
POLICY TRANSMITTAL NO. 09-43	DATE: OCTOBER 6, 2009
FAMILY SUPPORT SERVICES DIVISION	DEPARTMENT OF HUMAN SERVICES OFFICE OF LEGISLATIVE RELATIONS AND POLICY

TO: ALL OFFICES

SUBJECT: MANUAL MATERIAL

OAC 340:10-3-40; 10-3-56; and 10-15-1.

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

OAC 340:10-3-40 Instructions to Staff updated to correct policy cite.

OAC 340:10-3-56 is revised to remove reference to voucher benefits for a child born after ten months from the date of application.

OAC 340:10-15-1 is revised to: (1) update legal cites for aliens in special immigrant status; and (2) increase the number of months an Afghan in special immigrant status can receive benefits.

Original signed on 9-2-09

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WF # 09-12 (NAP)

INSTRUCTIONS FOR FILING MANUAL MATERIAL

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

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

REMOVE

340:10-3-40

340:10-3-56

340:10-15-1

INSERT

340:10-3-40, pages 1-5, revised 11-1-09

340:10-3-56, pages 1-13, revised 11-1-09

340:10-15-1, pages 1-4, revised 11-1-09

340:10-3-40. Income disregards

Revised 6-1-09

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

- (1) the food benefit allotment under the Food and Nutrition Act of 2008;
- (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 a person 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 08AD103E, 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 08AD103E 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;

(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; ■ 3

(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 of an adult or child(ren) in the family group living in the home and receiving Supplemental Security Income (SSI) is not considered in determining the TANF benefit. 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 and any other earned or unearned income of the person;

(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;

(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 persons of Japanese ancestry who were detained in internment camps during World War II;

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

(30) interest accrued from the deposits made by an person into an Individual Development Account (IDA) up to \$2,000; ■ 4

(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) or a potential foster care parent(s) ■ 5; and

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

INSTRUCTIONS TO STAFF 340:10-3-40

Revised 11-1-09

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 340:10-2-4(c)(2) for on-the-job training.
4. See OAC 340:10-3-5(a)(10) for Individual Development Accounts.
5. Such as a pre-service training stipend or Kinship Start Up Stipend (KSUS) payment. See OAC 340:75-7-24.

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

Revised 11-1-09

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

(1) Persons 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 This does not apply to siblings of a minor parent when the minor parent is the adult in the assistance unit.

(2) Persons 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 person 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; ■ 3

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

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

(E) 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.

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

(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; ■ 5

(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. ■ 6 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; ■ 7

(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 person and there is no alternative care available; ■ 8

(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. ■ 9 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 ■ 10

(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; or

(E) a child of a minor in foster care if the minor's child is not included in a foster care payment.

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

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

(B) a person who has received or is included in an SSI payment for the same month; ■ 11

(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; ■ 12

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

(H) a person 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) a person in a household that is eligible to receive benefits under a tribal TANF program; ■ 13

(K) a fugitive felon; ■ 14

(L) a probation and/or parole violator;

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

(N) 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 ■ 15

(O) 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 a person 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. Persons temporarily absent from the home but included in the assistance unit are: ■ 16

(1) a person 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; ■ 17

(5) a person 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 person cannot be included in the assistance unit;

(6) a person 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 person may return to the home within the next six months;

(7) a person 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 person will return to the home within the next four months; or

(8) a person 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 person 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 340:10-3-56

Revised 11-1-09

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) 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.

(b) 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).

(c) A blood-related minor sibling that receives Supplemental Security Income (SSI) or an ineligible alien blood-related sibling may not be included in the Temporary Assistance for Needy Families (TANF) benefit.
3. This provision applies to active TANF benefits only. Refer to OAC 340:10-3-57(i) for more information about impending reunification. Impending reunification is the anticipated return of the child(ren) to the home within four months.
4. (a) In accordance with OAC 340:10-1-4 a client is restricted to a lifetime limit of 60 months of TANF unless a hardship extension is approved. In accordance with OAC 340:10-7-1, when a person applying for TANF reports moving to Oklahoma from another state, the worker must contact that state to determine concurrent receipt of TANF and the number of months of TANF received in that state. Form 08TA005E, Out-of-State TANF Benefits, can be used to verify the number of months of out-of-state TANF receipt.

