
POLICY TRANSMITTAL NO. 06-55	DATE: DECEMBER 20, 2006
FAMILY SUPPORT SERVICES DIVISION	DEPARTMENT OF HUMAN SERVICES OFFICE OF LEGISLATIVE RELATIONS & POLICY

TO: ALL OFFICES

SUBJECT: MANUAL MATERIAL

OAC 340:10-2-2; 10-2-8; 10-3-57; and 10-10-7.

EXPLANATION: OAC 340:10-2-2 Instructions to Staff (ITS) 2 and 5 are revised to clarify the sanction process and to reflect current form numbers.

OAC 340:10-2-8 ITS 6 and 7 are revised to clarify the use of the work activity payment and participation allowance and to reflect current form numbers.

OAC 340:10-3-57 ITS 14 is revised to clarify procedures for the computation of income and determination of the need standard for an alien parent and/or any disqualified siblings. ITS 19 is added to clarify procedures for the application of the benefit reduction as a result of non-cooperation with Child Support Enforcement Division (CSED).

OAC 340:10-10-7 ITS 2 is revised to reflect current CSED form names and numbers.

Original signed on 12-20-06

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WF # 06-X (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 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) 521-6392.

REMOVE

340:10-2-2

340:10-2-8

340:10-3-57

340:10-10-7

INSERT

340:10-2-2, pages 1-7, revised 12-1-06

340:10-2-8, pages 1-10, revised 12-1-06

340:10-3-57, pages 1-9, revised 12-1-06

340:10-10-7, pages 1-3, revised 12-1-06

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 & 2

(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;

(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 340:10-2-2

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

2. The computer will automatically close Temporary Assistance for Needy

Families (TANF) case(s) that reflect the TANF Work participant has less than nine hours of participation for two consecutive months and good cause has not been determined. A subject to sanction notice is sent to the participant at the end of the first month of less than nine hours of TANF Work participation. The subject to sanction notice advises the participant to contact his or her worker for a determination of good cause. The TANF case automatically closes on a "52B" at the end of the second month, if the worker has taken no action. Supervisory review is required prior to recertification.

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 08MP005E, 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, 52B) 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 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 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;

(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 08TW002E, 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 human services center (HSC) director or designee notifies the State Department of Labor.

340:10-2-8. Temporary Assistance for Needy Families (TANF) Work support services

(a) **Scope.** The worker provides or arranges payments and services for the participant to ensure successful completion of his or her employability plan to become self-supporting. Payments are authorized for items or services directly related to employment as an outcome. When support services are available and part of the employability plan, the participant's failure to cooperate in obtaining the support services constitutes a failure to participate in the TANF Work program. Items and services covered by the participant's medical card are not paid for by the support service funds. The only support services available to an applicant are the participant allowance and work activity payment. ■ 1

(b) **Flexible funds.** ■ 2 The intent of flexible funds is to provide a participant with the necessary support services needed to accomplish his or her employment goals. Flexible funds are not available to an applicant. ■ 3 To be eligible for flexible funds, the participant must otherwise be ready to participate in a required work activity for the minimum number of hours, have a guaranteed offer of employment, or be employed. Payments for the services through flexible funds are not an automatic entitlement to the participant. Flexible funds are not used for fines including traffic fines or any cost related to a criminal offense such as legal fees or court costs. The county staff has final authority to determine authorizations. ■ 4 One-time payments of specific services are allowed after the service is rendered. Ongoing maintenance payments are not allowed. ■ 5

(c) **Other support services.**

(1) **Work activity payments.** To be eligible for the work activity payment, the individual must be ready to participate in or be in a required work activity and in need of a small amount of cash to purchase items such as a tank of gas, or health, beauty, or personal items. ■ 6 The maximum amount approved cannot exceed \$40 per month.

