and is disqualified for reasons of their Fraud status (DF), the TANF Basic Standard of Need would be for zero caretakers and the number of eligible children for whom TANF is requested.

A household consisting of eligible caretaker(s) and children may have related children residing with them for whom the caretaker has no legal responsibility but who are also eligible for a TANF benefit. In this instance, the TANF Basic Standard of Need is determined by combining the total number of eligible children residing in the household with the appropriate number of eligible caretakers.

TANF Financial Eligibility Determination 400-19-110-15

(Updated 10/1/2025 Release 25.1)

View Archives

In order to be eligible for TANF benefits, the household must pass TANF Financial Eligibility. At the time the TANF Financial Eligibility Determination is calculated, the $45 Out of Home Allowance, Kinship Care maintenance payment and Special Items of Need are added to the appropriate TANF Basic Standard of Need to determine the Total TANF Standard of Need.

TANF Financial Eligibility is determined as follows:

1. The $45 Out of Home Allowance, Kinship Care maintenance payment and Special Items of Need are added to the TANF Basic Standard of Need to arrive at the Total TANF Standard of Need.
2. The Total Countable Income (sum of countable unearned and earned income) and the Sanction Penalty Deduction are subtracted from the Total TANF Standard of Need.

    - If the remaining amount is zero or less, the TANF household fails the TANF Financial Eligibility Determination and the application must be denied or the case closed.
    - If the remaining amount is greater than zero, the household passes the TANF Financial Eligibility Determination; the TANF Benefit Calculation is performed.

Example

TANF Basic Standard of Need	-	$739 (1 caretaker and 1 child)
OH Allowance	=	$0
TANF Special Items of Need	+	$100
Total TANF Standard of Need	=	$839
Total Countable Income	-	$759
Sanction Penalty Deduction	-	$0
Remaining Amount	=	$80

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

TANF Benefit Calculation Method 400-19-110-20

(Updated 4/1/2026 Release 26.1)

View Archives

If the TANF household passes the TANF Financial Eligibility Determination, the TANF benefit calculation is computed as follows:

1. The monthly gross earned income of the household is calculated according to the rules found in this chapter.
2. A standard work expense disregard of the greater of 27% or $180.00 is subtracted from the household's gross earned income.
3. A time-limited percentage is subtracted from the remaining earned income to arrive at the countable earned income amount. (See 400-19-105-25, Employment Disregards, for the time-limited percentage disregard cycle.)
4. Unearned income is added to the countable earned income amount to determine the total countable income for the household.
5. A Non-household member deduction is subtracted when calculating stepparent and minor parent budgeting, if applicable.
6. The following allowable expense amounts are subtracted from the total countable income to arrive at the adjusted net income:

    - Paid child or spousal support by a TANF household member,
    - Child or adult dependent care for paid employment ,

        Note: When the Child Care Assistance Program (CCAP) pays a child care provider a portion of the child care expenses, any amounts not paid by CCAP cannot be allowed as a deduction.

    - Stepparent or Minor Parent budgeting allows the following additional expenses:
        - Health insurance premiums;
        - Amounts paid to any others not living in the home, but claimed as dependents on income tax returns, if applicable.

7. The TANF Basic Standard of Need, plus the $45 Out of Home Allowance and Kinship Care maintenance payment if applicable is totaled, to arrive at the Total Standard of Need.

    Note: Individuals eligible for the $45.00 Out of Home Allowance are not included in the household size when identifying the TANF Basic Standard of Need amount from the TANF Basic Standard of Need Chart in Manual Section 400-19-110-05.

8. The Benefit Amount to which any prorate applies is arrived at by subtracting the adjusted net income from the Basic Standard of Need plus Out of Home Allowance.

   To arrive at the Adjusted Benefit Amount, from the prorated benefit subtract:

   - The Sanction Deduction amount.

9. The following are added to the TANF Benefit/Prorated Benefit Amount to arrive at the Adjusted Net Benefit amount:
   - Special Items of Need, and
   - Kinship Care Supportive Services

     Note: If the case is Transition Assistance, the TANF Benefit/Prorate Benefit Amount will be zero and the TANF Special Items of Need are added to the Transition Assistance payment.

10. Recoupment amounts (either a percentage of the Standard of Need or a fixed dollar amount) are subtracted from the Adjusted Net Benefit to arrive at the Benefit Amount.

    a. If a correction to a previously paid benefit is being computed,
       - The Benefit Amount will display the revised benefit; and
       - The original amount paid will display in the Previously Paid field; and
       - The previously paid benefit will be subtracted from the Benefit Amount to arrive at the Net Benefit Amount.

11. If this budget is not a correction, the Benefit Amount is carried to the Net Benefit Amount field.
12. JOBS Supportive Services are added to the Net Benefit Amount to arrive at the Benefit Issued Amount.

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

    - The JOBS Supportive Services will display the revised benefit; and
    - The original JOBS Supportive Services paid will display in the Previously Paid JOBS Supportive Services to arrive at the Net Supportive Services.

13. If this budget is not a correction to JOBS Supportive Services, the Net Supportive Services are added to the Net Benefit Amount to arrive at the Benefit Issued.

    EXAMPLE:

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

Benefit Calculation Example

1.	Total Gross Earned Income		$2200
2.	Standard Work Expense	-	$594 (2200 x 27%)
3.	TANF TLP Disregard	-	$803 (1606 x 50%)
3.	Countable Earned Income	=	$803
4.	Unearned Income	+	$0
4.	Total Countable Income	=	$803
5.	Non-HH Member Deduction	-	$0
6.	Expenses	-	$0
6.	Adjusted Net Income	=	$803
7.	Standard of Need	-	$739 (1 caretaker and 1 child)
7.	OH Allowance	+	$0
7.	Adjusted Net Income	-	$803
8.	Benefit Amount	-	$0
8.	Prorated Benefit Amount	-	$0
8.	Sanction Deduction	-	$0
8.	Adjusted Benefit Amount	=	$0
9.	TANF Special Items of Need	+	$100
9.	Kinship Care	+	$0
9.	Transition Assistance	=	$0
9.	Adjusted Net Benefit	=	$100
10.	Recoupments	-	$0
10.	Benefit Amount	=	$100
10.	Previously Paid	-	$0
11.	Net Benefit Amount	=	$100

12.	JOBS Supportive Services	+	$0
12.	Previously Paid JOBS SS	-	$0
12.	Net Supportive Services	=	$0
13.	Benefit Issued	=	$100

The minimum TANF benefit is $10.00. If the benefit is less than $10.00, a benefit will not be issued. This includes benefits for the initial month that are less than $10.00 due to prorate.

Note: The $10.00 minimum benefit rule does not apply to JOBS Supportive Services.

Prorate for Initial TANF Benefit and Adding Persons 400-19-110-25

(Updated 4/1/2026 Release 26.1)

View Archives

(N.D.A.C. 75-02-01.2-20)

Benefits for an applicant household applying for TANF are prorated from the date of application or date of eligibility whichever is later.

When an individual is added to an ongoing case, the individual's benefits are prorated from the date of request to be added or the date of eligibility, whichever is later. If the individual being added to an existing TANF household received TANF benefits in North Dakota or another State in the month prior to the month being added, the individual's benefit must be determined effective the 1st day of the month of request.

The following describes how prorated benefits are determined:

Prorating Cases - The integrated eligibility system determines the prorated benefit amount for a case by:

1. Adding the TANF Basic Standard of Need (plus the $45 OH Allowance or Kinship Care maintenance payment if applicable) for the household size;
2. Subtracting the total countable income to arrive at the Benefit Amount;
3. Determining dollar amount for which the case is not eligible based on the benefit start date; and
4. Subtracting that amount from the Benefit Amount.

> **Example:** The household of one caretaker and one dependent child applies for TANF July 10th. The household has $500 earned income per month and a $100 Health Insurance Premium.

Prorating Example

Total Gross Earned Income		$500
Standard Work Expense	-	$180 (500 x 27%)
TANF TLP Disregard	-	$160 (320 x 50%)
Countable Earned Income	=	$160
Unearned Income	+	$0
Total Countable Income	=	$160

Non-HH Member Deduction	-	$0
Expenses	-	$0
Adjusted Net Income	=	$160
Standard of Need	-	$739 (1 caretaker and 1 child)
OH Allowance	+	$0
Adjusted Net Income	-	$160
Benefit Amount	=	$579
Prorated Benefit Amount	=	$411 ($579-168)(9 days divided by 31 + 29.03%; $579 x 29.03 = $168.08 is the amount eligible for)
Sanction Deduction	-	$0
Adjusted Benefit Amount	=	$411
TANF Special Items of Need	+	$100
Kinship Care	+	$0
Transition Assistance	+	$0
Adjusted Net Benefit	=	$511
Recoupments	-	$0
Benefit Amount	=	$511
Previously Paid	-	$0
Net Benefit Amount	=	$511
JOBS Supportive Services	=	$0
Previously Paid JOBS SS	-	$0
Net Supportive Services	=	$0
Benefit Issued	=	$511

Note: When prorating benefits, the percentage of the month for which the case is not eligible is determined. Since the household applied on the 10th day of the month, this means the household is not eligible for 9 days of the month.

Prorating for Individuals - The integrated eligibility system determines the Standard of Need for all members of the household including the new person being added, and subtracts countable income to determine the new benefit amount. The old benefit amount (prior to the new person being added) is then subtracted from the new benefit amount (after the new persons is added). The result is then prorated based on the benefit start date for the new member being added.

> **Note**: To determine the prorated amount, the integrated eligibility system determines how much of the month's benefit the individual is not eligible for and subtracts that amount from the new benefit amount.

Prorating for Cases and Individuals

When a household is prorated from the application date (case prorating) and an individual is prorated from a date after the application date (individual prorating), the integrated eligibility system will first determine case prorating by prorating all members present in the household at the time of the application.

> **Note**. The integrated eligibility system does this by determining how much of the month the household is not eligible for and then subtracts the result from the benefit amount (TANF Basic Standard of Need (plus the $45 Out of Home allowance or Kinship Care maintenance payment when applicable) minus any countable income).

The integrated eligibility system then completes the individual prorating for the person eligible from the date of entry to the household following the policy listed above. The individual's prorated amount is added to the prorated amount of the other household members to arrive at the total benefit amount.

This occurs when there is a new application and an individual is added to the household on a date after the application date. The date of eligibility for the added household member(s) will be different from the date of application for the other household members.

Revert to Open Following Case Closure 400-19-110-30

(Revised 4/1/2026 Release 26.1)

View Archives

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).

Review Received by 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 integrated eligibility system.

JOBS Sanction

Used only in the following instances:

a. An individual was determined exempt or was approved for ‘Good Cause' from participation in the JOBS program prior to the first day of the proposed ‘Month of Ineligibility’;
b. The case closed because a JOBS sanction progressed to close and the sanctioned individual:

    i. Began and successfully completed their Proof of Performance (POP) in the Sanction Penalty Month
    ii. Began a POP in the Sanction Penalty Month and successfully completed it in the Month of Ineligibility.

Refer to Section 400-19-90-20 for policy regarding Curing a JOBS or Tribal NEW Sanction in the Sanction Penalty Month.

Help Desk

Used only in instances approved by state program policy staff.

Eligibility workers can revert a case to open in the integrated eligibility system without policy approval during the first month following the month in which the closing became effective for reasons Review Received but not Registered above.

In all other circumstances an application is required.(See Section 400-19-20-20, Required Applications in Various Circumstances.)

Notification Requirements 400-19-115

Overview 400-19-115-05

(Revised 4/1/2012 ML #3309)

View Archives

(N.D.A.C. 75-02-01.2-09)

All applicants for and recipients of assistance shall be notified in writing informing the applicant or recipient that assistance has been authorized , including the amount of financial assistance, or that it has been denied or terminated.

Counties must use forms and notices developed by the Department of Health and Human Services (HHS) for the purposes of informing and advising clients of the status of their application, ongoing eligibility and their rights and responsibilities.

Errors made by public officials and delays caused by the actions of public officials do not create eligibility or additional benefits for an applicant or recipient who is adversely affected.

Advance (10-Day) and Adequate Notice 400-19-115-10

(Revised 4/1/2026 Release 26.1)

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- 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 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 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 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:

  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. The primary individual provides a signed, clearly written statement or electronic communication, including a review form, providing information that requires a termination or reduction;
  3. A household member enters a state institution, occupants of which cannot legally receive public assistance;
  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;

5. There is factual information that responsibility for providing assistance has been accepted by another state or jurisdiction;
6. A child in the household is placed in foster care or a child is removed from the home by court order;
7. A special item of need or JOBS supportive service is terminated at the end of a specified period;
8. Benefits are reduced or terminated following the imposition of an Intentional Program Violation;
9. Benefits are reduced or terminated following the imposition of a child support or JOBS sanction; or
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 human service zone 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 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.

Proper Notification When Reducing Benefits or Closing Cases 400-19-115-15

(Revised 4/1/2026 Release 26.1)

View Archives

If information reported by the household on the review form, or in writing or electronically, results in ineligibility for the next benefit month, the case must be closed. The effective date of the 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 eligibility worker that is not reported by the household on the review form, 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.

- If the notice can be generated 10 days prior to the regular TANF payment date, the effective dates of the closing is 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 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 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, 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 eligibility worker must ensure that the North Dakota Administrative Code (N.D.A.C.) is included on the notice.

TANF Payment Process 400-19-120

Authorizing Payments 400-19-120-05

(Revised 1/1/17 ML #3482)

View Archives

Once eligibility has been determined, initial and all subsequent payments must be authorized monthly in order for the integrated eligibility system to issue a payment electronically onto the debit card (or by check if the case has a protective payee).

When the Primary Individual (PI) does not have a Social Security Number, a benefit cannot be deposited onto the TANF electronic payment card. In these situations, a Protective Payee should be utilized.

Payee 400-19-120-10

(Revised 6/1/10 ML #3218)

View Archives

(N.D.A.C. 75-02-01.2-70)

Each TANF household must have a designated payee. That payee may be:

1. A natural or adoptive parent or other caretaker relative, eligible or ineligible, designated as the primary individual with whom a deprived child lives;
2. A stepparent when the natural or adoptive parent or any other caretaker relative, eligible or ineligible, is not present in the household;
3. A minor parent residing in the parental home where there is no TANF eligibility for anyone other than the minor parent and the minor parents' child(ren).

   Note: In this situation the minor parent should be listed as the primary individual); or

4. A protective payee under conditions described in this chapter.

Completion of Payment 400-19-120-15

(Revised 6/1/10 ML #3218)

View Archives

(N.D.A.C. 75-02-01.2-71(1))

TANF benefits transmitted electronically are transferred into accounts on all days other than Saturday, Sunday, and federal holidays. Funds will be available on the recipient's debit card within approximately 48 hours following issuance.

For cases where payment is being made under protective payee provisions:

1. If the payment is an initial or supplemental benefit, a TANF benefit is considered complete as of 12:01 a.m. on the day following the date authorized.
2. If the payment is the regular monthly benefit, a TANF benefit is considered complete as of 12:01 a.m. on the first day of the month.

In the event of the death of a payee after that time, the payment is still considered completed.

Issuance of Payments 400-19-120-20

(Revised 6/1/10 ML #3218)

View Archives

Benefits for the first month of eligibility are disbursed through immediate issuance which occurs every workday.

Benefits for the second and subsequent months are usually regular issuance. Regular issuance deadline is the second to the last workday of each month. To ensure that TANF benefits are paid on the first workday of each month the job that processes regular issuance is run the evening of the second to the last workday of each month.

> **Exception:** If the second or subsequent month's benefits are authorized after regular issuance deadline, the benefits are disbursed through immediate issuance.

Once a benefit has been issued, the case cannot be closed prior to the last day of the month for which a payment is made.

