

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

- IM 5367 Use of Federal Data Service Hub (FDSH) for Economic Assistance Programs
- IM 5380 Applications Maintained in Any County for Economic Assistance Programs
- IM 5389 Documentation/Verification of Specified Relative
- IM 5408 Interviews
- IM 5422 Alternative Responses for Substance Exposed Newborns Program
- IM 5432 Documentation/Verification of Relationship

Par. 2. **Effective Date** – Policy changes included in this manual letter are effective September 1, 2021. Policy incorporated with the IMs are effective based on the date listed in the IM.

Items that include a change in policy are indicated. All other items are corrections or clarifications.

This manual letter includes removal of policy and system references related to the legacy system.

Reference to county social services is being removed and replaced with reference to human service zone in sections included in this manual letter.

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

Definitions 400-19-05

1. 400-19-05 Definitions - Section incorporates IM 5422 in which policy was added to allow Incapacity Deprivation and JOBS Good Cause for TANF applicants/recipients who are participating in the Alternative Response for Substance Exposed Newborns Program. Section incorporates IM 5408 in which policy was updated to allow the option of phone, virtual or in person interviews when an interview is required. Added definition for Human Service Zone. Changed definition of State Exemption Determination Team to TANF/JOBS Policy Unit. **This is a change in policy.** Removed the definition of WIA as the program has been replaced by the WIOA (Workforce Innovation and Opportunity Act) of 2014. Added definition for WIOA (Workforce Innovation and Opportunity Act) which supersedes the WIA program.

Definitions 400-19-05

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)

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

Human Service Zone - means 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.

State Exemption Determination Team (SEDT) – The Public Assistance Director and the TANF/JOBS Policy Administrator(s) Unit who determine exemptions for the 'Verified Provider of Care to a Disabled Household

Member (VP)' and the exemption to the 'Lifetime Limit' requirement.

~~**WIA (Work Force Investment Act)** – A program administered through Job Service North Dakota or a Tribal entity that provides work experience, on-the-job training, short term jobs, and internships with a public, nonprofit or private for-profit business. (The Work Force Investment Act of 1998, implemented September 11, 2000, repealed and replaced the Job Training Partnership Act of 1982).~~

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.

Administrative Requirements 400-19-15

2. 400-19-15-05-05 Roles and Responsibilities - Section incorporates IM 5408 in which policy was updated to allow the option of phone, virtual or in person interviews when an interview is required.

Roles and Responsibilities 400-19-15-05-05

The Role and Responsibility of the TANF 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 ~~p~~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 ~~p~~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 TANF ~~E~~eligibility ~~W~~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 TANF ~~E~~eligibility ~~W~~worker make certain that all referred individuals clearly understand their responsibilities for participation in the JOBS ~~p~~Program.

With regards to the JOBS Program, the TANF ~~E~~eligibility ~~W~~worker is responsible to:

1. Present a brief orientation to JOBS during the interview by:
 - a. Providing the individual with a ~~copy of the DN 1990, "JOBS Work Requirements for Recipients of the TANF Program", DN 1990 brochure~~ 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 TANF ~~E~~eligibility ~~W~~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.
3. 400-19-15-10 Verification of Selected Factors of Eligibility and Verification Sources - Policy added regarding requirements on date stamping verifications. **This is a change in policy.** Section incorporates IM 5367 in which policy was added FDSH real time information can only be used for Health Care Coverage Programs. This information will be considered known information

and must be verified independently for TANF if action is required. Under #4 System Interfaces, removed references to specific sections of the Administrative Procedures Manual. Added State Verification and Exchange System (SVES) as a new interface source which is used to verify an individual's social security number, age, identify and gender in the automated computer system. **This is a change in policy.**

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

While eligibility for TANF is determined primarily by information supplied by the applicant/recipient, verification of all factors of eligibility must be supported by conclusive, documenting evidence. It is the responsibility of the applicant or guardian of the applicant to provide documentary evidence to support its statements and resolve any questionable information. The applicant or guardian may supply documentary evidence in person, through the mail, e-mail 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 TANF 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 TANF 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 case 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. TANF Eeligibility Wworker 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 TANF Eeligibility Wworker 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 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 TANF Eeligibility Wworker 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 TANF Eeligibility Wworker 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 ~~TANF~~ Eeligibility Wworker must only disclose the information that is absolutely necessary to get the information being sought. The ~~TANF~~ Eeligibility Wworker should avoid disclosing that a household has applied for assistance and should not disclose any information provided by the household. ~~TANF~~ Eeligibility Wworkers should not suggest that a household is suspected of any wrongdoing.

The household may designate a collateral contact. However, the ~~TANF~~ Eeligibility Wworker 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 ~~TANF~~ Eeligibility Wworker is responsible for obtaining verification from the collateral contact.

In directly contacting a collateral contact source of verification, the ~~TANF~~ Eeligibility Wworker must always identify ~~him/herself~~ themselves by name, position, and the name of the human service zone ~~county social service~~ 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 ~~TANF~~ Eeligibility Wworker 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.

4. **System Interfaces.** System interfaces are used to verify information needed to determine eligibility. Interfaces are addressed in the Administrative Procedures Manual. Refer to section 448-01-50 of the Administrative Procedures Manual for information on system interfaces.

The following interfaces, identified in the Administrative Procedure Manual, can be used as acceptable types of verification:

- a. SDX – This interface can be used to verify SSI eligibility and payment data collected by the Social Security Administration. ~~Refer to Administrative Manual Section 448-01-50-15-40 for further information.~~

- b. TPQY – This interface can be used to verify Social Security and Supplemental Security Income benefits. ~~Refer to Administrative Manual Section 448-01-50-15-55 for further information.~~

- c. FACSES – This interface can be used to verify the amount of child support an individual receives or pays out. ~~Refer to Administrative Manual Section 448-01-50-35 for further information.~~

- d. New Hire (through FACSES) – This interface is used to verify information regarding individuals hired for employment in North Dakota. ~~Refer to Administrative Manual Section 448-01-50-35 for further information.~~

- e. IEVS – This interface is used to verify income and asset data from the Internal Revenue Service (IRS), the Social Security

Administration (SSA) and Job Service North Dakota for the purpose of making more accurate eligibility determinations. ~~Refer to Administrative Manual Section 448-01-50-10 for further information.~~

- f. Unemployment Insurance Benefits (UIB) – This interface can be used to verify the amount of UIB benefits received. ~~Refer to Administrative Manual Section 448-01-50-25 for further information.~~
- g. Motor Vehicle – This interface can be used to verify vehicle ownership of a household member. ~~Refer to Administrative Manual Section 448-01-50-30 for further information.~~
- h. Vital Statistics – This interface can be used to verify an individual’s date of birth, citizenship and relationship. ~~Refer to Administrative Manual Section 448-01-50-20 for further information.~~
- i. Numident – This interface is used to verify an individual’s social security number, age, identity and sex. ~~Administrative Manual Section 448-01-50-15-60 provides additional information regarding the numident interface, and defines the alerts that are created when the numident match is determined ‘Invalid’.~~

~~When the return NUMIDENT file is processed, the following indicators display in the NUMIDENT field on Client Profile in Vision with the results of the match:~~

- ~~i. Blank – This means the information has not been sent to SSA. The TANF Eligibility Worker will need to obtain some other form of verification.~~
- ~~ii. Sent – This means the information was sent to SSA for verification but the verification has not yet been received back. The TANF Eligibility Worker will need to obtain some other form of verification.~~

- ~~iii. Valid — This means the SSN entered in Vision matches the SSN on file at SSA and serves as verification of the SSN.~~
- ~~iv. Invalid — This means the SSN, name, date of birth or sex of the individual was an Invalid match with the SSA information.~~

~~a. Invalid SSN~~

- ~~• If a copy of the applicant or recipients social security card was obtained and the number on the card matches what was entered into Vision, the card can be used as verification. However, the applicant or recipient should be referred to the local SSA office to resolve the discrepancy.~~

~~**Note:** Document in the case file the information on file is correct for the individual and the individual has been sent to Social Security Administration to correct their records.~~

- ~~• If the verification provided is other than the social security card, send an advance notice requesting hard copy verification from the individual. If the requested information is not provided, the application must be denied or the case closed for failure to provide the requested information.~~

~~b. Invalid Name — This most often occurs if individuals marry or were adopted.~~

- ~~• If the verification provided is other than from an acceptable source (400 19 45 55 05), send an advance notice requesting hard copy verification from the individual. If the~~

~~requested information is not provided, the application must be denied or the case closed for failure to provide the requested information.~~

