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POLICY TRANSMITTAL NO. 06-01	DATE: MAY 30, 2006
FAMILY SUPPORT SERVICES DIVISION	DEPARTMENT OF HUMAN SERVICES OFFICE OF PLANNING, POLICY & RESEARCH

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TO: ALL OFFICES

SUBJECT: MANUAL MATERIAL

OAC 340:10-2-2; 10-2-7; 10-3-5; 10-3-32; 10-3-40; 10-3-56 through 10-3-57; and 10-10-3.

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

340:10-2-2, 340:10-2-7, 340:10-3-5, 340:10-3-40, 340:10-3-56, and 340:10-3-57 revisions amended language to reflect current usage and clarify existing rules.

340:10-3-32 revisions amended language to clarify rules for the computation of self-employment income.

Original signed On 3-16-06

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Mary Stalnaker, Director  
Family Support Services Division

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Sharon Neuwald, Co-Interim Administrator  
Office of Planning, Policy & Research

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WF # 05-17 (NAP)

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## **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 a “DHS” number, such as personnel policy at DHS:2-1 and personnel rules at OAC 340:2-1. The “340” is the Title number that designates DHS 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, DHS 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, DHS: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) 521-3611.

### **REMOVE**

### **INSERT**

340:10-2-2	340:10-2-2, pages 1-7, revised 6-1-06
340:10-2-7	340:10-2-7, pages 1-7, revised 6-1-06
340:10-3-5	340:10-3-5, pages 1-9, revised 6-1-06
340:10-3-32	340:10-3-32, pages 1-2, revised 6-1-06
340:10-3-40	340:10-3-40, pages 1-5, revised 6-1-06
340:10-3-56	340:10-3-56, pages 1-11, revised 6-1-06
340:10-3-57	340:10-3-57, pages 1-9, revised 6-1-06
340:10-10-3	340:10-10-3, pages 1-5, revised 6-1-06

### 340:10-2-2. Sanction process

(a) **Applicability.** The sanction process provides for the determination of good cause and the use of penalties for individuals who refuse or fail to participate in assigned work activities. ■ 1

(b) **Failure or refusal to participate.** It is the responsibility of the worker to make the determination that an individual has refused or failed to participate without good cause in an assigned work activity.

(1) Refusal to participate occurs when an applicant or recipient states orally or in writing that he or she will not participate or continue to participate in work activities. Refusal also occurs when an individual's action or inaction indicates the individual, without good cause for refusing, will not participate in the program.

(2) Failure to participate in the program includes failure to:

(A) assist in the assessment and development of employability plans which includes screening for substance abuse and literacy;

(B) attend orientation, scheduled meetings, or assessments;

(C) maintain a minimum of required hours in scheduled activities; ■ 2

(D) accept or maintain appropriate employment;

(E) report absences from the work activity to the worker, facility coordinator, or employer; or

(F) comply with a substance abuse treatment plan.

(c) **Failure to participate without good cause.** The individual must be contacted to determine good cause. ■ 3 If it is determined at this contact that good cause does exist, the worker assists the individual with either updating the employability plan or helping the individual resume the activity as soon as possible. ■ 4 If it is determined there is not good cause for failure to participate or no contact was completed, the worker closes or denies the cash assistance. ■ 5

(d) **Determination of good cause.** All good cause situations are temporary in nature. An individual may have good cause for refusing or failing to participate in Temporary Assistance for Needy Families (TANF) Work. The worker determines whether or not good cause exists. ■ 6

(e) **Procedure following denial of cash assistance.** When an application for cash assistance is denied for failure to participate in the work activity without good cause, a new application must be completed.

(f) **Procedures following termination of cash assistance.**

(1) When there has been no contact with the individual 30 days after the effective date of closure, the worker makes a home visit to determine the family's circumstances and offers appropriate services, unless the worker's personal safety is in question. ■ 7

(2) Individuals who agree to participate within 60 days of the date of the benefit termination may have their benefit recertified on reconsideration of the administrative action. ■ 8 The effective date of the recertification is dependent upon the successful participation of the individual in an assigned work activity and the circumstances of the case. ■ 9

(g) **TANF hearing.** An individual who responds to a written notice of denial or termination of cash assistance as a result of failure or refusal to participate in work activities, and the matter cannot be resolved locally, is assisted in requesting a hearing before a hearing officer in accordance with OAC 340:2-5. ■ 10

(h) **Grievances and appeals by employees of Work Experience Program (WEP), Work Supplementation Program (WSP), and On-the-Job Training (OJT) facilities.** Grievances may be filed by employees of facilities where TANF work participants are assigned to WEP, WSP, or OJT, when they believe they have been harmed by the violation of one of the assurances in paragraph (1) of this subsection.

(1) WEP, WSP, or OJT assignments must not result in the filling of any established vacancy which:

(A) results in the displacement of any currently employed worker or position, including partial displacement, such as a reduction in hours or non-overtime work, wages, or employment benefits;

(B) impairs existing contracts for services;

(C) results in the employment or assignment of a participant, or the filling of a position, when any other person is on lay-off from the same organizational unit, or when an employer has terminated any employee or otherwise reduced its work force with the effect of filling the vacancy created by hiring a participant whose wages are subsidized under this program; or

(D) infringes in any way upon promotional opportunities of any currently employed individual.

(2) If an employee or authorized representative wishes to file a grievance for any of the reasons stated in paragraph (1) of this subsection, the request is submitted in writing to the attention of the county director of the county in which the alleged violation occurred. The request:

(A) contains the date of the request, the date of the alleged violation, and a description of the alleged violation including the effect on the employee;

(B) is signed by the employee or authorized representative; and

(C) includes the mailing address and telephone number of the person signing the request.

(3) The worker contacts the individual making the request within ten calendar days from the date of receipt of the request in the local office, and attempts to resolve the grievance on an informal basis.

(A) When the grievance cannot be resolved on an informal basis within the ten calendar days, the case is referred to the county director for review and assistance in resolving the grievance.

(B) If the grievance is not resolved within ten calendar days from the date of referral to the county director, the county office notifies the employee in writing of the:

(i) point(s) still at issue in the grievance; and

(ii) right to request a fair hearing within 30 calendar days of the date of this decision.

(C) The 20-day period allowed for resolution of the grievance is part of the 90-day period allowed for disposition of the appeal if the employee appeals.

### **INSTRUCTIONS TO STAFF**

**1. The worker ensures individuals fully understand their rights and responsibilities and the possible consequence of refusal to participate.**

**2. If Form TW-13, Time and Progress Report, indicates excused absences or**

holidays, the worker is not required to contact the individual regarding good cause, unless the number of excused absences indicate the need for support services.

3. The Family Assistance/Client Services (FACS) case notes must clearly document the worker's efforts to contact the individual. The preferred contact is a face-to-face interview or discussion over the phone; however, the worker may use Form ADM-92, County Client Contact and Information Request, to contact the individual.
4. The case record and FACS case notes must clearly document when good cause is established and if there is an updated employability plan.
5. FACS case notes must clearly document that a refusal or failure to participate is without good cause.

(1) The Fin. Assistance tab is coded with TANF Work sanction (52A or 29B) to close the case.

(2) Food benefits are closed the same effective date as the TANF closure. The previous TANF payment standard applies to the Food Stamp Program as Food Stamp Penalty Income (FSPI).

(3) The Medicaid benefit is extended for a three-month certification period.

(4) If the case has an open child care authorization, the continued need for child care must be addressed.

(5) FSPI is ended using the Food Stamp Penalty Update (FSPU) transaction when the:

(A) TANF cash assistance is recertified within 60 days of the effective date of closure;

(B) individual becomes employed; or

(C) individual has not complied with TANF Work requirements within 60 days from the effective date of the TANF closure.

6. An example of good cause is:

**(1) appropriate child care for the child(ren) is not available. Appropriate child care is care provided by:**

**(A) a licensed, contracted child care facility;**

**(B) an approved in-home caregiver;**

**(C) a dependable relative who is able and willing to assume responsibility for care and supervision of the child(ren) for a part of the day;**

**(D) a free or low cost facility, such as a day care, pre-school, or Head Start program operated by a community action agency; or**

**(E) informal arrangements made by the parent with a neighbor or friend for occasional care;**

**(2) the custodial parent caring for a child(ren) who has not attained six years of age has demonstrated an inability to obtain needed child care. This is demonstrated by the unavailability:**

**(A) of appropriate child care within a reasonable distance from the individual's home or work site. A reasonable distance is a distance determined and agreed upon by the parent and the worker and is dependent upon the individual needs of the parent and child(ren);**

**(B) or unsuitability of informal child care provided by a relative or provided under other arrangements. Unsuitability of informal child care is an arrangement that does not:**

**(i) afford the child(ren) adequate care and supervision. Supervision of a child(ren) means the function of observing, overseeing, and guiding a child(ren);**

**(ii) encourage social development or stimulate the child(ren)'s mental capabilities; and**

**(iii) afford the child(ren) a safe and stable environment that provides for learning opportunities; or**

**(C) of affordable child care. Affordable child care is defined as not**

- exceeding the maximum child care cost as indicated on OKDHS Appendix C-4, Child Care Eligibility/Rates Schedule;
- (3) the illness or incapacity of the participant or any household member who cannot give self-care and for whom special care is unavailable. If the illness or incapacity of the participant or any household member does not appear temporary, refer to OAC 340:10-2-8(c)(6), Disability Advocacy Program;
  - (4) a court-required appearance or incarceration of the participant;
  - (5) the participant's attendance at parent and teacher conferences;
  - (6) a family crisis or markedly changed individual or family circumstances;
  - (7) the unavailability of planned transportation when needed or the inability to arrange for transportation;
  - (8) the occurrence of inclement weather which prevented the participant, and other persons similarly situated, from traveling to, or participating in, the prescribed activity;
  - (9) the lack of necessary social services or work activity;
  - (10) the assignment or job referral does not meet the appropriate criteria as defined in OAC 340:10-2-3(d);
  - (11) the refusal to accept major medical services even if such refusal precludes participation in the program;
  - (12) racial, ethnic, religious, sexual, physical or mental disability, or age discrimination or harassment by an employer or other employees;
  - (13) a participant is engaged in another work activity that is consistent with the employability plan;
  - (14) the lack of available treatment in the community for substance abuse or mental health issues affecting the family; or
  - (15) crisis intervention needed due to domestic violence issues.

7. The FACS case notes must document the home visit and describe the family's circumstances or document the reason the home visit was not made. County Worker Activity (CWA) Report 70 is provided for the 30 day follow-up. A contact with Child Welfare may be appropriate prior to or after the home visit.
8. The worker enters the new certification date. This can be a date other than the first day of the month. Action type is certification (1) and reason is "Reopen Cure TANF Work Sanction" (18T). The FSPI must be removed. Refer to the FSPU Transaction by entering M space FSPU.
9. The FACS case notes and Form TW-2, TANF Work/Personal Responsibility Agreement, Section 7, must document any requirement placed on the individual prior to the recertification of the case.
10. For complaints involving situations covered by Fair Labor Standards, such as excessive hours or environmental conditions, the county director or designee notifies the Oklahoma Department of Labor.



