
POLICY TRANSMITTAL NO. 09-54	DATE: NOVEMBER 10, 2009
FAMILY SUPPORT SERVICES DIVISION	DEPARTMENT OF HUMAN SERVICES OFFICE OF LEGISLATIVE RELATIONS AND POLICY

TO: ALL OFFICES

SUBJECT: MANUAL MATERIAL

OAC 340:40-7-1.

EXPLANATION: **Policy revisions were approved by the Commission and the Governor as required by the Administrative Procedures Act.**

OAC 340:40-7-1 is revised to remove outdated language regarding Temporary Assistance for Needy Families (TANF) families in the Work Supplementation Program as the TANF Program is changing the name of the program and the participation requirements. Instructions to staff is revised to add language that children of participants in the TANF Subsidized Employment Program (SEP) are predetermined eligible with a zero co-payment.

Original signed on 11-4-09

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WF # 09-16 (NAP)

INSTRUCTIONS FOR FILING MANUAL MATERIAL

OAC is the acronym for Oklahoma Administrative Code. If OAC appears before a number on an Appendix or before a Section in text, it means the Appendix or text contains rules or administrative law. Lengthy internal policies and procedures have the same Chapter number as the OAC Chapter to which they pertain following an "OKDHS" number, such as personnel policy at OKDHS:2-1 and personnel rules at OAC 340:2-1. The "340" is the Title number that designates OKDHS as the rulemaking agency; the "2" specifies the Chapter number; and the "1" specifies the Subchapter number.

The chronological order for filing manual material is: (1) OAC 340 by designated Chapter and Subchapter number; (2) if applicable, OKDHS numbered text for the designated Chapter and Subchapter; and (3) all OAC Appendices with the designated Chapter number. For example, the order for filing personnel policy is OAC 340:2-1, OKDHS:2-1, and OAC 340:2 Appendices behind all Chapter 2 manual material. Any questions or assistance with filing manual material will be addressed by contacting Policy Management Unit staff at 405-521-4326.

REMOVE

340:40-7-1

INSERT

340:40-7-1, pages 1-4, revised 12-1-09

340:40-7-1. Categories of eligibilityRevised 12-1-09

A person may be predetermined eligible for a child care benefit, determined income eligible based on the gross income of the household, or have dual eligibility with his or her tribe.

(1) **Predetermined eligible.** A person is predetermined eligible for a child care benefit with a zero co-payment when he or she is a recipient of public assistance or Supplemental Security Income (SSI). Public assistance is defined as a State Supplemental Payment, Temporary Assistance for Needy Families (TANF) that includes Supported Permanency, or Refugee Resettlement Program (RRP) cash assistance. ■ 1

(A) All TANF recipients who work and are eligible for a child care benefit can choose to receive a child care benefit through the Oklahoma Department of Human Services (OKDHS) while they work or choose to pay for the child care themselves. If they choose to pay for the child care cost themselves, it can be considered as an earned income exemption for the TANF benefit. ■ 2

(B) Exceptions to a person being eligible with a zero co-payment when he or she receives public assistance or SSI include when:

(i) the recipient is a child and the parent or guardian requesting the benefit for the child is not the payee on the public assistance or SSI payment; or ■ 3

(ii) it makes a difference in whether other children in the household are income eligible for child care. ■ 4

(2) **Income eligible.** Households who are not predetermined eligible for a child care benefit must meet income eligibility guidelines shown on OKDHS Appendix C-4, Child Care Eligibility/Co-payment Chart, for their household size, to receive assistance with child care costs. ■ 5

(3) **Transitional child care.** Per Section 230.61 of Title 56 of the Oklahoma Statutes, a TANF recipient who becomes employed is eligible for transitional child care benefits for 24 months following the date of employment as long as he or she meets income eligibility guidelines on OKDHS Appendix C-4 for his or her household size unless the:

(A) employer provides child care benefits; or

(B) monthly salary received from the employer exceeds the monthly allowance of assistance pursuant to the TANF program plus the cost of child care and medical insurance to which the recipient would be entitled. ■ 6

(4) **Dual eligibility.** A person may have dual eligibility for both the Child Care Subsidy Program through OKDHS and through his or her tribe. The child care provider may not receive payment for the same service from both programs simultaneously. ■ 7

INSTRUCTIONS TO STAFF 340:40-7-1

Revised 12-1-09

1. (a) **Supplemental Security Income (SSI)** is a means tested program administered by the Social Security Administration.