- ~~• If the name in the system matches the verification provided by the recipient, request the individual contact Social Security Administration to resolve any discrepancy.~~

~~**Note:** Document in the case file the information on file is correct for the individual and the individual has been sent Social Security Administration with the correct name.~~

~~c. Invalid Date of Birth~~

- ~~• If the individual did not provide verification of birth or the verification is not from an acceptable source (400-19-45-50-05), send an advance notice requesting hard copy verification from the individual. If the verification is not provided, close the case for failure to provide information.~~
- ~~• If the date of birth in the system matches the verification provided by the recipient, request the individual contact Social Security Administration for correction.~~

~~**Note:** Document in the case file the information on file is correct for the individual and the individual has been sent to Social Security Administration to resolve any discrepancy~~

~~d. Invalid Sex~~

- ~~If the sex of the individual is in question, the TANF Eligibility Worker must contact the household, and then correct the information. Do not close the case for not providing information on the correct sex. If the household does not respond to the request from the worker, and the sex of the individual is not available, use prudent judgment and clarify during the next face to face review.~~
- ~~If the correct sex is already known, change it in the system.~~
- ~~If the sex in the system matches the information/ verification provided by the recipient, request the individual contact Social Security Administration for correction.~~

~~**Note:** Document in the case file the information on file is correct for the individual and the individual has been sent to Social Security Administration to resolve any discrepancy.~~

j. SVES (State Verification and Exchange System) - This interface is used to verify an individual's social security number, age, identity and gender in the automated computer system.

Application/Request for Benefits 400-19-20

4. 400-19-20-05 Overview - Section incorporates IM 5380 in which policy was updated to allow applications to be received, filed and maintained at any human service zone office within the state, based on what is most convenient for the applicant or recipient. Section incorporates IM 5408 in which policy was updated to

allow the option of phone, virtual or in person interviews when an interview is required.

Overview 400-19-20-05

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 ~~the local county social~~ a human service zone office agency for processing. An unsigned application is not considered an application.

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

Prior to determining eligibility and authorizing benefits, the TANF 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 ~~county agency~~ human service zone office.
- ~~County agency~~ 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.
- ~~County agency~~ 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 TANF Eligibility Worker conducts an ~~in~~ face-to-face interview.

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

- The applicant provides verifications.

- The TANF Eligibility Worker determines eligibility and the date eligibility begins.
 - The TANF Eligibility Worker notifies the applicant of eligibility or ineligibility.
5. 400-19-20-15 Application Process - Section incorporates IM 5408 in which policy was updated to allow the option of phone, virtual or in person interviews when an interview is required.

Application Process 400-19-20-15

Upon receipt of an application (regardless which application form is used), the TANF Eligibility Worker must:

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

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

- See TANF policy at Required Applications in Various Circumstances 400-19-20-20 to determine when an application, Statement of Facts or Monthly Report can be used.
2. If the application does not list an address, the TANF Eligibility Worker should review the contact information found on a mailing envelope, in a phone book, on a Motor Vehicle query or using any other available resources for address information.
 3. Schedule an n face-to-face interview.

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

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

4. The application must be registered in the automated computer system as soon as possible upon receipt, but no later than the fifth working day following receipt. If no mailing/residence address can be located, 'General Delivery' must be used as the mailing address for all notice(s). If the notices are returned for insufficient address:
 - If the application has not been approved, the application should be denied due to loss of contact and documented in the casefile.
 - If the application has been approved, ~~the case~~ **TANF** can be closed for loss of contact and documented in the casefile.

Review of Eligibility Requirements 400-19-30

6. 400-19-30 Review of Eligibility Requirements - Reference to the effective date of the change in policy when an interview is not required at Annual Review has been removed in first paragraph. This change was part of ML 3218 and was effective with ML 3218.

Review of Eligibility Requirements 400-19-30

Eligibility for every TANF household is redetermined each month using the TANF Monthly Report. The purpose of the ~~a~~**A**nnual Review is to carefully examine all relevant factors of eligibility including deprivation, income, assets, and household composition, as well as to identify any inconsistencies in the information provided through the ~~m~~**M**onthly ~~r~~**R**eport ~~process~~ or the interview. ~~Effective June 1, 2010, a face-to-face~~ **An** interview is ~~no longer~~ **not** required when completing the ~~a~~**A**nnual Review.

The automated computer system provides an alert to the TANF Eligibility Worker when an Annual rReview is due and automatically sends the Review Due notice notification to the TANF household advising the TANF household that the Annual rReview is due. The TANF Monthly Report/Review form is sent to the TANF Primary Individual on approximately the 25th of the month prior to the month the Review is due.

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

Note: The TANF Eligibility Worker must document the date a rReview form is filed by recording the date received on the form.

Upon receipt of a completed rReview form:

- If the rReview form was received timely (by the 5th day of the month or the first working day after the 5th, if the 5th falls on a weekend or holiday), the review must be processed no later than the last working day of the month in which it was received. (e.g. If a completed rReview form is received by June 5th, the review must be processed no later than the last working day of June.)
- If the rReview form was not submitted timely, but was submitted during the month it is due, the review must be processed as soon as possible, but no later than 30 days following the date received.

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

Counties [Human service zones](#) must use forms and notices developed by the Department of Human Services (DHS) for the purposes of informing and advising clients of the status of their review and their rights and responsibilities.

TANF Up-front Eligibility Requirements 400-19-35

7. 400-19-35-15 Child Support Up-front Eligibility – Clarification added information about the SFN 74 is available in section 400-19-165-10, SFN 74, Child Support Information. **This is a clarification to policy.**

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

As a condition of eligibility, applicants are required to complete SFN 74, 'Child Support Information' and DN 403, 'Acknowledgment of Nonrepresentation'. The SFN 74 will be required from each caretaker against each absent parent for each child for whom TANF benefits are requested. Only one DN 403 is required per caretaker. The forms may be included with the information provided to TANF applicants with the application packet.

Note: Forms SFN 74 and DN 403 remain valid for six (6) months from the original date they were signed. Therefore, if a family reapplies within the six (6) month period, a review of the existing forms kept in the casefile rather than completion of new forms will satisfy the Child Support Up-front eligibility requirement. The family must resign and redate the copies underneath the existing signature and date. The family must initial and date any changes made to the information previously supplied on the file copy. The 'updated' copies must be sent to the Child Support Division to meet the Child Support Up-front eligibility requirement.

Since Up-front Child Support requirements do not apply to Benefit Cap child(ren), the SFN 74 and DN 403 do not need to be completed for the Benefit Cap child only.

The TANF Eeligibility Wworker must review the automated computer system for each child TANF is being request to see if there is an outstanding Child Support Non-cooperation ~~Absent Parent Maintenance~~ window in the automated computer system, by selecting each child. If a reason of financial or paternity appears in the 'Child Support Non-Cooperation Reason(s)' box for any children included for TANF, there may be an outstanding issue that needs to be resolved prior to approval of the TANF application. The individual must contact the Regional Child Support Division office as the Up-front Child Support eligibility requirement will not be met until the issue is resolved.

Note: ~~An alert is generated in the automated computer system when the issue has been resolved. (For further information on this alert, see the February 2007 Vision Maintenance Rollout.)~~

If the completed forms are received by the TANF Eeligibility Wworker and there are no outstanding issues with the Child Support Division, Up-front Child Support eligibility requirements have been met.

Note: Forms are to be sent to the Regional 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 TANF Eeligibility Wworker 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 TANF Eeligibility Wworker, the application must be denied.

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

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

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

Child Support Up-front eligibility does not apply when:

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

Note: The ~~TANF Eligibility~~ Worker should request that the family complete the forms but cannot deny the application if the forms are not completed and returned.

When a TANF application is denied and the family is eligible for Medicaid, SFN 74 and DN 403 should be forwarded to the Regional Child Support Division.

TANF Non-Financial Eligibility Factors 400-19-45

8. 400-19-45-15-10 Documentation/Verification of Specified Relative - Section incorporates IM 5389 in which policy was updated to add Tribal enrollment record as a verification source for relationship within the 5th degree. Section incorporates IM 5432 in which policy was updated adding additional policy to verify relationship within the 5th degree.

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

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.

9. 400-19-45-70-10 Deprivation Reasons - Section incorporates IM 5422 in which policy was added to allow Incapacity Deprivation and JOBS Good Cause for TANF applicants/recipients who are participating in the Alternative Response for Substance Exposed Newborns Program.

Deprivation Reasons 400-19-45-70-10

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

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

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

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

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

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

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

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

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

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

Occasionally, staff must deal with the complex question of whether or not a parent is actually absent from the home. Complaints from the community sometimes reach the ~~TANF~~ 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, the wife is pregnant and in her third trimester. However, the parents must reside together.