### 340:10-2-7. Training

(a) **Scope.** Job skills training includes vocational training and hands-on work experience to develop technical skills, knowledge, and abilities in specific occupational areas. ■ 1 All training programs must include qualitative measures, such as competency gains or proficiency levels, to evaluate a participant's progress and reasonable time limits for completion. Referrals are made to appropriate training facilities on Form TW-3, Interagency Referral and Information.

(b) **Assignments.** Any training to which the participant is assigned must meet the criteria in (1) through (4) of this subsection.

(1) The hours of any training activity are governed by the training facility but must not exceed 40 hours per week. ■ 2

(2) The training is preparation for a job which meets the criteria for appropriate employment.

(3) The quality and type of training must meet local employers' requirements so participants are in a competitive position with the local labor market.

(4) Training is related to in-demand occupations which are likely to become available in Oklahoma.

(c) **Work Experience Program (WEP).** The purpose of WEP is to provide skill training and work enhancement to Temporary Assistance for Needy Families (TANF) participants while providing a useful public service that will enable them to move toward self-sufficiency and obtain unsubsidized employment following completion of the placement. ■ 3

(1) Benefits. Benefits of the program to participants include an opportunity to establish a work history and earn a recommendation from an employer. Participants also learn to balance the demands of home and work, gain confidence by performing in a job setting, brush-up skills already acquired, learn marketable skills on-the-job, and determine interest and aptitude for a particular type of work by doing the job.

(2) WEP assignments. WEP assignments are approved for an initial period of three months.

(A) No salary is paid.

(B) With respect to injuries incurred during working hours in WEP, federal law requires medical coverage be offered under either state workers' compensation law or by the Oklahoma Department of Human Services (OKDHS). Oklahoma workers' compensation law does not cover WEP participants. Medical coverage is provided by the Medicaid Program. ■ 4

**(3) WEP referrals.** Participants are referred to WEP slots based on their employability plan. Assignment to a WEP position is coordinated between the participant and worker. Based on the employability plan, the worker determines which facility best meets the participant's needs, arranges for an interview between the facility and the participant, and notifies the participant of the place, time, and interviewer's name. ■ 5

**(4) WEP facilities.** Facilities selected for WEP training must be capable of providing employment and have an apparent intent to hire, or be able to provide quality training. Training facilities are solicited by Oklahoma Department of Human Services (OKDHS) staff or a contracted entity who has agreed to assist with job development and placement including WEP. ■ 6 Local job market conditions, opportunities for employment following completion of WEP participation as well as the ability of the facility to provide the necessary supervision and training are criteria used when soliciting a facility.

(A) Training slots are developed which meet the employment needs of the participant as determined by the employability plan. When a facility agrees to participate in WEP, the representative of the facility is requested to provide a written description of the type of activities the participant will be involved in, the number of participants the facility can accept, the hours of participation, and any special requirements. ■ 7 & 8

(B) There are two types of WEP training facilities, WEP-Nonprofit (WEP-NP) and WEP-For-profit (WEP-FP).

(i) WEP-NP placement is approved for public and private nonprofit and not-for-profit agencies, organizations, or businesses. When a participant requires additional training, the worker may approve a 60-day extension. Extensions are not granted when the primary purpose is to provide additional help to the facility. The criteria listed in subunit (I) through (VII) of this subsection are used as a guide in determining the appropriateness of requesting an extension beyond the initial three-month period.

(I) The participant needs the additional time for skills to be acquired to meet minimum hiring requirements.

(II) The participant demonstrates a willingness to learn, but needs additional training, including the development of new skills, to be competitive in the labor market.

(III) The facility has agreed to hire the participant, but will not have funds available or a job opening until a specific date.

(IV) The facility has an opening in an area different from the one the participant was trained in and has agreed to hire the participant if additional time is granted for the additional training.

(V) The participant has shown improvement in all areas, but needs additional socialization skills and improved behavior patterns in a work setting.

(VI) The participant has missed more than two weeks of training due to illness or the illness of a household member.

(VII) There are extenuating circumstances which prevented the participant from receiving full benefit of the training.

(ii) WEP-FP is approved for businesses or entities that operate for profit. Only one WEP-FP placement is allowed per 25 full-time employees in a for-profit business or entity. The criteria in subunit (I) through (II) of this subsection must be in effect prior to a WEP-FP placement.

(I) The placement matches the participant's employability plan and the career path chosen by the participant.

(II) The employer has committed to hire the participant on or before the completion of the three month placement.

**(5) WEP procedures.** Upon approval by the county director, the worker contacts the WEP facility to complete Form TW-15, Work Experience Program – Nonprofit Training Agreement, or Form TW-15-A, Work Experience Program – For-profit Training Agreement.

(A) The worker instructs the facility representative or the training supervisor regarding the purpose and use of Form TW-13, Time and Progress Report. ■ 9

(B) It is the participant's responsibility to complete Form TW-13, secure the signature of the facility director or supervisor on Part III of Form TW-13, and return the form to the county office by the fifth day of each month.

(C) Approved training slots that have not been utilized within a six-month period are reviewed for appropriateness. If the position is no longer feasible, the county sends a letter to the facility stating the WEP slot is no longer active and may be re-evaluated at the facility's request.

**(6) Non-cooperation by WEP facility.** When information is obtained that the facility is violating the terms and conditions of Form TW-15, Form TW-15-A, or that participants are being treated unfairly, the county director is informed immediately. The nature of the allegations guides the necessary action which may include:

(A) suspension of subsequent assignments at the facility;

(B) immediate removal of current participants; or

(C) termination of the agreement. ■ 10

**(7) Notification to participant and facility.** Ten calendar days prior to the anticipated WEP completion date, or at any time the participant becomes ineligible for WEP, the worker notifies the participant by letter or telephone. The worker notifies the facility by letter or by telephone five calendar days prior to the termination. When a participant has been referred to WEP and an appropriate training slot cannot be provided, the worker notifies the participant of this decision.

**(8) Changes in placements and subsequent placements.** When the facility, worker, and participant determine that placement in a different facility is more beneficial, the worker locates a new facility and arranges an interview for the participant. ■ 11 When the participant fails to secure employment following successful completion of WEP training, a conference is held with the participant, worker, and supervisor to determine whether a second training placement might be beneficial. The employability plan is reviewed prior to allowing a participant to re-enter WEP training. Consideration is given to reassignment to job search or another appropriate work activity. In making this decision, consideration must be given to the:

(A) participant's ability to secure and maintain full-time employment;

(B) opportunities for employment in the new field and in the area in which the participant received training;

(C) participant's efforts to secure employment; and

(D) length of time between training assignments.

(d) **Job Corps nonresident training program (Job Corps II).** Oklahoma's four Job Corps centers provide a nonresident Job Corps program to TANF participants who can commute to their sites. Participants referred must be ages 16 through 24. Referrals are made by the worker completing Form K-13, Information/Referral - Social Services. It is the responsibility of the worker to coordinate with the Job Corps center and arrange for child care. ■ 12

(1) By special agreement with the Job Corps centers, Job Corps II students are provided Job Corps participant training allowances designed to meet training costs not covered by the TANF cash assistance. These allowances are not considered as income.

(2) The worker coordinates with the centers and other designated agencies, such as Oklahoma Employment Security Commission (OESC) and Workforce Investment Act (WIA), to ensure Job Corps II students leaving the center are placed in an appropriate work activity. When a Job Corps II student leaves the center, the worker meets with the Job Corps II student to make immediate plans for further implementation of the employability plan.

(e) **Vocational training.** Vocational training other than that described in subsection (f) of this Section include, but are not limited to, practicum placements, internships, or proprietary schools and are considered as work activities.

(f) **Special programs and demonstration efforts with other agencies.** OKDHS may enter into special education, training, or employment efforts with federal, state, and local governments, and private for-profit, private not-for-profit organizations, and agencies. When this occurs, the counties involved are expected to comply with the terms of those agreements. ■ 13

### **INSTRUCTIONS TO STAFF**

1. **Prior to enrolling a participant in a specific training program, the worker must evaluate whether an Oklahoma State Bureau of Investigation (OSBI) background check is a prerequisite for potential employment. This action could prevent an inappropriate placement in a training program that would not best suit the employment needs of the participant. See OAC 340:10-2-8.**

- 2. Work Experience Program (WEP) participation hours can be combined with other countable work activity hours to meet the minimum hours of required participation. See OAC 340:10-2-1.**
- 3. Care is given to avoid placement of trainees with facilities which consistently use WEP trainees without providing first option employment.**
- 4. The county director reports injuries to the Oklahoma Department of Human Services (OKDHS) Support Services Division (SSD) Risk, Safety and Emergency Management Unit on Form ADM-46, Employee's Report of Job-Related Accidental Injury or Illness.**
- 5. Following the participant's interview with the facility and the facility's acceptance of the participant for training, the worker makes a notation on the copy of Form TW-2, TANF Work/Personal Responsibility Agreement, and initiates an authorization. Form TW-14, Work Experience Program - Nonprofit Participant Agreement or Form TW-14-A, Work Experience Program - For-Profit Participant Agreement, is completed at this time. A copy of Form TW-14 or Form TW-14-A is mailed to the facility as notification of the participant's starting date.**
- 6. A contracted entity can include, but is not limited to:
  - (1) Oklahoma Department of Career and Technology Education (ODCTE);**
  - (2) Oklahoma State Regents for Higher Education (OSRHE);**
  - (3) Workforce Investment Act (WIA); or**
  - (4) Oklahoma Employment Security Commission (OESC).****
- 7. Special requirements are items such as uniforms or special equipment.**
- 8. A written description is forwarded to the county director requesting approval of the training slot.**
- 9. Form TW-13, Time and Progress Report, is computer-generated and mailed monthly to each participant with an open WEP authorization.**
- 10. Family Support Services Division (FSSD) may be consulted for appropriate procedures.**

**11. See OAC 340:10-2-7(c)(1).**

**12. Participation is documented by the worker on the Information Management System by using the ETPANEW transaction.**

**13. Copies of the agreements and procedures for implementing the program are distributed through annual FSSD numbered memos. County workers are trained and the program is implemented according to the agreement.**



**340:10-3-5. Personal property**

(a) This subsection describes personal property and how it is considered in determining eligibility for Temporary Assistance for Needy Families (TANF).

(1) **Household goods and equipment.** Items essential to day-to-day living such as clothing, furniture, and other similarly essential items of limited value are excluded as resources.

(2) **Livestock and equipment used in a business enterprise.** The individual's equity in livestock, equipment, or inventory of merchandise in a business enterprise is considered as a resource only if the individual is not actively engaged in the business enterprise. Equity is not counted if the individual actively participates in the business or is only temporarily inactive, for example, incapacitated and can reasonably expect and has plans to resume the business enterprise. Equity is established on the basis of oral or written information which the individual has at hand and counsel with persons who have specialized knowledge about the particular resources.