Unrestricted Payment of TANF Benefits 400-19-120-25

(Revised 11/1/19 ML #3562)

View Archives

(N.D.A.C. 75-02-01.2-69)

The unrestricted money payment is the basic method for providing assistance to eligible households. Money payments are payments made to the primary individual (PI) through electronic funds transfer or by check through a protective payee, and are issued at regular intervals with no restrictions as to the use of the funds.

> **Note:** The Primary Individual must have a Social Security Number (SSN) in order for TANF benefits to be issued through use of the electronic funds transfer. For households where the PI does not have an SSN, payment of the TANF benefits must be issued through the protective payee process until the PI receives their SSN.
>
> Once the SSN is received, enter the SSN and remove the Protective Payee data. That information will then be sent to the electronic card payment vendor who will set up an account and issue the household a TANF electronic payment card.

Electronic Payment Card

The North Dakota Department of Human Services has determined that issuing prepaid debit cards enhances self-sufficiency by expanding TANF clients' knowledge of banking systems, avoidance of check loss, and promoting cost-effectiveness as compared to the cost of printing checks. Debit cards provide a fast, secure, and efficient method of distributing TANF benefits while ensuring recipients a convenient and safe way to access their money.

The electronic payment card is a prepaid debit card that replaced the TANF check process. The exception to the prepaid debit card is protective payee situations. Protective payee cases will continue to receive TANF benefits by check.

Upon authorization of a TANF initial or supplemental benefit or an underpayment, two processes occur.

1. A demographic file of each new recipient is transmitted to the electronic card payment vendor in the evening of each work day. Upon receipt of the demographic file, the electronic card payment vendor prints and mails the prepaid debit card. The total time frame for a new applicant's card or a

requested card replacement to be received is 7 to 10 calendar days from transmission of card account information or request for a replacement card.

2. A benefit file of each recipient who is due benefits is transmitted to the Bank of North Dakota. The following day, the Bank of North Dakota sends the funds to the electronic card payment vendor electronically and the electronic card payment vendor deposits the funds to the debit card. Funds are transferred into accounts on all days except Saturdays, Sundays, and federal holidays. Funds will be available to the recipient approximately 24 hours after the electronic card payment vendor receives them.

Upon authorization of a TANF benefit for ongoing cases for regular issuance, funds are transferred the second to the last working day of the month and are available the first working day of each month.

Electronic payment cards will contain the name of the primary individual in the household. To distinguish the card from other program cards, the TANF card displays a field with a tree.

Closing a TANF case does not invalidate the electronic payment card and the funds remain available.

TANF households receive information on the use of the card, fees related to the card and privacy information upon receipt of the card from the electronic card payment vendor.

Payment Corrections

When a TANF household returns a TANF benefit or the family received a child support payment that should have been retained, the following steps must be completed to correct the payment:

1. The card holder cashes out the Electronic Payment Card.
2. The card holder returns the funds to the human service zone office by cash, check, or money order.
3. The eligibility worker establishes an overpayment for the months the TANF household is returning the benefit received.

   Note: If the case remains open, State TANF Policy must be contacted prior to setting up a recoupment plan.

4. The human service zone office will complete SFN 827, Credit Form, and send a check or money order to the North Dakota Department of Human Services Fiscal Administration for processing.

5. The North Dakota Department of Human Services Fiscal Administration will apply the funds to the overpayment.

   Note: A TANF month established as an overpayment remains a TANF count month for the lifetime limit.

Returning a TANF benefit does not guarantee the family will receive child support payments.

Alternatives to Unrestricted Money Payments 400-19-120-30

(Revised 10/1/10 ML #3241)

View Archives

As described in Section 400-19-120-25, Unrestricted Payment of TANF Benefits, the unrestricted money payment is the basic method for providing assistance payments. A small number of recipients manage their money in a manner that is clearly detrimental to the well being of their children, themselves, or other household members. An alternative to unrestricted money payment principles, which can assist such recipients in managing their financial affairs is protective payments.

Protective Payments 400-19-120-35

(Revised 1/1/17 ML #3482)

View Archives

(N.D.A.C. 75-02-01.2-69(2))

While Protective Payments are optional, they are an alternative to issuing benefits directly to recipients. Protective payments direct a recipient's assistance benefits to a third party, referred to as a Protective Payee, rather than the recipient. The Protective Payee is responsible to pay for the recipient's needs up to the amount of the benefit.

When the Primary Individual (PI) does not have a Social Security Number, a benefit cannot be deposited onto the TANF electronic payment card. In these situations, a Protective Payee should be utilized.

Protective Payments allow the eligibility worker, under certain conditions, to request a third party to act for the recipient in receiving and managing payments. This departure from the unrestricted money payment principle can be used in any of the following circumstances:

1. The primary individual has demonstrated such inability to manage funds that the health and safety of the child(ren), themselves, or other household members are being seriously compromised; or
2. The primary individual has failed, without "good cause," to cooperate with the Child Support Division and/or JOBS; or
3. The primary individual is administratively disqualified for fraud.

When the Protective Payment method is utilized, the eligibility worker and the recipient must agree on the selection of the designated payee. If they are unable to agree on the selection or a protective payee cannot be secured, the eligibility worker may continue to make the TANF payment to the primary individual.

The Protective Payment is designed for TANF recipients who have the capacity to learn to manage their funds more efficiently. This method should not be utilized for a period of more than 2 months, while the individual is receiving services to improve money management (attending budget counseling, instructions on purchasing necessary items, etc.). See Section 400-19-120-55, Services to Improve Money Management.

When a primary individual has failed, without “good cause”, to cooperate with the Child Support Division and/or JOBS or is administratively disqualified for fraud, the Protective Payment method may be utilized for longer periods. The Protective Payee method is not intended for recipients whose limitations will likely prevent them from learning how to manage their own affairs. In these situations, long term assistance should be pursued from outside agencies to assist the individual in managing their benefits.

Mismanagement of Funds 400-19-120-40

(Revised 6/1/10 ML #3218)

View Archives

(N.D.A.C. 75-02-01.2-69(2)(b))

Nonpayment of bills may be used as an indication that mismanagement exists. However, a determination of such mismanagement will not be made solely on the fact that bills are not paid on a timely basis. All relevant considerations must be taken into account, including but not limited to:

1. Whether the household has experienced some emergency or extraordinary event for which it was appropriate for available funds to be spent; or
2. Whether expenses for necessary bills exceed the recipient's benefit and other income; or
3. Whether the household has withheld the payment as a reasonable exercise of consumer rights when there is a legitimate dispute as to whether terms of an agreement have been met.

Examples of evidence of mismanagement of funds are:

1. Continued inability to plan and distribute necessary expenditures over the usual planning period; or
2. Continued evidence that the child(ren) are not properly fed, clothed, or housed, and that expenditures for them are made in such a way as to threaten their chances for healthy growth and development; or
3. Persistent failure to meet obligations for housing, food, utilities, school supplies, and other essentials; or
4. Repeated evictions or the repeated incurring of debts with attachments or levies made against current income.

Selection of Protective Payee 400-19-120-45

(Revised 6/1/10 ML #3218)

View Archives

(N.D.A.C. 75-02-01.2-69(3))

The eligibility worker has authority to appoint and remove the protective payee who receives the TANF payment. Selection of a suitable person to manage a household's funds is particularly important. Since the success of this procedure depends in large measure on the harmony and mutual respect between the protective payee and the primary individual (PI), selection of the protective payee should be made by the household and, if this is not practical, at least with their participation and consent.

The protective payee holds a position of trust and responsibility, comparable in many ways to that of a court-appointed guardian. Since the individual selected to receive the payment handles money vital to the well-being of the household and deals with information that is highly confidential, the protective payee must be a person of unquestioned integrity and reliability. Ideally, such person shall have demonstrated an interest in the household and have the ability to inspire the confidence and respect necessary to motivate the household toward improved money management. It is important that the protective payee have the capacity for establishing and maintaining a positive relationship with the household. This individual should also be familiar with ordinary household budgeting, have experience in purchasing food, clothing, and other essentials, and be sufficiently accessible to the household to give effective service.

A person selected to serve in this capacity may be a relative, friend, neighbor, home economist, or a member of the clergy, church, or community service group. The person may also come from public or voluntary social agencies. The use of staff members from the human service zone office as substitute payees is permissible when no other suitable person is available. To avoid the possibility of conflict of interest, however, neither the director of the human service zone office nor the person determining financial eligibility for the household may serve as protective payee. For the same reason, landlords, grocers, and other vendors of goods and services dealing directly with households cannot serve in this capacity.

There is no provision for reimbursing a protective payee for the service or for expenses incurred.

Role of Protective Payee 400-19-120-50

(Revised 6/1/10 ML #3218)

View Archives

The person who serves as protective payee for a household assumes a responsibility to the recipient and to the eligibility worker. In accepting the appointment, the protective payee has responsibility for assuring the TANF payment is spent for the maximum benefit of the household and for working cooperatively with the household and eligibility worker in fulfilling this role.

The protective payee has authority to make decisions about the expenditures of TANF payments. While the protective payee has an obligation to determine the manner in which the payment is to be spent, the educational objective of the relationship makes it desirable for the head of household to participate in such decisions, and have an opportunity to discuss expenditures before they are made. The protective payee may either spend the money on behalf of the household or supervise the household's use of the payment. In either instance, the protective payee performs a teaching and supervisory function. The protective payee may find it desirable in some instances to give a portion of the benefit to the recipient to discharge selected financial obligations and to pay for certain other needs on behalf of the household.

Services to Improve Money Management 400-19-120-55

(Revised 6/1/10 ML #3218)

View Archives

Services directed toward increasing the household's ability to manage money should be made available. Such services may include instruction in household budgeting, purchasing of food and clothing, home furnishings, repair of clothing and equipment, and balanced diets. The services may be provided by the protective payee, social worker, or other auxiliary staff, such as homemakers, or home economists.

The protective payee and the eligibility worker share responsibility for developing a plan to improve a household's capacity for handling money. They also have joint responsibility for evaluating the protective payment service and progress, if any, being made by the household in overcoming money management problems.

The protective payee's responsibility shall be defined in writing by the use of SFN 429, "Memorandum of Agreement to Establish Protective Payments," with copies to the protective payee and household. This should be supplemented by discussion with the protective payee and the recipient of the specific responsibilities of all parties, the objectives of the protective payment plan, and the nature and frequency of the reporting expected.

The eligibility worker is responsible for identifying situations in which the problems and needs are manifested beyond the ability of the protective payee to handle and for planning more appropriate services.

Safeguarding Information 400-19-120-60

(Revised 6/1/10 ML #3218)

View Archives

Information concerning a household's need for protective payments is highly confidential and must be safeguarded against improper disclosure. Release of information to the protective payee from human service zone office records must be limited to facts about the household's situation that are essential to fulfilling the protective payee's responsibility to the household. Information about the household's history, such as the legitimacy of children, circumstances of previous marriages, facts concerning relatives, medical data, etc., shall be disclosed only when required for the welfare of the household or for the protection of the protective payee. The information shared may vary according to the type of help offered the household and the protective payee's personal or professional qualifications.

The need to respect the household's right to confidentiality must be explained to the prospective protective payee. Agreement to accept responsibility to guard personal information, whether given by the household or by the human service zone office, must be made a condition for the selection of a protective payee.

Periodic Review of Protective Payment Cases 400-19-120-65

(Revised 6/1/10 ML #3218)

View Archives

(N.D.A.C. 75-02-01.2-69(3)(d))

Because of the temporary nature of protective payments, the status of each household receiving them must be reviewed as often as necessary but at least every six months to determine if the protective payee is performing satisfactorily and if:

1. The household should be restored to unrestricted money payment status because of improved ability to manage funds; or
2. Protective payments should continue.

In instances in which the appointment of a protective payee is a result of disqualification or sanction of the primary individual, the use of a protective payee shall be terminated upon verification that the disqualification or sanction of that individual has ended.

Limit on Duration of Protective Payments 400-19-120-70

(Revised 10/1/10 ML #3241)

View Archives

Except in the situation of mismanagement of funds by individuals who have the capacity to learn to manage their funds more efficiently, there is no limitation in the length of time a household may receive a protective payment resulting from failure without good cause to comply with the requirements of the TANF program. Such household may be returned to unrestricted money payment status only upon compliance with TANF eligibility requirements by the head of household.

Opportunity for Fair Hearing Relating to Protective Payee 400-19-120-75

(Revised 6/1/10 ML #3218)

View Archives

A TANF recipient for whom it has been decided that a protective payee is necessary shall be notified by mail of their right to a fair hearing. Such person may appeal to the Department of Human Services on the basis of either the determination of the need to make protective payments or of the choice of protective payee.

Payment 400-19-120-80

(Revised 6/1/10 ML #3218)

View Archives

Protective payments are identified in the integrated eligibility system and made payable to the protective payee in the following manner:

- Primary Individual Name
- Protective Payee Name
- Protective Payee Address

It is necessary for the protective payee to arrange for an endorsement of the check by the recipient.

Safe Delivery of Checks 400-19-120-85

(Revised 6/1/10 ML #3218)

View Archives

To ensure safe delivery, payments are delivered by postal authorities to the addresses of protective payees, unless some other type of delivery is requested. Any check not deliverable to the protective payee within 30 days of issuance shall be returned to the state office for cancellation.

Endorsement of Checks 400-19-120-90

(Revised 6/1/10 ML #3218)

View Archives

(N.D.A.C. 75-02-01.2-71(2))

The check must be properly endorsed by the recipient and the protective payee, or by the recipients legally appointed guardian or properly appointed power of attorney, except after death. Improperly endorsed checks will normally be refused by banks, and if they do go through, they will be returned through normal banking channels for proper endorsement. Checks must be signed exactly as written and in ink.

Endorsement by a legally appointed guardian to whom the check is payable will be made as follows:

- Guardian Name, Legal Guardian of Primary Individual Name

  Example: Mary Smith, Legal Guardian of Joy Smith.

Endorsement by a properly appointed power of attorney will be made as follows:

- Attorney in Fact Name, Attorney in Fact for Primary Individual Name

  Example: John Q. Public, Attorney in Fact for Joy Smith

Lost, Destroyed, or Stolen Checks 400-19-120-100

(Revised 1/1/17 ML #3482)

View Archives

(N.D.A.C. 75-02-01.2-71(5))

If the payee is reasonably certain that a check has been lost (TANF benefit not received within 7 days from the date mailed), stolen, or destroyed, the check can be reissued. To request the check be reissued, the eligibility worker must submit the following information to State TANF Policy:

1. The check number (obtained from the TANF Issuance History (ISHI) screen in TECS;
2. The check date (obtained from the TANF Issuance History (ISHI) screen in TECS;
3. The check amount; and
4. The name of the TANF recipient.

Upon receipt, the information is forwarded to the Fiscal Administration Unit to begin the process of reissuing the check. Fiscal Administration requests a stop-payment order be placed against the check allegedly lost, stolen, or destroyed. Once Fiscal Administration completes their procedures, a new check will be issued with the next immediate issuance.

> **Note #1:** In these cases, overpayments shall not be established. Instead, Fiscal Administration will make all the proper adjustments.
>
> **Note #2: If the original check is located after the stop payment order is in place, the recipient shall not cash the check. It must be promptly forwarded to Fiscal Administration for cancellation.**

Canceled TANF Checks – If a recipient wants to return a check to the Department of Human Services, the eligibility worker must complete SFN 773 – Cancellation of Warrants or Checks, and send it, along with the check to the Department of Human Services Fiscal Administration. The cancellation form includes the recipient's name and address, case number, the amount of the check, and the reason the check is being returned. Do not set up overpayments. Fiscal Administration will make the proper adjustments.