The Social Security Administration may review the individual's SSI or SSDS case to determine if disability continues. If the Social Security Administration determines that the individual's disability has ceased, the TANF 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 ~~TANF~~ 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 ~~TANF 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, the wife is pregnant and in her third trimester. However, the parents must reside together.

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

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

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

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

The TANF Eeligibility Wworker 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, TANF Eeligibility Sstaff, 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 TANF Eeligibility Wworker and the household.

The TANF Eeligibility Wworker 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 TANF Eeligibility Wworker 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 TANF Eeligibility Wworker 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 TANF Eeligibility Wworker shall issue notification to end eligibility based on incapacity.

If incapacity is denied, deprivation does not exist. The TANF Eeligibility Wworker 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.

10. 400-19-45-70-20 Documentation/Verification of Deprivation - Section incorporates IM 5422 in which policy was added to allow Incapacity Deprivation and JOBS Good Cause for TANF applicants/recipients who are participating in the Alternative Response for Substance Exposed Newborns Program.

Documentation/Verification of Deprivation 400-19-45-70-20

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

TANF Financial Eligibility Factors 400-19-55

11. 400-19-55-05-30 Exempt Assets – Updated #9, Earned Income Tax Credit, to reflect federal law which exempts these funds as assets for a period of 12 months from the month of receipt. This was changed with IM 5160 but was not updated in the TANF Manual when IM 5160 was manualized. **This is not new policy.** Changed #10, Economic Stimulus Tax Rebates from in the month of receipt and the following two months to for a period of 12 months from the month of receipt. This change was made to reflect federal law. **This is a change in policy.** Clarification added to #13 when Income Tax Refund becomes a countable asset. **This is not new policy.**

Exempt Assets 400-19-55-05-30

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. **Basic Maintenance Items** – Basic maintenance items such as clothing, furniture, appliances, and personal effects.
4. **Burial Plots** - A burial plot for each family member.

5. **Burial Prepayments or Deposits** - Any prepayments or deposits which total \$3000 or less, which are designated and maintained by an applicant or recipient for their burial.
6. **Children of Female Vietnam Veterans with Birth Defects Allowances** - These allowances, paid under Public Law 106-419 are exempt in determining eligibility and level of benefits under any federal or federally assisted program covering children with certain covered birth defects. This statute provides for monthly allowances, based on the degree of disability suffered by the child. The amounts range from \$100 to \$1272 monthly.
7. **Children of Vietnam Veterans Born with Spina Bifida Payments** - Payments made pursuant to Public Law 104-204 to children of Vietnam veterans who are born with spina bifida shall be exempt in determining TANF eligibility.
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 in the month of receipt and month following receipt.

Note: These funds become a countable asset beginning the month following the 12th month of exemption second month following the month of receipt.
10. **Economic Stimulus Tax Rebates** - Economic Stimulus Tax Rebates are exempt assets for a period of 12 months from the month of receipt in the month of receipt and the following two months.

Note: These funds become a countable asset beginning the month following the 12th month of exemption third month following the month of receipt.
11. **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.

12. **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.

13. **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.

14. **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.)

15. **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.
16. **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.
17. **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.)
18. **Loans** - A loan from any source with written documentation verification that is subject to repayment.
19. **Minor Parents' Parents Assets** – The assets of minor parents' parents shall be exempt in determining TANF eligibility.
20. **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.
21. **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.

22. **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.

23. **Retirement Plans** – Funds held in employer-sponsored retirement plans are not countable while an individual is employed with the company holding the retirement plan. However, private retirement plans are countable.
24. **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.
25. **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.

26. **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.
 27. **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.
 28. **530 Coverdell Education Savings Accounts** - Trusts created to pay the education expenses of the designated beneficiary.
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12. 400-19-55-25 Disregard of Certain Income - Added Economic Stimulus Tax Rebates as a disregarded income to #42. **This is a change in policy.**

Disregard of Certain Income 400-19-55-25

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 counted as assets in the second month 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)

- 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.
 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.

Example:

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

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

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

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 human service zone ~~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, ~~and~~ 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

Child Support Division 400-19-70

13. 400-19-70-30 'Good Cause' for Refusing to Cooperate – Clarification added in the last bullet if sanction is received on or after the third to the last working day of the month, sanction is imposed the first day of the future month. **This is clarification to policy.**

'Good Cause' for Refusing to Cooperate 400-19-70-30

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. This is accomplished by providing each with form SFN 443, Notice of Right to Claim 'Good Cause' at the time of application or when a child is being added to an ongoing case. 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'.

The custodian shall be given sufficient time to read the notice(s) and raise questions before signing. Any custodian wishing to claim a 'good cause' exemption shall indicate in writing by completing SFN 446, Request to Claim 'Good Cause'.

If, at the time of application, 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. The ~~TANF 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 Regional 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, are allowed only for circumstances of a genuine and serious nature. Mere belief that cooperation might result in harm is not a sufficient basis for a finding of 'good cause'. Evidence upon which the Human Service Zone ~~County Social Service~~ 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 ~~TANF 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 ~~TANF 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 ~~county social service~~ 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.

~~TANF~~ 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 ~~TANF~~ Eligibility Worker to assist in obtaining evidence. The ~~TANF~~ 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 ~~TANF~~ 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 ~~TANF~~ 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 ~~TANF~~ 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 ~~TANF Eligibility Worker~~ may not deny, delay, or discontinue assistance. Prior to making a final determination, Human Service Zone County Social Service 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 ~~County Social Service~~ 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 ~~TANF 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 county social service 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.

~~**Note:** The TANF Eligibility Worker will need to manually create the appropriate Good Cause Determination notice through the automated computer system.~~

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 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.

~~**Note:** The TANF Eligibility Worker must contact the Help Desk for assistance to delete the sanction.~~

- If Child Support Enforcement sends notification of non-cooperation and 'good cause' is denied, the sanction must be imposed effective the first day of the future benefit month: 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.

~~**Note:** The TANF Eligibility Worker must contact the Help Desk for assistance to impose the sanction.~~

14. 400-19-70-35 Prompt Referral to Child Support Division

Prompt Referral to Child Support Division 400-19-70-35

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.

Note: Children who are subject to Pay After Performance Requirements are **excluded from TANF** given a participation code of 'OU'. A referral is not made to the Child Support Division until the child meets the Work Requirement and is determined eligible for TANF. Any child support received by the Child Support Division on behalf of that child during the period the child is **excluded** 'OU' due to Pay After Performance requirements will be released to the household and must be counted as income.

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 or benefit cap 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 automated computer systems 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 alert notify the TANF Eligibility Worker any time information is received that may affect eligibility (i.e. absent parent address the same as the child, etc.).

15. 400-19-70-40 Non-Cooperation with Child Support Division

Non-Cooperation with Child Support Division 400-19-70-40

If the Child Support Division notifies the TANF Eligibility Worker of the custodian's failure to cooperate, the TANF 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.)

Children age 16 or older who are not attending school full time are subject to the four (4) months of Pay After Performance (PAP) requirements and are excluded from TANF ~~given a participation code of 'OU'~~. A referral is not made to Child Support Division until the child meets the Work Requirement and is determined eligible for TANF. If a Child Support Division non-cooperation alert is received for a child who is excluded from TANF due to Pay after Performance ~~has a participation code of 'OU'~~, the custodian of the excluded 'OU' child cannot be sanctioned.

If the child's custodian has not cooperated with the Child Support Division at the time the child is no longer subject to PAP requirements, a Child Support Division sanction must be imposed effective with the first month the child is no longer subject to the PAP requirements.

~~**Note:** Vision will not automatically create the the Child Support Division Sanction. Contact System Support and Development for assistance.~~

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

16. 400-19-75-10-05 Exempt Individuals - Added North Dakota TANF law to the first paragraph as the section identifies when individuals are exempt, excluded and non-exempt based on Federal or North Dakota law. **This is a clarification to policy.**

Exempt Individuals 400-19-75-10-05

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

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

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

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

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

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

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

Note: Individuals age 16 or older who are pursuing a GED must participate in JOBS.

17. 400-19-75-10-10 Exempt Individuals Who Choose to Volunteer- In the first note removed reference to SFN 323 JOBS Status of Change being sent as a new referral is now needed to show the change in status.

Exempt Individuals Who Choose to Volunteer 400-19-75-10-10

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 ~~SFN 323, JOBS Status Change or the automated JOBS Status Change~~ new referral form must be sent to the recipient and JOBS Employment Contractor or Tribal NEW Coordinator indicating the individual is no longer exempt. ~~Notification must also be sent to the JOBS participant.~~

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 (~~deselect the 'Volunteer' checkbox in the automated computer system~~). 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.