(3) **Livestock and home produce used for home consumption.** Any livestock or produce grown and used by the assistance unit for home consumption is exempt.

(4) **Cash savings and bank accounts.** Money on hand or in a savings account is considered as a resource. The individual's statement that he or she has no money on hand or on deposit is sufficient unless there are indications to the contrary. When there is information to the contrary or when the individual does not have records to verify the amount on deposit, verification is obtained from bank records. Section 167.1 of Title 56 of the Oklahoma Statutes provides that financial records obtained for the purpose of establishing eligibility for assistance or services must be furnished without cost to the individual or the Oklahoma Department of Human Services (OKDHS).

(A) Checking accounts may or may not represent savings. Current bank statements are evaluated with the individual to establish what, if any, portion of the account represents savings. Any income deposited during the current month is not considered.

(B) Accounts owned jointly are considered available to the individual unless it can be established what part of the account actually belongs to each of the owners, the money is separated, and the joint account is dissolved.

(5) **Insurance policies and prepaid funeral benefits.**

(A) **Life insurance policies.** The cash surrender value (CSV) less any loans or unpaid interest of life insurance policies owned by members included in the TANF cash assistance is counted as a resource. Dividends which accrue and remain with the insurance company increase the amount of the resource. Dividends paid to an individual are considered as income. Assignment of the face value of a life insurance policy to fund a prepaid burial contract is not counted as a resource. In this instance, the amount of the face value of the life insurance is evaluated according to (C) of this paragraph or, if applicable, (D) of this paragraph.

(B) **Burial spaces.** The value of a burial space for each family member whose needs are in the cash assistance or whose income and resources are considered when computing the cash assistance is excluded from resources.

(C) **Burial funds.** Revocable burial funds not in excess of \$1500 for each member included in the assistance unit are excluded as a resource if the funds are specifically set aside for the burial arrangements of the individual. Any amount in excess of \$1500 for each member included in the assistance unit is considered as a resource. Burial policies which require premium payments and do not accumulate cash value are not considered prepaid burial policies.

(i) Burial funds means a prepaid funeral contract or burial trust with a funeral home or burial association which is for the individual's burial expenses.

(ii) The face value of a life insurance policy, when properly assigned by the owner to a funeral home or burial association, may be used for purchasing burial funds as described in (i) of this subparagraph.

(iii) The burial fund exclusion must be reduced by the face value of life insurance policies owned by the individual and by the amounts in an irrevocable trust or other irrevocable arrangement.

(iv) Interest earned or appreciation on the value of any excluded burial funds is excluded if left to accumulate and become a part of the burial fund.

(v) If the individual did not purchase the prepaid burial, even if the individual's money was used for the purchase, the individual is not the owner and the prepaid burial funds cannot be considered a resource to the individual.

(D) **Irrevocable burial contract.** Oklahoma law provides that a purchaser of a prepaid funeral contract may elect to make the contract irrevocable. Irrevocability becomes effective 30 days after the contract is signed.

- (i) If the irrevocable election was made prior to July 1, 1986, and the individual received assistance on July 1, 1986, the full amount of the irrevocable contract is excluded as a countable resource. This exclusion applies only if the individual does not add to the amount of the contract. Interest accrued on the contract is not considered as added. Any break in assistance requires that the contract be evaluated at the time of reapplication.
- (ii) If the effective date for the irrevocable election or application for assistance is July 1, 1986, or later, the amount in any combination of an irrevocable contract, revocable prepaid burial contract or trust, and the cash value of unassigned life insurance policies cannot exceed \$7500. When the principal amount exceeds \$7500, the individual is ineligible for assistance. Accrued interest is not counted as a part of the \$7500 limit, regardless of when it is accrued.
- (iii) For an irrevocable contract to be valid, the election to make it irrevocable must be made by the purchaser or the purchaser's guardian or an individual with power of attorney for the purchaser.

(E) **Medical insurance.** When an individual has medical insurance whether directly purchased or available in conjunction with employment, the available benefits are applied toward the medical expense for which the benefits are paid.

■ 1 If an assignment of the insurance is not made to the vendor and payment is made directly to the individual, the payment must be applied to the cost of medical services. Any amount remaining after payment for medical services is considered a resource.

(6) **Stocks, bonds, mortgages, and notes.** The individual's equity in stocks and bonds, including United States Savings Bonds, Series A through EE, is considered a resource. The current market value less encumbrances is the equity. Except for a bond which has been held beyond the maturity date, the current value is the redemption value listed in the table on the back of the bond for the anniversary date most recently reached. If the bond has been held beyond maturity date, it has continued to draw interest. The amount which can be realized from notes, mortgages, and similar instruments, if offered for immediate sale, constitutes a resource.

(7) **Non-negotiable resources.** Installment payments received on a note, mortgage, and similar instruments, for which a buyer cannot be found, are considered as monthly income.

(8) **Automobiles, pickups, and trucks.** The market value of each year's make and model is established on the basis of the average trade-in value. ■ 2 In the event the individual and worker cannot agree on the value of the vehicle, the individual secures written appraisals by two persons familiar with current values. If there is substantial unexplained divergence between these appraisals or between the blue book value and one or more of these appraisals, the worker and the individual jointly arrange for the market value to be established by an appraisal made by a third person who is familiar with current values and acceptable to both the individual and worker.

(A) **Exempt automobiles.** One automobile, pickup, truck, or other vehicle used for the primary source of transportation for each assistance unit not to exceed an equity of \$5,000 is exempted. The amount of the equity in excess of \$5,000 is considered against the resource limit.

(B) **Other vehicles.** The equity in other automobiles, pickups, and trucks as well as other personal property including boats, travel trailers, motorcycles, motor homes, campers, and similar items is considered a resource. The current market value less encumbrances on the vehicle is the equity. Only encumbrances that can be verified are considered in computing equity.

(9) **Lump sum payments.** ■ 3 A lump sum settlement which compensates for the loss of a resource such as an automobile may be disregarded in the amount used to replace the loss. The individual is given a reasonable amount of time to replace the loss not to exceed 30 days. Extension beyond 30 days may be justified in special instances when completion of the transaction is beyond the individual's control. Any amount remaining after the replacement of the loss is considered as income. Income tax refunds, except for the portion that represents an earned income tax credit (EITC), must be treated as a resource and considered available to the recipient upon receipt. Retirement benefits received as a lump sum payment at termination of employment are considered a resource. ■ 4 These benefits are not treated as income because the retirement contribution was regarded as income in the month earned and withheld by the employer.

(10) **Individual Development Accounts (IDAs).** IDAs are dedicated savings accounts that are used for a qualified purpose such as purchasing a first home, education or job training expenses, capitalizing a small business, or other purposes designated by the IDA administrative entity. IDAs are managed by community organizations and accounts are held at local financial institutions. Cash deposits and interest accrued from the deposits made by an individual in an IDA up to \$2,000 are not considered as income or resources in determining TANF eligibility. The account deposits must be made from earned income, earned income tax credits, or

tax refunds.

(b) This subsection describes resources disregarded in determining need. Disregarded resources are:

(1) food stamp allotments under the Food Stamp Act of 1977;

(2) any payments received under Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970;

(3) education grants, including work study, scholarships, and similar grants, if receipt is contingent upon the student regularly attending school. The student's classification, graduate or undergraduate, is not a factor;

(4) loans, regardless of use, if a bona fide debt or obligation to pay can be established. Criteria to establish a loan as bona fide includes an acknowledgment of obligation to repay or evidence that the loan was from an individual or financial institution in the loan business. The borrower's acknowledgment of obligation to repay, with or without interest, is considered to indicate that the loan is bona fide. If the loan agreement is not written, Form ADM-103, Loan Verification, is completed by the borrower attesting the loan is bona fide and signed by the lender verifying the date and amount of loan;

(5) Indian payments, including judgment funds or funds held in trust, distributed per capita by the Secretary of the Interior, Bureau of Indian Affairs (BIA) or distributed per capita by the tribe subject to approval by the Secretary of the Interior. For purposes of this paragraph, per capita is defined as each tribal member receiving an equal amount. Any interest or investment income accrued on such funds while held in trust or any purchases made with judgment funds, trust funds, interest, or investment income accrued on such funds is disregarded. Any income from mineral leases or tribal business investments is disregarded as long as the payments are paid per capita. Any interest or income derived from the principal or produced by purchases made with the funds after distribution is considered as any other income;

(6) special allowances for school expenses made available upon petition, in writing, from funds held in trust for the student;

(7) trusts of a child(ren) included in a TANF benefit if it is determined by the worker the funds are to be used for educational purposes for the child(ren). Any court established trust must be examined to determine if the court has restricted the trust for other purposes. The worker must verify at application and redetermination if funds have been withdrawn. ■ 5 Any funds withdrawn are treated as lump sum

unearned income unless it can be documented the funds were used for the child(ren)'s educational purposes; ■ 6

(8) any accounts, stocks, bonds, or other resources held under the control of a third party if the funds are designated for educational purposes for a child(ren) eligible for TANF, even if the child(ren)'s name is on the account and the third party holder is required to access the funds;

(9) benefits from state and community programs on aging from Title III and Title V are disregarded. Both Title III and Title V are under the Older Americans Act (OAA) of 1965 amended by Public Law (P.L.) 100-175 to become the OAA as amended 2000;

(10) unearned income received by a child(ren) eligible for TANF, such as needs based payments, cash assistance, compensation in lieu of wages, or allowances from programs funded by the Workforce Investment Act (WIA), including Job Corps income. This includes WIA earned income received as wages when the child(ren) is a full-time student; ■ 7

(11) payments for supportive services or reimbursement of out-of-pocket expenses made to individual volunteers serving as foster grandparents, senior health aides, or senior companions, and to persons serving in the Service Corps of Retired Executives (SCORE), Active Corps of Executives (ACE), and any other programs pursuant to the National and Community Service Trust Act of 1993 (NCSTA);

(12) payments to volunteers under the NCSTA, unless the gross amount of AmeriCorps\*VISTA payments equals or exceeds the state or federal minimum wage, whichever is greater;

(13) the value of supplemental food assistance received under the Child Nutrition Act or the special food service program for children under the National School Lunch Act;

(14) any portion of payments made under the Alaska Native Claims Settlement Act to an Alaska Native which are exempt from taxation under the Settlement Act;

(15) Experimental Housing Allowance Program (EHAP) payments made under Annual Contributions Contracts entered into prior to January 1, 1975, under Section 23 of the U.S. Housing Act of 1937, as amended;

(16) advance payments of EITC or refunds of EITC, as a result of filing a federal income tax return, in the month received and the following month;

(17) refunds of the state EITC, as a result of filing a state income tax return, in the month received and the following month;

(18) payments from the Agent Orange Settlement Fund or any other fund established pursuant to the settlement in the In Re Agent Orange product liability litigation, M.D.L. No. 381 (E.D.N.Y.);

(19) payments made from the Radiation Exposure Compensation Trust Fund as compensation for injuries or deaths resulting from the exposure to radiation from nuclear testing and uranium mining;

(20) federal major disaster and emergency assistance provided by Section 5515(d) of Title 42 of the United States Code (U.S.C.), and comparable disaster assistance provided by state, local governments, and disaster assistance organizations;

(21) interests of individual Indians in trust or restricted lands. However, any disbursements from the trust or restricted lands are considered as income;

(22) a migratory farm worker's out-of-state homestead if the farm worker's intent is to return to the homestead after the temporary absence;

(23) a non-recurring lump sum Supplemental Security Income (SSI) retroactive payment, made to a TANF recipient, in the month paid and the next following month. The amount remaining in the second month after the month of receipt is a countable resource;

(24) payments received under the Civil Liberties Act of 1988. These payments are made to individuals of Japanese ancestry who were detained in internment camps during World War II;

(25) payments made to individuals because of their status as victims of Nazi persecution;

(26) payments made from the crime victims compensation program as amended in section 1403 of the Victims of Crime Act of 1984, Section 10602 of Title 42 of the U.S.C.;

(27) reimbursements made to a foster care parent(s); and

(28) payments as described in Section 1823(c) of Title 38 of the U.S.C. provided to certain individuals who are children of Vietnam War veterans.