(2) **Participant allowances.** ■ 7 Allowances, up to a maximum of \$10 for each day, are made to participants in assigned work activities which are scheduled, structured, and supervised. Lunch hours and travel time are not included as actual hours of attendance. For persons in Job Search, travel time between job interviews and job applications is included as actual hours of attendance. The participant makes appropriate daily entries on Form TW-13, Time and Progress Report, to document actual hours in attendance. The daily allowance paid is: ■ 8

(A) \$7 each day when the work activity equals four hours or less; or

(B) \$10 each day when the work activity equals more than four hours.

(3) **Oklahoma State Bureau of Investigations (OSBI) background checks.** OSBI background checks may be requested for a participant who is placed in job skills training that requires an OSBI background check as a prerequisite for employment. The job skills training can include vocational training, hands-on work experience, or public or private sector work experience. The participant is advised of the requirement and Form ADM-60, Request for Release of Information, is completed. ■ 9

(4) **Child care.** Child care arrangements are made for each child(ren) in the home who is under age 13, mentally or physically incapable of self care, or under court supervision. The plans for child care are included on Form TW-2, TANF Work/Personal Responsibility Agreement. When the individual begins active participation in TANF Work activities, child care services are documented. ■ 10

(5) **Transportation contracts.** Transportation contracts are initiated to provide transportation for TANF recipients who have no means of transportation to access required TANF Work training activities. ■ 11 To initiate a transportation contract, contact the Family Support Services Division TANF Section.

(6) **Disability Advocacy Program (DAP).** DAP is available to assist a TANF Work participant or a child(ren) receiving a TANF benefit, who has an application for disability pending with the Social Security Administration (SSA) or who the Oklahoma Department of Human Services (OKDHS) determines has a potentially meritorious claim for such benefits. ■ 12

(A) A referral is made to the OKDHS contracted law firm to assist the recipient(s) with the application, reconsideration, Administrative Law Judge hearing, and review by the SSA Appeals Council. ■ 13

(B) The evaluation of merit determines if the appropriate SSA test for disability would be met if evidence was available to prove all conditions claimed by the TANF recipient. If the evaluation of merit determines there is:

(i) sufficient evidence, the law firm represents the TANF recipient. ■ 14 & 15 Statewide this representation consists of assisting the recipient with the application through an unfavorable decision by the SSA Appeals Council. In counties in which representation by a lawyer or experienced non-lawyer advocate is not available without advance payment, the contracted law firm assists with the pending application for disability through an unfavorable decision by the SSA Appeals Council; or

(ii) insufficient evidence to prove conditions claimed by the TANF recipient, no further services are provided by DAP. Representation by the law firm ceases at any time the law firm determines there is insufficient evidence to support the TANF recipient's claim for disability benefits.

INSTRUCTIONS TO STAFF 340:10-2-8

- 1. Participant allowances and the work activity payment are appropriate for an individual who has agreed to comply with work activities during the 60-day period following closure for non-compliance with Temporary Assistance for Needy Families (TANF) Work activities.**
- 2. The flexible fund guidelines are listed in (1) through (32) of this Instruction. The maximum amount that can be authorized is \$750 per object code, unless the appropriate area director or designee approves the authorization for an amount above \$750. Dental can be approved in an amount up to \$2500 without area director or designee approval. For a dental expense above \$2500, contact Family Support Services Division (FSSD) TANF Section.**

(1) Eye examinations. This service can be utilized when it is determined there is a need for an eye examination.

(2) Eyeglasses - single vision. This service can be utilized when it is determined there is a need for eyeglasses. Payment for contact lens can be approved when it is determined to be more cost efficient or beneficial to the client.

(3) Eyeglasses - bifocal or trifocal. This service can be utilized when it is determined there is a need for eyeglasses.

(4) Dental. This service can be utilized when it is determined there is a need for dental services.

(5) Vaccinations. To be eligible for vaccinations such as Hepatitis B or tetanus, the participant must be otherwise ready to participate in the work activity that requires the vaccination.

(6) Work tolerance. This service is authorized to determine the participant's ability to participate in specific work activities. Form 08TW027E, Work Tolerance Report, and Form 08HI003E, Authorization to Disclose Medical Records, must be completed when this service is

authorized. Copies of Form 08TW027E and Form 08HI003A are filed in the case record.