18. 400-19-75-10-15 Excluded Individuals

Excluded Individuals 400-19-75-10-15

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 (~~IN~~ eligible child);
2. An alien who is ineligible to receive assistance due to their immigration status (~~DA~~ disqualified caretaker);
3. A recipient of Supplemental Security Income (SSI), including presumptive SSI (~~SS~~ excluded caretaker);
4. A recipient of Social Security Disability (SSDI) benefits (~~IN~~ 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. (~~IN~~ 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 codes of eligible ~~IN~~ can volunteer to participate in the JOBS ~~p~~Program.

19. 400-19-75-10-15-05 Verified Provider of Care to a Disabled Family Member - In the first sentence, definition of State Exemption Determination Team changed to TANF/JOBS Policy Unit. **This is a change in policy.**

Verified Provider of Care to a Disabled Family Member 400-19-75-10-15-05

For purposes of this section:

- "Parent" means a parent or caretaker relative who would otherwise be considered a non-exempt caretaker, including a Pay After Performance 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 (SEDТ)” means the Public Assistance Director and the TANF/JOBS Policy Unit Administrator(s).
- “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 ~~p~~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 SEDТ has determined that the “family member’s” disability supports the parent’s or spouse’s need to provide care to the disabled family member.

~~**NOTE:** When such a determination is made, the SEDТ shall select the Verified Provider of Care (VP) exemption reason on~~

~~the JOBS window. Only State TANF Policy may select the VP exemption reason.~~

Requests to have the SEDT grant VP exemption to an individual may be initiated by the disabled family member's parent or spouse, the ~~TANF~~ Eeligibility Wworker, 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 ~~TANF~~ Eeligibility Wworker 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 ~~p~~Programs.
4. The SEDT will inform the ~~TANF~~ Eeligibility Wworker and JOBS Employment Contractor of the determination. If VP exemption is granted, the ~~TANF~~ Eeligibility Wworker is informed of:
 - a. The date of the next scheduled review; and
 - b. The information that must be provided to complete the review.

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

Non-Exempt (Work Eligible) Individuals 400-19-75-10-20

All individuals who are not exempt or excluded shall be referred to the JOBS or Tribal NEW pProgram 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, including individuals subject to Pay after Performance requirements;
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 (~~DI~~)
 - A caretaker who is disqualified due to intentional program violations (~~DF~~)
 - A caretaker who is disqualified due to being a fleeing felon (~~DD~~)
 - A caretaker who is disqualified due to parole or probation violation (~~DD~~), or
 - A caretaker who is **sanctioned** (~~disqualified~~) for non-compliance with the Child Support Division (~~DM~~)

NOTE: A caretaker is not eligible to participate in the JOBS Program if **they are** their participation code is '~~DA~~' '~~SS~~', '~~ST~~', '~~MP~~' or '~~OU~~', except those who are '~~OU~~' as a ~~Pay After Performance~~ caretaker.:

- 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.

21. 400-19-75-20 Good Cause Allowable Reasons for Nonparticipation in JOBS or Tribal NEW - Section incorporates IM 5422 in which policy was added to allow Incapacity Deprivation and JOBS Good Cause for TANF applicants/recipients who are participating in the Alternative Response for Substance Exposed Newborns Program.

Good Cause Allowable Reasons for Nonparticipation in JOBS or Tribal NEW 400-19-75-20

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 TANF 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 TANF 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 TANF 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 TANF

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.

22. 400-19-75-20-10 Good Cause - State Review Team (SRT) - Section incorporates IM 5422 in which policy was added to allow Incapacity Deprivation and JOBS Good Cause for TANF applicants/recipients who are participating in the Alternative Response for Substance Exposed Newborns Program.

Good Cause - State Review Team (SRT) 400-19-75-20-10

When a claim of good cause for non-participation in JOBS or Tribal NEW is based on a medical reason, either the TANF 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 TANF 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 ~~TANF 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.

23. 400-19-75-20-20 Good Cause for Non-Participation – Approved

Good Cause for Non-Participation - Approved 400-19-75-20-20

When a request for good cause for non-participation in the JOBS ~~p~~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 ~~TANF Eligibility Worker~~:

- If a JOBS referral has not been made, the ~~TANF Eligibility Worker~~ must select the appropriate good cause reason and enter the Expected End Date on the JOBS window. ~~T~~he 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.

~~**Note:** The reason of Verified Provider of Care (VP) can only be selected by State TANF Policy staff.~~

- If a JOBS referral has been made, the TANF Eligibility Worker must select the appropriate good cause reason and enter the Expected End Date on the JOBS window, and create a JOBS Status Change Form, informing 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.

~~**Note:** The reason of Verified Provider of Care (VP) can only be selected by State TANF Policy staff.~~

24. 400-19-75-40-20 Referrals When an Individual's JOBS Status Changes

Referrals When an Individual's JOBS Status Changes 400-19-75-40-20

A new JOBS referral is required must be created 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 new referral is also required ~~must also be created~~ 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.

25. 400-19-75-40-25 JOBS or Tribal NEW Participant Moves to Another County – Section title changed to reflect Human Service Zone. A new referral is no longer required if the JOBS Employment Contractor or Tribal NEW agency is the same when an individual moves.

JOBS or Tribal NEW Participant Moves to Another Human Service Zone County 400-19-75-40-25

When an individual moves from one human service zone county to another, participation in JOBS or Tribal NEW is considered a continuation of service and the individual is not treated as a new participant. ~~Whether or not the receiving county is served by the same JOBS Employment Contractor or Tribal NEW Coordinator, these individuals must resume involvement in JOBS or Tribal NEW within seven (7) calendar days from the print date of the new JOBS referral.~~

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) calendar days from the print date of the new referral. 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 County:

Consistent with Service Chapter 448-01-40-40, the TANF 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 county.

Receiving Human Service Zone County:

The TANF 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 automated computer system** and select the appropriate JOBS Employment Contractor or Tribal NEW Coordinator for those individuals who are required to participate in JOBS or Tribal NEW;
3. Select the 'Yes' radio button in the Transfer Case group box on the JOBS or Tribal NEW referral form, which will distinguish this action from a new referral; and
- 4.3. **If the referral is being made to a Tribal NEW Program, send a** copies of the JOBS or Tribal NEW referral form to the client at their

~~new address as well as to the JOBS Employment Contractor or Tribal NEW office.~~

26. 400-19-75-40-25-05 Resuming Participation in JOBS or the Same Tribal NEW Program After a Move to Another County – Section title changed to reflect Human Service Zone. A new referral is no longer required if the JOBS Employment Contractor or Tribal NEW agency is the same when an individual moves.

Resuming Participation in JOBS or the Same Tribal NEW Program After a Move to Another Human Service Zone County 400-19-75-40-25-05

When an individual moves from one human service zone county 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) calendar days from the print date of the new referral. 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) calendar days from the print date of the new JOBS or Tribal NEW referral. The day after the referral print date is considered day one of the seven (7) calendar 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) calendar 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) calendar days from the print on the JOBS or Tribal NEW referral, the JOBS Employment Contractor or Tribal NEW Coordinator is responsible to initiate the good cause determination process and recommend sanction, if appropriate.

27. 400-19-75-40-25-10 Resuming Participation With a New Tribal NEW Program After a Move to Another County - Section title changed to reflect Human Service Zone. Clarification added to include Tribal NEW office closed due to severe weather or other emergencies. **This is a clarification to policy.**

Resuming Participation With a New Tribal NEW Program After a Move to Another Human Service Zone County 400-19-75-40-25-10

When an individual moves from one human service zone county 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) calendar days from the print date of the new JOBS or Tribal NEW referral. The day after the referral print date is considered day one of the seven (7) calendar 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) calendar 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 Service Plan (SP) to the human service zone county within 30 days from the print date of the JOBS or Tribal NEW referral. If an individual's SP is not received within 30 calendar days, the ~~TANF~~ Eligibility Worker must contact Tribal NEW to request a copy. (Refer to the Tribal NEW Coordinators' Directory.)

If an individual fails to resume participation with the new Tribal NEW ~~Program~~ Program within seven (7) calendar days from the print on the JOBS or Tribal NEW referral, Tribal NEW shall immediately return the referral to the ~~TANF~~ Eligibility Worker. The ~~TANF~~ Eligibility Worker must initiate the good cause determination process.