**INSTRUCTIONS TO STAFF**

1. The type of insurance is documented in Case Notes on Family Assistance/Client Services (FACS).
2. (a) The average trade-in value listed in the National Automobile Dealers Association (NADA) books can be used, other blue books, or one of the Internet Web sites which provide data on the market value of used vehicles at no cost to the user. Available Web sites include:
  - (1) CarPrices                      [www.carprices.com](http://www.carprices.com);
  - (2) AutoWorld                      [www.autoworld.com](http://www.autoworld.com);
  - (3) Intellichoice                      [www.intellichoice.com](http://www.intellichoice.com);
  - (4) Edmund's                      [www.edmunds.com](http://www.edmunds.com);
  - (5) Kelley Blue Book                      [www.kbb.com](http://www.kbb.com).; and
  - (6) NADA                      [www.nada.com](http://www.nada.com).
- (b) The value of a vehicle cannot be increased by adding the value of low mileage or optional equipment. The Kelley Blue Book requires users to include mileage prior to calculating a vehicle's value. Other online services with a mileage field assume average mileage if the mileage field is left blank. To ensure any vehicles are not assigned a higher value based on unusually low mileage the worker uses the greater of the vehicle's actual mileage or 12,000 miles per year.
- (c) The case record must include sufficient documentation indicating the Web site or blue book used to determine the market value of the vehicle.
3. See OAC 340:10-3-28(a)(6).
4. See OAC 340:10-3-28(a)(1) for consideration of a lump sum retirement benefit received at the time of retirement.
5. See OAC 340:10-3-6.
6. Funds for educational purposes are for any necessary expenses related to

**school activities such as fees, books, and clothing.**

**7. See OAC 340:10-3-40(17).**



**340:10-3-32. Determination of earned income**

Earned income results from self-employment or other employment sources.

(1) **Earned income from self-employment.** ■ 1 If the income results from the individual's activities primarily as a result of the individual's own labor from the operation of a business enterprise, the countable earned income is determined by deducting 50% of the gross income as business expenses or by using the net business profit for the most recent tax year as reported on Internal Revenue Service Form 1040, Schedule C, Profit or Loss from Business. ■ 2 Self-employment income that represents a household's annual support is prorated over a 12-month period, even if the income is received in a shorter period of time. ■ 3

(A) **Room or board.** Earned income from a room rented in the home is determined by considering 25% of the gross amount received as business expenses. Earned income from room and board paid by a person in the home is determined by considering 50% of the gross income received as a business expense.

(B) **Rental property.** Income from rental property is considered income from self-employment if none of the activities associated with renting the property is conducted by an outside person or agency.

(2) **Earned income from sources other than self-employment.**

(A) **Earned income from wages, salary, or commission.** If the income is from wages, salary, or commission, the earned income is the gross income or true wage prior to payroll deductions and withholdings. ■ 4 This includes earned income from contract employment. ■ 5 Money from the sale of whole blood or blood plasma is considered as earned income.

(B) **Earned income from work and training programs.**

(i) **Workforce Investment Act (WIA).** WIA earned income received by the payee or spouse as wages is considered as any other earned income. WIA earned income of a dependent child(ren) is considered when received in excess of six months in any calendar year. ■ 6

(ii) **On-the-job training (OJT).** Earned income from regular employment for OJT is considered as any other earned income.

**INSTRUCTIONS TO STAFF**

1. See OAC 340:10-3-33 for earned income deductions.
2. The federal income tax form for the most recent year is used for calculating the income only if it is representative of the individual's current situation. The individual's business records beginning the month income became representative of the individual's current situation are used if the income tax information does not represent the individual's current situation. If the household's self-employment enterprise has been in existence for less than a year, the income is averaged over the period of time the business has been in operation to establish the monthly income amount.
3. For example, self-employment income received by a crop farmer is averaged over a 12-month period if the income represents the farmer's annual support.
4. If an individual receives a benefit allowance from his or her employer, count the regular gross earnings plus any excess money left after deducting the insurance cost from the benefit allowance. For example, an individual:
  - (1) is given a \$300 benefit allowance to purchase insurance and uses the entire amount to purchase the insurance. None of the benefit allowance is counted as income;
  - (2) is given a \$300 benefit allowance but only purchases \$280 in insurance. The remaining \$20 that is given to the client as an excess benefit allowance is counted as income; or
  - (3) has an option of purchasing insurance and would receive a \$300 benefit allowance if insurance was purchased but the individual elects not to purchase the insurance. In this situation, the employer makes \$150 of the \$300 benefit allowance available as cash. The \$150 is an excess benefit allowance and is counted as income.
5. Income from contract employment received by individuals, such as school employees, is annualized over a 12-month period even if the income is received over a period of time shorter than 12 months.
6. See OAC 340:10-3-40(17), Income disregards.

**340:10-3-40. Income disregards**

Income that is disregarded in determining eligibility for Temporary Assistance for Needy Families (TANF) is:

- (1) the food stamp allotment under the Food Stamp Act of 1977;
- (2) any payment received under Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970;
- (3) education grants, including work study, and scholarships that are contingent upon the student regularly attending school. The student's classification as a graduate or undergraduate is not a factor;
- (4) loans, regardless of use, if a bona fide debt or obligation to pay can be established. Criteria to establish a loan as bona fide includes an acknowledgment of obligation to repay or evidence that the loan was from an individual or financial institution in the loan business. If the loan was from a person(s) not in the loan business, the borrower's acknowledgment of obligation to repay, with or without interest, is required to indicate that the loan is bona fide. If the loan agreement is not written, Form ADM-103, Loan Verification, must be completed by the borrower attesting that the loan is bona fide and signed by the lender verifying the date and amount of loan. When copies of written agreements or Form ADM-103 are not available, detailed case documentation must include information that the loan is bona fide and how the debt amount and date of receipt was verified;
- (5) Indian payments, which include judgment funds or funds held in trust, distributed per capita by the Secretary of the Interior, Bureau of Indian Affairs (BIA) or distributed by the tribe subject to approval by the Secretary of the Interior. For purposes of this paragraph, per capita is defined as each tribal member receiving an equal amount. Any interest or investment income accrued on such funds while held in trust or any purchases made with judgment funds, trust funds, interest, or investment income accrued on such funds is disregarded. Any income from mineral leases or from tribal business investments is disregarded as long as the payments are paid per capita. Any interest or income derived from the principal or produced by purchases made with the funds after distribution is considered as any other income;
- (6) special allowance(s) for school expenses made available upon petition in writing from trust funds of the student;
- (7) income from trusts of a child(ren) included in a TANF benefit if it is determined

by the worker that funds are to be used for educational purposes for the child(ren). Any court established trust must be examined to determine if the court has restricted the trust for other purposes. The worker must verify at application and redetermination if funds have been withdrawn. ■ 1 Any funds withdrawn are treated as lump sum unearned income unless it can be documented the funds were used for the child(ren)'s educational purposes; ■ 2

(8) income from accounts, stocks, and bonds held under the control of a third party if the funds are designated for educational purposes for a child(ren) in a TANF benefit even if the child(ren)'s name is on the account and the third party holder is required to access the funds;

(9) benefits from state and community programs on aging from Title III and Title V. Title III and Title V are under the Older Americans Act (OAA) of 1965 amended by Public Law (P.L.) 100-175 to become the OAA as amended 2000. Each state and various organizations receive some Title V funds. These organizations include:

- (A) Experience Works;
- (B) National Council on Aging;
- (C) National Council of Senior Citizens;
- (D) American Association of Retired Persons (AARP);
- (E) United States (US) Forest Service;
- (F) National Association for Spanish Speaking Elderly;
- (G) National Urban League;
- (H) National Council on Black Aging; and
- (I) National Council on Indian Aging.

(10) unearned income received by a child(ren) in a TANF benefit, such as a needs based payment, cash assistance, compensation in lieu of wages, or allowance from a program funded by the Workforce Investment Act (WIA) including Job Corps income and WIA earned income received as wages; ■ 3

(11) payments for supportive services or reimbursement for out-of-pocket expenses made to individual volunteers serving as foster grandparents, senior health aides, or

senior companions, and to persons serving in the Service Corps of Retired Executives (SCORE) and Active Corps of Executives (ACE);

(12) payments to volunteers under the National and Community Service Trust Act of 1993 (NCSTA), unless the gross amount of AmeriCorps\*VISTA payments equals or exceeds the state or federal minimum wage, whichever is greater; ■ 4

(13) the value of supplemental food assistance received under the Child Nutrition Act or the special food service program for children under the National School Lunch Act;

(14) any portion of payments, made under the Alaska Native Claims Settlement Act to an Alaska Native, which are exempt from taxation under the Settlement Act;

(15) any income if an adult or child(ren) from the family group is living in the home and is receiving Supplemental Security Income (SSI), his or her individual income is considered by the Social Security Administration in determining eligibility for SSI. This includes any payment made by the Developmental Disabilities Services Division through the Family Support Assistance Payment Program on behalf of a child(ren) receiving SSI. The individual's income and SSI payment are not considered in determining the TANF benefit;

(16) Experimental Housing Allowance Program (EHAP) payments made under Annual Contributions Contracts entered into prior to January 1, 1975, under Section 23 of the US Housing Act of 1937, as amended;

(17) earnings of a child(ren) in a TANF benefit who is a full-time student are disregarded;

(18) government rental or housing subsidies by governmental agencies, for example, Housing and Urban Development (HUD) which are received in-kind or in cash for rent, mortgage payments, or utilities;

(19) reimbursements from an employer, the Department of Labor, or the Bureau of Indian Affairs, for out-of-pocket expenditures and allowances for travel, training, meals, or supplies, which could include uniforms, to the extent the funds are used for expenses directly related to such travel, training, meals or supplies;

(20) Low Income Home Energy Assistance Program (LIHEAP) payments for energy assistance and payments for emergency situations under Emergency Assistance to Needy Families with Children;