(1) When a person applying for TANF has received 60 months or more of TANF benefits, whether in Oklahoma or out-of-state, the worker discusses

Part I of Form 08TW024E, Extension Request for Temporary Assistance for Needy Families (TANF), with the applicant along with other factors of eligibility during a face-to-face interview.

(2) When the client meets all other factors of eligibility and requests a hardship extension, the worker and applicant complete and sign Part I of Form 08TW024E at the face-to-face interview. No action is taken on the application until a decision is made regarding the extension request.

(A) The worker gathers information to determine whether the applicant meets hardship criteria shown on Form 08TW024E and verification of the number of months of previous TANF receipt.

(B) When additional documentation is needed to support the hardship request, the worker gives the applicant Form 08AD092E, Client Contact and Information Request, requesting needed documentation.

(C) The worker documents the interview and reasons why a hardship extension is requested in Family Assistance/Client Services (FACS) Case Notes.

(D) The worker sends Form 08TW024E to the Family Support Services Division (FSSD) TANF Section, along with the case record and all supporting documentation received, to request a hardship extension decision. It is the responsibility of the worker to ensure all assessments, diagnostic tests, and verifications are documented in the case record prior to sending it to FSSD TANF Section. When the months and years of out-of-state TANF receipt are verified after the other case information has already been sent, the worker faxes this information to the FSSD TANF Section or e-mails it to TANF@OKDHS.org.

(E) The FSSD TANF Section staff reviews all documentation provided, completes Part II of Form 08TW024E showing whether the hardship extension request was approved or disapproved, and returns the case record and all documentation to the worker.

(i) If the request is approved, Form 08TW024E shows when the extension request must be reviewed. The worker enters an ET&E authorization in FACS using the appropriate TANF Work extension component to designate the reason for the extension and enters the

review date shown on Form 08TW024E. If the approval is based on an agreement for the client to participate in a work activity, the worker must open an appropriate authorization for that activity to track hours of participation and to pay the client a participation allowance.

(ii) If the request is disapproved, the worker denies the application using code 29A "TANF extension not approved - receipt of TANF benefits for 60 months."

(3) When the applicant marks on Form 08TW024E that an extension is not requested, the worker submits Form 08TW024E to the FSSD TANF Section and denies the application using code 29 "TANF extension not requested – receipt of TANF benefits for 60 months." FSSD TANF Section staff reviews Form 08TW024E and returns it to the worker with Part II completed showing that no request for an extension was received.

(b) When the TANF benefit is active and the client is approaching the 60 month time limit, the system sends an automatic notice in the 57th month of benefit receipt. The notice advises the client to contact the worker as benefits are ending soon. The worker's CWA Report 57 lists all cases where TANF clients are within 90 calendar days of the 60 month time limit. When a case appears on the worker's CWA, the worker makes a home visit or sends the client Form 08AD092E requesting a face-to-face interview to discuss whether the client wishes to request a hardship extension request.

(1) When the client participates in a face-to-face interview and requests an extension, the worker follows the same procedures outlined in (a)(2) of this Instruction. The TANF benefit remains active until a decision is made by the FSSD TANF Section.

(2) When the client fails to respond to the interview request or marks on Form 08TW024E that an extension request is not requested, the worker closes the TANF benefit for the next effective date and follows the same procedures outlined in (a)(3) of this Instruction. 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.

(A) When the client requests TANF within 30 calendar days from the effective date of closure, the worker and client complete and sign Part I

of Form 08TW024E at a face-to-face interview. The worker follows the same procedures outlined in (a)(2) of this Instruction.

(B) The date of the client's signature on Form 08TW024E is used as the application date of the hardship extension request. No action is taken on the hardship extension request until a decision is reached by the FSSD TANF Section.

(i) If the hardship request is approved, the worker reopens the TANF benefit using the appropriate administrative reopening code.

(ii) If the hardship extension request is disapproved, the worker denies the TANF request using code 29A "TANF extension not approved – receipt of TANF benefits for 60 months."

(3) When the client requests an extension and it is disapproved, the worker closes the TANF benefit for the next effective date using reason code 29A "TANF extension not approved – receipt of TANF benefits for 60 months."