Refund Checks – If an individual makes payment by personal check, cashier's check, etc. (the check must be made out to the North Dakota Department of Human Services) towards an established overpayment, complete SFN 827, Credit Form and send the check or money order to the North Dakota Department of Human Services Fiscal Administration for processing. The form includes the individual's name and address, the amount of the check, and the month the overpayment occurred or the program to apply the payment towards. Fiscal Administration will offset the overpayment in the integrated eligibility system.

Electronic Payments Cards - If the recipient received benefits electronically, the benefits cannot be canceled because the card was lost, destroyed, or stolen. This is an issue between the recipient and the electronic card payment vendor.

If an individual does not want the TANF benefit, the benefit cannot be canceled. The individual may cash out the amount of the benefit and return the funds by check or money order to the county. (See the Payment Corrections section in Section 400-19-120-25, Unrestricted Payment of TANF Benefits).

Mailing of Checks to Human Service Zone Office 400-19-120-105

(Revised 6/1/10 ML #3218)

View Archives

The mailing of a recipient's check to the human service zone office is permitted to accommodate the request of a household or in a situation in which the household's whereabouts is unknown. This practice, however, must be kept to a minimum because of the potential issue of a restricted payment.

Appeals and Fair Hearing 400-19-125

Overview 400-19-125-05

(Revised 12/1/2022 ML #3683)

View Archives

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 Programto 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. 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 and appeal should be filed, please contact: Appeals Supervisor, DHHS Legal Advisory Unit, 600 East Boulevard Avenue, Dept. 325 Bismarck, ND 58505-0250.

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).

Requesting a Fair Hearing - Other than JOBS Sanction 400-19-125-10

(Revised 8/1/11 ML #3272)

View Archives

When an individual appeals an adverse action, other than JOBS, the individual has the right to make a written request for a fair hearing within 30 calendar days from the print date of the notice of adverse action.

When a fair hearing is requested in writing within 10 days from the print date of the notice of adverse action, assistance must be continued pending the fair hearing decision except in the following circumstances:

1. The household fails to meet other eligibility requirements except JOBS during the appeal process;
2. The recipient unconditionally withdraws or abandons the fair hearing request;
3. The department reverses the proposed action without a hearing;
4. The department determines, based upon the record of the claimant's fair hearing, that the issue involved is one of state or federal law or a change in state or federal law.
5. After an appeal is filed and prior to the decision rendered, a change in the recipient's benefits occurs and the recipient fails to file a timely request for a fair hearing after they are notified of that subsequent change.
6. When the appeal is due to a denial, reduction or closure of Diversion. (See Section 400-19-145-55, Diversion Appeals.)

When an individual submits a written request for a fair hearing within 10-calendar days from the print date of the notice of adverse action, the individual's TANF benefit must be restored at the level the household would have been eligible to receive without implementing the proposed adverse action which is being appealed, pending the outcome of the fair hearing.

> **Note:** If two adverse actions were taken that reduced the households benefit and the household only appeals one of the adverse actions, the restored benefit level will reflect the change in benefits that results from the adverse action that was not appealed.

The eligibility worker must create and send a "TANF Benefits Pending Hearing Decision" notice immediately unless the individual requests to have their benefits reduced.

If an individual submits a written appeal within 10 days and the individual's needs have already been removed from the household's TANF benefit, the eligibility worker shall create an underpayment for that month and issue a supplemental payment to the household.

Note: An otherwise eligible individual and their household shall continue to receive a monthly TANF benefit pending the outcome of the fair hearing.

When the individual requests a fair hearing, the fair hearing will be conducted by the Office of Administrative Hearings in accordance with N.D.A.C. 75-01-03.

Requesting a Fair Hearing - JOBS or Tribal NEW Sanction 400-19-125-15

(Revised 8/1/11 ML #3272)

View Archives

When a JOBS Sanction is imposed, TANF recipients are informed, via the TANF JOBS Sanction notice, of their right to appeal. While a JOBS sanction is not appealable, the adverse effects of a JOBS sanction are appealable.

When an individual appeals the adverse action resulting from the imposition of a JOBS sanction in a timely manner (within 10-calendar days from the print date of the sanction notice) any action to reduce the individual's TANF benefit (based on the sanction penalty) must be placed on hold pending the outcome of the Fair Hearing unless the individual requests to have their benefit reduced.

> **Note:** If the individual's needs have already been removed from the household's TANF benefit, the eligibility worker shall create an underpayment for that month and issue a supplemental payment to the household. An otherwise eligible individual and their household shall continue to receive a monthly TANF benefit pending the outcome of the fair hearing.
>
> The eligibility worker must create and send a "TANF Benefits Pending Hearing Decision" notice immediately after placing the individual's sanction on hold. Doing so will provide official notice to the individual that if the individual completes a Proof of Performance, prior to the end of the Sanction Penalty Month, it will reduce the financial consequences of the sanction, in the event that the individual loses the appeal.

Even though an individual's sanction may have been placed on hold, it is in the sanctioned individual's best interest to cure the sanction during the Sanction Penalty Month. Doing so will reduce the consequences of the sanction in the event the individual loses the appeal.

> **Note:** Even though a sanction may have been placed on hold, additional sanctions can be imposed during the appeal period. An individual would have to appeal the adverse action resulting from the imposition of each additional sanction.

If an individual's fair hearing request is not considered timely but is received within 30 days from the print date of the sanction notice, the fair hearing request will be honored, but the sanction will not be placed on hold and the effects of the sanction will

be imposed. If the individual fails to cure the sanction prior to the last day of the Sanction Penalty Month, the case will close.

Participation in JOBS or Tribal NEW During a Pending Fair Hearing 400-19-125-20

(Revised 6/1/10 ML #3218)

View Archives

An otherwise eligible individual may choose to participate in JOBS or Tribal NEW during the appeals process.

Example #1: An individual is sanctioned effective 01/01. The individual appeals in a timely manner and the sanction is placed on hold. The individual voluntarily participates in JOBS or Tribal NEW and completes a POP with a cure date equal to the Sanction Penalty Month.

On 03/28 the Administrative Law Judge upholds the county's decision to impose the sanction. The eligibility worker changes the sanction to active and enters a cure date equal to the Sanction Penalty Month.

As a result, it is determined that the individual received an overpayment equal to the individual's financial needs during the Sanction Penalty Month only. The case does not fail at the end of March and the individual is expected to continue participation in JOBS or Tribal NEW.

Example #2: An individual is sanctioned effective 01/01. The individual appeals in a timely manner and the sanction is placed on hold. The individual chooses to not participate in JOBS or Tribal NEW at any time during the appeal process.

On 03/28 the Administrative Law Judge upholds the county's decision to impose the sanction. The eligibility worker changes the sanction to active. Because the sanction was not cured in the Sanction Penalty Month or any subsequent months, the eligibility worker processes the appropriate overpayments through March and the case fails at the end of March.

Example #3: An individual is sanctioned effective 01/01. The individual appeals in a timely manner and the sanction is placed on hold. The individual chooses to not participate in JOBS or Tribal NEW during the Sanction Penalty Month.

On 02/15 the individual volunteers to begin participating in JOBS or Tribal NEW. No referral is needed if the individual is in an ongoing case. Even though a referral is not required, the eligibility worker contacts JOBS or Tribal NEW to

let them know that the individual is asking to return and asks the coordinator to keep them informed of the individual's involvement.

On 03/02 the Administrative Law Judge upholds the county's decision to impose the sanction. The eligibility worker changes the sanction to active.

The eligibility worker contacts JOBS or Tribal NEW and is told that the individual resumed their participation on 02/18 and that the individual has been cooperating with program requirements since that time.

The eligibility worker decides that since the goal of JOBS/Tribal NEW is to help individuals become self-sufficient, and the individual has been cooperating in JOBS or Tribal NEW for at least 10 consecutive days, the sanction should be cured effective 03/02.

In this particular case, the start-date of the POP (02/18) cannot be entered as the cure date because an individual is not allowed to cure a sanction during the Month of Ineligibility. (For information regarding an exception to this policy, see Section 400-19-85-30, Exception to the Requirement to Serve the Month of Ineligibility Following a JOBS or Tribal NEW Sanction).

Because the sanction was cured effective 03/02, the sanction will result in an overpayment equal to the sanctioned individual's financial needs for the Sanction Penalty Month, plus a total overpayment for the Month of Ineligibility.

The March benefits are not considered an overpayment. The case does not fail at the end of March and the individual is expected to continue participating in JOBS or Tribal NEW.

An individual who chooses to participate in JOBS or Tribal NEW during the appeal process will continue to receive authorized supportive services payments (paid through the county/state) as reimbursement for expenses related to actual participation in JOBS.

If an individual chooses not to participate in JOBS or Tribal NEW during the appeal process, JOBS supportive services payments, with the possible exception of childcare assistance, are not to be made available to the individual.

To provide transportation assistance to an individual who has chosen to participate in JOBS during the appeal process, and avoid having that payment later be viewed as an overpayment if the individual loses the appeal, the eligibility worker should go into

the benefit month prior to the appeal to process the transportation assistance payment.

Fair Hearing Process 400-19-125-25

(Revised 7/1/12 ML #3334)

View Archives

When adverse action is taken against an individual in the TANF/JOBS Program and the individual requests a fair hearing, the hearing will be conducted by the Office of Administrative Hearings in accordance with N.D.A.C. § 75-01-03. (Refer to Administrative Manual Section 448-01-30, Procedures for Appeals and Fair Hearings for additional information.)

The following procedure should be followed when a TANF recipient requests a fair hearing:

1. If the individual submits their request to the human service zone office, the request form should be date stamped upon receipt and both the envelope (the postmarked envelope is needed to determine the timeliness of the individual's request) and the Request for Hearing form should be immediately mailed to the HHS Appeals Supervisor at the address noted below;

2. If the individual hand delivers their request to the county, the request form should be:

    a. Date stamped upon receipt, with a notation made on the form that it was hand delivered; and

    b. Immediately mailed to the HHS Appeals Supervisor at the address noted below, along with a completed SFN 1784, Appeal Background Report and pertinent documents relating to the appeal; and

        Note: If a completed SFN 1784, Appeal Background Report is not submitted, you will be sent a form by the Appeals Supervisor requesting the report be completed and mailed, along with any other pertinent documents relating to the appeal (e.g. 'good cause' determination letters, sanction notices, etc.) to:

        Appeals Supervisor
        HHS Legal Advisory Unit
        600 East Boulevard Avenue, Dept. 325
        Bismarck, ND 58505-0250

The eligibility worker must notify the HHS Legal Advisory Unit Appeals Supervisor if the appellant is represented by legal counsel to ensure that legal counsel is also

provided for the county. However, if the eligibility worker believes that legal counsel is necessary in cases where the appellant is not represented, a request with rationale for counsel must be sent to the HHS Legal Advisory Unit Appeals Supervisor at 600 East Boulevard Avenue, Dept. 325, Bismarck, ND 58505-0250.

If the request for a fair hearing is the result of a JOBS Sanction, the eligibility worker must arrange to have appropriate JOBS staff testify at the fair hearing. The eligibility worker and/or JOBS Employment Contractor are responsible to compile a chronological written history of the individual's involvement and non-compliance with the regular TANF or JOBS program requirements.

When an appeal is the result of a decision by the JOBS Program and the Employment Contractor is expected to participate in the appeal hearing, upon receipt of the 'Notice of Hearing and Specification of Issue' the Eligibility Worker must:

1. Contact the Employment Contractor and obtain information used by the Employment Contractor to make their determination, and

2. Submit the information to the Administrative Law Judge.

Upon receipt of the date, time and place of the hearing, the Eligibility Worker must notify the Employment Contractor of those details.

Results of the Fair Hearing 400-19-125-30

(Revised 7/1/12 ML #3334)

View Archives

Upon receipt of the order, signed by the HHS Commissioner of the Department:

- If the individual wins the appeal, a financial penalty is not applied to the case. If the appeal was a result of imposing a JOBS Sanction, the Sanction Status is updated to ‘Removed’, which allows the action to be tracked while rendering the sanction ineffective.

  Note: The eligibility worker must contact State TANF Policy and request the Sanction Status be updated to 'Removed'.

- In the event that an individual loses the appeal, any amount paid to the recipient pending the fair hearing decision shall be considered an overpayment, subject to recovery. The amount of such overpayment is the amount of additional benefits paid to the household while awaiting the decision of the fair hearing authority.

  Note: A copy of the signed ‘Order’ is sent to the recipient and meets the notification requirements. Therefore, once the signed ‘Order;’ is received, an additional Advance (10-Day) or Adequate Notice is not required to take the action based on the ‘Order’. However, if losing the appeal results in an overpayment, the TANF Overpayment Notice must be sent, as well as the TANF Closure notice, if applicable.

- In the event that an individual loses the appeal, supportive services paid during the appeal process are not to be considered an overpayment and are not to be subject to recoupment.

Overpayments and Underpayments 400-19-130

Overview 400-19-130-05

(Revised 6/1/10 ML #3218)

View Archives

(N.D.A.C. 75-02-01.2-71)

When a payment is determined to be incorrect, each benefit month that is incorrect must be reworked, using the policies and procedures that were in effect for the payment month. Reworking an incorrect benefit month may result in an overpayment or underpayment.

The overpayment or underpayment is the difference between the benefit amount the client actually received and the benefit amount the client should have received.

Reasons When an Overpayment May Need to be Established 400-19-130-10

(Revised 4/1/2026 Release 26.1)

View Archives

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

- 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 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.

Obtaining Verification of Unreported Information 400-19-130-15

(Revised 5/1/2023 ML #3704)

View Archives

In instances where the household has failed to provide information that is necessary to determine eligibility, the following process may be used:

1. When unreported information is received, regardless of the source, the household must be sent notification requesting verification of the questionable information.

   Note: Requested verification may include, but is not limited to, members of the household, place of residence, when income started and ended, whether the income continues, the owner of the asset, the current value of the asset or if the information is in error.

   If the household fails to respond to the appropriate notice within 30 days, an advance (10-day) notice must be sent to the household advising the household their case will be closed. The verification process must continue and the eligibility worker must contact the source to verify the information.

2. If the verification cannot be obtained from the household, send a letter to the source requesting the verification and include a Release of Information.

   Note: Release of Information forms include SFN 970, Multi-Agency Authorization to Disclose Information, SFN 1059, Authorization to Disclose Information. A Release of Information is also included on the SFN 405, Application for Assistance.

3. If the information was revealed by IEVS and verification from the source cannot be obtained:

   Income:

   a. For earned income, use the quarterly wage match and divide that figure by three to determine the monthly amount of income to use.
   b. For unearned income, divide that figure by the number of months in the 'Reported Period' of the IEVS alert to determine the monthly amount of income to use.

   Assets:

a. If the total of the unreported and reported assets are less than the TANF asset limit, no further action is required.
b. If the total of the unreported and reported assets are more than the TANF asset limit, the assets must be counted for each month of the 'Reported Period' of the IEVS alert, which will result in a complete overpayment for each month.

4. If the income information was revealed by PARIS and verification from the source cannot be obtained:

   a. For earned and unearned income:
      i. If the monthly amount of the benefit is listed in the alert, use that amount.
      ii. If the monthly amount of the benefit is not listed in the alert, a monthly amount will need to be determined, by dividing the amount by the number of months the payment represents.

Once verification of the unreported income and/or assets is received, or the calculation completed as indicated in #3 or #4 above, the case must be reworked for the affected month(s) and overpayments established.

Note: The process of determining monthly income or assets defined in #3 or #4 above can only be used when the source is IEVS or PARIS.

If a client does not cooperate by providing actual information or the verification cannot be obtained through other sources, the eligibility worker must use the best estimate or the best information available to determine the amount of the incorrect payment.

An overpayment is a benefit which a household received that exceeds the amount for which they are eligible. The eligibility worker must promptly take all reasonable and practical steps to correct all overpayments.