(21) advance payments of Earned Income Tax Credit (EITC) or refunds of EITC as a result of filing a federal income tax return;

(22) refunds of state EITC as a result of filing a state income tax return;

(23) payments made from the Agent Orange Settlement Fund or any other fund established pursuant to the settlement in the In Re Agent Orange product liability litigation, M.D.L. No. 381 (E.D.N.Y.);

(24) payments made from the Radiation Exposure Compensation Trust Fund as compensation for injuries or deaths resulting from the exposure to radiation from nuclear testing and uranium mining;

(25) federal major disaster and emergency assistance provided by Section 5515(d) of Title 42 of the United States Code (U.S.C.) and comparable disaster assistance provided by states, local governments, and disaster assistance organizations;

(26) interests of individual Indians in trust or restricted lands;

(27) income up to \$2,000 per calendar year received by individual Indians, which is derived from leases or other uses of individually owned trust or restricted lands. Any remaining disbursements from the trust or the restricted lands are considered as unearned income;

(28) payments received under the Civil Liberties Act of 1988. These payments are made to individuals of Japanese ancestry who were detained in internment camps during World War II;

(29) payments made to individuals because of their status as victims of Nazi persecution;

(30) interest accrued from the deposits made by an individual into an Individual Development Account (IDA) up to \$2,000; ■ 5

(31) stipends paid to students participating in the Indian Vocational Education Program (IVEP) through the Carl D. Perkins Vocational and Applied Technology Education Act;

(32) payments made from the crime victims compensation program as amended in section 1403 of the Victims of Crime Act of 1984, Section 10602 of Title 42 of the U.S.C.;

(33) reimbursements made to a foster care parent(s); and

(34) payments as described in Section 1823(c) of Title 38 of the U.S.C. provided to certain individuals who are children of Vietnam War veterans.

**INSTRUCTIONS TO STAFF**

1. See OAC 340:10-3-6 for trust accounts policy.
2. See OAC 340:10-3-28 for lump sum payments policy.
3. See OAC 340:10-3-40(17) of this subsection for the exception to this rule.
4. See OAC 340:10-2-4(c)(2) for on-the-job training.
5. See OAC 340:10-3-5(a)(10) for Individual Development Accounts.



**340:10-3-56. Structure of the assistance unit**

(a) The structure of the assistance unit is defined in this Section.

(1) Individuals whose needs **must** be included in the assistance unit, unless otherwise excluded in accordance with paragraph (3) of this subsection, are: ■ 1

(A) at least one Temporary Assistance for Needy Families (TANF) eligible child;

(B) the natural or adoptive parent(s); and

(C) all blood-related minor siblings living in the home with the TANF eligible child(ren), including half brothers and half sisters unless eligibility for the half brothers and half sisters does not exist. ■ 2 & 3 This does not apply to siblings of a minor parent when the minor parent is the adult in the assistance unit.

(2) Individuals whose needs **may** be included are:

(A) the caretaker relative-payee other than the natural or adoptive parent(s) with whom the child(ren) resides, if this individual meets the definition of needy and is of the specified degree of relationship. A caretaker other than stepparent may be included in the assistance unit only when the natural or adoptive parent(s) is absent from the home. A stepparent may be included in the assistance unit when the natural or adoptive parent(s) is incapacitated or absent;

(B) the caretaker relative or the natural or adoptive parent when the only dependent child(ren) residing in the home:

(i) receives Supplemental Security Income (SSI); or

(ii) has been removed from the home by a child protection action and the plan for the child(ren) is impending reunification; ■ 4

(C) the caretaker relative when the only child(ren) in the home receives federal or state foster care maintenance payments;

(D) the natural parent(s) when the only child(ren) in the home received benefits in the form of a voucher and has been removed from the cash benefit as a result of attaining 36 months of age;

(E) the adoptive parent(s) when the only dependent child(ren) receives a Title IV-E or state adoption subsidy; or

(F) a family that includes any head of household or a spouse of the head of household who has received TANF benefits for a total of 60 cumulative months nationwide, whether or not consecutive, and a hardship extension is approved.

■ 5 All other conditions of TANF eligibility must be met. The hardship extensions are: ■ 6

(i) under-employment. The participant is regularly working 30 hours or more per week and earning at least minimum wage or its equivalent, but the net income of the assistance unit is insufficient to close the TANF cash assistance;

(ii) chronically under-employed. The participant is under-employed over an extended period of time as a result of documented barriers; ■ 7

(iii) pending SSI or Social Security Administration (SSA) disability application. This extension is granted only if the Oklahoma Department of Human Services (OKDHS) determines the disability application has merit and the participant pursues all appeals through a decision by the SSA Appeals Council. ■ 8 If an unfavorable decision is received from the SSA Appeals Council during the time period the participant is approved for a hardship extension, Family Support Services Division (FSSD), TANF Section, is notified and the TANF benefit is closed the next effective date; ■ 9

(iv) care of a disabled child(ren) or spouse. The participant is responsible for the care of a disabled child(ren) or spouse. This extension is granted only when verification has been provided to show the participant is needed in the home to care for this disabled individual and there is no alternative care available; ■ 10

(v) a clinical diagnosis of mental illness. The participant must be diagnosed with and receiving treatment for a mental disorder listed at Part 404, Subpart P, Appendix 1 of Title 20 of the Code of Federal Regulations. ■ 11 This illness must interfere with the participant maintaining or obtaining gainful employment. If appropriate, the participant must participate in other work activities in conjunction with receiving treatment;

(vi) a substance abuse treatment plan. The participant has a treatment plan level of care which requires intensive aftercare treatment of nine hours or more per week in conjunction with other appropriate work activities, or outpatient treatment of nine hours or more per week in conjunction with other appropriate work activities, or is in full-time inpatient treatment; or ■ 12

(vii) a continuing training or educational activity. The participant, during the 60th month, is regularly attending an approved training or educational activity which will be completed in less than 12 months.

(3) Individuals whose needs **may not** be included are:

(A) an individual who has received a State Supplemental Payment (SSP) for the same month;

(B) an individual who has received or is included in an SSI payment for the same month; ■ 13

(C) the spouse of the payee if the payee is not the natural or adoptive parent;

(D) a child(ren) who is receiving foster care;

(E) an adopted child(ren) receiving an adoption subsidy;

(F) an alien who is not legally admitted to the United States (US) for permanent residence or does not meet alienage requirements; ■ 14

(G) a caretaker other than a stepparent when the natural or adoptive parent is in the home;

(H) an individual whose period of ineligibility due to receipt of a lump sum payment has not expired;

(I) a stepparent when the natural or adoptive parent is in the home and not incapacitated;

(J) an individual in a household that is eligible to receive benefits under a tribal TANF program; ■ 15

(K) a child(ren) born to a recipient after ten months from the date of application. Any such child(ren) is not eligible for the parent to receive cash benefits but is eligible for the parent to receive a non-cash voucher in the incremental amount the cash benefits would have been increased had the child(ren) been eligible for cash benefits. This voucher is issued for items of necessity for newborns until the age of 36 months. ■ 16 If a recipient gives birth to an additional child(ren) during the period in which the family is eligible for benefits or during a temporary penalty period of ineligibility, the increase in the amount of benefits is issued as a voucher. A child(ren) born within ten months of application is not considered an

additional child(ren) for this provision. The first child(ren) born after ten months from the date of application to a minor child(ren) of an applicant or a recipient family is not considered an additional child(ren) for this provision and is added to the cash payment. Any subsequent child(ren) born to a minor child(ren) is added for voucher benefits; ■ 17

(L) a fugitive felon; ■ 18

(M) a probation and/or parole violator;

(N) an individual convicted of having fraudulently misrepresented residence in order to obtain assistance in more than one state. The individual is ineligible for a ten year period that begins on the date of conviction;

(O) a family that includes any head of household or a spouse of the head of household who has received TANF benefits for a total of 60 cumulative months, whether or not consecutive, and a hardship extension is not approved; or ■ 19

(P) a minor unmarried payee who has a dependent child(ren) in the minor's care and does not reside with a parent(s), legal guardian, or other adult relative age 18 or older. For the minor payee to be eligible for TANF benefits, the minor must live with the minor's natural or adoptive parent(s) or a stepparent, legal guardian, or other adult relative age 18 or older, or live in a foster home, maternity home, or other supportive living arrangement supervised by an adult. A supportive living arrangement is where a private family setting is maintained and an adult assumes the responsibility for the care and control of the minor and the minor's dependent child(ren) or provides supportive services such as counseling and guidance. The minor payee can reside elsewhere and be eligible for TANF if good cause is established because the:

(i) minor has no living parent or legal guardian whose whereabouts are known;

(ii) parent(s), legal guardian, or other adult relative does not allow the minor to live in the home;

(iii) physical or emotional health or safety of the minor or the minor's dependent child(ren) is jeopardized if the minor or the minor's dependent child(ren) lives in the home with the parent(s), legal guardian, or other adult relative age 18 or older;

(iv) minor parent has lived apart from the minor's parent(s), legal guardian, or

other adult relative age 18 or older, for at least one year before the birth of any dependent child(ren), or before the minor applied for benefits; or

(v) minor parent is legally emancipated pursuant to Chapter 4, Title 10 of the Oklahoma Statutes. A minor is legally emancipated when the district court must have granted the minor the authority to act on the minor's own behalf.

(b) In general, when an individual whose needs are included in a TANF assistance unit is temporarily absent from the home for the purpose of receiving training or education for employment, or certain medical services, he or she is considered part of the family and the budgetary requirements are not changed unless needs change by reason of circumstances unrelated to the temporary absence. Individuals temporarily absent from the home but included in the assistance unit are: ■ 20

(1) an individual receiving training or education for employment during the period of time the training or educational activities are taking place;

(2) a child(ren) attending boarding school during the school term;

(3) a child(ren) absent from the home on visitation to the absent parent up to a maximum of three months. This consideration applies only to visitation and does not apply if the absent parent has physical and legal custody of the child(ren) during these three months;

(4) a child(ren) absent in order to attend school, other than boarding school. Factors considered in making this determination include the maintenance of normal ties between home and the child(ren) during the period of absence; whether the child(ren) continues under the control and guidance of the payee during the absence; and assumption of responsibility by the relative-payee for meeting the child(ren)'s expenses during the school term. A child(ren) who attends the School for the Blind or the School for the Deaf is considered temporarily absent from the home in determining TANF eligibility; ■ 21

(5) an individual absent from the home because of entrance into a private facility for counseling, rehabilitation, behavioral problems, or special training. If an assessment indicates care is projected for a period exceeding four months, the absence is not considered temporary. At any time an absence is determined as not temporary or no longer temporary, the needs of the individual cannot be included in the assistance unit;

(6) an individual absent from the home for medical services, other than institutionalization for treatment of mental illness, mental retardation, or tuberculosis,

for up to six months. Six-month extensions may be allowed when verification indicates the individual may return to the home within the next six months;

(7) an individual absent from the home to receive substance abuse treatment for up to four months. A four-month extension may be allowed when verification indicates the individual will return to the home within the next four months; or

(8) an individual absent from the home to receive nursing care approved by the Oklahoma Health Care Authority, Level of Care Evaluation Unit. If it appears that the individual is disabled, an application for State Supplemental Payment is taken and a referral made to the SSA district office for an SSI application.