(4) When the hardship extension is requested and disapproved or the client did not request an extension, the client's case appears on the worker's CWA Report 70 30 calendar days from the effective date of the closure. The worker makes a home visit to determine the family's circumstances and offers any appropriate services. The worker documents the interview and current family circumstances in FACS Case Notes.

(c) When the FSSD TANF Section approves the hardship extension request and the reason for the extension changes during the extension period, the worker and client complete and sign a new Part I of Form 08TW024E. The worker sends the extension request with supporting documentation and the active case record to the FSSD TANF Section for a decision.

(1) If the new request is approved, the worker closes the ET&E authorization with the previously approved TANF Work extension component and enters a new ET&E authorization with the new TANF Work extension component and the new review date.

(2) If the new request is disapproved, the worker closes the TANF benefit for the next effective date using reason code 29A "TANF extension not approved – receipt of TANF benefits for 60 months."

(d) When the client's hardship extension approval time frame is completed, the worker makes a home visit or sends the client Form 08AD092E requesting a face-to-face interview to discuss whether the client wishes to request an additional hardship extension.

(1) If the client requests an additional extension, the worker and client complete and sign Part I of Form 08TW025E, Extension Review/Disposition. The worker gives Form 08AD092E to the client when additional supporting documentation is needed. The worker sends Form 08TW025E, any supporting documentation, and the active case record to the FSSD TANF Section for a decision. FSSD TANF staff reviews the request and completes Part II of Form 08TW025E approving or disapproving the request and sends back to the worker this form and all information submitted.

(A) If the continued extension is approved, the worker updates the ET&E authorization to show the new review date for the TANF Work extension component and makes updates as needed to any open ET&E authorizations to track hours of participation.

(B) If the extension request is disapproved, the worker closes the TANF benefit for the next effective date using the code 29C "receipt of 60 months of TANF. Extension time frame completed."

(2) When the client fails to respond to the interview request or marks on Form 08TW025E that a continued extension request is not requested, the worker closes the TANF benefit for the next effective date using code 29C "receipt of 60 months of TANF. Extension time frame completed."

(3) When a hardship extension was requested and disapproved or the client did not request an extension, the client's case appears on the worker's CWA Report 70 30 calendar days from the effective date of the closure. The worker makes a home visit to determine the family's circumstances and offers any appropriate services. The worker documents the interview and current family circumstances in FACS Case Notes.

(e) When a hardship extension request is approved and the client fails, without good cause as described at OAC 340:10-2-2, to follow through with the employment plan as authorized by the extension approval, the worker closes the TANF benefit for the next effective month using code 29B "TANF extension – failed or refused to meet TANF work requirements" and notifies the FSSD

TANF Section by e-mail.

(1) When there has been no contact with the person within 30 calendar days after the effective date of closure, the worker makes a home visit to determine the family's circumstances and offers appropriate services.

(2) Persons who agree to participate within 60 calendar 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 person in an assigned work activity and the circumstances of the case. The FACS Case Notes and Form 08TW002E, TANF Work/Personal Responsibility Agreement, Section 7, must document any requirement placed on the person prior to the recertification of the case.

(3) If the review of the hardship extension falls during the 60 calendar day time frame and the TANF benefit is reopened, a new Form 08TW025E must be completed and signed by the worker and client at the face-to-face interview. Form 08AD092E is given to the client when additional supporting documentation is needed. The worker sends the request with supporting documentation to the FSSD TANF Section for a decision.

(4) If the review of the hardship extension is due after this 60 calendar day time frame and the TANF benefit is reopened, the original review time frame and procedures are followed. Refer to OAC 340:10-2-2 Instructions to Staff (ITS) 5(2) for consideration of Food Stamp Penalty Income (FSPI) and ITS 6 for good cause reasons.

(f) When the client requests TANF more than 30 calendar 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 (e) of this Instruction, a new application and Form 08TW024E are completed and signed by the worker and client at the face-to-face interview. The worker follows the same procedures outlined in (a)(2) of this Instruction.

(g) When the worker closes the TANF benefit on failure to cooperate with TANF Work between the 57th and 60th calendar month of receipt of TANF benefits and the client requests to have the TANF benefit reopened, in addition to updating Form 08TW002E the worker and client complete and sign Part I of Form 08TW024E at the face-to-face interview. The worker follows the same

procedures at (a)(2) of this Instruction. FSSD TANF staff wait to make a decision on this request until benefits are reopened.