28. 400-19-75-40-30 Failure or Refusal to Enroll or Participate in the JOBS or Tribal NEW Program - Expanded policy to include notification by electronic or hard copy that an individual did not enroll in the JOBS Program. **This is new policy.** Title of section referenced has been updated from 'Resuming Participation With a New Tribal NEW Program after a Move to Another County' to 'Resuming Participation With a New Tribal NEW Program after a Move to Another Human Service Zone County' This is a section title change effective with Manual Letter. Title of section referenced has been updated from 'Resuming Participation in JOBS or the Same Tribal NEW Program after a Move to Another County' to 'Resuming Participation in JOBS or the Same Tribal NEW Program after a Move to Another Human Service Zone County'. This is a section title change effective with Manual Letter. Title of section referenced in last note updated from 400-19-75-40-35-05, TANF Eligibility Worker Responsibility to 400-19-75-40-35-05, Eligibility Worker Responsibility. This is a section title change effective with this manual.

Failure or Refusal to Enroll or Participate in the JOBS or Tribal NEW Program 400-19-75-40-30

A failure or refusal of a non-exempt individual to participate in the JOBS or Tribal NEW ~~p~~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 JOBS or Tribal NEW ~~the Employment Contractor~~ within seven (7) calendar days from the print date of the referral to schedule an appointment to begin involvement in the program;
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 ~~TANF~~ 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 ~~p~~Program, the ~~TANF~~ 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 County).

2. The ~~TANF~~ Eligibility Worker oversees the good cause determination process when an individual fails to enroll in the JOBS or Tribal NEW program. 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. The JOBS Employment Contractor must return the JOBS or Tribal NEW referral to the TANF Eligibility Worker.

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 County).

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, TANF Eligibility Worker Responsibility.)

29. 400-19-75-40-35-05 TANF Eligibility Worker Responsibility - Section title renamed to reflect eligibility worker. Removed written from 'a' in '2' as notification is also received as a task in the automated computer system.

Eligibility Worker Responsibility 400-19-75-40-35-05

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 TANF 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 TANF 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 ~~TANF~~ Eligibility Worker is responsible to send a Good Cause Determination notice to the individual within two (2) days from the date of receipt of ~~written~~ notification of non-compliance.
- b. The individual is required to schedule an appointment and meet with the ~~TANF~~ Eligibility Worker within seven (7) calendar days from the print date of the good cause determination notice to show good cause for the failure or refusal to participate. 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 ~~TANF~~ 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 ~~TANF~~ 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 TANF ~~E~~eligibility ~~W~~worker determines that the individual did not show good cause for the initial failure or refusal to participate, the TANF ~~E~~eligibility ~~W~~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).

Tribal Native Employment Works (NEW) Program 400-19-80

30. 400-19-80-25 Transferring Individuals from State JOBS to Tribal NEW

Transferring Individuals from State JOBS to Tribal NEW 400-19-80 25

~~A TANF recipient is identified as a Tribal NEW participant based on the JOBS Type Field selection of 'Tribal' on the JOBS window in the automated computer system. Tribal NEW participants are excluded from the work participation rate requirements for federal reporting purposes every month in which the JOBS Type selection of 'Tribal' displays on the JOBS window.~~

When creating a referral to the Tribal NEW ~~p~~**P**rogram in ongoing TANF cases, it is imperative that the change of the JOBS Type field from 'State' to 'Tribal' ~~a referral~~ is made in the benefit month equal to the current calendar month ~~the individual is requesting to participate in Tribal NEW~~ and not the future benefit month. Changing the JOBS Type field to 'Tribal' in the benefit month equal to the ~~current~~ calendar month allows the individual to be identified as a Tribal NEW participant for federal reporting (and excluded), so these individuals no longer negatively affect the work participation rate requirement in the month of transition from the State JOBS program to the Tribal NEW program.

Example: An Native American individual begins post-secondary education in August and is required to be referred to Tribal NEW. In the calendar benefit month of August, the JOBS Type must be changed from 'State' to 'Tribal' and a Tribal NEW referral must be created.

Tribal NEW participants are excluded from the work participation rate requirements for federal reporting purposes.

31. 400-19-80-30 Transferring Individuals from Tribal NEW to State JOBS

Transferring Individuals from Tribal NEW to State JOBS 400-19-80-30

When an individual is no longer participating in the Tribal NEW pProgram and needs to be referred to the State JOBS pProgram, ~~it is imperative~~ the referral is made in the current calendar month the individual is required to participate in State JOBS that the change in the JOBS Type field on the JOBS window from 'Tribal' to 'State' be made in the future benefit month and not the benefit month equal to the current calendar month.

Example: An Native American individual completes post-secondary education in May and is now required to be referred to State JOBS. In the calendar benefit month of May June, the JOBS Type must be changed from 'Tribal' to 'State' and a referral to State JOBS is created.

Tribal NEW participants are excluded from the work participation rate requirements for federal reporting purposes.

Creating the 'State' JOBS referral in this manner also allows the JOBS Employment Contractor additional time to assist the 'State' JOBS participant in meeting the required number of hours in approved work

~~activities by the actual start date of the identified 'State' JOBS month for federal reporting purposes.~~

~~For TANF federal reporting purposes, a TANF recipient is identified as a Tribal NEW participant based on the JOBS Type selection of 'Tribal' on the JOBS window in the automated computer system. Tribal NEW participants are excluded from the work participation rate requirement for federal reporting purposes every month in which the JOBS Type selection of 'Tribal' displays on the JOBS window.~~

Sanction for Non-Compliance with JOBS and Tribal NEW 400-19-85

32. 400-19-85-15 Imposing a JOBS or Tribal NEW Sanction on an Open Case - Changed policy for imposing a sanction in the current month from no later than the 'Monthly Report Late Date' to the 15th of the month. 'Monthly Report Late Date' is information from legacy system. **This is a change in policy.**

Imposing a JOBS or Tribal NEW Sanction on an Open Case 400-19-85-15

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

1. It is cured, as required, by the sanctioned individual;
2. The sanctioned individual becomes exempt; or
3. The sanctioned individual is granted good cause.

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 ~~TANF~~ 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 TANF Eeligibility Wworker.

NOTE: When a sanction has been recommended by the JOBS Employment Contractor or Tribal NEW Coordinator, the TANF Eeligibility Wworker 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 TANF Eeligibility Wworker must make a sanction determination within five (5) working days from the receipt of the Recommendation for Sanction form. Once the Eeligibility Wworker 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 TANF Eeligibility Wworker 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 TANF Eeligibility Wworker 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 ~~with a participation code of 'OU' (due only to Pay After Performance), DI, DM, DD, DF, OH,~~ who is Pay After Performance, 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 TANF ~~E~~eligibility ~~W~~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. ~~“Monthly Report Late Date” (which can be found on the Main Menu Inquiry Tables Job Control Matrix).~~ 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 that date, the TANF ~~E~~eligibility ~~W~~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.

33. 400-19-85-20 Imposing a JOBS or Tribal NEW Sanction on a Closed TANF Case - Changed policy for imposing a sanction in the current month from no later than the “Monthly Report Late Date” to the 15th of the month. ‘Monthly Report Late Date’ is information from legacy system. **This is a change in policy.**

Imposing a JOBS or Tribal NEW Sanction on a Closed TANF Case

400-19-85-20

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 TANF ~~E~~eligibility ~~W~~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) calendar days from the print date of the good cause determination notice).

After determining that the above criteria have been met, the TANF ~~E~~eligibility ~~W~~worker shall:

- ~~1. Revert the case to open;~~
- ~~2. 1. Impose the sanction, rerun the HH Comp and Eligibility processes and reauthorize the TANF case closure (do not revert the case to close until after the notice is created);~~

~~**Note:** If the sanction is created on the same day the TANF case is reverted to open, the Vision system will automatically create the TANF JOBS Sanction notice and the TANF Eligibility Worker will need to review and send the notice. If the sanction is not created on the same day the TANF case is reverted to open, the TANF Eligibility Worker will need to manually create the notice.~~

- ~~3. 2. Send the **a sanction** notice **to the household** titled "TANF JOBS Sanction—Closed Case";~~
- ~~4. 3. Complete and return the Recommendation for Sanction form to the JOBS Employment Contractor or Tribal NEW Coordinator;.~~

5. ~~Revert the case to close.~~

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 “~~Monthly Report Late Date~~” (which can be found on the ~~Main Menu Inquiry Tables Job Control Matrix~~). 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 ~~that~~ date, the ~~TANF Eligibility Worker~~ must disregard the sanction.