(7) Weight control programs. This service can be utilized when it is determined that losing weight would enhance employability for the participant.

(8) Uniforms or special clothing. This service can be utilized when the training facility or employer requires a uniform specifically required for the job or protective items such as hard hats, goggles, or gloves.

(9) Clothing and/or shoes. This service can be utilized when it is determined there is a need for clothing and/or shoes.

(10) Special equipment. This service can be utilized when the training facility or employer requires special equipment for the job, such as tools.

(11) Self-employment. This service can be utilized when the participant has a need for items that allow for implementation or continuation of self-employment.

(12) Licensure fees, certification, or bonding. To be eligible for this service, the participant must verify that license, certification, or bonding is required for employment.

(13) Automobile repair and maintenance. To be eligible for automobile repair, the automobile must be owned or co-owned by the participant, his or her spouse, or the participant's parent if the participant is under age 21. Two free estimates, when possible, are required for repairs. The case record must contain a statement from a qualified individual as to whether the vehicle is worth repairing based on the age and overall condition. If parts are purchased separately for installation by other than a regular vehicle repair business, a statement must be provided by the repair person that the parts were installed in the correct vehicle. This service can also include the expense for tires and a battery, if it is determined that without them the vehicle is inoperable or unsafe. The service does not include expenses for body repair, painting, or sanding.

(14) Driver license. This service can be utilized for a private and/or commercial license needed to operate a motor vehicle by a TANF Work

participant. The loss of a driver license due to a traffic offense or fine is not paid with this fund.

(15) Automobile tags, title, and tax. The automobile to be tagged must be owned or co-owned by the participant, his or her spouse, or the participant's parent if the participant is under age 21. This service includes excise tax and transfer of title.

(16) Automobile insurance. The automobile to be insured must be owned or co-owned by the participant, his or her spouse, or the participant's parent if the participant is under age 21.

(17) Relocation and moving expenses. To be eligible for relocation and moving expenses, utility or rent deposits, the participant must relocate to accept employment. The employment must be located more than the locally accepted commuting distance from the participant's home.

(18) Reserved for future use.

(19) Automobile purchase. This service is authorized when it is determined the only option available to meet the transportation needs of the participant.

(20) Automobile down payment. This service is authorized when it is determined the only option available to meet the transportation needs of the participant.

(21) Rent and utilities. This service can be utilized for an emergency shelter need.

(22) General Educational Development (GED) examinations. This service is utilized for individuals who meet the criteria for taking the GED examination or retest.

(A) The participant makes application for the examination or retest through the local adult learning center, which sends the application to the State Department of Education (SDE). A second application to SDE must be completed prior to being accepted for retesting. Subsequent examinations are authorized only following additional educational instruction with a review and update of the employability plan.

- (B) SDE sends an authorization letter to the qualified participant. The participant contacts the worker for a flexible fund authorization. SDE sends the participant's score directly to the participant. When the participant attains a qualifying score, SDE sends a Certification of Equivalency. The participant notifies the worker upon receipt of the score.**
- (23) Non-contractual transportation. This service can be utilized only when a human services center (HSC) is in the process of obtaining a transportation contract or when there is no vendor available or interested in contracting with the HSC.**
- (24) Non-contractual training. This service can be utilized when short-term training courses are not covered by existing local contracts. This includes vocational classes and job readiness training.**
- (25) Learning disabilities screening. This service can be utilized to assess a participant for learning disabilities. Adult learning centers can provide this assessment.**
- (26) Child care fees. This service can be utilized when child care arrangements have been made and the participant needs assistance paying an enrollment or activity fee. These funds are not available for the actual child care costs.**
- (27) Past due automobile payments. This service can be utilized to prevent repossession when transportation is essential to continue a work activity.**
- (28) Automobile inspection fee. This service can be utilized to have an automobile professionally inspected prior to purchase.**
- (29) Tow charge. This service can be utilized when it is necessary to tow a vehicle for repair.**
- (30) Household items. This service can be utilized to purchase or repair essential household items to prevent disruption of a work activity.**
- (31) Personal care items. This service can be utilized for personal care items in excess of the \$40 work activity payment.**