(h) When the client has received 60 months of TANF benefits and benefits closed due to failure to cooperate with TANF Work (52A) rather than 29A "TANF extension not approved – receipt of TANF benefits for 60 months," and the client requests an extension within 60 calendar days of closure, a new application form is not required. Part I of Form 08TW024E and Form 08TW002E are completed and signed by worker and client at face-to-face interview. The worker follows the same procedures at (a)(2). The TANF benefit remains closed until the client is cooperating in a new TANF Work plan and the hardship extension approval is received by worker.

5. 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.
6. Examples of merit are when the participant has obtained legal representation for his or her 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.
7. The decision by the Social Security Administration Appeals Council to send the request back to the Administrative Law Judge is not an unfavorable decision.
8. 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.
9. 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.

10. 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.

11. 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.

12. Refer to OAC 340:10-15-1 regarding alien status. See OAC 340:10-3-57(f)(2) regarding calculation of income.

13. Refer to OAC 340:10-3-57(d).

14. Refer to OAC 340:65-1-2(b)(3)(B).

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

16. The worker is responsible for working with the parent or needy caretaker who is temporarily absent from the home to ensure 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.

17. See OAC 340:50-5-2 for food benefit rules.

340:10-15-1. Citizenship and alien statusRevised 11-1-09

(a) A person eligible to be included in a Temporary Assistance for Needy Families (TANF) benefit, must be either:

(1) a citizen or a national of the United States (U.S.), including the 50 states, District of Columbia, commonwealth of Puerto Rico, Virgin Islands, Guam, American Samoa and Northern Mariana Islands. A person may be a citizen of the U.S. by being born in the U.S. or by being born in some other country but moving to the U.S. and being granted U.S. citizenship through the U.S. Citizenship and Immigration Services (USCIS) a bureau of the U.S. Department of Homeland Security; or

(2) a qualified alien described as:

(A) an alien who is lawfully admitted for permanent residence under the Immigration and Nationality Act (INA);

(B) an alien who is paroled into the U.S. under Section 212(d)(5) of INA for a period of at least one year;

(C) an alien who is granted conditional entry pursuant to Section 203(a)(7) of INA as in effect prior to April 1, 1980;

(D) an alien who is granted asylum under Section 208 of INA;

(E) a refugee who is admitted to the U.S. under Section 207 of INA;

(F) an alien whose deportation is withheld under Section 241(b)(3) of INA;

(G) an alien who is a Cuban or Haitian entrant as defined in Section 501(e) of the Refugee Education Assistance Act of 1980;

(H) battered aliens and their children or parents as defined in Section 431(c) of the Personal Responsibility and Work Opportunity Reconciliation Act as amended; [8 U.S.C. 1641(c)]

(I) an alien and his or her eligible relatives who are victims of a severe form of trafficking pursuant to Section 107(b) of the Trafficking Victims Protection Act of 2000 which was reauthorized and amended by the Trafficking Victims Protection Reauthorization Act of 2003; ■ 1

(J) an Iraqi admitted in special immigrant status as defined in Section 101(a)(27) of the INA [8 U.S.C. 1101(a)(27)], and per Section 1059, P.L. 109-163, the National Defense Authorization Act for Fiscal Year 2006, and Section 1244 of P.L. 110-181, the National Defense Authorization Act for Fiscal Year 2008 pursuant to Section 525 of Division G of P.L. 110-161, the Consolidated Appropriations Act of 2008, and Section 1244 of P.L. 110-181, the National Defense Authorization Act for Fiscal Year 2008. The person must be treated as a refugee for a time-limited period and may be eligible for benefits for up to eight months from the date he or she is granted special immigrant status if the person meets all other program requirements. After the time-limited eligibility period ends, the Iraqi is ineligible for a TANF benefit for a five year period beginning on the date of the Iraqi's entry into the U.S. with a qualified alien status unless the Iraqi's status changes to one shown in (b) of this Section; ■ 2 or