Example #1: A sanction recommendation is received from JOBS or Tribal NEW on January 30th. The ~~TANF 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 ~~TANF Eligibility Worker~~ waits until the first working day of the next month (February) to impose the JOBS or Tribal NEW sanction, effective February 1st. The ~~TANF Eligibility Worker~~ creates and sends both a TANF JOBS Sanction notice and an ~~n~~ Notification of Overpayment ~~N~~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.

34. 400-19-85-25 Notice Requirements When Imposing a JOBS or Tribal NEW Sanction

Notice Requirements When Imposing a JOBS or Tribal NEW Sanction

400-19-85-25

Once a TANF Eeligibility Wworker 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 Eeligibility Wworker 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 TANF Eeligibility Wworker must send a TANF JOBS Sanction notice no later than the close of business on the 3rd to the last working day of a month.

~~**Note:** At the time a JOBS sanction is created in the Vision system, the TANF JOBS Sanction notice will be created automatically.~~

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 TANF Eeligibility Wworker 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.)

35. 400-19-85-30 Exception to the Requirement to Serve the Month of Ineligibility Following a JOBS or Tribal NEW Sanction

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

TANF policy allows an exception to the regular sanction policy to permit a sanctioned individual in receipt of regular TANF ~~B~~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 TANF ~~E~~eligibility ~~W~~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 TANF ~~E~~eligibility ~~W~~worker shall refer the sanctioned individual to the JOBS or Tribal NEW ~~p~~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 TANF ~~E~~eligibility ~~W~~worker should allow the individual additional time to successfully complete the POP.

NOTE: The TANF ~~E~~eligibility ~~W~~worker may extend the 30-day time limit for processing a TANF application due to extenuating circumstances, such as timing delays on the part of the human service zone county, 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 TANF Eligibility Worker must cure the sanction in enter a cure date equal to the last day of 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 April application must be denied as the household continues to be retrospectively budgeted and has excess income. The sanctioned individual cannot begin a POP in April.

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

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

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

36. 400-19-85-35 Effect of Exemption, Temporary Good Cause or Changes in Participation on JOBS and Tribal NEW Sanctions

Effect of Exemption, Temporary Good Cause or Changes in Participation on JOBS and Tribal NEW Sanctions 400-19-85-35

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 TANF ~~E~~eligibility ~~W~~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 (~~DI~~) during the Sanction Penalty Month. The sanction is considered ended in the Sanction Penalty Month ~~The TANF Eligibility Worker shall End the sanction with an end date equal to the last day of 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 ~~The TANF Eligibility Worker shall End the sanction with an end date equal to the last day of 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 TANF Eligibility Worker shall End the sanction with an end date equal to the last day of the Month of Ineligibility, 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 ST, MP, DA or SSI recipient (including presumptive SSI) SS for the Month of Ineligibility, the sanction must be Ended the last day of 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 (DI) and must serve their Sanction Penalty Month.

1. If the POP is successful, the sanction is will be Ended the last day of 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 the last day of the Month of Ineligibility.

Curing a JOBS or Tribal NEW Sanction 400-19-90

37. 400-19-90-10 Proof of Performance (POP)

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

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

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

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

The expectations for the POP as well as its anticipated end-date shall be outlined on the individual's JOBS Employability Plan (EP) or Tribal NEW Service Plan. When appropriate, information from the previous Plan should be included in the new Plan. A copy of the Plan shall be provided to the participant as well as to the TANF 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 Plan 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.

~~**Note:** The TANF Eligibility Worker enters a sanction cure date equal to the application date.~~

2. If a sanctioned individual fails to comply or does not complete all requirements outlined in the Plan, 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 and be successfully completed.

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 Plan, 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 Plan must be developed.

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

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

38. 400-19-90-15 Curing a JOBS or Tribal NEW Sanction Prior to the Sanction Penalty Month

Curing a JOBS or Tribal NEW Sanction Prior to the Sanction Penalty Month 400-19-90-15

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 (~~created in the automated computer system~~), the individual is expected to continue participation in the JOBS or Tribal NEW, until the case is closed.

~~**Note:** To avoid the case from closing at the end of the Sanction Penalty Month, the TANF Eligibility Worker must enter a cure date equal to the Sanction Penalty Month.~~

39. 400-19-90-20 Curing a JOBS or Tribal NEW Sanction in the Sanction Penalty Month

Curing a JOBS or Tribal NEW Sanction in the Sanction Penalty Month

400-19-90-20

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.

~~**Note:** The TANF Eligibility Worker must enter a cure date equal to the Sanction Penalty Month.~~

- If the TANF Eligibility Worker does not process the case until after the case closed, the case will need to be reverted to open and a cure date equal to the Sanction Penalty Month entered. (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.

~~**Note:** The TANF Eligibility Worker must enter a cure date equal to the Sanction Penalty Month.~~

- Since the TANF Eligibility Worker could not process the case until after the case closed, the case will need to be reverted to open and a cure date equal to the Sanction Penalty Month entered. (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.

40. 400-19-90-25 Sanction Impact When Reapplication Occurs During the Sanction Penalty Month

Sanction Impact When Reapplication Occurs During the Sanction Penalty Month 400-19-90-25

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) 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. (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 TANF 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.~~ and ~~†The TANF Eligibility Worker~~ must end the current sanction enter a sanction cure date equal to the Sanction Penalty Month.

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.

41. 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

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).

A sanctioned individual (JOBS or Tribal NEW) must:

1. Contact the JOBS/Tribal NEW ~~p~~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. ~~To prevent the automated computer system from auto-denying the application, the Eligibility Worker must run the HH Comp process in initial mode.~~

If the sanctioned individual successfully completes the POP as required, a ~~cure date equal to the application date is entered~~ 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.

42. 400-19-90-40 Reverting to Open a JOBS or Tribal NEW Sanction Progressed Closed Case

Reverting to Open a JOBS or Tribal NEW Sanction Progressed Closed Case 400-19-90-40

The ~~TANF~~ Eeligibility Wworker may revert TANF to open a case during the Month of Ineligibility if the sanctioned individual and the household remain otherwise eligible for TANF and:

1. The ~~TANF~~ Eeligibility Wworker 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.

~~Once the TANF case has been reverted to open, the TANF Eligibility Worker must enter the sanction cure date equal to the last day of the Sanction Penalty Month. The TANF Eeligibility Wworker 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 TANF Eeligibility Wworker may share this information with the JOBS Employment Contractor or Tribal NEW~~

Coordinator by telephone, email, or through the use of an SFN 323₄ – JOBS Status of Change.

Sanctions for Non-Compliance with Child Support Division 400-19-95

43. 400-19-95-10 Imposing a Child Support Division Sanction – Changed 'alert' to 'task' in 'a' in #1.

Imposing a Child Support Division Sanction 400-19-95-10

When the Child Support Division's determination of non-cooperation occurs:

1. Prior to the third to the last working day, the automated computer system:
 - a. Creates an alert task in the TANF case informing the TANF Eligibility Worker of the non-cooperation;
 - b. Creates a Child Support Division Sanction ~~on the Sanction Window~~;

Note: When a child support sanction is created, the automated computer system will: ~~Creation of a the Child Support Division sanction un-authorize the future benefit month:~~

- 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' ~~on the Child Support Cooperation/Paternity Window.~~

- 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 automated computer system holds the sanction until the first day of the future month. A Child Support ~~Division~~ 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 automated computer system:

- a. Creates an alert **task** in the TANF case informing the TANF ~~E~~ligibility ~~W~~worker of the non-cooperation;
- b. Creates a Child Support ~~Division~~ Sanction on the Sanction ~~Window~~ effective the first day of the future month;
- c. Updates the Cooperation Code to 'Not Cooperating' on the ~~Absent Parent Maintenance Window~~; 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 automated computer 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 system automatically imposes the Child Support ~~Division~~ Sanction to be effective March 1. March becomes the Sanction Penalty Month.

44. 400-19-95-20 Effect of Good Cause and Changes in Participation on Child Support Division Sanction

Effect of Good Cause and Changes in Participation on Child Support

Division Sanctions 400-19-95-20

If the custodian claims 'good cause' (See Section 400-19-70-30, 'Good Cause' for Refusing to Cooperate) or their participation ~~code changes to~~ becomes stepparent ~~ST~~ or minor parent's parents ~~MP~~ after receipt of non-cooperation from the Child Support Division, the Sanction must be:

1. Deleted if the claim is received or the participation ~~code change~~ occurs prior to the sanction effective date or in the Sanction Penalty Month; or

~~**Note:** The TANF Eligibility Worker must contact the Help Desk for assistance to delete the sanction.~~

2. Ended in the month ~~the last day of the month~~ prior to the month in which the claim was received or the participation ~~code change~~ occurs if the claim was received or participation ~~code~~ 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.