(c) A change in benefit is not made during a temporary absence from Oklahoma for three months or less, unless a change is necessary by reason of some change in circumstances not relating to such absence from Oklahoma.

### **INSTRUCTIONS TO STAFF**

1. **When a person is required to be included in two or more assistance units in the same household, the assistance units must be combined, and the case records consolidated.**
2. **A child(ren) in common may not be included when deprivation cannot be established for the child(ren) because neither the natural or adoptive parent is disabled or incapacitated and neither parent can meet a work history requirement. In this situation, it is a stepparent case with only the adult and his or her child(ren) by a prior relationship included in the assistance unit.**
3. **A child(ren) of the proper degree of relationship to the adult in the home who is not a blood-related sibling to the child(ren) in the assistance unit remains in his or her own case if one exists or a new application is taken. Refer to OAC 340:10-3-59(b).**
4. **This provision applies to active Temporary Assistance for Needy Families (TANF) benefits only. Refer to OAC 340:10-3-57(j). Impending reunification is the anticipated return of the child(ren) to the home within four months.**
5. **(a) Refer to OAC 340:10-1-4 and OAC 340:10-7-1. When a client applying for TANF reports moving to Oklahoma from another state, contact with that state is required to determine concurrent receipt of TANF and the number of months of TANF received in that state. Form FSS-TANF-5, Out-of-State TANF Benefits, can be used to verify the number of months of out-of-state TANF**

receipt.

**(1)** If it is determined the client has received 60 months or more of TANF out-of-state, no action is taken on the application until a request for a hardship extension is completed and approved.

**(2)** If the client declines a hardship extension, the TANF application is denied.

**(3)** When the months and years of out-of-state TANF receipt are verified, this information is faxed to Family Support Services Division (FSSD), TANF Section or e-mailed to TANF@OKDHS.org.

**(b)** When the TANF benefit is active at the time Form TW-24, Extension Request for Temporary Assistance for Needy Families, is signed, the TANF benefit remains active until a decision is made by FSSD, TANF Section. If the hardship extension request is disapproved, the worker is notified to close the TANF benefit with the appropriate closure code the next effective date. If the client requests a fair hearing during the ten-day period following the issuance of the adverse notice, the benefit can remain open until a decision is made by the Appeals Unit. Refer to OAC 340:65-5-1.

**(c)** When the TANF benefit has closed as a result of reaching the 60-month time limit and the client requests TANF within 30 days from the effective date of closure, Form TW-24 must be completed. The date of the client's signature or the stamp-in date, if mailed, on Form TW-24 is used as the application date of the request. No action is taken on the TANF application until a decision is made by FSSD, TANF Section.

**(1)** If the TANF benefit is approved, the worker is notified to reopen the TANF benefit using the appropriate administrative error code.

**(2)** If the request is disapproved, the worker is notified to deny the TANF application.

**(d)** When the client requests TANF more than 30 days from the effective date of closure and the closure was for a reason other than reaching 60 months or closes after being approved for a hardship extension and does not meet the situation described in Instructions to Staff (ITS) 6(d) of this instruction, a new Form FSS-1, Comprehensive Application and Review, and Form TW-24 are completed. Form TW-24, all supporting documentation, and the case record

are mailed to FSSD, TANF Section.

**(1)** If the request is approved, the worker is notified to certify the TANF benefit if all other factors of eligibility are met.

**(2)** If the request is disapproved, the worker is notified to deny the TANF benefit using the appropriate denial code.

**(e)** When an extension is approved, the worker enters an ET&E authorization on Family Assistance/Client Services (FACS) using the appropriate TANF Work component to designate the reason for the extension. The authorization review date is entered to agree with the review date as shown on Form TW-24, Part II. In the month of the review, Form TW-25, Extension Review/Disposition, Part I, is completed, signed, and dated by the participant and worker and routed to FSSD, TANF Section for consideration. FSSD, TANF Section notifies the worker by Form TW-25, Part II, to either update the authorization review date to continue an extension or to close the benefit.

**6. (a)** The worker is required to have a face-to-face contact with each participant to complete Form TW-24, Part I.

**(1)** When Form TW-24, Part I, is completed and an extension is requested by the participant, it is the responsibility of the worker to assure all assessments, diagnostic tests, and verifications are documented in the case record prior to the request for an extension.

**(A)** The worker sends the request, with all appropriate information, to FSSD with the case record.

**(B)** Based on the documentation and information provided, FSSD notifies the worker of the decision and, if approved, the period of time for the extension.

**(2)** When Form TW-24, Part I, is completed and no extension is requested, it is the responsibility of the worker to submit Form TW-24 to FSSD for review and close the benefit the appropriate month.

**(b)** If the extension is not approved, FSSD notifies the worker to close the benefit. The worker, 30 days after the effective date of closure, makes a home visit to determine the family's circumstances and offers the appropriate services.

(c) If the reason for the extension changes, the worker is required to have a new Form TW-24, Part I, completed. The worker sends the request with the active case record to FSSD for a decision. The procedures described in ITS 6(a) and (b) are followed.

(d) If the participant fails, without good cause, to follow through with the employment plan as authorized by the extension approval, the worker closes the benefit the next effective month and notifies FSSD, TANF Section, by e-mail. When there has been no contact with the individual 30 days after the effective date of closure, the worker makes a home visit to determine the family's circumstances and offers appropriate services. Individuals who agree to participate within 60 days of the date of the benefit termination may have their benefit recertified on reconsideration of the administrative action. The effective date of the recertification is dependent upon the successful participation of the individual in an assigned work activity and the circumstances of the case. If the review of the hardship extension falls during this 60-day time frame and the TANF benefit is reopened, a new Form TW-25 must be completed and sent to the TANF Section. If the review of the hardship extension is beyond this 60-day time frame and the TANF benefit is reopened, the original review time frame is followed. Refer to OAC 340:10-2-2 ITS 5(b) for consideration of Food Stamp Penalty Income (FSPI) and ITS 6 for good cause reasons.

(e) If the time frame for the hardship extension approval has been completed and the participant does not request an additional extension, the cash benefit is terminated using the appropriate closure code. If the participant requests an additional extension, refer to procedures in ITS 6 (a) through (c).

7. Barriers can include, but are not limited to, learning disabilities, physical limitations, which can include a high risk pregnancy or late term pregnancy, or mental disorders observed by the Oklahoma Department of Human Services (OKDHS) staff or other community partners. Medical records are not required to document the observed mental disorder.
8. Examples of merit are when the participant has obtained legal representation for his or her Supplemental Security Income (SSI) or Social Security disability application or a determination has been made by the Disability Advocacy Program (DAP). See OAC 340:10-2-8(c)(6). Another example is when the Department of Rehabilitation Services has denied services to a participant because employment is unlikely.

9. The decision by the Social Security Administration Appeals Council to send the request back to the Administrative Law Judge is not an unfavorable decision.
10. The spouse or child(ren) does not have to be receiving disability benefits, however due to physical or mental impairment he or she cannot provide self-care.
11. The mental disorders at Part 404, Subpart P, Appendix 1, of Title 20 of the Code of Federal Regulations are:
  - (1) Section 12.03 - schizophrenia, paranoia, and other psychotic disorders;
  - (2) Section 12.04 - depression, manic disorder, or bipolar disorder;
  - (3) Section 12.06 - anxiety disorder, including post-traumatic stress disorder;
  - (4) Section 12.07 - somatoform disorder; and
  - (5) Section 12.08 - personality disorders.
12. If the required nine hours or more per week of treatment is not available in the community, the participant continues eligible until the appropriate services are provided.
13. When a recipient is approved for SSI, the removal date is the next effective date. If the initial SSI payment is received prior to the removal date, no overpayment exists.
14. Refer to OAC 340:10-15-1.
15. Refer to OAC 340:10-3-57(d).
16. The needs of a child(ren) receiving a TANF voucher benefit are automatically removed from the TANF voucher benefit the month after the child(ren) turns 36 months of age. The Household tab on FACS for the TANF voucher benefit status is automatically updated to "Income and resources are considered for benefit computation. Not included in benefit." This child(ren):
  - (1) is no longer eligible for a voucher or cash assistance as long as he or

she continues to live in the home of his or her natural or adoptive parent(s); and

(2) continues to show on the Household tab as TANF voucher benefit with a benefit status of "Income and resources are considered for the benefit computation. Not included in the benefit," if the case closes and reopens and the cash assistance unit remains the same.

17. The Information Management System transactions F17V, BMU, and CVRP are used to issue, remail, or replace vouchers.

(1) The F17V transaction is used to issue retroactive or supplemental vouchers. To access the F17V transaction, enter F17V space case number.

(2) Vouchers returned to the Finance Division are posted to the county office's BML listing and the county office is responsible for remailing or canceling the voucher using the BMU transaction.

(3) The CVRP transaction is used to request replacement of child vouchers for stop payment or expired vouchers. To access the CVRP transaction, enter CVRP and a formatted screen is returned for the worker to complete.

(4) Form ADM-44, Affidavit of Lost or Destroyed Warrant, is used when a recipient states that the vouchers were never received.

18. Refer to OAC 340:65-1-2.

19. Refer to OAC 340:10-1-4, OAC 340:10-3-56(a)(2)(F) and ITS 5.

20. The worker is responsible for working with the parent or needy caretaker who is temporarily absent from the home to assure the child(ren) receives the benefits for which he or she is eligible. If the parent or needy caretaker refuses or fails to make the benefit available, the TANF benefit is terminated.

21. See OAC 340:50-5-2 for food stamp policy.



**340:10-3-57. Special considerations**

(a) **Concurrent receipt of State Supplemental Payment (SSP) for the aged, blind, or disabled.** An individual who is not a recipient of Supplemental Security Income (SSI) has an option to be included in a Temporary Assistance for Needy Families (TANF) assistance unit or may be a recipient of SSP if all eligibility requirements are met. ■ 1 The individual may also be included in the TANF assistance unit pending determination of eligibility for SSP or SSI if all eligibility requirements are met. ■ 2

(b) **Concurrent receipt of TANF and SSI.** An individual cannot be included in a TANF benefit for the same month he or she was included in an SSI payment. ■ 3 If it appears an individual included in a TANF application or an active TANF benefit might meet the eligibility conditions for TANF and SSI, the individual has a choice to have eligibility determined for TANF or SSI benefits. Individuals are informed of their responsibility to report to the Oklahoma Department of Human Services (OKDHS) if any member of the assistance unit makes application for SSI or becomes eligible for SSI. If any assistance unit member applies for TANF or is receiving TANF when the member makes an application for SSI, the member must inform the Social Security Administration (SSA). ■ 4

(1) When the only dependent child(ren) is receiving SSI, the natural or adoptive parent(s) or needy caretaker relative may receive TANF if all other factors of eligibility are met. The assistance unit will consist of the adult(s) only.