- (32) Health related.** This service can be utilized for health related expenses not covered by Medicaid, such as non-compensable prescriptions, medical supplies, psychological evaluations, mandated drug tests, or physical examinations not paid by an employer or training provider.
- 3. Flexible funds are available for TANF clients who are in special medical, Work Supplementation, or continuing medical benefit status. A client whose TANF benefits are terminated on a 52A or a 52B closure code can also be considered eligible as a participant if he or she signs a new or updated Form 08TW002E, TANF Work/Personal Responsibility Agreement, Section 7, and agrees to cooperate with TANF Work within 60 days of the closure. There must be an open TANF Work authorization that shows the work activity agreed upon by the client and worker.**
- 4. The worker must:**
- (1) determine on a case-by-case basis if the service is available through any other resource, which includes other Oklahoma Department of Human Services (OKDHS) programs, local churches, and civic groups;**
 - (2) negotiate for goods and services for the participant at the least possible cost and determine if the labor cost can be reduced or donated;**
 - (3) not include state or local taxes in the negotiated amounts;**
 - (4) pre-determine and authorize any payment or service by signing the Authorization to Purchase form; and**
 - (5) inform the participant to sign the Authorization to Purchase form only after the service has been rendered.**
- 5. (a) The payment screen is accessed through the online Finance Division system or the Finance Applications Web site on the InfoNet. Data entered on the provider includes federal identification number, address, and telephone number. Enter on the same screen case number, cash amount of the service, the object code found on OKDHS Appendix H-4, Flexible Accounts, and a description of the service to be provided to the participant. This description must be as detailed as possible to prevent any misunderstanding as to what the payment of the authorization covers. When all the information is entered, the completed form is printed and given to the participant.**

(b) The county director or designee is responsible for periodically monitoring expenditures from the flexible fund account.

- 6. The work activity payment is accessed through the ETPANEW screen. This payment can be issued as needed up to \$40 per month. This payment is not issued to supplement monthly living expenses.**
- 7. Participation allowances are not paid for the TANF Work components of working full-time (WF), working part-time (WP), on-the-job training (TT), or college (EX). EX is not a countable work activity. Refer to OAC 340:10-2-2 for the payment of participation allowances for holidays and excused absences.**
- 8. Participant allowances are determined using the ETPANEW transaction and entering the hours reported by the recipient on Form 08TW013E, Time and Progress Report. Any portion of an hour equal to or less than 29 minutes is rounded down to the next whole hour. Any portion of an hour equal to or greater than 30 minutes is rounded up to the next whole hour.**
- 9. Oklahoma State Bureau of Investigation (OSBI) background requests are accessed through the FSSD TANF home page on the OKDHS InfoNet. At the bottom of the TANF home page, there is a link to the online OSBI form. All applicable fields must be completed on this form. When completed, click the submit information button to send the request for processing. A response is sent to the requesting worker as soon as possible. The response is retained in the case record in a section marked confidential. A copy, if required, is mailed to the requesting facility.**
- 10. Purchased child care is arranged and claimed in accordance with OAC 340:40.**
- 11. TANF clients who are in the Work Supplementation Program, special medical, or continuing medical benefit status continue to be eligible to receive transportation services.**
- 12. A referral is made to the Disability Advocacy Program if the TANF Work recipient does not have current legal representation through a private attorney.**
- 13. See OKDHS Appendix DAP-1, Legal Aid Services of Oklahoma, Inc., for the listing of the offices of the contracted law firm. The referral is initiated by use of Form 08TA010E, Referral for the Disability Advocacy Program. Form 08TA010E, Part I, and the reverse side, Request for Release of Disability**

Information, is completed and signed by the TANF Work recipient. The signed and completed Form 08TA010E is faxed to the appropriate Legal Aid office. If the individual referred is a minor child(ren), the parent or guardian signs for the child. Form 08TA010E, Part II, is completed by the contracted law firm within ten working days of completion of the evaluation of merit.