(b) When the child is predetermined eligible, he or she meets income eligibility requirements. The child must also meet all other conditions of eligibility defined in this Subchapter before subsidized child care is approved.

(c) Refer to OAC 340:10-22-1 for information about the Supported Permanency Program, OAC 340:15 for information about the State Supplemental Payment, and OAC 340:60 for information about the Refugee Resettlement Program.

(d) Enter information regarding eligibility in the Family Assistance/Client Services (FACS) Interview Notebook under the Household and Income tabs.

(e) A child continues to be considered a TANF recipient and predetermined eligible with a zero co-payment when the parent or caretaker is participating in the Subsidized Employment Program (SEP). Once the SEP participation period ends and the TANF benefit closes, the participant's earnings are considered income, and family share co-payments are computed in accordance with OKDHS Appendix C-4, Child Care Eligibility/Co-payment Chart.

2. (a) The worker informs the client of the right to choose child care either as a Temporary Assistance for Needy Families (TANF) deduction or as a child care benefit.

(1) The worker explains to the client if he or she chooses to change from receiving subsidized child care to child care as an earned income exemption, the client must actually pay the child care expense

out-of-pocket for one month.

(2) If the choice is to terminate subsidized child care and begin child care as an earned income exemption, the closure of subsidized care must meet notification requirements listed in OAC 340:40-9.

(b) A TANF recipient is never approved for Child Care and Development Fund subsidized child care and have child care considered as an earned income exemption during the same month. When a recipient is discovered to have received both kinds of child care during the same month for the same child, overpayment procedures in OAC 340:40-15 are followed.

3. If someone other than the parent or guardian who is receiving the TANF benefit for the child or who is the payee for the child's SSI payment requests child care for the child, as is the case in some joint custody households, the child is not predetermined eligible for a zero co-payment in that household. The child's eligibility for the child care benefit is based on the countable income in the other household.
4. For example, household income can be \$2,425 if the client is approved for two children in care. Household income for one child in care is \$1,950. If the client has one child receiving SSI and one child who is not and the household income is \$2,400, it is better for the client to be approved for both children in the same case with a family share co-payment than to receive a zero co-payment for the child receiving SSI and to not be eligible for the other child. If this situation occurs and the family has more than one child receiving SSI, all children must be included on the same case. The family cannot choose to put one of the children on the case with the co-payment and the others on their own cases with zero co-payments.
5. See Oklahoma Department of Human Services (OKDHS) Appendix C-4, Child Care Eligibility/Co-payment Chart, for income eligibility guidelines and OAC 340:40-7-11 for types of income considered. Document income eligibility in the FACS Interview Notebook under the Household and Income tabs.
6. A former TANF recipient must still meet the income guidelines listed on OKDHS Appendix C-4 to receive a child care benefit. The TANF worker is required to advise the client of his or her potential eligibility for a child care benefit and to document the offer in the case narrative or in FACS Case Notes. When it is determined the client does not meet the eligibility guidelines for subsidized child care, the worker provides resources and referral information.

If child care is not needed, the narrative also reflects what alternative to subsidized child care is utilized. The worker provides all families who receive earned income information about the Earned Income Credit and the Child Tax Credit and how to apply for these credits.

- 7.** If there is a tribal child care program in the county for which the client might qualify, the worker asks the client if he or she is receiving subsidized child care from this program. If the client chooses to receive OKDHS subsidized child care, the same rules governing other clients apply to this client as well. The child care provider may not file a claim with both OKDHS and the tribe.