Note: Anytime an overpayment is discovered, a determination must be made whether or not to pursue an Intentional Program Violation. (See Section 400-19-137, Intentional Program Violation (IPV).)

Individuals responsible for repayment are all caretakers age 18 or older as well as a minor parent under age 18 who were members of the household at the time the overpayment occurred. Overpayments follow the responsible member to a new case if the member was part of the overpaid benefit received in another case at the time the overpayment occurred. All responsible individuals remain equally responsible for the overpayment.

If the overpayment is a result of unreported earned income or earnings that were not reported timely, the individual loses all earned income disregards when reprocessing benefit months affected by the unreported income. The eligibility worker must select the 'Apply TANF Loss of Disregard' indicator on the Income Window in the integrated eligibility system to apply the loss of disregards.

> **Note:** The earned income disregards consist of the 27% (or $180 whichever is greater) deduction, the time-limited percentage (TLP) deduction, and all job-related expenses (e.g. child care).

With the exception of JOBS Transportation, overpayments must be established for all JOBS Supportive Services or Special Items of Need.

Once the benefit has been recalculated and authorized, the eligibility worker must create the Recoupment Plan by:

1. Entering the appropriate 'Error Code';
2. Selecting the Recoupment Method ('Monthly Amount' or 'Percent');
3. Authorizing the Recoupment Plan; and
4. Sending the Notification of Overpayment notice.

Notification of Overpayment 400-19-130-20

(Revised 4/1/2026 Release 26.1)

View Archives

Once the case is reworked for the affected month(s) and overpayments established, the household is sent notification of the claim. The notification informs the household of the amount of the overpayment and that future TANF benefits 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.

Recoupments 400-19-130-25

(Revised 10/1/15 ML #3459)

View Archives

(N.D.A.C. 75-02-01.2-71(6))

The eligibility worker must promptly take all reasonable and practical steps to recoup all overpayments. "Promptly" means that action to recoup shall be initiated in the month following the month in which the overpayment is authorized, provided an adequate notice has been provided. No distinction is made between willful and unwillful withholding of, or failure to report information that affects eligibility or the amount of the TANF benefit. Overpayments are recouped from households which include a responsible member.

> **Note:** If the household has an existing overpayment, benefits from the initial TANF grant and each subsequent month's grant will be reduced until the overpayment is fully recovered.

Any overpayment, whether 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 office is subject to recovery regardless of when the overpayment occurred.

> **Note:** Only overpayments occurring under North Dakota programs (AFDC or TANF) can be recouped. Requests from other states for recoupment cannot be honored.

Recoupments of regular TANF, Transition Assistance, Kinship Care, Kinship Care maintenance payment and Diversion overpayments will be processed as follows:

1. All regular TANF, Transition Assistance and Special Items of Need are considered assistance. Therefore, TANF overpayments can be recouped from other TANF Benefits, including Transition Assistance, Kinship Care, Kinship Care maintenance payment, $45 Out of Home Allowance, Special Items of Need and JOBS Supportive Services other than Transportation.

   > **Note:** Special Items of Need include Child Restraint Seat Reimbursement, Essential Services Reimbursement, GED/HS Diploma Incentive, Health Insurance Reimbursement, Health Tracks Reimbursement, Special Project Incentives, Special Projects Work Subsidies, and Unforeseen Circumstances.

2. JOBS Supportive Services are considered assistance with the exception of the Transportation allowance for an individual who is employed.

    a. Transportation Allowances – TANF Policy does not allow overpayments for Transportation Allowances to be established. Therefore, recoupments are not made for Transportation.

    b. All other JOBS Supportive Services overpayments can be recouped from other TANF Benefits, including Transition Assistance, Kinship Care, $45 Out of Home Allowance, Special Items of Need, and JOBS Supportive Services other than Transportation.

        Note #1: JOBS Supportive Services include Care of an Incapacitated HH Member, Job Readiness, License, Certification & Exam Fees, Relocation Assistance, Tools for Employment, Tuition Assistance, Relocation Assistance, etc.

        Note #2: When payment of any of these JOBS Supportive Services is made through the Vendor Payment Process, a manual overpayment must be established under the Type Code of TANF.

3. TANF Kinship Care is considered assistance. Therefore, all Kinship Care overpayments can be recouped from other TANF Benefits, including Transition Assistance, Kinship Care, Kinship Care maintenance payment, $45 Out of Home Allowance, Special Items of Need and JOBS Supportive Services other than Transportation.

    Note #1: Kinship Care includes the Kinship Care Grant, Kinship Care maintenance payment, Child Care Employment, Child Care Training/Work Search, Clothing Allowance, Emergency Need, Legal Services Reimbursement, School Supplies and Activities, and Transportation Reimbursement.

    Note #2: When a payment of any of these Kinship Care Supportive Services is made through the Vendor Payment Process, a manual overpayment must be established under the Type Code of TANF.

4. Diversion benefits are not considered assistance.

    a. Transportation Allowances under Diversion – TANF Policy does not allow overpayments for Transportation Allowances to be established. Therefore, recoupments are not made for Transportation.

    b. Diversion benefits can only be recouped from Diversion benefits.

        Note: Diversion benefits include Emergency Household Needs, Child Restraint Seat Reimbursement, Essential Services Reimbursement, GED/HS Diploma Incentive, Health Insurance Reimbursement,

Health Tracks Reimbursement, Job Related Expenses, and Unforeseen Circumstances.

Methods of recovering overpayments from participants are:

1. Automatic recoupment from the TANF grant; or

2. Voluntary repayment agreement – an overpayment repayment agreement is a payment plan the client and the county agency agree to as a method of repaying an overpayment; or

3. Criminal restitution.

The amount recouped is based on a either a monthly amount or percentage of the Total TANF Standard of Need (which includes the $45 Out of Home allowance and Special Items of Need). Regardless of the method chosen, the amount recouped cannot be less than:

- 10% for agency and client (non-fraud) related errors; or
- 20% for intentional program violations (fraud).

Administrative or Client Non-Fraud

Recovery of all administrative or client non-fraud overpayments is accomplished by reducing the TANF benefit in an amount equal to 10% percent of the Total TANF Standard of Need (which includes the $45 OH allowance and Special Items of Need) for the appropriate household size. A recipient may repay the amount of overpayment at a rate greater than the 10% standard as long as the decision to do so is voluntary and a signed agreement is in the case file.

Fraud

Recovery of all overpayments resulting from fraud is accomplished by reducing the TANF benefit in an amount equal to 20% of the Total TANF Standard of Need (which includes the $45 Out of Home allowance and Special Items of Need) for the appropriate household size. A recipient may repay the amount of overpayment at a rate greater than the 20% standard as long as the decision to do so is voluntary and a signed agreement is in the case file.

- If the court has ordered an amount of recovery, either more or less than the amount identified above, the amount ordered by the court will be the only amount recovered.

Individuals responsible for repayment are all caretakers age 18 or older as well as a minor parent under age 18 who were members of the household at the time the

overpayment occurred. Overpayments follow the responsible member to a new case if the member was part of the overpaid benefit received in another case at the time the overpayment occurred. All responsible individuals remain equally responsible for the overpayment.

A complete record of the overpayment, the plan for recovery, recoveries made, and any outstanding balance will be included in the integrated eligibility system case file.

A regular or supplemental benefit payment, defined as a payment issued in the month for the month, cannot totally offset an overpayment. A regular or supplemental benefit payment may be reduced only by the percentage of recoupment (usually 10% or 20%, but may differ pursuant to court order) or a set dollar amount as specified by court order. However, an underpayment, defined as a payment for a benefit month issued at any time after the benefit month, can totally offset an overpayment.

Bankruptcy and Overpayments 400-19-130-30

(Revised 4/1/2026 Release 26.1)

View Archives

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
- Integrated eligibility 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.

Suspending Collection of Certain Overpayments 400-19-130-35

(Revised 4/1/2012 ML #3309)

View Archives

Unless the overpayment was the result of fraud, including fraud involving the crimes of theft and making false statements in a governmental matter, the county agency may suspend efforts to collect overpayments from an individual or household no longer receiving TANF if:

a. The amount of the overpayment is less than $35; or
b. Recovery is determined not to be cost effective after a reasonable effort to recover has failed. A "reasonable effort" means that, at a minimum, the individual no longer receiving assistance is notified as to the amount of and reason for the overpayment and is requested to make repayment.

In cases involving fraud, every effort must be made to recover the overpayment, regardless of the amount involved.

The human service zone office must maintain information concerning all former recipients who have outstanding overpayments. If these individuals begin receiving assistance again, recoupment of the overpayments is required.

Underpayments 400-19-130-40

(Revised 6/1/10 ML #3218)

View Archives

An underpayment is a correction to benefits paid a household who was originally paid less than they were eligible to receive. The eligibility worker shall take prompt action to authorize underpayments to current recipients, or to those who would have been eligible if the error causing the underpayment had not occurred.

Note: An underpayment can totally offset an overpayment.

Underpayments must be established based on the date discovered and whether or not the household is entitled to additional benefits.

1. If the household timely reports a change (orally or in writing) to the county agency and all necessary information related to the event is provided timely, an underpayment, if applicable, must be established effective with the month of change.

   Note: If not reported timely, underpayments, if applicable, must be established beginning the month the change is reported and all necessary information is received.

2. The county agency discovers a TANF benefit was calculated incorrectly due to an agency error, an underpayment, if applicable, must be established for the month(s) calculated in error.
3. The county agency receives notification from the Administrative Law Judge or a court of law, of a favorable decision on behalf of the client. Underpayments must be established, if applicable, based on the directive included in the favorable decision.

Intentional Program Violation (IPV) 400-19-137

Intentional Program Violation 400-19-137-05

(Revised 1/1/17 ML #3482)

View Archives

An Intentional Program Violation (IPV) is an action by an individual, for the purpose of:

- Improperly establishing or maintaining eligibility for assistance; or
- Increasing or preventing a reduction in the amount of assistance; or
- Having used their TANF electronic payment card in a liquor store; a casino, gambling casino, or gaming establishment, or a retail establishment which provides adult-oriented entertainment in which performers disrobe or perform in an unclothed state of entertainment.

  EXCEPTION: An IPV will NOT be pursued against a TANF recipient who uses their TANF electronic payment card in any liquor store; any casino, gambling casino, or gaming establishment, or any retail establishment which provides adult-oriented entertainment in which performers disrobe or perform in an unclothed state of entertainment when:

- A recipient of TANF does not have any adequate access to their cash assistance other than one of the establishments listed above; or
- A recipient of TANF does not have access to using or withdrawing assistance with a minimal fee or charge, including an opportunity to access assistance with no fee or charge

Any individual who is suspected of an IPV must be referred to:

1. The Appeals Supervisor in the Legal Advisory Unit (LAU) for a determination of an IPV; or
2. The court system for a determination of fraud

In order to determine an IPV, that individual must have intentionally committed one of the following:

1. Any act or false statement intended to mislead, misrepresent, conceal, or withhold facts.

   Examples:

- A source of income
- A household member

- Receiving or attempting to receive assistance in multiple states at the same time
- Falsified documents
- An asset
- Trafficking of the Electronic Payment Card or PIN

2. Committed any act intended to mislead, misrepresent, conceal, or withhold facts that constitutes a violation of the TANF program or any State or Federal statute.
3. Used their TANF electronic payment card in a liquor store; a casino, gambling casino, or gambling establishment, or a retail establishment which provides adult-oriented entertainment in which performers disrobe or perform in an unclothed state of entertainment.

   EXCEPTION: An IPV will NOT be pursued against a TANF recipient who uses their TANF electronic payment card in any liquor store; any casino, gambling casino, or gaming establishment, or any retail establishment which provides adult-oriented entertainment in which performers disrobe or perform in an unclothed state of entertainment when:

- A recipient of TANF does not have any adequate access to their cash assistance other than one of the establishments listed above; or
- A recipient of TANF does not have access to using or withdrawing assistance with a minimal fee or charge, including an opportunity to access assistance with no fee or charge.

It is the act and not the amount of improper benefit received that must be considered. There is no requirement that an overpayment exist when pursuing IPV.

Evidence Evaluation 400-19-137-10

(Revised 11/1/19 ML #3562)

View Archives

The county has the burden to establish an Intentional Program Violation (IPV) by clear and convincing evidence. Clear and convincing evidence means evidence that leads to a firm belief that the allegations are true.

Examples:

- Application, review, and monthly report forms. An individual's signature on these forms is attesting to providing full information and to understanding the reporting requirements.
- Statements made during application or review interviews
- Notice of benefits
- A past IPV for failure to report
- Reporting/billing forms
- Narratives
- Documented phone calls
- IEVS verification
- Involvement of an interpreter

When there is evidence a possible IPV has been committed, the county must review the case and all evidence with the supervisor, director, or a regional representative.

This review will result in a decision to:

- Proceed with the IPV process, or
- Proceed with a client error.

When reviewing the evidence for a possible IPV the individual must be allowed an opportunity to respond to any unresolved questions.

If the review results in the decision to proceed with the IPV process, the supervisor, director, or regional representative who reviewed the evidence must review, sign and date the SFN 1940- TANF/SNAP/CCAP Notice of Suspected IPV to ensure the form is completed accurately prior to meeting with the individual.

Initiating an Intentional Program Violation 400-19-137-15

(Revised 11/1/19 ML #3562)

View Archives

In instances when there is sufficient evidence to substantiate that an individual has committed one or more acts of intentional program violation (IPV), the county must complete the SFN 1940, TANF/SNAP/CCAP Notice of Suspected Intentional Program Violation.

The SFN 1940 is intended to:

1. Notify an individual in writing when that individual is suspected of having committed an IPV;
2. Inform the individual of their hearing rights and hearing procedures;
3. Allow the individual the right to waive the hearing;
4. Allow an individual to request a hearing officer be present at the hearing rather than a telephone hearing.

When completing the form:

a. List the name and current address of the individual suspected of IPV.

   There may be occasions when more than one individual gave a false report or were interviewed together and in those cases, prepare a **separate** SFN 1940 for each individual.

b. Describe the violation of program rules including:

   - Information provided that is deemed incorrect;
   - Facts that were not revealed;
   - How and when information and verifications were submitted by the individual

c. The evidence disputing the accuracy of the individual's statements, when and where it came from;

d. When and with whom discussions were conducted, the outcomes of which contradict the individual's statements;

e. What documents were provided that should have included information not revealed, and when were they submitted;

f. Document how the individual was aware of the reporting requirement;

g. Indicate the length of the disqualification.

h. Indicate the date the SFN1940 must be signed and returned to avoid the hearing. The return date must be 10 days from the date of the IPV meeting the county is required to schedule.

i. The form must be **signed** by the county eligibility worker (an electronic signature is acceptable).

j. The form must be **signed** by a supervisor, director or regional representative.

The individual will continue to participate as a household member while awaiting a disqualification decision. Recoupment of any overpayment continues to be collected at the rate of 10%. Full repayment of the overpayment does not stop the disqualification procedure from taking place.

An IPV can be pursued if a client is permanently disqualified. Pursuing the IPV will allow for recoupment of a claim at 20% rather than 10% if recoupment is possible.

Scheduled Intentional Program Violation Meeting 400-19-137-20

(Revised 11/1/19 ML #3562)

View Archives

After completing the SFN 1940, TANF/SNAP/CCAP Notice of Suspected Intentional Program Violation, the county must schedule a meeting with the individual to discuss the suspected Intentional Program Violation (IPV) within two weeks using a integrated eligibility system generated correspondence notice.

If the correspondence notice is returned as undeliverable or with no forwarding address, the IPV must continued to be pursued.