~~**Note:** The TANF Eligibility Worker must contact the Help Desk for assistance to impose the sanction.~~

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.

~~**Note:** Since the automated computer system creates the Child Support Division sanctions, the TANF Eligibility Worker must contact State TANF Policy for approval to delete the sanction.~~

- b. For the Sanction Penalty Month, the individual remains sanctioned for Child Support (DM) and the sanction must be ended the last day of in the Sanction Penalty Month.

~~**Note:** The TANF Eligibility Worker must update the Cooperation Code to 'Good Cause' on the Child Support Cooperation/Paternity Window off of the Absent Parent Maintenance Window, and End the Child Support sanction on the Update Sanctions Window with an end date equal to the last day of the Sanction Penalty Month, thus preventing the case from closing due to Sanction Progression.~~

- c. For the Month of Ineligibility, the individual must serve the one month of ineligibility and the sanction must be Ended the last day of in the Month of Ineligibility.

~~**Note:** The TANF Eligibility Worker must update the Cooperation Code to 'Good Cause' on the Child Support Cooperation/Paternity Window off of the Absent Parent Maintenance Window, and End the Child Support sanction on the Update Sanctions Window with an End date equal to the last day of 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 (DM) 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.

45. 400-19-95-25 Curing a Child Support Division Sanction

Curing a Child Support Division Sanction 400-19-95-25

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.

~~**Note:** The TANF Eligibility Worker must contact the Help Desk for assistance to delete the sanction.~~

46. 400-19-95-25-05 Curing a Child Support Sanction in the Sanction Penalty Month

Curing a Child Support Sanction in the Sanction Penalty Month 400-19-95-25-05

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 entered as a cure date on the ~~Sanction Window~~. 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.

47. 400-19-95-30 Reverting Child Support Sanction Progression Cases to Open

Reverting Child Support Sanction Progression Cases to Open 400-19-95-30

The TANF ~~E~~ligibility ~~W~~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 TANF ~~E~~ligibility ~~W~~worker receives notification from the Child Support Division that an individual cooperated with Child Support ~~p~~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) ~~effective the last day of in~~ the Sanction Penalty Month.

TANF Kinship Care 400-19-140

48. 400-19-140-05 Overview - Changed language to reflect North Dakota Human Service Zone, North Dakota Division of Juvenile Services or a North Dakota Tribal Agency has care, custody and control of a child(ren) as of a result of NDCC 50-01.1-06 which removes North Dakota Department of Human Service and indicates that human service zone directors are the custodian for

any child in need of custody. This law change converted the department's custodial responsibility to the human service zones for all termination of parental rights cases. **This is a change in policy.** Clarification added a child in an out of state entity is not eligible for North Dakota TANF Kinship Care even when appropriately placed in a North Dakota setting via Interstate Child Placement Compact. **This is a clarification to policy.** Clarification added into this section addressing when a new adult moves into the TANF Kinship Care home. This is in addition to policy which exists at 400-19-140-15, Denial or Closure of TANF Kinship Care. **This is a clarification to policy.**

Overview 400-19-140-05

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

In order to be eligible for TANF Kinship Care, [a North Dakota Human Service Zone](#) ~~the County Social Services, the North Dakota~~ Division of Juvenile Services (DJS), ~~Executive Director, Department of Human Services or~~ [a North Dakota](#) Tribal Agency ~~within North Dakota~~ must have care, custody, and control. If an agency in another state has care, custody and control, the out of state agency has financial responsibility for the child they place. The out of state agency must follow the Interstate Compact process when placing a child in North Dakota with relatives.

[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 be placed in receive TANF Kinship Care, the agency having care, custody, and control of the child must complete the SFN 423, Kinship Placement, SFN 424, Kinship Care Agreement, SFN 426, Kinship Care Study, and a finger print based criminal background check (referred to as a background check), including a child abuse and neglect index background check of the for all household members age 18 and older where the child will be placed, along with other investigations as the department may determine necessary. A The criminal background check must be completed within 90 days from the TANF Kinship Care application date or date of eligibility, whichever is later of placement along with other investigations as the department may determine necessary.

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

Once the SFN 423, Kinship Placement, SFN 424, Kinship Care Agreement, SFN 426, Kinship Care Study, and a child abuse and neglect index background check of the 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 county agency Human Service Zone office or the date of eligibility the household becomes eligible for TANF/Kinship Care, 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 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).

49. 400-19-140-05-05 Social Worker Role - Section title changed from Social Worker to reflect Foster Care Case Manager. Section incorporates IM 5408 in which policy was updated to allow the option of phone, virtual or in person interviews when an interview is required. In #1 and 'e' in #2 removed TANF Monthly Report and Statement of Facts as both documents are created after the eligibility interview. Added to #4 providing subsequent court orders to the eligibility worker for the Kinship Care child. Social worker has been changed to reflect foster care case manager.

~~Social Worker~~ Foster Care Case Manager Role 400-19-140-05-05

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

1. Provide families potentially eligible for TANF Kinship Care Assistance with SFN 405, Application for Assistance or SFN 719, TANF Request for Benefits with a completed ~~TANF~~ Month Report or Statement of Facts, program information, and the verification requirements under the TANF ~~p~~Program.
2. Forward, to the appropriate ~~TANF~~ Eligibility Worker, a copy of:
 - a. The SFN 423, Kinship Placement, and
 - b. The signed SFN 424, Kinship Care Agreement, and
 - c. The approved SFN 426, Kinship Care Study, and
 - d. A copy of the court order, and
 - e. A signed SFN 405, Application for Assistance or SFN 719, TANF Request for Benefits with a completed ~~Month Report or Statement of Facts~~.
3. Participate in an face-to-face interview at the time of application for TANF if necessary.
4. ~~Annually~~ Review pertinent aspects of placement with the ~~TANF~~ 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 ~~TANF~~ 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 ~~TANF~~ Eligibility Worker of the date and time of quarterly Permanency Planning meetings.
8. Notify the ~~TANF~~ 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.

50. 400-19-140-05-10 TANF Eligibility Worker Role - Section title changed from TANF Eligibility Worker Role to Eligibility Worker Role. Section incorporates IM 5408 in which policy was updated to allow the option of phone, virtual or in person interviews when an interview is required. Social worker has been changed to foster care case manager.

TANF Eligibility Worker Role 400-19-140-05-10

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

1. Upon receipt of required information and forms from the ~~Social Worker~~ foster care case manager, inform the Kinship Care family and the ~~Social Worker~~ foster care case manager of the date and time of the face-to-face interview.
2. Forward copies of correspondence, eligibility determinations, benefit determinations and determinations related to supportive services reimbursements to the ~~Social Worker~~ foster care case manager.
3. Notify the ~~Social Worker~~ foster care case manager if issues arise that may jeopardize continued eligibility such as no TANF Monthly Report, not cooperating with the Child Support Division and/or JOBS requirements (i.e. 16 year old not a full time student referred to the JOBS program), not providing required information/verification, (i.e. subsequent court order verifying continued custody), etc.
4. Participate in quarterly Permanency Planning meeting, as appropriate.

5. Engage 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. Review supportive service requests with the Social Worker. The TANF Eligibility Worker has the final decision-making authority on TANF program eligibility requirements and supportive service payments.

51. 400-19-140-10 Eligibility Factors for TANF Kinship Care - Changed language to reflect North Dakota Human Service Zone, North Dakota Division of Juvenile Services or a North Dakota Tribal Agency has care, custody and control of a child(ren) as of a result of NDCC 50-01.1-06 which removes North Dakota Department of Human Service and indicates that human service zone directors are the custodian for any child in need of custody. This law change converted the department's custodial responsibility to the human service zones for all termination of parental rights cases. **This is a change to policy.** Added clarification about Kinship Care filing units. **This is a clarification to policy.**

Eligibility Factors for TANF Kinship Care 400-19-140-10

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

There must be a court order placing care, custody and control of a child with a North Dakota Human Service Zone County Social Services, the North Dakota Division of Juvenile Services (DJS), ~~with the Executive Director,~~ Department of Human Services, 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. The caretaker~~

~~relative may choose to be an eligible caretaker or may choose to be an ineligible caretaker. If the caretaker relative chooses to be an eligible caretaker, they must meet all TANF eligibility requirements and if eligible, would receive a TANF benefit.~~

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

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

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

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

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

The Kinship Care caretaker relative must physically reside with the child and must ~~take reasonable steps to~~ make a good faith effort to secure all earned rights benefits to which the child may be entitled to, and ~~redirect all monies~~

to which the child is eligible 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 the Regular TANF or Kinship Care benefit has been paid, the case cannot be switched from Kinship Care to regular TANF or from regular TANF to Kinship Care when reworking the paid benefit month.~~

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 after a paid benefit.