(2) When a TANF applicant is also an applicant for SSI, eligibility for TANF must be determined and, if eligible, is included in the benefit until notified of SSI eligibility.

(3) When a TANF recipient is an applicant for SSI, the SSA advises the OKDHS of SSI eligibility, and requests the month of TANF termination and the amount of TANF benefits paid for each month of SSI eligibility. ■ 5 SSA considers a recipient removed from a TANF benefit effective with, and based on, the TANF termination date provided orally by the worker. If the actual date of termination is later than the date given orally to SSA, TANF payments to SSI recipients are TANF overpayments and must be recouped.

(4) When a TANF recipient is determined ineligible for SSI the individual may continue to be included in the TANF assistance unit if all other conditions of eligibility are met.

(5) When a TANF recipient is determined ineligible for SSI for reasons other than a disability determination the individual may be included in an SSP, if all other conditions of eligibility are met. ■ 6

(c) **Concurrent receipt of state and tribal TANF.** An individual who is included in a tribal TANF payment cannot be included in another TANF benefit in the same month. If the individual meets the criteria of a tribal TANF service area and population, the entire household must be served by tribal TANF. If the household moves out of the tribe's service area, the worker coordinates certification of state TANF benefits.

(d) **Concurrent receipt of more than one form of public assistance.** An individual who is included in a TANF benefit cannot be included in another TANF or SSP benefit for the same period. When a TANF applicant is eligible for TANF but has received a weekly or bi-monthly TANF benefit from another state for the same month the applicant is eligible in Oklahoma, the benefit from the other state is counted as unearned income. ■ 7 An individual who is the payee for a TANF benefit, but not included in that benefit, is not prevented from being a recipient of SSP if the SSP eligibility requirements are met. When transferring a TANF recipient to SSP, the removal and approval date must agree.

(e) **Stepparent or person acting in the role of a spouse and parent(s) of a minor parent.** The natural or adoptive parent's income cannot be diverted to meet the needs of the stepparent or other dependents in the home, but is considered available to the TANF assistance unit. No income is considered if the stepparent, person acting in the role of a spouse, or parent(s) of a minor parent is an SSI recipient.

(1) **Stepparent income.** If a stepparent of the child(ren) for whom TANF is requested is living in the home with the child(ren), the verified earned and unearned income of the stepparent, after all applicable TANF income disregards and work related expenses, is computed to determine the amount considered available to the assistance unit. The stepparent's income is computed by:

(A) subtracting the work related expense, one-half of the remaining earned income, and dependent care expense from the stepparent's earned income for full-time or part-time employment; [OAC 340:10-3-33]

(B) adding the net earned income to the stepparent's unearned income;

(C) subtracting the need standard for the appropriate number of individuals, including the stepparent and dependents who are not included in the assistance unit but are living in the home and can be claimed on the stepparent's personal income taxes; ■ 8

(D) subtracting the actual amounts the stepparent paid to individuals not living in the household but claimed as tax dependents. It is the stepparent's responsibility to identify and verify tax dependents; ■ 9

(E) subtracting the actual payments of alimony and child support to individuals outside the household; and

(F) adding the stepparent's remaining net income to all other gross income of individuals included in the TANF assistance unit. If the income does not exceed the monthly maximum gross income, the remaining income of the stepparent is considered as a contribution to the assistance unit. ■ 10

(2) **Stepparent resources.** Resources owned exclusively by the stepparent are not considered in determining the assistance unit's resource eligibility. Consideration is only given to the assistance unit's share of resources that are owned jointly with the stepparent.

(3) **Person acting in the role of a spouse.** Income must be considered available to the TANF assistance unit of any non-relative adult(s) of the opposite sex not receiving TANF who lives in the home with the natural or adoptive parent. ■ 11 The income of this individual(s) is computed the same as stepparent income; however, the exemption of one-half of the remainder and dependent care expense is not applicable in determining this individual's countable earned income. ■ 12 [OAC 340:10-3-57(f)(1)] If the parent or the person acting in the role of a spouse fails to provide information necessary to determine income eligibility, the application is denied or the cash assistance terminated.

(4) **Parent(s) of a minor parent.** When a minor parent is living in the home with his or her natural or adoptive parent(s) and the needs of the parent(s) are not included in the assistance unit, the parent's income is considered available to the assistance unit and computed the same as stepparent income. [OAC 340:10-3-57(f)(1)] The income of a minor parent's stepparent is not considered. The parent of the minor parent may be designated as the substitute payee for the case. ■ 13

(f) **Allocating or diverting income.** When family members are not included in the assistance unit, special consideration is required in determining the income available to the assistance unit.

(1) Income received by an individual included in the assistance unit is not allocated or diverted to individuals who are not in the assistance unit. All countable unearned and earned income of the individual is considered available to the assistance unit.

(2) The net income of an alien parent excluded from the benefit because the citizenship or alienage requirement is not met is considered the same as stepparent income. The needs and income of disqualified alien siblings are not considered when determining eligibility of an otherwise eligible child(ren).

**(g) Benefit reduction as a result of program violation.** The TANF benefit is reduced by 25% of the payment standard when a determination of program violation has been made. ■ 14 The 25% penalty is removed the next effective date when compliance is documented or the time frame for the penalty has ended. ■ 15 When multiple types of program violations have occurred, a 25% penalty of the payment standard is imposed for each type of violation. If the benefit reduction causes existing income to be in excess of the benefit amount, the case is closed using the reason for the benefit reduction. ■ 16 The amount of the payment standard reduction applies as Food Stamp Penalty Income in the Food Stamp Program. [OAC 340:50-7-29(b)(1)] Reasons for benefit reduction are: ■ 17

(1) refusal to cooperate in an effort to obtain child support; [OAC 340:10-10-5(c)]

(2) failure to apply for or provide a Social Security number; ■ 18

(3) failure of a child(ren) kindergarten age to 18 years of age to attend school; [OAC 340:10-13]

(4) failure to provide verification of child(ren) immunizations; and [OAC 340:10-14]

(5) intentional program violations determined as fraud by court action or an administrative disqualification hearing or administrative hearing waiver. [OAC 340:65-9-4]

**(h) Parent living in the home receiving SSP.** When there is a parent living in the home but not included in the TANF benefit because of receipt of SSP and not SSI, consideration is not given to that parent's individual income for the TANF benefit. When a parent in the SSP benefit becomes ineligible to continue to receive the SSP, the parent is included in the TANF benefit and all the income and resources of the parent are considered in determining eligibility for TANF. If consideration of the parent's income and resources causes the TANF benefit to be closed, and the closure of the SSP benefit was a direct result of an overall Social Security increase, the SSP benefit is placed in Special Medical Status. If the parent is living in the home but not included in the TANF benefit because of receipt of SSP and SSI, no consideration is given to the parent's income and the parent is not included in the TANF assistance unit as long as the parent remains eligible for SSI.

**(i) TANF eligibility when the child(ren) is placed in out-of-home care.** ■ 19 When the child(ren) is removed by a child protection action and it is reasonably anticipated the child(ren) will return to the home within four months, the natural or adoptive parent or needy caretaker relative continues eligible for TANF, if other conditions of eligibility are met. ■ 20

(1) A team consisting of the worker, the Child Welfare (CW) worker, the natural or adoptive parent or needy caretaker relative, and any other appropriate partner(s) must meet to develop a mutually agreed upon plan of action. ■ 21 This plan addresses employability and strategies to correct the conditions which caused the child(ren) to be removed from the home. ■ 22

(2) At the end of the four month period if the child(ren) has not been returned to the home, the adult(s)' needs are removed and the TANF benefits are discontinued. ■ 23

(j) **Strikers.** The assistance unit is not eligible for TANF for any month the natural or adoptive parent, whether or not included in the benefit, is participating in a strike on the last day of that month. An individual other than the natural or adoptive parent is not included in the benefit for any month if that individual is participating in a strike on the last day of the month.

### **INSTRUCTIONS TO STAFF**

1. **The Family Support Services (FSS) worker is responsible for explaining the benefits of both programs but the individual is responsible for choosing the program that is most beneficial in meeting the individual's needs.**
2. **See OAC 340:10-2-8(c)(6) for the Disability Advocacy Program.**
3. **See OAC 340:10-3-28(a)(1) for non-recurring lump sum Supplemental Security Income (SSI) retroactive payments.**
4. **The local Oklahoma Department of Human Services (OKDHS) office notifies the Social Security Administration (SSA) District Office when a Temporary Assistance for Needy Families (TANF) recipient is certified or terminated for cash assistance, if the recipient has also applied for SSI.**
5. **The FSS worker is responsible for providing the requested information to SSA, taking the appropriate action to adjust the benefit for the next effective date, and confirming such action.**
6. **See OAC 317:35-5-4(a)(1)(D) when SSI has already determined the individual ineligible.**
7. **An individual is denied assistance for ten years if found to have fraudulently misrepresented residence in order to obtain assistance in more than one state. See OAC 340:10-3-56(a)(3)(N).**

8. See OKDHS Appendix C-1, Maximum Income, Resource, and Payment Standards, Schedule IX.A.
9. The stepparent's most recent income tax return can be used as documentation.
10. When the stepparent has earned income, on the Family Assistance/Client Services (FACS) Income tab enter the total gross amount in the designated income field and the computer automatically calculates the work related expense and income disregards. Any unearned income is entered in the designated field. Enter the diverted field with the need standard as indicated on OKDHS Appendix C-1, Schedule IX, for the appropriate number of individuals and, if necessary, any exemptions.
11. If the natural or adoptive parent is living with a couple, the couple's income is not considered available to the TANF assistance unit.
12. The person acting in the role of a spouse is coded on the FACS Household tab as an "other adult residing in the household" in the Rel to Payee field, as "TANF - Temporary Assistance to Needy Families" in the benefit field and "Income/Resources are considered in benefit computation - individual not included" in the status field.
  - (1) On the FACS Income tab, if this person has earned income, enter the total gross amount in the designated income field and the computer automatically calculates the work related expense.
  - (2) Any unearned income is entered in the designated field.
  - (3) Enter the diverted field with the need standard as indicated on OKDHS Appendix C-1, Schedule IX, for the appropriate number of individuals and, if necessary, any exemptions.
  - (4) Any remaining income is considered available to the TANF assistance unit.
13. See OAC 340:10-3-56(a)(3)(P), when the payee is an unmarried minor.
14. See OKDHS Appendix C-1, Schedule IX.
15. A supplement is issued for the next month, if compliance occurs after

deadline.

16. See OAC 340:65-3-8 for review periods. The closure code is entered on FACS Financial Assistance tab, penalty and other income (14A).

17. The 25% benefit reduction is initiated by the FSS worker updating the FACS, Household tab, for the appropriate penalty block(s) and the Financial Assistance tab at the same time for recalculation of the cash benefit. The computer automatically updates the Food Stamp Penalty Income (FSPI) screen. See OAC 340:50-7-29(b)(1)(A).