If the individual fails to attend the scheduled meeting without satisfactory explanation or the correspondence notice is returned as undeliverable or no forwarding address, within three days after the meeting, the county must mail a copy of the SFN 1940 to the individual and the original SFN 1940 along with a letter detailing the violation and copies of all evidence of the suspected IPV to:

Appeals Supervisor

North Dakota Department of Human Services,

Judicial Wing

600 East Boulevard Avenue Dept. 325

Bismarck, ND 58505-0250

If the individual attends the scheduled meeting the county must:

1. Provide the individual with a copy of the SFN 1940;
2. Provide the individual with a DN 1087 - Legal Service Organizations;
3. Discuss the suspected IPV

If it is determined that no violation has occurred, SFN 1940 must be placed in the file with a notation that it was not forwarded for further action and a summary of the explanation given by the individual.

If the county believes the violation did occur and the individual does not have a satisfactory explanation the county must explain the following options to the individual:

- Sign Waiver A – Which allows an individual to admit to the facts and accept the disqualification period;

- Sign Waiver B – Which allows an individual to accept the disqualification without admitting to the facts;
- Request an administrative disqualification hearing.

The county must explain signing Part A or B of the Waiver of Hearing will result in specific program disqualification time periods and penalties.

A signed waiver is a statement that the individual has been informed a disqualification penalty will result.

If the individual suspected of an IPV is not the caretaker relative, the caretaker must also sign the form.

If the individual suspected of an IPV:

1. Chooses to sign the Waiver of Hearing:

- Provide the individual a **signed** copy of SFN 1940.
- Mail the SFN 1940 along with a letter detailing the violation and copies of all evidence, detailing the violation to:

  Appeals Supervisor
  North Dakota Department of Human Services,
  Judicial Wing
  600 East Boulevard Avenue Dept. 325
  Bismarck, ND 58505-0250.

- The SFN 1940 must be sent to the Appeals Supervisor immediately after the individual signs the SFN 1940.
- The SFN 1940 will be reviewed by the Appeals Supervisor and state program staff.
- The State Office will notify the county of the date the disqualification will be imposed and the length of the disqualification.

2. Chooses not to sign the Waiver of Hearing:

- Give the individual a copy of the SFN 1940.
- Explain that a hearing will be held by telephone unless the individual requests an administrative law judge will be present.
- Mail the original SFN 1940 along with a letter detailing the violation and copies of all evidence of the potential IPV to:

Appeals Supervisor
North Dakota Department of Human Services,
Judicial Wing
600 East Boulevard Avenue Dept. 325
Bismarck, ND 58505-0250

- The SFN 1940 must be sent to the Appeals Supervisor within three days after the meeting is held.

Administrative Disqualification Hearing (ADH) 400-19-137-25

(New 10/1/15 ML #3459)

View Archives

For specific information on Intentional Program Violation (IPV) Hearing Procedures, refer to Administrative Procedures Policy 448-01-35.

Court Conviction 400-19-137-30

(Revised 11/1/19 ML #3459)

View Archives

Counties may refer individuals suspected of committing an Intentional Program Violation (IPV) to their states attorney for prosecution. The county must confer with its legal representative to determine the types of cases that will be accepted for possible prosecution.

Suspected fraud violations occurring on Indian reservations should be referred to the state's attorney. If the state's attorney's office does not have jurisdiction over the matter, the case will be referred to the U.S. Attorney's office that has jurisdiction on that reservation. If the state's attorney does not refer the matter to the U.S. Attorney's office, the human service zone office should do so.

The county must not initiate an IPV against an individual for the same or related circumstances that have already been referred for prosecution.

If an individual is convicted through this procedure the county will receive a judgment.

Upon receipt of a judgment:

If the judgment includes a disqualification period, impose the disqualification following the TANF disqualification timeframes.

Example:

If a court conviction is received with a disqualification period included, the disqualification period imposed is:

- 12 months if it is a first disqualification,
- 24 months if it is a second disqualification,
- Permanently if it is a third disqualification.

Example:

If a court conviction is received and does not include a disqualification period, the disqualification period imposed is:

- 12 months if it is a first disqualification,
- 24 months if it is a second disqualification,
- Permanently if it is a third disqualification.

If the judgment does not include a disqualification period, the county must forward the following information to the Appeals Supervisor to process the judgment under the IPV provisions:

- Criminal Complaint;
- Judgment or Order; and
- A cover letter detailing the violation including the name, address, case number, client ID, and any prior disqualifications.

Disqualification Time Frames 400-19-137-35

(Revised 10/1/15 ML #3459)

View Archives

Individuals who have committed an Intentional Program Violation (IPV) will be disqualified from receiving benefits for the following time periods:

- 12 months for the 1st offense.
- 24 months for the 2nd offense.
- Permanently for the 3rd or subsequent offense.

Action Upon Receipt of Signed Findings and Order 400-19-137-40

(New 10/1/15 ML #3459)

View Archives

Review the decision **signed by the Department of Health and Human Services Commissioner** to determine if an Intentional Program Violation (IPV) was committed.

If an IPV was not committed the household remains responsible for any over issuance and the claim continues as a client error regardless of eligibility for benefits.

If an IPV was committed, the disqualification begins with the first month following the date the individual receives the signed IPV findings and order. When a disqualification has been imposed against an individual, the disqualification must continue uninterrupted until completed. The disqualification is imposed whether the case is currently open or closed.

As a result of the disqualification:

1. Remove the disqualified individual's financial needs;
2. Continue to count the income and assets of the disqualified individual when determining eligibility for the remaining household members, and
3. Continue to apply the income disregards to the disqualified individual’s income when determining eligibility for the remaining household members.

The appropriate Notice of Disqualification must be sent to the household notifying the household that an individual is disqualified and/or assistance will be reduced or ended. The conviction and disqualification information and copies of supporting documents (including conviction information) must be recorded in the casefile. If a disqualified individual moves from one county to another, include the disqualification information in the case transfer information.

The individual convicted of an IPV is the only household member disqualified. Other household members may remain eligible. Continued eligibility for TANF requires that at least one member of the household retains TANF eligibility. Imposing the disqualification is required even if it means that some individuals may not be affected by the disqualification (e.g. SSI recipient). If it is learned through the Income Eligibility Verification System (IEVS) or any other source and later verified that a recipient received earned income during a previous month or months when TANF was received and the income had not been reported, the case must be reworked for the month(s); and if it is determined to be an IPV, the late penalty applies.

The rate of recovery for overpayments resulting from an IPV is 20%. Overpayments resulting from an IPV continue to be the household's responsibility for repayment regardless of the household's eligibility for benefits.

Overpayments are recovered through a reduction of the Total TANF Standard of Need including $45 Out of Home allowance and special items of need.

When an overpayment exists, regardless of the household's eligibility for benefits, the household must continue to be responsible for repayment of the overpayment which resulted from this violation.

After a disqualification hearing or the individual waives the right to an administrative hearing, there are no further appeal procedures available through the Administrative Hearing Process. The determination of IPV cannot be reversed by a subsequent hearing. The individual however is entitled to seek relief in a court of appropriate jurisdiction. The period of disqualification may be subject to stay or other action which would delay the imposition of the disqualification.

Fraudulent Statement or Representation of Residence 400-19-137-45

(Revised 11/1/19 ML #3562)

View Archives

Part A, Section 408 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 implemented a provision which prohibits a State to which a grant is made under section 403 from using any part of the grant to provide cash assistance to any individual convicted in federal or state court after July 1, 1997, of having made a fraudulent statement or representation with respect to their place of residence in order to receive TANF, Medicaid, SNAP or SSI simultaneously from two or more states shall be disqualified from TANF for a period of 10 years, effective the date of conviction. The individual must also be disqualified for an Intentional Program Violation (IPV). The disqualification for the IPV is 10 years even if it is the individual's first or second, and permanently, if it is the individual's third.

Note: This provision does not apply with respect to a conviction of an individual, for any month beginning after the President of the United States grants a pardon with respect to the conduct which was the subject of the conviction.

- If the court conviction does not include the period of disqualification, the eligibility worker must forward the following information to the Appeals Supervisor to process the findings under the Intentional Program Violation (IPV) provisions:
  - Criminal Complaint;
  - Judgment or Order; and
  - A cover letter detailing the violation and providing the name, address, and Vision Case and Client ID # number. Inclusion of any prior disqualifications should also be noted.
- Upon receipt of the Findings and Order, signed by the HHS Commissioner, the period of disqualification for the IPV will remain 10 years if it is the individual's first or second, and permanently, if it is the individual's third.

If an individual is not convicted in federal or state court, but has made a fraudulent statement or representation after July 1, 1997, with respect to their place of residence in order to receive TANF simultaneously from two or more states, the 10 year penalty cannot be applied. However, the individual shall be referred for IPV. If it is the individual's first IPV, the disqualification penalty is 1 year, if it is the second IPV, the disqualification penalty shall be 2 years. If it is the individual's third IPV, the penalty is a permanent disqualification.

Disqualification in Another State 400-19-137-50

(Revised 6/1/2023 ML #3721)

View Archives

(N.D.A.C. 75-02-01.2-72(8))

A disqualification imposed on an individual in another state must also be imposed in North Dakota. The human service zone (HSZ) must obtain copies of court decisions, administrative disqualification hearing determinations, signed disqualification consent agreements or administrative disqualification hearing waivers in electronic or hard copy. If the county needs assistance in obtaining the verification, contact the State Policy Staff.

An individual who is found to have committed an Intentional Program Violation (IPV) by a state administration, disqualification proceedings, or by a federal or state court must be subject to the penalties provided in N.D.A.C. 75-02-01.2-72(2) & (5) and the individual's needs may not be included in the TANF benefit.

1. If another state takes action against an individual who has moved to North Dakota and the individual is found guilty of fraud or an Intentional Program Violation (IPV) in that state, the HSZ must impose the proper IPV disqualification in North Dakota.
2. If the individual is under a disqualification for an IPV in another state when they move to North Dakota and the individual served a portion of the disqualification in the other state, the individual must serve the remainder of the penalty in North Dakota.
3. If the individual has an IPV and served the disqualification period in another state before coming to North Dakota, the penalty must be entered into the integrated eligibility system.
4. An individual disqualified permanently due to having three or more IPV's in another state continues to be disqualified in North Dakota.
5. An individual disqualified for having made a fraudulent statement or representation with respect to the place of residence of the individual in order to receive assistance simultaneously from two or more states continues to be disqualified in North Dakota.

Subsequent IPV Action 400-19-137-55

(New 10/1/15 ML #3459)

View Archives

A subsequent Intentional Program Violation (IPV) cannot be brought against an individual unless the violation took place after the date of the HHS Commissioner's Findings and Order in the previous action.

Example:

If a decision for a first violation is dated May 17, but the second violation concerns unreported income for the month of December in the prior year, a second violation cannot be imposed because it took place prior to the decision in the first violation.

An IPV can be pursued if it involves two separate individuals and two separate violations, no matter when the violations occurred.

Example:

A decision for a violation is dated May 17 for the husband who is a household member. A second violation occurs due to unreported income for the month of December in the prior year for the wife. IPV can be pursued against the wife.

TANF Kinship Care 400-19-140

Overview 400-19-140-05

(Revised 10/1/2025 Release 25.1)

View Archives

(N.D.A.C. 75-02-01.2-02.2)

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

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

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

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

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

Once the SFN 423, Kinship Placement/Agreement, SFN 399, Unlicensed Caregiver Home Study and a child abuse and neglect index check for all household members age 18 and older where the child will be placed, have been completed, if all other eligibility criteria are met, the case can be processed as TANF Kinship Care as of the date the signed application is received in the human service zone office or the date of eligibility, whichever is later.

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

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

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

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

Foster Care Case Manager Role 400-19-140-05-05

(Revised 1/1/2024 ML #3772)

View Archives

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

1. Provide families potentially eligible for TANF Kinship Care Assistance with SFN 405, Application for Assistance or Electronic Application, program information and the verification requirements under the TANF Program.
2. Forward, to the appropriate eligibility worker, a copy of:

    a. The SFN 423, Kinship Placement/Agreement, and
    b. The approved SFN 399, Unlicensed Caregiver Home Study, and
    c. A copy of the court order, and
    d. A signed SFN 405, Application for Assistance (unless applicant has filed an Electronic Application).

3. Participate in an interview at the time of application for TANF if necessary.
4. Review pertinent aspects of placement with the eligibility worker, to include providing the eligibility worker with all subsequent Court Orders addressing the care, custody, and control of the Kinship child.
5. Determine the need for supportive services and forward to the eligibility worker along with a payment recommendation.
6. Communicate the status of the placement and that placement in TANF Kinship Care remains appropriate.
7. Notify the eligibility worker of the date and time of quarterly Permanency Planning meetings.
8. Notify the eligibility worker of any changes that may affect ongoing eligibility such as but not limited to:
    - A change in the child's residency,
    - A change in the child's school status,
    - A change in individuals living in the home,
    - A change in the legal status of the Kinship Care child, and
    - A change or addition of income of a child on TANF Kinship Care.

Eligibility Worker Role 400-19-140-05-10

(Revised 4/1/2026 Release 26.1)

View Archives

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

1. Upon receipt of required information and forms from the foster care case manager, inform the Kinship Care family and the foster care case manager of the date and time of the interview.

2. Forward copies of correspondence, eligibility determinations, benefit determinations and determinations related to supportive services to the foster care case manager.

3. Notify the foster care case manager if issues arise that may jeopardize continued eligibility such as no review form, 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.

4. Participate in quarterly Permanency Planning meeting, as appropriate.

5. Engaging with the foster care case manager to review and discuss supportive service requests. While final decision authority lies with eligibility, the best interest of the child based on discussion, limits of the program and other resources available must be taken into consideration.

6. Communicate the ongoing status of placement with family.

Eligibility Factors for TANF Kinship Care 400-19-140-10

(Revised 4/1/2026 Release 26.1)

View Archives

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

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

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

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

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

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

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

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

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

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

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

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

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

A caretaker relative in an ongoing case that requests TANF Kinship Care assistance, must complete an SFN 405, Application for Assistance or the electronic application along with a complete Monthly Report which must be signed by the caretaker relative. Eligibility for TANF Kinship Care may be established on the date the human service zone receives the signed request or date of eligibility, whichever is later.

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

(Revised 1/1/2024 ML #3772)

View Archives

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

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

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

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

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

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

   If a child enters a guardianship, the child is no longer under the care, custody and control of the human service zone, therefore the child is no longer eligible for TANF Kinship Care.

4. The caretaker adopts the child. The household will no longer be eligible for TANF Kinship Care Assistance as of the last day of the month the adoption becomes final.

5. The household fails to comply with TANF Program requirements.

6. When a child leaves the home or is no longer eligible for TANF Kinship Care and there is no other eligible TANF Kinship Care child(ren) in the home.

7. When a caretaker relative within the 5th degree is no longer present in the home.

8. A completed background check is not received after 90 days from the TANF Kinship Care application date or date of eligibility, whichever is later, for all household members age 18 or older.

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

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

Note: If an individual age 18 or older moves into the home of an 'ongoing' TANF Kinship Care placement, a background check and child abuse and neglect background check must be completed for that individual. (See Section 400-19-140-05, Overview).

TANF Kinship Care Supportive Services 400-19-140-20

(Revised 5/1/2023 ML #3704)

View Archives

Supportive services may provide reimbursements within the limits established by the department under the Foster Care Program. Any approved supportive services reimbursement will be paid retroactively and will require proof of costs incurred. Eligibility for TANF Kinship Care supportive services is the date of application or the date of eligibility whichever is later.

Supportive services may be paid for up to 90 days from the application date or date of eligibility, whichever is later while waiting for the results of the finger print based criminal background check (referred to as background check).

In order for supportive services to continue beyond the 90th day, the foster care case manager must provide verification of an approved background check for individuals age 18 years or older in the home.