14. The law firm is responsible for:

- (1) interviewing the referred recipient;**
- (2) reviewing Social Security Administration (SSA) files;**
- (3) obtaining existing medical records;**
- (4) obtaining non-medical evidence;**
- (5) arranging medical examinations;**
- (6) obtaining evaluations of residual functional capacity;**
- (7) completing and submitting required SSA forms;**
- (8) submitting evidence to SSA; and**
- (9) advocating, formally or informally, on behalf of the recipient.**

15. The law firm is responsible for reporting to the worker by memorandum or electronic mail within ten working days if the referral lacks sufficient merit to proceed at any stage of the process or if the recipient fires the law firm, fails to cooperate with the law firm, or refuses to pursue any stage of administrative appeal through a decision by the SSA Appeals Council. Also reported is the:

- (1) filing of an SSA application;**
- (2) SSA initial decision;**
- (3) request for an SSA reconsideration;**
- (4) SSA reconsideration decision;**

(5) request for an Administrative Law Judge hearing;

(6) SSA hearing decision;

(7) decision by the SSA Appeals Council; and

(8) current status of the referral, if no report has been made in the previous three months.

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). ■ 14

(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. ■ 15 The 25% penalty is removed the next effective date when compliance is documented or the time frame for the penalty has ended. ■ 16 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. ■ 17 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: ■ 18

(1) refusal to cooperate in an effort to obtain child support; [OAC 340:10-10-5(c)] ■ 19

(2) failure to apply for or provide a Social Security number; ■ 20

(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.** ■ 21 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. ■ 22

(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. ■ 23 This plan addresses employability and strategies to correct the conditions which caused the child(ren) to be removed from the home. ■ 24

(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. ■ 25

(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 340:10-3-57

- 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. To determine the need standard for the alien parent and/or any disqualified siblings who do not meet the citizenship and alienage requirement, see OKDHS Appendix C-1, Schedule IX.

15. See OKDHS Appendix C-1, Schedule IX.

16. A supplement is issued for the next month, if compliance occurs after deadline.

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

18. 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.

19. The 25% penalty only applies if the applicant or recipient is the natural or adoptive parent of the child(ren). The 25% penalty applies to adult only cases when the child(ren) is receiving State Supplemental Payment (SSP) and/or Supplemental Security Income (SSI). If the adult is receiving SSP and/or SSI, and fails to cooperate with CSED, the 25% penalty is coded on the child(ren) in the Temporary Assistance for Needy Families (TANF) benefit.

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

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

22.(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.

- 23.** 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.
- 24.** 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.
- 25.** 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.

340:10-10-7. Oklahoma Department of Human Services (OKDHS) responsibilities in relation to support payments

(a) **Referral to the Child Support Enforcement Division (CSED).** Federal regulations require referral to CSED no later than two working days after the Temporary Assistance for Needy Families (TANF) benefit is issued based on deprivation due to absence. The appropriate completed CSED forms supplement the computer-generated referral and are submitted, with the exception of good cause, to CSED. Information which may have an effect on support enforcement may become known after the CSED district office referral has been made. ■ 1

(b) **Receipt of child support or spousal support.** For purposes of this Subchapter, child support is defined as voluntary monetary contributions or court-ordered obligations. When a child support order also contains an order for spousal support which may be referred to as, alimony or support alimony in Oklahoma, the obligation for spousal support must also be assigned to OKDHS. At the application interview, the applicant is informed of the responsibility to forward to the Oklahoma Centralized Support Registry (OCSR) any support payments received from the absent parent(s) after TANF certification. ■ 2

(1) **Payments received during application period.** All child support payments reported by an applicant during the time prior to certification are considered as income. For purposes of rules in this Chapter, certification is considered the date of the supervisor's signature authorizing payment. Support anticipated to be received after certification is not considered as the client has agreed by signing Form FSS-1, Comprehensive Application and Review, to submit any future payments to OCSR.