To request TANF Kinship Care assistance, SFN 405, Application for Assistance or SFN 719, TANF Request for Benefits with a completed Month Report or Statement of Facts must be signed by the caretaker relative. Eligibility for TANF Kinship Care may be established on the date the county office human service zone receives the signed request or date of eligibility whichever is later.

52. 400-19-140-15 Denial or Closure of TANF Kinship Care - Changed language to reflect North Dakota Human Service Zone, North Dakota Division of Juvenile Services or a North Dakota Tribal Agency has care, custody and control of a child(ren) as a result of NDCC 50-01.1-06 which removes North Dakota Department of Human Service and indicates that human service zone directors are the custodian for any child in need of custody. This law change converted the department's custodial responsibility to the human service zones for all termination of parental rights cases. **This is a change to policy.** Added Reason #7 When a caretaker relative within the 5th degree is no longer present in the home. **This is a change to policy.** In the last note of section, added reference to 400-19-140-05, Overview for when a new adult moves into the home.

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

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

1. The Social Worker foster care case manager recommends, on SFN 426, Kinship Care Study, that the kinship care placement not be approved, but the child(ren) remain in the home.

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

- The results of the ~~F~~finger print ~~B~~based ~~C~~riminal ~~B~~background ~~C~~heck (referred to as background check) do not allow eligibility under TANF Kinship Care.

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

- When a North Dakota Human Service Zone ~~the County Social Services, the North Dakota Division of Juvenile Services (DJS), the Executive Director, Department of Human Services, or a North Dakota Tribal Agency~~ no longer has care, custody and control of the child.

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

- 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.

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

- The household fails to comply with TANF ~~p~~Program requirements.
- 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) ~~or TANF child(ren)~~ in the home.

7. When a caretaker relative within the 5th degree is no longer present in the home.

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 ~~or~~ and SFN 426, Kinship Care 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 ~~the~~ fingerprint-based criminal background check and the child abuse and neglect background check must be completed ~~redone~~.

Note: If ~~a new adult~~ an individual age 18 or older moves into the home of an 'ongoing' TANF Kinship Care placement, a fingerprint-based criminal background check and child abuse and neglect background check must be completed ~~on~~ for that individual ~~new adult~~. (See Section 400-19-140-05, Overview).

53. 400-19-140-20 TANF Kinship Care Supportive Services - Added clarification supportive services can be paid for 90 days from the date of application or date of eligibility without a completed finger print based criminal background check. **This is a clarification to policy.** Clarification added for when offense and date of conviction may not warrant denial of a kinship care placement. **This is a clarification to policy.**

TANF Kinship Care Supportive Services 400-19-140-20

Supportive services may provide reimbursements within the limits established by the department under the Foster Care ~~p~~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.

~~Once Kinship Care Study, Child Abuse and Neglect Background Check, Kinship Placement, and Kinship Care Agreement are completed, supportive services can be paid and continue to be paid until the 90th day, when results of the Criminal Background Check are required.~~

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 Social Worker foster care case manager must provide verification of an approved successful Criminal Background Check background check on the for adult individuals age 18 years or older in the home. with whom the child is placed.

A successful In certain situations, Criminal Background Check the department may receive information included as confirmation of a that a criminal 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?

Payment of supportive services will be prohibited beyond the 90th day if the TANF Eligibility Worker has not received the results of the Criminal Background Check or has received confirmation ~~that~~ the adult with whom the child placed has a criminal background.

TANF Kinship Care supportive services provide reimbursement for:

1. Child Care - Child care may be reimbursed to the caretaker as a TANF Kinship Care supportive service ~~or as an expense from earned income.~~ 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, the child's biological or adoptive parent, or an individual (a responsible adult household member loco parentis) 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 TANF ~~Eligibility Worker~~ and ~~Social Worker~~ 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 ~~through the automated computer system~~ as a TANF benefit and not through the Child Care Assistance Program.

2. 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. ~~Approval~~ The need for the initial clothing allowance should be included in the permanency planning document. The 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 ~~(should the need arise)~~ 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.

3. 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 ~~TANF Eligibility Worker~~ and foster care case manager ~~Social Worker~~, and cannot exceed \$500. 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 ~~TANF Eligibility Worker~~ and foster care case manager ~~Social Worker~~ 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.
4. 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 NDDHS 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 ~~TANF Eligibility Worker~~ and foster care case manager ~~Social Worker~~

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.

5. 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:

1. Children ages 0 – 4 years of age \$200 per year
2. Children ages 5 – 12 years of age \$500 per year
- iii. Children 13 and over 18 or 18* \$700 per year

6. Transportation Costs - Payment of transportation costs may be reimbursed on authorized for reasonable travel for of the TANF Kinship Care child for ~~reasonable travel~~ 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: Parental ~~Travel~~ reimbursement must be claimed by date, purpose, and miles driven and reimbursed through the TANF Vendor Payment Process.

54. 400-19-140-25 TANF Kinship Care Maintenance Payment – Section reworded. **This is a clarification to policy.**

TANF Kinship Care Maintenance Payment 400-19-140-25

A \$300.00 per month TANF Kinship Care maintenance payment will be added to the TANF Bbenefit for each TANF Kinship Care household case regardless of household size. The ~~TANF~~ Kinship Care maintenance payment is ~~\$300 per month~~.

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

55. 400-19-145-15 Factors of TANF Eligibility that do not Apply to Diversion - Section incorporates IM 5408 in which policy was updated to allow the option of phone, virtual or in person interviews when an interview is required.

Factors of TANF Eligibility that do not Apply to Diversion 400-19-145-15

All existing TANF rules apply to Diversion cases except for the following:

1. 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 esupport 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.
2. Individuals who receive Diversion are not required to participate in the Job Opportunities and Basic Skills (JOBS) pProgram.
3. 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.
4. TANF Benefit Cap provisions do not apply to Diversion as of October 1, 2008.
5. If the family requests to receive TANF for the month following the month a Diversion case closes:
 - a. ~~The case~~ TANF will continue in retro budgeting cycle and SFN 719, "TANF Request for Benefits" and a completed Monthly Report or a Statement of Facts, or SFN 405, "Application for Assistance," is required.
 - b. All TANF rules apply such as ~~face-to-face~~ an interview (the ~~face-to-face~~ interview is optional if there is no break in assistance of one full calendar month) and Up-front JOBS and Child Support.
 - c. ~~The case~~ TANF cannot be worked in the automated computer system until the next month and ~~the case~~ TANF will continue in the retrospective budget cycle without being prorated.

Note: Proration of TANF benefits would apply if the family applies for benefits any time after the first day of the month following closure of the Diversion Case.

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 Monthly Report is received in November and the TANF Eligibility Worker determines that the family no longer has a 'specific crisis or episode of need'. The Diversion case is closed the end of November. The TANF Eligibility Worker obtains an SFN 719, "TANF Request for Benefits" and utilizes the Monthly Report to approve TANF effective December 1st.

Example 2: (TANF to Diversion) Ongoing TANF case. The TANF 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, the TANF case is closed for client request. An SFN 719, "TANF Request for Benefits", along with the monthly report or a Statement of Facts may be used as the application.

7. 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 thirteen-month cycle. If they received six months of TLP in their thirteen-month cycle, the count will continue to increment while on Diversion.

56. 400-19-145-25 Diversion Supportive Services - Changed TANF to Diversion in #8, GED/High School Graduate Incentive Payment.

Diversion Supportive Services 400-19-145-25

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 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 months per occurrence for a household who is experiencing homelessness or is at risk of becoming homeless. For recipient households, the maximum payment of the rent or mortgage expense only is limited to two months. For recipient households, the maximum payment of the rent or mortgage expense only is limited to two months.

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/JOB 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:
 1. 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 TANF 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 TANF 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 TANF 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 TANF 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 TANF 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 ~~TANF~~ 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 ~~TANF~~ Eligibility 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.

Appendix 400-19-165

57. 400-19-165 Appendix - Section incorporates IM 5422 in which policy was added to allow Incapacity Deprivation and JOBS Good Cause for TANF applicants/recipients who are participating in the Alternative Response for Substance Exposed Newborns Program.

Appendix 400-19-165

SFN 640, Verification of Participation in Alternative Response for Substance Exposed Newborns (ARSEN)

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.

The SFN 640 is provided by the Human Service Zone CPS/case manager to the eligibility worker who then saves the form to filenet.

This form is available through the Department of Human Services and may also be obtained electronically via 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.