In certain situations, the department may receive information included as confirmation that a background check does not meet NDCC 50-11 requirement. However, the offense and date of conviction may not warrant denial of a kinship care placement. In these situations, the foster care case manager will make the final determination. **For example**, does the individual meet the foster care licensing relative waiver options?

If the background check is not received after 90 days, supportive services must end immediately after the 90th day. Payment of supportive services will be prohibited:

- beyond the 90th day if the eligibility worker has not received the results of the background check or
- at the time the eligibility worker has received confirmation the adult(s) with whom the child was placed has a criminal background.

TANF Kinship Care supportive services provide reimbursement for:

Child Care

Child care may be reimbursed to the caretaker as a TANF Kinship Care supportive service. Effective with the benefit month of August 2011, there is no maximum on the amount of child care that can be reimbursed or allowed as an expense, provided the costs are reasonable and comparable to the market rate for the area.

a. Reimbursement is available for the caretakers' paid employment, a combination of paid employment and education/training, or work search where care is necessary unless the spouse of the caretaker, or an individual (a responsible adult household member) acting in the place of a child's parent resides in the home and is available to provide the child care.

b. The child care provider must be a licensed, certified, registered or an approved relative provider unless the eligibility worker and foster care case manager determine conditions prevent care from being provided outside the home or verified barriers prevent child care arrangements outside the home.

c. The Kinship Care child to whom care is provided must be younger than 13 years of age. Requests for reimbursement for 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.

Payment of Child Care expenses is issued as a TANF benefit and not through the Child Care Assistance Program.

Clothing Allowance Reimbursement

Initial and Special:

a. Initial Clothing Allowance - During the first five months after the child enters a TANF Kinship Care arrangement, the child's clothing needs can be met with an initial clothing allowance, if needed. The initial clothing allowance must be requested and prior approval received. A list of clothing purchases and receipts must be submitted to the county for reimbursement. The need for the initial clothing allowance should be included in the permanency planning document. The integrated eligibility system limits the amount a payment may be made based on the age of a child but does not keep track of the five month period. Tracking the five month period is a manual process and should be kept in the TANF Kinship Care casefile.

Note: Once a child receives the initial clothing allowance, they should not receive it again while residing within the same TANF Kinship Care home. While it is expected that clothing purchased and reimbursed by Kinship Care follows the child, an additional allowance may be authorized if the child moves to the home of a new caretaker/relative.

Initial Clothing Allowance rates:

- Children ages 0 – 4 years of age $400 maximum per year per child.

- Children ages 5 – 12 years of age $400 maximum per year per child.
- Children ages 13 – 18 or over 18* years of age $400 maximum per year per child.

b. Special Clothing Allowance - A special clothing allowance may be authorized to replace clothing lost in a fire, flood, theft, or other disasters, or for sudden spurts of growth. The special clothing allowance rate is for emergency and extraordinary circumstances and should rarely be used in meeting the needs of the child. The supportive service is not an entitlement, but an exception.

Special Clothing Allowance rates:

- Children ages 0 – 4 years of age $250 maximum per year per child.
- Children ages 5 – 12 years of age $325 maximum per year per child.
- Children ages 13 – 18 or over 18* years of age $400 maximum per year per child.

*over age 18 – a child who is a fulltime student in a secondary or a vocational or a technical school that is equivalent to secondary school, before the end of the calendar month in which the student attains age 19, the student may reasonably be expected to complete the program of such school.

Emergency Needs

Payment for emergency needs not to exceed $500 per case may be authorized may be reimbursed to meet expenses for which non-payment would threaten the placement or interrupt its permanence as determined by the eligibility worker and foster care case manager. The $500 is a one-time option that may be reimbursed in one payment or several payments not to exceed a total of $500. Reimbursement for miscellaneous expenses will be allowed only if the Kinship Care caretaker requested and received specific approval from the eligibility worker and foster care case manager prior to the services being provided. Discussion between the eligibility worker and foster care case manager need to occur to come to an agreement on the services prior to the services being provided. If no agreement exists, reimbursement will not be allowed. Some examples of items that may qualify in this category are a bed, bedding, crib, highchair, damage by a child in Kinship Care placement, etc.

Legal Fees

Legal fees incurred by the caretaker relative necessary to obtain legal guardianship of the TANF Kinship Care child can be paid under supportive services. Funds designated for this purpose, are currently administered by NDHHS Children and Family Services (CFS) and CFS is first payer before TANF Kinship Care. Reimbursement for legal fees may be allowed only if the caretaker relative requested and received specific approval from the eligibility worker and foster care case

manager prior to the services being provided. TANF Kinship Care supportive services are payer of last resort for these expenses. Reimbursement may not exceed $700. Normally this supportive service is available once per TANF Kinship Care placement.

School Supplies/Activity fees/Allowable Irregular Maintenance

Payment may be made under supportive services for:

a. School supplies or activity fees charged for participation in school and community activities (e.g. uniforms or supply rentals, activity fees, transportation costs, school pictures, field trips, school supplies, class ring, prom dress/tux, camps, music lessons/lease/purchase of musical instruments).

b. Allowable irregular maintenance payments may be for personal incidentals of the child such as personal hygiene items, cosmetics, over the counter medications, special dietary foods, infant and toddler supplies (including high chairs and diapers), and miscellaneous items.

Note: Since car seats are available through various health districts entities in North Dakota, these agencies must be utilized. In the rare instance where a car seat is not available through a health district entity, the eligibility worker and foster care case manager should discuss the need. Authorization for reimbursement is prohibited if no need exists or the purchase was made prior to the eligibility worker's approval.

Following are the allowable rates established under Family Foster Care:

i. Children ages 0 – 4 years of age $200 per year
ii. Children ages 5 – 12 years of age $500 per year
iii. Children 13 and over 18 or 18* $700 per year

Transportation Costs

Payment of transportation costs may be authorized for reasonable travel of the TANF Kinship Care child to the child's parental home, reasonable parental travel to the child's Kinship Care placement home or other arranged location for visitation or other travel expenses **as identified in the permanency plan**. The allowable reimbursement rate for travel is $0.45 per mile.

Note: Travel reimbursement must be claimed by date, purpose, and miles driven and reimbursed through the TANF Vendor Payment Process.

TANF Kinship Care Maintenance Payment 400-19-140-25

(New 9/1/2021 ML #3629)

View Archives

A $300.00 per month TANF Kinship Care maintenance payment will be added to the TANF benefit for each TANF Kinship Care household regardless of household size.

The TANF Kinship Care maintenance payment will be prorated from the date of application or the date of eligibility, whichever is later.

Diversion 400-19-145

Overview 400-19-145-05

(Revised 6/1/10 ML #3218)

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(N.D.A.C. 75-02-01.2-02.1)

On September 1, 2006, North Dakota implemented Diversion as a means to provide short-term emergency benefits and services to families during a 'specific crisis or episode of need'. Individuals eligible under Diversion are not included in the State's work participation rate.

Prior to October 1, 2008, Diversion was considered TANF assistance. Diversion is not assistance under title 45, Code of Federal Regulations, Part 260-31, and is not a benefit for purposes of North Dakota Century Code, Section 50-09-06.1. Therefore, effective October 1, 2008, changes to Diversion policy were implemented to no longer consider Diversion as TANF assistance.

Diversion benefits and services:

1. Are designed to deal with a specific crisis situation or episode of need;
2. Are not intended to meet recurrent or ongoing needs; and
3. Will not extend beyond four months in a 12 month period.

Diversion is provided to qualified families for the duration of the crisis or episode of need. This will allow individuals to clear up problems that might push them further into poverty.

Factors of Eligibility 400-19-145-10

(Revised 4/1/2026 Release 26.1)

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'Specific Crisis or Episode of Need' is defined as a nonrecurring, short-term family emergency. To be eligible for Diversion, families must have a 'Specific Crisis or Episode of Need' caused by one of the following:

1. Temporary reduction or loss of income (earned or unearned) which results in the families inability to pay rent and utilities or the threat of possible or persistent homelessness, eviction, and/or utility shut-off.

   In order to be considered 'temporary', the individual must:

   a. Have secured employment that will allow the household to regain self-sufficiency; or
   b. Have employment to which they will return once the crisis or episode of need has passed; or
   c. Verify the anticipated receipt of unearned income that will allow the household to regain self-sufficiency.

2. Disaster, which may consist of tornado, fire, flood, etc. The disaster does not have to be one which was federally declared.
3. Unmet needs (e.g. appropriate work or school attire, special clothing, or tools; moving expenses to accept a job offer or to be closer to work, automotive repair, fee for job placement services, etc.) which are integral to accepting or maintaining employment or to attend work or training activities that will allow the household to become self-sufficient.

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:

1. A caretaker relative in a child only case (OU);

   Note: If an ineligible Kinship Care caretaker experiences a 'Specific Crisis or Episode of Need', they may request the Kinship Care case be closed and apply for Diversion. However, if the Kinship Care case remains closed for more than a full calendar month, and upon closure of the Diversion, they requests to receive Kinship Care, all factors of Kinship Care must be again met.

2. A minor parent and not the head-of-household (Head of Household is MP or OU);
3. An alien who is ineligible to receive assistance due to the alien's immigration status (DA);
4. A recipient of Supplemental Security Income (SSI) benefits, including presumptive SSI benefits (SS);
5. A recipient of Social Security Disability (SSDI) benefits (IN);
6. A parent providing care for a disabled family member living in the home provided that the need for such care is supported by documentation from a qualified professional. See Section 400-19-75-10-15-05, Verified Provider of Care to Disabled Family Member, for additional information (IN);
7. Parents or caretaker relatives, personally providing fulltime care for a child who is under the age of 2 months, through the last day of the 2nd month from the child's date of birth.(IN)
8. Caretakers who will meet the criteria for a referral to one of the 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 month of eligibility.

    Note: Eligibility for the first 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 for in the second month of eligibility.

10. A household in which at least one member is in receipt of Kinship Care.
11. Families where the caretaker has received 60 months of TANF.

    Note: The family may apply for TANF under the exemption criteria to continue receiving assistance beyond 60 months.

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.

If there are two caretakers in a case and only one of the caretakers become 'DA', 'OU', 'MP', 'SS' or ‘ST’, the case may remain a Diversion case.

Example: Diversion case with an incapacitated parent with both parents in the household. The participation code for both parents would be ‘IN’. The incapacitated parent starts receiving SSI and the participation code changes to ‘SS’, the family may continue to be Diversion eligible, provided the family continues to meet all factors of eligibility for Diversion .

Once approved under Diversion, the Diversion case must be closed when the ‘specific crisis or episode of need’ has been resolved, or the individual has received 4 months of Diversion benefits in the previous 12 month period.

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

(Revised 4/1/2026 Release 26.1)

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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:
   a. The TANF household must submit an application. (See Section 400-19-20-20, Required Applications in Various Circumstances.)
   b. All TANF rules apply such as an interview non-financial and financial criteria factors and TANF JOBS and Child Support Up-front Eligibility Requirements.
   c. TANF cannot be worked in the integrated eligibility system until the next month and TANF will not be prorated.

      Note: Proration of TANF benefits would apply if the family applies for benefits any time after the first day of the month following closure of Diversion.
6. There must be a closure when going from TANF to Diversion and vice versa.

Example 1: (Diversion to TANF) The family received two months of Diversion in October and November. The household reports a change 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 to approve TANF, if all factors of eligibility are met, effective December 1st.

Example 2:(TANF to Diversion) Ongoing TANF. The eligibility worker determines the family has a ‘specific crisis or episode of need’ and should be on Diversion. After discussing with the caretaker the benefits of receiving Diversion,

TANF is closed for client request. An SFN 405, Application for Assistance or Electronic Application is required along with the monthly report.

The Time Limited Percentage (TLP) earned income disregard will remain at 50 percent for Diversion, unless at the time of TANF closure, the household received six months of TLP in their twelve-month cycle. If they received six months of TLP in their twelve-month cycle, the count will continue to increment while on Diversion.

Diversion Four-Month Limitation 400-19-145-20

(Revised 4/1/2026 Release 26.1)

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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 integrated eligibility 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.

When determining eligibility for October, based on the rolling count, the integrated eligibility 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.

When determining eligibility for November, based on the rolling count, the integrated eligibility 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.

When determining eligibility for December, based on the rolling count, the integrated eligibility 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, or zero benefit will not count towards the four-month limit.

Diversion Supportive Services 400-19-145-25

(Revised 4/1/2026 Release 26.1)

View Archives

Diversion consists of payments to help with expenses associated with a 'specific crisis or episode of need' and is paid through supportive services or vendor payment. All Diversion reimbursements must be rounded to the nearest dollar (if 50 cents or over round up and if under 50 cents round down).

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 for a household who is experiencing homelessness or is at risk of becoming homeless. For recipient households, the maximum payment is limited to two months while the Diversion case is open.

    In both situations:

    - The family must be able to demonstrate that they will be able to sustain payment of these expenses for future months. (The income remaining after

subtracting other expenses must be sufficient to pay the housing/shelter expenses without additional assistance.)

- All requests for assistance with housing/shelter expenses must be submitted to the State TANF/JOBS policy staff for approval. **The request must include the calculation for sustainability.** Hard copy verification is required from the family before a payment may be made.

- Payment of rent or mortgage expenses through supportive services is temporary in nature and not considered subsidized housing.

Payments for Housing/Shelter expenses cannot exceed actual costs and are made to the vendor utilizing the Vendor Payment process. (See Section 400-19-65-35, Vendor Payment Process, for instructions when processing Vendor Payments.)

2. Job Related Expenses (Employment, school or training) – An individual may receive reimbursements for the following job related expenses through supportive services:

   a. Employment related clothing necessary for the individual to enter employment. Assistance is limited to $250 per participant, per state fiscal year (July 1 through June 30).

   b. Tools or equipment required for the individual to accept employment. Assistance is limited to $150 per participant, per state fiscal year (July 1 through June 30).

   c. Repairs necessary to return an individual's vehicle to operable condition or basic liability insurance for up to 3 months, provided:

      - The vehicle is registered to a Diversion household member;

      - The vehicle is needed by the participant to get to work or another approved work activity; and

      - The general condition and value of the vehicle justifies repairs.

      Assistance is limited to $500 per participant, per state fiscal year (July 1 through June 30).

   d. Assistance for defraying the cost of books, tuition and fees associated with work activity, provided other educational fund sources have been explored and are exhausted. Assistance is limited to $1000 per participant, per state fiscal year (July 1 through June 30).

e. Payment for professional license fees and professional examination fees where there is no other available source of funding, including fee waivers, and the professional license or examination is necessary to achieve an employment-related goal. Assistance is limited to $150 per participant, per state fiscal year (July 1 through June 30).

f. Moving expenses to accept a job offer or to be closer to work. Assistance is limited to $1000 per participant, per state fiscal year (July 1 through June 30).

g. Other expenses necessary for employment interviews, including transportation, lodging, grooming, and clothing.
   - Assistance for transportation is limited to $150 per participant, per month.

Payment of Job Related Expenses may also be paid using SFN 471, Vendor Payment (TANF) Authorization and Request for Payment of Goods and Services. Hard copy verification is required from the family before a payment may be made. (See Section 400-19-65-35, Vendor Payment Process, for instructions when processing Vendor Payments.)

3. Disaster Related Expenses – In the event of a disaster involving members of the Diversion household, the eligibility worker, after exploring the availability of property insurance and community resources, shall authorize the replacement of clothing, furniture, household equipment, and other needed supplies at a level comparable to that maintained by the recipient at the time of the fire, flood, tornado, or other catastrophic event. Community organizations often provide assistance to victims of disasters. The eligibility worker should coordinate assistance with local resources.