(2) **Payments received after certification.** Any support payments brought to the county office by the client after certification must be forwarded to OCSR. Payments are not sent in the form of cash.

(3) **Retained support payments.** If the worker becomes aware that the client has retained assigned support payments, the CSED district office is contacted with this information.

(A) The client is considered as not cooperating if:

(i) assigned support paid directly to the client is retained;

(ii) he or she refuses to repay a retained support overpayment in full or sign a repayment plan;

(iii) he or she fails to make payments according to the repayment agreement;
or

(iv) he or she retains assigned direct support payment even if any overpayment has been repaid in full or a repayment plan is being followed.

(B) The CSED district office determines whether non-cooperation has occurred and notifies the county worker. When non-cooperation is determined, the TANF cash assistance is reduced by 25% of the TANF payment standard and the support is considered as income the next effective date. ■ 3

(C) When notified by CSED that the client has resumed cooperation, the worker removes the 25% penalty and no longer considers the support as income. The cash assistance is increased the next effective date. ■ 3

(4) Child support and other income exceeds cash assistance. When a support payment is received that is greater than or equal to that month's TANF cash assistance, the TANF cash assistance must be closed the next effective date. ■ 4 If the TANF cash assistance is not closed timely, any child support payment received during that month or subsequent months is retained by CSED for reimbursement of TANF payments made for those months or any preceding months. ■ 5 When child support, spousal support, or both, causes ineligibility, the family is entitled to continued medical benefits. Following reimbursement of all TANF cash assistance, any excess payment remaining is forwarded to the client. ■ 6

(5) Federal and/or state tax intercept payments. Tax intercept payments collected by CSED prior to the client's current receipt of TANF and held for six months may be distributed to the client and is considered as a resource the month following the month of receipt. ■ 7

(c) Arrearage in child support payments. CSED determines the amount of child support owed by the absent parent, which includes any arrearages. Arrearages are amounts that are past due for previous months. When a child support payment received by OKDHS during any given month includes arrearages, paragraphs (1) through (2) of this subsection apply.

(1) Any portion of the arrearages for months during which the family was receiving TANF is considered as reimbursement to OKDHS for the TANF received by the family.

(2) The only payment from such arrearages made to the family is that portion, if any,

which exceeds the total TANF payments.

(d) **Child support services after TANF closure.** At the time the TANF benefit is closed, the client is advised that he or she can receive non-TANF Child Support Services with no further application, no fee required, nor charge for collection deducted. This service occurs automatically unless the client specifically requests in writing that CSED not provide the service or the client becomes ineligible for non-TANF Child Support Services for some other reason.

INSTRUCTIONS TO STAFF 340:10-10-7

1. **This information is reported by updating the absent parent information on the Deprivation tab on Family Assistance/Client Services (FACS) and forwarding attachments, if any, by memo to the appropriate Child Support Enforcement Division (CSED) district office.**
2. **Oklahoma Department of Human Services (OKDHS) Appendix C-16, Child Support Services and Responsibilities, is fully explained and given to the applicant at this time. When the client forwards payment to the Oklahoma Child Support Registry (OCSR), the client's name, case number, and the name of the absent parent making the payment must be included. OKDHS Appendix C-16, page 2, lists the address of the OCSR.**
3. **Refer to OAC 317:35-5-7(a)(2)(F), OAC 340:10-10-5, and OAC 340:10-10-6 for eligibility for health benefits.**
4. **The amount of child support paid up to the amount of the monthly support is considered available. Any child support received above the monthly support amount is assigned to the Oklahoma Department of Human Services (OKDHS) for the reimbursement of prior months receipt of Temporary Assistance for Needy Families (TANF).**
5. **A recipient is not allowed to return the TANF benefits for a month the child support payment exceeds the TANF payment standard as it is not considered a lump sum payment.**
6. **This excess payment is considered as a non-recurring lump sum payment. See OAC 340:10-3-28(3).**
7. **See OAC 340:10-3-2.**