(1) When the program violation has ended, the FSS worker must update FACS, Household tab, to remove the penalty and make a change at the same time to the FACS Financial Assistance tab for recalculation of the cash benefit.

(2) The FSS worker must also complete the Food Stamp Penalty Update (FSPU) screen with an end date.

(3) When the TANF case closes and there is a program violation coded, the FSS worker must update FACS, Household tab, by removing the penalty and the FSPU screen with an end date.

18. See OAC 340:10-12, 340:65-3-1(e), 340:65-3-4, 340:50-5-68, and 317:35-5-27.

19. See OAC 340:10-3-56(a)(2)(B)(ii).

20. (a) The FSS worker is notified by the Child Welfare (CW) worker within five working days from the filing of the petition to remove the child(ren) from the home.

(1) The child(ren) is removed from this TANF benefit.

(A) It is the responsibility of the FSS worker to determine if the adult(s) meets continuing eligibility requirements.

(B) If not met, the appropriate case action is taken.

(2) When the CW worker informs the FSS worker the child(ren) has been placed in another relative's home and TANF benefits are requested by this relative for the child(ren) only, the needy caretaker relative or the natural or

adoptive parent, if eligible, is approved for continuing adult only TANF benefits.

(b) When the adult(s) is determined eligible:

(1) the FACS TANF Work tab is updated to reflect TANF pending reunification in the Payee/Spouse Grant Indicator field;

(2) the expected date of return is updated by using the FF transaction for PS2 block B80;

(3) food stamp benefits are recalculated using the adult only benefit amount; and

(4) the adult(s) continues eligible for medical benefits.

(c) When the child(ren) is returned to the home the:

(1) date entered in PS2 block B80 is deleted;

(2) Payee/Spouse Grant Indicator field on the FACS TANF Work tab is updated to Parent or Caretaker relative included in benefit and is a required TANF Work participant; and

(3) child(ren) is added back to the TANF benefit, if the family continues to meet eligibility criteria.

21. The team must meet within 15 working days of the filing of the petition. At a minimum, the team consists of the FSS worker, CW worker, and the natural or adoptive parent or needy caretaker relative. The plan of action agreed upon must be documented in FACS case notes.

22. Any time during the four-month period that it is evident the natural or adoptive parent or needy caretaker relative is not complying with the plan of action, the FSS worker notifies the CW worker and terminates the TANF adult only benefits. If the CW plan changes any time during the four-month period to other than reunification, the FSS worker is notified and the TANF adult only benefits are terminated.

23. A County Worker Activity (CWA) Report 80 notifies the FSS worker during the third month for action to be taken. If no action is taken by regular roll of the

**fourth month, the case continues to appear on the CWA Report. It is the responsibility of the FSS worker to take appropriate timely action. FACS case notes must document the decision to not return the child(ren) to the home. Other available support services and OKDHS programs are explained to the natural or adoptive parent or the needy caretaker relative.**



### 340:10-10-3. Unemployed parent

(a) **Applicability.** Deprivation for the child(ren) may be established when both the natural or adoptive parents are residing with the child(ren) and the parent determined to be the principal wage earner (PWE) meets the conditions to qualify as unemployed. If one of the parents is an ineligible alien, unemployment as the reason for deprivation is not precluded.

(b) **PWE.** The PWE is defined as the parent who earned the greater amount of gross income during the 24-month period ending with the month prior to the Temporary Assistance for Needy Families (TANF) application. This determination is made regardless of when the parent's relationship began or when the parent(s) began residing with the child(ren). The employment or receipt of unemployment insurance benefits of the parent not determined to be the PWE is not a factor in determining deprivation. The amount, dates, and sources of earnings used in determining which parent is the PWE must be documented. It is the assistance unit's responsibility to provide the documentation to the best of the assistance unit's ability. Acceptable documentation includes Oklahoma Department of Human Services (OKDHS) case records, employer(s) contact, wage stubs for the 24-month period, Income Eligibility Verification System (IEVS), Oklahoma Wage Link (OWL), Oklahoma Wage (OWG) and, if self employed, gross and net earnings from tax returns or business records. The assistance unit must be involved in determining which parent is the PWE. ■ 1

(1) If both parents earned an identical amount of income in the 24-month period, the PWE is the parent who earned the greater amount of income in the last six months of the 24-month period.

(2) If the income in the six-month period is identical, either parent may be designated the PWE. The designation must be the one most advantageous to the assistance unit.

(3) The designation of the PWE is permanent and remains effective as long as the deprivation remains unemployment and the assistance unit remains eligible for and continues to receive TANF benefits. If the TANF case is closed and a new application is filed at a later date, the PWE must be redetermined.

(c) **Conditions the PWE must meet prior to certification.** The PWE must meet the conditions described in (1) - (3) of this subsection for deprivation to be established.

(1) **TANF Work requirements.** The PWE's activities and responsibilities must allow the PWE to be available for TANF Work activities and the PWE must comply with these requirements. ■ 2 If the PWE is determined to be unavailable or if the PWE

does not comply with TANF Work requirements, the application is denied.

(2) **Qualifications as unemployed.** For the PWE to be considered unemployed, the PWE must not be employed, or if the PWE is employed, the countable net earnings plus any other countable income must be less than the payment standard for the family size. ■ 3 The PWE must meet the definition of unemployed during the application process and prior to the date of certification.

(A) **Specific period of unemployment.** To qualify as not employed, the PWE must be unemployed for 30 days prior to the receipt of TANF benefits. The assistance unit is eligible for assistance beginning the 31st day if all other eligibility requirements are met.

(B) **Refusal of employment.** The PWE cannot have refused a bona fide offer of employment or terminated employment, without good cause, within the 30 days prior to the receipt of TANF benefits. Before it is determined that the PWE has refused a bona fide offer without good cause, a determination is made that such an offer was actually made. For the offers made through public employment agencies, the determination is made by that agency. The PWE is given the opportunity to explain why the offer was not accepted. A bona fide offer is an offer of employment made directly by an employer to the PWE. An offer of employment by the employer must be substantiated in a written or oral statement to OKDHS that on a specified time and date, the PWE was offered a job of a specified nature and at a specified wage. Acceptable reasons for good cause are:

- (i) wages were less than minimum wage requirement or less than customary for the community;
- (ii) employment was available because of a strike, lockout, or other labor dispute;
- (iii) the PWE was unqualified or physically unable to perform such work;
- (iv) the work involved risk to health or safety; or
- (v) lack of worker's compensation protection.

(3) **Work history requirement.** The PWE must have a verified work history. Undocumented employment cannot be used to establish quarters of work. The work history exists when the PWE meets one of the conditions in (A) through (C) of this paragraph.

(A) The PWE was employed for six or more calendar-quarters within a 13 consecutive calendar-quarter period. The 13 consecutive calendar-quarter period must end within 12 months prior to the TANF application date. Calendar-quarter means a period of three consecutive calendar months ending on March 31, June 30, September 30, or December 31. To be considered employed, the PWE must have received gross earnings of at least \$50 in a calendar-quarter or earned the minimum amount required for a covered quarter as defined by the Social Security Administration (SSA). ■ 4 The SSA states an individual qualifies for a quarter of coverage for any quarter that the individual earns a designated amount for that calendar year. ■ 5 An individual can have earnings in one quarter to qualify for a full year's coverage. ■ 6

(B) The PWE is receiving or has received Unemployment Insurance Benefits (UIB) within the 12 calendar months prior to the TANF application date. If the PWE has a pending UIB application, the work history determination is delayed until the UIB determination is made.

(C) The PWE would have qualified for UIB for one week or more during the 12 calendar month period prior to the TANF application date had the PWE made application for UIB based on earned wages, both covered and uncovered. Covered employment generally includes employment in construction, plants, stores, restaurants, offices, or other places of business which employ one or more persons. Uncovered employment generally includes employment from farm labor, odd jobs, and non-profit organizations.

(i) A PWE who had sufficient earnings to meet the UIB earnings requirement is deemed eligible for UIB even though all or a portion of the PWE's earnings were from uncovered employment. To be eligible or deemed eligible for UIB, the PWE must have earned at least the qualifying wages during the base period. ■ 7 The base period consists of the first four of the last five completed quarters immediately preceding the quarter of the UIB application.

(ii) The earnings must be in more than one quarter. The quarter with the highest earnings is the high quarter. The total gross earnings of the remaining three quarters must equal at least one-half of the high quarter earnings. If the earnings do not meet this test, the PWE is ineligible for UIB.

(iii) If the PWE earned an amount equal to the total taxable wage base in one quarter of the base period, the PWE is deemed eligible for UIB based on that quarter alone. ■ 7

(d) **UIB eligibility.** The PWE is required to apply for and accept UIB which the PWE is

eligible or potentially eligible to receive. Thirty days are allowed for verification of a UIB application to be furnished. Ineligible aliens are not required to apply for UIB.

(e) **Ineligible alien status.** If the PWE is an ineligible alien, the PWE's needs are not included in the assistance unit. ■ 8 The PWE is not required to participate in TANF Work activities but the PWE's spouse or other parent included in the assistance unit is required to participate in TANF Work activities unless otherwise exempt.

(f) **Striker status.** The assistance unit is not eligible for TANF for any month in which the natural or adoptive parent is participating in a strike on the last day of the month. ■ 9

(g) **Changes after certification.** After initial eligibility the two-parent family must meet the conditions listed in (1) and (2) of this subsection.

(1) Both parents must participate in TANF Work related activities. Failure of either parent to participate without good cause for the required number of hours will result in closure of the case. ■ 10

(2) If the household's countable earned income plus any other income exceeds the payment standard for the family size, the case is closed. Continued medical benefits are authorized for the assistance unit if all other factors of eligibility are met.

## **INSTRUCTIONS TO STAFF**

**1. Documentation must be recorded in the case record as to which parent was determined to be the PWE and the circumstances used in that determination.**

**2. See OAC 340:10-2-1(a)(1). If the principal wage earner (PWE) is temporarily unavailable for employment, see OAC 340:10-2-2 for policy regarding good cause.**

**3. See Oklahoma Department of Human Services (OKDHS) Appendix C-1, Maximum Income, Resource, and Payment Standards, Schedule IX, TANF, Emergency Assistance, and OAC 340:10-3-31 through 10-3-33 for information concerning earned income.**

**4. The PWE's Federal Income Tax Schedule C can be used to determine earnings when determining work history.**

**5. See OKDHS Appendix C-1, Schedule XII B, TANF, Deprivation Based on Unemployed Parent.**

- 6. An example is the required minimum earnings per quarter for 2006 is \$970 per quarter. The PWE qualifies for four quarters if \$3,880 was earned in the first quarter of 2006 since \$3,880 divided by \$970 equals four.**
- 7. See OKDHS Appendix C-1, Schedule XII A, TANF, Deprivation Based on Unemployed Parent.**
- 8. See OAC 340:10-3-57(g)(2) for information concerning income of an alien parent.**
- 9. See OAC 340:10-3-57(k) for additional information concerning strikers.**
- 10. See OAC 340:10-2-2 for information concerning penalties for individuals who refuse or fail to participate in assigned work activities.**