   Hard copy verification is required from the family before a payment may be made. Payment must be made by using SFN 471 Vendor Payment (TANF) Authorization and Request for Payment of Goods and Services. (See Section 400-19-65-35, Vendor Payment Process, for instructions when processing Vendor Payments.)

4. Emergency Household Needs – The Emergency Household Needs supportive service is limited to a monthly amount of $430.00.

   This supportive service may be used for items not covered under any of the other supportive services and is to be used for expenses that are not recurring, including but not limited to costs associated with counseling, case management, peer support (e.g. AA, Al-Anon, Cancer Support groups, etc.), job retention, job advancement and other employment-related services including transportation costs.

5. Unforeseen Circumstances - The unforeseen circumstances payment is to be used to reimburse a recipient for a payment made in situations that were beyond the individual's control. State office approval is required before making an unforeseen circumstances payment.

   Example: Reimbursement of late fees paid by the recipient, due to Diversion benefits not received timely.

6. Child Restraint Seat - State law requires that all children younger than seven be secured in a child restraint seat (car seat or booster seat) when riding in any motor vehicle. A seat belt may be substituted for children younger than seven who weigh more than 80 pounds and are more than 57 (4'9") inches tall. A child three (3) through ten (10) years of age must be protected by either a safety seat or seat belt.

   Child restraint seats are available in many communities through hospitals, public health agencies, and civic organizations. In collaboration with many public health agencies, reimbursement may be made to public health agencies for child restraints provided to Diversion recipients. The public health agencies must complete SFN 471, Vendor Payment (TANF), Authorization and Request for Payment of Goods and Services and send it to the eligibility worker for authorization.

   When a child restraint seat is not otherwise available, the household may purchase one and the cost may be reimbursed as a special item of need supplemental benefit, once verification of the purchase amount is provided to the eligibility worker.

   Note: When available, recipients may be required to go through public health agencies where they will be educated on the proper use of child restraints. Recipients should be advised about choosing a model that meets all criteria of the Federal Motor Vehicle safety standards. Because some models do not fit all cars, households should be certain that the model being considered for purchase would be suitable for their vehicle. Additional information is available from the North Dakota Department of Health, 1-800-472-2286.

   As a child grows, a larger child restraint seat will be needed. For this reason, Diversion can pay for multiple child restraint seats for the same child, provided one is not available through the local hospitals, public health agencies, and civic organizations.

   Example: If an infant car seat was initially paid for, a booster seat may be paid for based on the child's age/size.

7. Essential Services - The cost of a service considered essential to the well being of a Diversion household member, including an ineligible caretaker or SSI recipient who is not the parent of a child in the household, shall be provided for

in the Diversion 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 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 parent'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:

- Can only be paid if all other resources have been exhausted;
- Must be approved by State TANF/JOBS policy staff; and
- Should be based on negotiation with the provider;

Note: The allowable maximum daily rate for child/dependent care cannot exceed the amount allowed for emergency foster care, which currently is $30 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 Diversion household members must be explored for placements of longer duration.

8. GED/High School Graduate Incentive Payment - Each eligible Diversion household member will receive a $250 one-time-only incentive payment upon completion of high school or general education development (GED) diploma. The individual must be Diversion eligible in the month the individual completes high school or GED requirements.

   Verification of completion of high school or general education development diploma (GED) diploma is required.

9. Health Insurance Premiums - The cost of a premium for health and hospitalization insurance carried by an individual residing in the home, that covers an eligible member of the Diversion household, can be paid.

   Health, hospitalization, drug, dental, and/or vision insurance is defined as any contract policy covering loss due to sickness or bodily injury. However, it does not include specific health insurance contracts covering loss due to accident, cancer, or disability. In addition, Workers with Disabilities enrollment fees or premium amounts are not allowed as a special item of need payment.

   If the policy covers individuals who are not members of the Diversion household (stepparents, ineligible caretakers, etc.), payment is limited to:

   - The portion of the premium for each Diversion eligible household member that is allocated by the insurance company; or, if that allocation is unavailable;

   - The total premium amount, divided by the number of individuals covered, and then multiplied by the number of Diversion eligible household members who are covered by the insurance.

   The applicant or recipient must inform the eligibility worker of the insurance. In instances where there is more than one health insurance policy for the same coverage, only one policy of the household's choice shall be paid in the Diversion benefit. Payment shall begin in the month in which the eigibility worker is informed of the insurance and receives verification of the cost.

10. Health Tracks Reimbursement - Diversion recipients who complete the Health Tracks screening are eligible for a $25.00 reimbursement per individual. The reimbursement is available after the completion of the initial screening and the annual Health Tracks screening, provided 12 months have passed between screenings. Completion of the screening, for this purpose, does not include the follow-up appointments or referrals to other physicians that are generated from a screening.

    Example: An initial screening is completed in August and a $25.00 reimbursement is issued as a supplement for August. In order to be eligible for the $25.00 reimbursement again, the individual would need to be screened in August of the following year or thereafter.

    Note: August would count as month one (1) of the 12 month period.

Child Care Expenses 400-19-145-30

(Revised 4/1/2026 Release 26.1)

View Archives

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.

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.

Diversion Financial Eligibility Determination 400-19-145-35

Revised 4/1/2026 Release 26.1

View Archives

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.)

Budgeting for Diversion Benefits 400-19-145-40

(Revised 8/1/11 ML #3272)

View Archives

If the household passes the financial eligibility determination, the Diversion benefit calculation is computed as follows:

1. The amount of the benefit will be the total amount of the Diversion Types created on the Supportive Services/Special Items of Need Window.
2. Recoupment amounts (either a percentage of the Standard of Need or a fixed dollar amount) are subtracted from the Diversion Benefit to arrive at the Net Diversion Benefit.

EXAMPLE:

Household consists of a caretaker and one dependent child. Household is eligible for the $430 Emergency Needs and $150.00 Transportation.

Total Amount of Diversion Types	580.00
Recoupment Amount	0.00
Net Diversion Benefit	580.00

Diversion Closure 400-19-145-45

(Revised 4/1/2026 Release 26.1)

View Archives

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.

Diversion Overpayments and Underpayments 400-19-145-50

(Revised 6/1/10 ML #3218)

View Archives

Overpayments must be established and recoupment plans entered and authorized for incorrect payments. Diversion is not assistance or a benefit, but paid through supportive services. Therefore, theintegrated eligibility system will not recoup Diversion supportive services from future Diversion or TANF benefits.

Underpayments for Diversion must be made to pay a supportive service for a prior month.

Diversion Appeals 400-19-145-55

(Revised 6/1/10 ML #3218)

View Archives

Individuals have the right to appeal any adverse action regarding their Diversion Benefits. (See Section 400-19-125-10, Requesting a Fair Hearing – Other than JOBS Sanction for additional information.)

When an individual appeals an adverse action regarding their Diversion Benefit:

1. If Diversion is denied or the case closed, benefits cannot be continued pending the hearing decision.
2. If Diversion is reduced, benefits may only be continued based on the reduced level, pending the hearing decision.
3. If Diversion has been paid for the maximum 4 months in the preceding 12-month period and notice to close has been sent, if the individual appeals the closure, benefits may not continue pending the fair hearing.

Transition Assistance 400-19-150

Overview 400-19-150-05

(Revised 6/1/10 ML #3218)

View Archives

(N.D.A.C. 75-02-01.2-02.3)

North Dakota implemented a Transition Assistance program effective August 1, 2007, to promote job retention by providing an extended period of cash benefits to qualified TANF households, thus assisting them in attaining self-sufficiency and, thereby, eliminating the need for future government benefits. Transition Assistance is TANF, and is an extension of an ongoing TANF case that fails for excess earned income.

Factors of Eligibility 400-19-150-10

Revised 4/1/2026 Release 26.1

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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 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.

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').

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, child support assignment, JOBS program participation and lifetime limit).

When a Transition Assistance household fails or refuses to comply with TANF eligibility requirements, the Transition Assistance case must be closed. Upon reapplication for assistance, the household cannot resume eligibility under Transition Assistance. Instead, eligibility for the household must be determined under “regular” TANF or Diversion Assistance.

The portion of the Transition Assistance benefit determined Unreimbursed Public Assistance (UPA) is the amount paid for job retention and any transportation allowance paid during a month the individual was not employed.

Once a benefit is paid, the case cannot be switched from Transition Assistance to “regular” TANF or "regular" TANF to Transition Assistance, when reworking the paid benefit month.

SFN 323, “JOBS Status Change” (or other means acceptable to the Employment Contractor) must be provided to the JOBS Employment Contractor whenever there is a change in eligibility from “regular” TANF to Transition Assistance or from Transition Assistance to “regular” TANF.

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

(Revised 4/1/2026 Release 26.1)

View Archives

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.

Transition Assistance Six-Month Consecutive Limitation 400-19-150-20

(Revised 6/1/10 ML #3218)

View Archives

There is no limit on the number of months a household can receive Transition Assistance during their TANF 60-month lifetime limit. However, the maximum number of consecutive months for Transition Assistance cannot exceed six.

A Transition Assistance case may close after receiving six consecutive months of Transition Assistance or the household may remain eligible for ongoing assistance under “regular” TANF provided all eligibility requirements continue to be met.

Transition Assistance Supportive Services 400-19-150-25

(Revised 10/1/15 ML #3459)

View Archives

Transition Assistance Supportive Services for job retention and transportation will be paid prospectively. Available Transition Assistance Supportive Services consist of:

1. Job Retention – A monthly amount of $200.00 will be paid unless the caretaker has a participation code of 'DD', 'DF' or 'DM'.

   Note: When the Stepparent's earned income results in eligibility for Transition Assistance, the Job Retention must be entered next to the natural or adoptive parent in the integrated eligibility system.

2. Transportation – A transportation allowance of up to $150.00 per month may be paid. The amount of the transportation allowance will be determined by the JOBS Employment Contractor. Only caretakers participating in the JOBS Program are eligible to receive the transportation allowance.

Individuals who are eligible for Transition Assistance and are participants of the Job Opportunity and Basic Skills (JOBS) Program are eligible to receive JOBS Supportive Services identified in section 400-19-65-15, Types of JOBS Supportive Services.

Effective with the Benefit Month of August 2011, child care expenses must be paid through the Child Care Assistance Program (CCAP), based on the rules of that program. (Refer to the Child Care Assistance Manual Chapter 400-28.). Child care expenses will no longer be paid directly to recipients using a debit card.

Special Items of Need 400-19-150-30

(Revised 6/1/10 ML #3218)

View Archives

TANF special items of need (e.g. reimbursement for child restraint seats, essential services, health insurance premiums, health tracks and GED/HS diploma incentives, housing allowance, etc.) may also be paid to recipients of Transition Assistance. (See Section 400-19-60, Special Items of Need.)

JOBS Supportive Services - Transition Assistance 400-19-150-35

(Revised 6/1/2023 ML 3721)

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Recipients of Transition Assistance may also be eligible to receive JOBS Supportive Services, provided the individual is a participant of the Job Opportunity and Basic Skills (JOBS) Program. (See Section 400-19-65-15 Types of JOBS Supportive Services.)

Post-TANF Supportive Services 400-19-155

(Revised 10/1/15 ML #3459)

View Archives

(N.D.A.C. 75-02-01.2-90)

Post-TANF supportive services may be provided to assist former TANF or Transition Assistance recipients to succeed in the workforce and thus avoid the need to receive further TANF benefits. These supportive services may be provided to eligible individuals for up to six (6) months following the closure of their TANF or Transition Assistance case regardless of the reason for closure, provided, the individual was participating or required to participate in the JOBS or Tribal New Program in their last month of TANF or Transition eligibility. The six (6) month window of eligibility for Post-TANF supportive services begins on the first day of the first month following case closure.

During the six month period, benefits can be paid effective the month the household requests Post-TANF supportive services. Retroactive payments will not be made unless it is determined that the payment was not made due to an administrative error.

Tribal NEW does not determine eligibility for Post-TANF supportive services. Instead, determining eligibility for and issuing payment of Post-TANF supportive services is the responsibility of the eligibility worker.

There are two supportive services available to former TANF recipients:

1. Post-TANF Transportation; and
2. Discretionary.

Former TANF recipients are eligible for Post-TANF supportive services if they:

1. Have at least one deprived child residing in the home; and
2. Reside in the state; and
3. Are engaged in paid employment or a combination of paid employment and any education/training; and
4. Have not reached their TANF Lifetime limit;

5. Were required to or participate in the JOBS program in the last month of eligibility for TANF or Transition; and

6. Are not currently disqualified due to an Intentional Program Violation (IPV).

> **Note:** Ineligibility for Post-TANF supportive services will occur even if the disqualification occurs after the individual's TANF case has been closed. It is the status of the individual in the month in which the request for Post-TANF supportive services is made that determines the individuals eligibility for those payments.

The eligibility worker or JOBS Employment Contractor may authorize the use of Post-TANF supportive services. When authorizing the use of these services, a reasonable effort must be made to determine if a former TANF recipient is eligible for Post-TANF supportive services. Reasonable efforts include asking the former TANF recipient if all six criteria are met.

The JOBS Employment Contractor or eligibility worker must ensure the individual remains employed. When authorizing Discretionary supportive services, verification of expenses for which assistance is requested must be secured.

If the former TANF recipient is disqualified due to an IPV, the eligibility worker should alert the JOBS Employment Contractor at the time of case closure or when an individual receives an IPV following case closure.

When a household has been determined ineligible for Post-TANF Supportive Services:

- If the household has not yet received any Post-TANF Supportive Services, the household is not eligible for Post-TANF.

- If the household already received Post-TANF Supportive Services, payments must cease effective the date ineligibility is determined. In all cases, notification must be sent to the household.

Post-TANF Transportation Supportive Services 400-19-155-05

(Revised 1/1/17 ML #3482)

View Archives

The JOBS Employment Contractor or eligibility worker may approve Transportation Supportive Services. The maximum, monthly Transportation Supportive Service payment may not exceed $150.00.

Transportation Supportive Services may be utilized for monthly transportation expenses for the individual's private vehicle, public transportation passes, cab fares, or rides provided through an informal arrangement.

Transportation assistance may be utilized to pay fees or fines which prevent an individual from legally operating a vehicle. Allowable fees may include a reinstatement fee on a suspended license, registration fee for a DUI seminar, defensive driver's class required prior to reinstatement of a driver's license, driver's license exam fee, and vehicle insurance, license, or titles.

Traffic fines and DUI fines may be paid at the discretion of the JOBS Employment Contractor or eligibility worker provided the individual demonstrates the ability to contribute in paying a portion of the fine. The portion of the fine to be paid by the individual will be determined by the JOBS Employment Contractor or eligibility worker.

> **Note:** Once a transportation assistance payment has been issued to an individual, overpayments are not to be established.

If transportation Supportive Services are based on mileage, a monthly stipend or flat amount is not allowed. Instead, a mileage calculation must be identified on the Employability Plan or documented in the case file if calculated by the eligibility worker. Transportation assistance based on mileage is calculated by multiplying the number of actual or estimated miles required to support the individual's approved work activity and a self-initiated educational activity by $0.45, the current reimbursement rate for travel under the TANF program.

Payments for Transportation Supportive Services are issued to the recipients via the TANF electronic payment card or are paid to the vendor utilizing the Vendor Payment process.

Post-TANF Discretionary Supportive Services 400-19-155-10

(Revised 6/1/10 ML #3218)

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The JOBS Employment Contractor or eligibility worker may approve the use of Discretionary Supportive Services to meet legitimate needs of the client. Over the course of the six (6) month period, actual costs up to a maximum of $400 may be approved by the JOBS Employment Contractor or eligibility worker. No more than $400 may be approved per case, per state fiscal year (July 1 – June 30).

> **Note:** The $400 Discretionary Supportive Service amount is in addition to any JOBS Supportive Services the individual may have received while in receipt of TANF or Transition Assistance.