(K) an Afghan admitted in special immigrant status as defined in Section 101(a)(27) of the INA [8 U.S.C. 1101(a)(27)] and per Section 1059, P.L. 109-163, the National Defense Authorization Act for Fiscal Year 2006, and Section 602, Division F, P.L. 111-08, the Omnibus Appropriations Act, 2009, pursuant to Section 525 of Division G of P.L. 110-161 of the Consolidated Appropriations Act, 2009 The person must be treated as a refugee for a time-limited period and may be eligible for benefits for up to eight months from the date he or she is granted special immigrant status if the person meets all other program requirements. After the time-limited eligibility period ends, the Afghan is ineligible for a TANF benefit for a five year period beginning on the date of the Afghan's entry into the U.S. with a qualified alien status unless the Afghan's status changes to one shown in (b) of this Section. ■ 2

(b) A qualified alien who enters the U.S. on or after August 22, 1996, is not eligible for TANF benefits for a five year period beginning on the date of the alien's entry into the U.S. with a qualified alien status unless the alien is:

- (1) admitted to the U.S. as a refugee;
- (2) granted asylum;
- (3) one whose deportation is being withheld;
- (4) a Cuban or Haitian entrant;
- (5) admitted to the U.S. as an Amerasian immigrant;

(6) lawfully residing in the state and is a veteran of the U.S. armed forces, on active duty, or is that person's spouse or unmarried dependent child; or

(7) is a victim of a severe form of trafficking. ■ 3

(c) A declaration of citizenship and alien status is required for all adults and children in the TANF benefit. This requirement is met when an adult member in the assistance unit completes and signs the application or review form attesting to the citizenship and alien status for all members of the assistance unit. Refer to OAC 340:65-3-1(g) for additional citizenship requirements for persons 14 years of age and older pursuant to Section 71 of Title 56 and Section 20j of Title 74 of the Oklahoma Statutes.

(d) Declaration on behalf of a newborn child may be delayed provided the delay does not exceed the date of the assistance unit's next eligibility redetermination.

(e) Persons determined as having satisfactory alien status must have the status verified through Systematic Alien Verification for Entitlements (SAVE). In situations which require a written inquiry to the USCIS, the worker must not delay, deny, terminate, or reduce benefits to an alien pending USCIS verification of submitted documentation. ■ 4

(f) All persons born in the U.S. are, with rare exceptions, U.S. citizens. Documents of citizenship or national status of persons from certain U.S. territories or possessions listed in (a)(1) of this Section may not be in their possession nor available. Their status can usually be determined by birth certificate, passport, or other official document. ■ 5

INSTRUCTIONS TO STAFF 340:10-15-1

Revised 11-1-09

- 1. The Office of Refugee Resettlement (ORR) provides a certification letter to a person 18 years of age or older and an eligibility letter to a person who has not attained 18 years of age. These persons are also provided T Visas which indicates eligibility for federally funded or administered benefits to the same extent as a refugee. The T Visas are T-2, T-3, T-4, and T-5 referred to collectively as Derivative T Visas. To determine the validity of the letters issued by ORR and to inform ORR which benefits the person has applied for, the worker must call the toll-free trafficking verification number 1-866-401-5510.**
- 2. (a) Iraqi or Afghan families may be eligible for benefits for up to eight months from the date they are granted special immigrant status if they meet all other**

program requirements. Examples of how to determine the number of months Iraqi or Afghan families are eligible for benefits includes an Iraqi or Afghan family who is granted special immigrant status in:

(1) April and does not apply for benefits until July. Family members may be eligible for benefits for five months; or

(2) June and applies for benefits in July. Family members may be eligible for benefits for seven months.

(b) To help track when benefits must be closed for the family, the worker must enter in the Family Assistance/Client Services (FACS) Case Notes:

(1) the date the family entered the country;

(2) when special immigration status was granted;

(3) how this status was verified; and

(4) the last month family members are eligible for benefits.

3. Refer to OAC 340:10-15-1(a)(2)(I).

4. Refer to OAC 340:65-3-4(5) and 340:65-3-4, Instructions to Staff 15, for information regarding the Systematic Alien Verification for Entitlements (SAVE).

5. Any questions regarding whether any other official document provides reliable evidence of citizenship or national status are referred to Family Support Services Division Temporary Assistance for Needy Families Section.