Appropriate uses of Discretionary Supportive Services includes, but are not limited to such things as: vehicle repair and insurance; relocation assistance; additional assistance with transportation costs; purchase of employment related clothing; and tools for employment; etc.

Assessment 400-19-160

(Revised 12/1/2022 ML #3683)

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(N.D.A.C. 75-02-01.2-74)

JOBS Employment Contractors are responsible to complete an in-depth assessment on each individual referred to the Jobs Opportunity and Basic Skills Program.

Forms and Documents 400-19-165

(New 4/1/2024 ML#3801)

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Table of Forms

Form Number	Form Name	Description
SFN 74	Child Support Information	**Child Support Information** 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.

Form Number	Form Name	Description
		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

Form Number	Form Name	Description
		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.

Form Number	Form Name	Description
		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 interest. 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 Child Support Division.
SFN 150	60-Month Lifetime Limit Exemption Background Report	Used to submit a request to exempt a household from the 60-month lifetime limit. The form plus information to substantiate the request must be submitted to the State Exemption Determination Team (SEDT) for a final decision.
SFN 162	Request for Hearing	Used when a TANF Applicant or Recipient chooses to request a fair hearing due to action taken regarding TANF benefits.
SFN 323	JOBS Status Change	Used to relay information regarding a JOBS participant between the JOBS Employment Contractors and Eligibility Workers.
SFN 376	Fleeing Felon/Parole or Probation Violator Review	Used to determine if an individual is disqualified from participation in the TANF program due to Fleeing Felon Review
SFN 413	Individual Indian Monies Account	**Individual Indian Monies Account** SFN 413, Individual Indian Monies Account form is to obtain definite information from Indian agencies about deposits made to and balances remaining in IIM Accounts. This information is necessary to determine eligibility and benefit amount and lends itself to prorating based on income received during a previous 12-month period.

Form Number	Form Name	Description
		The upper portion of the form is to be completed by the eligibility worker. The form must be signed by the applicant/recipient who then sends or takes it to the superintendent of the Indian agency for completion. Note: The household may choose to sign a Release of Information permitting the eligibility worker to obtain the needed data from the Indian agency directly. SFN 413, signed by the applicant/recipient, must also be used when this method is followed. The bottom portion of the form is completed by appropriate officials of the Indian agency. IIM accounts for persons enrolled at the Fort Totten and Turtle Mountain Indian agencies are maintained in the Aberdeen, South Dakota, Area Office. Accounts for persons enrolled by the Fort Berthold and Standing Rock agencies are maintained by each of those agencies
SFN 414	Subsidized Employment Agreement	Used by the JOBS Employment Contractors when placing an individual into subsidized employment so the JOBS program can reimburse the employer for the employee's wages, up to a maximum of the minimum wage.
SFN 419	Request to Division of Vital Statistics for Confidential Verification of Birth	**Request to Division of Vital Records - Birth** Verification of birth for individuals born in North Dakota can be obtained: 1. Through the system interface. 2. By utilizing SFN 419. Request to Division of Vital Statistics for Confidential Verification of Birth form. The form must be sent to: Vital Records 600 E. Boulevard Ave., Dept. 325 Bismarck, ND 58505-0250
SFN 420	Request to Division of Vital Statistics for Confidential	**Request to Division of Vital Records - Death** Verification of death can be obtained:

Form Number	Form Name	Description
	Verification of Death	1. Through the system interface. 2. By utilizing SFN 420. Request to Division of Vital Statistics for Confidential Verification of Death form. The form must be sent to: Vital Records 600 E. Boulevard Ave., Dept. 325 Bismarck, ND 58505-0250
SFN 421	Request for Verification of Marriage	Used in some instances in which it is necessary to identify the children of a mother's former marriage. Thus, if the birth information of the children does not coincide with the mother's present name, the fact that it did coincide with the mother's name during a previous marriage is established. The form is directed to the office of the county judge in the county in which the marriage is said to have occurred.
SFN 422	Request for Verification of Divorce	Used for the purpose of securing verification of divorce as the cause of continued absence from the home. The form is also used to verify the custody arrangement, as well as the alimony and/or support payments. The form is directed to the office of the county judge in the county in which the divorce occurred.
SFN 429	Memorandum of Agreement to Establish Protective Payment	**Memorandum of Agreement to Establish Protective Payment** Used if the protective payee method is needed as an alternative payment method. Regulations require a protective or vendor payment whenever a TANF recipient (1) persistently mismanages their funds to the detriment of the children's best interests, or (2) refuses without "good cause" to comply with the terms of the TANF contract. This agreement briefly defines the conditions under which the protective payee agrees to serve and provides minimum identifying information about the household that is helpful to all parties concerned. A copy of the completed and signed agreement

Form Number	Form Name	Description
		shall be given to the recipient and the protective payee, and filed in the recipient's case file.
SFN 443	Notice of Right to Claim 'Good Cause'	**Notice of Right to Claim 'Good Cause'** Used to inform TANF individuals of their right under Section 208 of Public Law 94-88 to claim an exemption from the requirement to cooperate with the child support enforcement effort if they believe that by doing so they would be acting contrary to the best interests of their child(ren). The form must be given to TANF custodians when a custodian included in the open case adds a child into the case (such as a minor child who as a child (three generation case)) and the custodian has not previously been provided an SFN 443. Record in narrative the name, address and date the SFN 443 was mailed. Return and signature of the 443 is optional. If received, place in the case file. The notice briefly summarizes the legislative intent of child support enforcement and the applicant's obligation to cooperate in the support collection effort and describes the circumstances under which cooperation may be "against the best interests" of the child(ren) and provides examples of the kinds of evidence necessary to substantiate a claim of good cause.
SFN 446	Request to Claim Good Cause	**Request to Claim Good Cause** Used as the means by which an applicant or recipient formally advises the human service zone that they wish to claim an exemption from the requirement to cooperate with the child support enforcement effort. The form, which is largely self-explanatory, provides the TANF custodian the opportunity to describe the circumstances which they believe will have a bearing on the claim.

Form Number	Form Name	Description
		The signed and dated original request is to be given to the applicant or recipient. The canary-colored copy shall be filed in the case record as documentation that the request for an exemption was in fact made. The pink copy is to be forwarded to the Regional Child Support Division as a directive that child support activity is to be delayed until such time as the good cause issue is resolved.
SFN 451	Eligibility Report on Disability/Incapacity	**Eligibility Report on Disability/Incapacity** Used by the human service zone office in reporting current personal and employability factors and conditions about an applicant or family applying for assistance based on disability or incapacity. The form is also used when a review of eligibility is requested by the State Review Team or is desired by the human service zone Office. In order that the State Review Team is supplied with information that is complete and current, each question on the form must be answered fully. SFN 451 is to be completed in duplicate, with the original submitted to the Department of Health and Human Services. A copy is retained in the zone office's case record. NOTE: Other types of eligibility documents such as narrative reports may be substituted for SFN 451 provided all information asked for in the SFN 451 is incorporated into the report. Following are instructions for the proper completion of SFN 451: SECTION I. Information in this section identifies the case information, such as case name, address, case number, the date of application, and the medical approval date.

Form Number	Form Name	Description
		SECTION II. Information in this section concerns only the person whose physical or mental disability or incapacity is the basis of eligibility for assistance. Name, Birth Date, and Sex - Self-explanatory. • Race – Check the appropriate race of the person whose physical or mental disability or incapacity is the basis of eligibility. If an individual is of mixed ancestry, check all that apply. • Marital Status, Education and Training - Self-explanatory. • State Institutions - As requested, indicate if the applicant or recipient is or has been a resident at a state institution and give dates of entry and release, if applicable. • Benefits - Check if the applicant or recipient receives benefits (monetary and/or medical) from any of the sources listed. • Employment - All questions relate to the employment record and capacities of the applicant or recipient, the applicant or recipient's future employability and/or Employability Plans. A description of the specific types of work the applicant or recipient has done, as described by the person, and the types of physical and/or mental stresses they have placed upon the person are desirable in visualizing and evaluating the employment factors. SECTION III. This section pertains to the applicant or recipient and their family, if any, in terms of their living arrangements. Facts about housing can help evaluate the effect of the environment on the medical and social condition of the applicant/recipient. A description of certain individual and/or family problems such as social and financial difficulties and poor family relationships help to better understand and evaluate the person's total stresses and how they

Form Number	Form Name	Description
		may relate to the individual's physical and/or mental functioning. SECTION IV. The information requested here focuses on the physical and/or mental problems as stated by the applicant or recipient and, equally as important, as observed by the worker. A person's own attitude and disability is of great importance and has much to do with determining motivation for improving their position in or returning to the labor market. If the applicant or recipient is in need of personal care, indicate what the specific activity limitations are that require that care. If the applicant's or recipient's primary disability or incapacity appears to be of a psychological, psychiatric or social nature, current psychological, psychiatric, vocational rehabilitation, or social evaluations should be submitted. Include any additional relevant information not provided elsewhere which may assist the State Review Team in reaching an equitable decision on eligibility. This must include the worker's recommendations concerning approval or denial and the appropriateness of a referral to Vocational Rehabilitation.
SFN 471	Vendor Payment Authorization and Request for Payment for Goods and Services	**Vendor Payment Authorization and Request for Payment for Goods and Services** SFN 471, Vendor Payment (TANF) Authorization and Request for Payment of Goods and Services, is to be used where payment is made directly to a vendor. Directions for completing the form are as follows: Section I. Vendor Information: • List the name, address, and telephone number of the Vendor who provided the

Form Number	Form Name	Description
		service. • List the name and address of the TANF recipient who received the services. • List the date the service was provided, a description of the items or services and the amount claimed. Once all are listed, enter the Total Amount Claimed. Section II. Client Information: • List the TANF recipient's name, case number and social security number. Section III. Authorized Agency (County/Contractor Information) • The person (Employment Contractor, County Director or a Designee) must sign who authorized payment of the service provided must sign, date, and list the name of the agency for whom they work. Section IV. State Information: • This is for State Office use only. Upon completion of the form, send to the state office for processing.
SFN 640	Verification of Participation in ARSEN Program	**Alternative Response for Substance Exposed Newborns** The SFN 640, Verification of Participation in Alternative Response for Substance Exposed Newborns (ARSEN) form is used by the human service zone Child Protection Service (CPS)/case manager when an applicant or recipient applying for TANF Incapacity Deprivation or requesting good cause from the JOBS Program based on participation in ARSEN.

Form Number	Form Name	Description
		The SFN 640 is provided by the human service zone CPS/case manager to the eligibility worker who then saves the form to filenet.
SFN 970	Multi-Party Authorization to Disclose Information	The purpose of the SFN 970 is to request information on a specific individual from multiple agencies. Information requested must be required to determine eligibility and benefit level.
SFN 1059	Authorization to Disclose Information	The purpose of the SFN 1059 is to request information on a specific individual from a single agency. Information requested must be required to determine eligibility and benefit level.
SFN 1784	Appeal Background Report	The purpose of the SFN 1784 is to advise the Appeals Supervisor of the reason for an appeal and the program(s) being affected by the appeal.
SFN 1940	TANF/SNAP/CCAP Notice of Suspected Intentional Program Violation	**TANF/SNAP/CCAP Notice of Suspected Intentional Program Violation** The SFN 1940 is intended to: 1. Notify an individual in writing when that individual is suspected of having committed intentional program violation; 2. Provide a means of waiving the right to a hearing if an individual suspected of intentional program violation wishes to waive their right to an administration disqualification hearing; 3. Assign a hearing time if the right to an administrative disqualification hearing is not waived; and 4. To allow an individual who desires that a hearing officer be present at the hearing, rather than having a telephone hearing, to indicate that desire. Form completion instructions: Pages 1 and 2 are to be completed by the county initiating the administrative disqualification hearing procedure. The form is to be signed in this section, by an Eligibility Worker, Supervisor, or County

Form Number	Form Name	Description
		Director who will be present at the meeting with the individual suspected of having committed intentional program violation. Page 3, the "waiver of hearing" section, , either A or item B, is to be signed if the individual wishes to waive their right to an administrative disqualification hearing. Page 4, the individual suspected of intentional program violation must sign on this page if the individual does not waive their right to a hearing and desires that a hearing officer be present at the hearing, rather than a telephone hearing. If an administrative disqualification hearing is scheduled, the Appeals Referee Supervisor will complete "notice of hearing" and so advise the suspected individual. Form distribution: • Original • If it is decided at the time of the meeting that there was no intentional program violation - file original and all copies in casefile along with a notation of the results of the meeting. • If the right to hearing is waived, or if there is to be a hearing - forward to Appeals Referee Supervisor. • 1 Copy - If the right to a hearing is waived, or if there is to be a hearing - give to the accused individual signing the form. • 1 Copy - Casefile.
SFN 2828	First Report of Injury	Used by the JOBS Employment Contractors, for individuals participating in Community Service or Work Experience Activities and become injured

Form Number	Form Name	Description
		while participating in these activities.

Table of DN Forms

DNs		
Form Number	Form Name	Description
DN 248	Temporary Assistance For Needy Families (TANF) Brochure	Brochure outlining the TANF Program.
DN 891	North Dakota Kinship Care Program	Brochure outlining the Kinship Care Program.
DN 1087	Legal Services Organizations	The purpose of the DN 1087 is to advise individuals suspected of having committed intentional program violation of the availability of free legal services. A copy of this form is to be provided to such individuals at the time of the meeting as described in the policy.
DN 1332	The Family Violence Option	Brochure outlining the Family Violence Option
DN 1990	JOB Opportunities and Basic Skills (JOBS)	Brochure outlining the work requirements for recipients of TANF.

Table of Other Forms and Documents

Other Forms and Documents	
Form Name	Description
Form SS-5, Application for a Social Security Card	**Form SS-5** Application for Social Security Number designed by the Social Security Administration, must be completed by anyone applying for a social security number (SSN) or for a replacement of a lost or destroyed card. It may also be used to request a change in an individual's social security record. A completed Form SS-5, 'Application for Social Security Number' and evidence of age, identity, and United States citizenship (or legal alien status) constitute a formal application for a number.

Other Forms and Documents	
Form Name	Description
	Form SS-5, 'Application for Social Security Number' may be made at any district office of the Social Security Administration. However, since each member of a TANF household must either have a number or prove that an application for a number has been made, human service zone office staff may find it expedient to assist the applicant in completing the form. This will help to ensure that the form is completed properly and that unnecessary delays are avoided. The completed form, together with required evidence of age, identity, and citizenship may be either mailed or delivered personally by the applicant to the Social Security Administration's district office. In return, the human service zone office will be notified by the district office via Form 5028, 'Evidence of Application for Social Security Number Card' or other means that these materials were received and that the application for an SSN will be processed. Completion of Form SS-5, 'Application for Social Security Number', is largely self-explanatory although detailed instructions are attached to the form. The form must be dated and signed by the applicant. The state code (35), a two-digit county number, and zeros shall be entered with red ink on the line identified as "NPN" in the lower right-hand corner of the form. An illustration of a Burleigh County entry for TANF is 35-080000000. Any zero appearing in the case number must be shown with a vertical line drawn through (0) to allow the computer to distinguish it from the letter "0." Application for a Social Security Number Card
Life Estate and Remainder Interest Table	Interest table for life estate and remainder interest table.
TANF Benefit Prorate Table	Used when prorating TANF benefits.
Tribal NEW Memorandum of Understanding	The Tribal NEW MOU outlines the interaction between, the Department, human service zones,

Other Forms and Documents	
Form Name	Description
	and the four Tribal New Programs in the State. The MOU contains the specific referral criteria that are to be used when making referrals to Tribal NEW.

All forms are available through the Department of Health and Human Services unless otherwise indicated on the form. Some forms may be obtained electronically through E-Forms.

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.