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POLICY TRANSMITTAL NO. 04-31	DATE: APRIL 29, 2004
FAMILY SUPPORT SERVICES DIVISION	DEPARTMENT OF HUMAN SERVICES OFFICE OF PLANNING, POLICY & RESEARCH

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TO: ALL OFFICES

SUBJECT: MANUAL MATERIAL

OAC 340:10-22-1, AND 65-5-6.

EXPLANATION: OAC 340:10-22-1 Instructions to Staff 4 is updated to add a reference to the F17K transaction when it is necessary to process a retroactive or supplemental benefit.

OAC 340:65-5-6 Instructions to Staff are updated to include the references to OAC 340:10-3-57 regarding the issuance of retroactive or supplemental benefits for a child receiving a voucher and to OAC 340:10-22-1 regarding the issuance of retroactive or supplemental benefits for the Supported Permanency Program.

Original signed on 4-27-04

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Mary Stalnaker, Director  
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WF # 04-I (NAP)

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## **INSTRUCTIONS FOR FILING MANUAL MATERIAL**

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

The chronological order for filing manual material is: (1) OAC 340 by designated Chapter and Subchapter number; (2) if applicable, DHS numbered text for the designated Chapter and Subchapter; and (3) all OAC Appendices with the designated Chapter number. For example, the order for filing personnel policy is OAC 340:2-1, DHS:2-1, and OAC 340:2 Appendices behind all Chapter 2 manual material. Any questions or assistance with filing manual material will be addressed by contacting Policy Management Unit staff at (405) 521-3611.

### **REMOVE**

340:10-22-1

340:65-5-6

### **INSERT**

340:10-22-1, pages 1-3, revised 5-1-04

340:65-5-6, pages 1-3, revised 5-1-04

**340:10-22-1. Temporary Assistance for Needy Families (TANF) Supported Permanency Program ■ 1**

(a) **Scope.** In an effort to promote permanency for a child(ren) who is in the custody of the Oklahoma Department of Human Services (OKDHS) and placed with a relative(s) residing in Oklahoma who is a paid kinship relative foster home, the Supported Permanency Program has been developed. Supported permanency is considered appropriate when:

(1) the relative(s) meets the specified degree of relationship as defined in OAC 340:10-9-1;

(2) the court has made a finding that reasonable efforts to reunite the child(ren) with his or her parent(s) are not required or have been made and failed, and the permanency plan of reunification has been ruled out;

(3) the child(ren) currently resides with the relative(s) in Oklahoma and has resided with the relative(s) four of the last six months;

(4) the relative(s) has completed all requirements to be an approved OKDHS foster care home;

(5) the relative(s) is willing to assume legal responsibility; ■ 2 and

(6) the court and, if appropriate, the child(ren), are in agreement with the plan for the relative(s) to obtain legal responsibility.

(b) **Eligibility.** ■ 3 Once the Supported Permanency Program is determined appropriate by the Child Welfare (CW) worker and the transfer of legal responsibility has been approved by the court, the CW worker makes a referral for TANF to the Field Operations Division, Family Support. ■ 4 When the child(ren) is approved for TANF supported permanency, he or she is eligible for managed health care and child care services, if appropriate. Income of this child(ren) is considered the same as for any other TANF eligible child. ■ 5 Food stamp eligibility is dependent on the eligibility of the household. Benefit reduction as a result of program violation is applicable for school attendance and immunization. ■ 6 If the child(ren) leaves the home to reside elsewhere, the Supported Permanency Program benefit is terminated for the child(ren). If the child(ren) returns to this home, he or she may be eligible for cash assistance but not the Supported Permanency Program benefit.

## **INSTRUCTIONS TO STAFF**

1. Refer to OAC 340:75-6-31.4.
2. The transfer of legal responsibility can be completed through:
  - (1) a permanent care and custody transfer in a juvenile proceeding. See OAC 340:75-1-18.2;
  - (2) a custody transfer to a kinship guardian. See OAC 340:75-1-18.3; or
  - (3) a traditional guardianship. See OAC 340:75-6-31.
3. Supportive service funds described in OAC 340:10-18 are not available for this child(ren).
4. **(a) The Child Welfare (CW) worker makes the referral on Form DCFS-77, Supported Permanency Referral, within five working days of the relative(s) obtaining legal responsibility. The date legal responsibility is awarded is considered the date of application for Temporary Assistance for Needy Families (TANF).**
  - (1) The Family Support Services (FSS) worker must contact the relative(s) within five working days of receipt of Form DCFS-77.**
  - (2) The relative(s) is advised by the CW worker to contact the FSS worker within ten working days of the relative(s) obtaining legal responsibility when no personal contact has been made by the FSS worker.**

**(b) The TANF application is processed the same as any other "child only" case. However, the benefit amount is determined by use of OKDHS Appendix C-1, Maximum Income, Resource, and Payment Standards, Schedule XVII.**

  - (1) To identify this child(ren), a "CK" benefit type is used in the Benefit Type block located on the household tab of Family Assistance/Client Services (FACS).**
  - (2) The Information Management System (IMS) transaction F17K is used to issue retroactive or supplemental payments. To access the F17K transaction, enter F17K space case number.**

5. Refer to OAC 340:10-3-26.

6. Refer to OAC 340:10-3-57(h).



**340:65-5-6. Reconsideration of administrative action**

(a) Corrective action is required on any administrative action which results in withholding of benefits, an underpayment for which the client was later determined eligible, or an overpayment of benefits the client was not eligible to receive. A reconsideration of the administrative action is required when:

- (1) computer down time prevents action being taken timely;
- (2) policy and procedures were not administered correctly; or
- (3) new or additional information is received within 30 days of the:
  - (A) date action was taken to deny the application; or
  - (B) effective date benefits were terminated. ■ 1

(b) A retroactive payment is authorized to correct an administrative action which resulted in a payment being discontinued, an application denied, or an underpayment. ■ 2

(1) **Payments discontinued for Temporary Assistance for Needy Families (TANF) and State Supplemental Payment (SSP).** When the county office reconsiders its previous action and finds the payment was discontinued in error, a payment is made for the current month and prior months, provided the amount authorized was improperly discontinued in these months and does not exceed the standard on DHS Appendix C-1, Schedule of Maximum Income, Resource, and Payment Standards.

(2) **Application denied for TANF and SSP.** When an application is denied and the county office subsequently reconsiders its previous action and finds the applicant is eligible, a benefit is issued for whatever period the client is determined eligible but no earlier than the date of application.

(3) **Underpayments determined for TANF and SSP.** When a benefit was issued for less than the amount for which the client was eligible, an underpayment is authorized by Form F-17, Terminal Disposition and Issuance, for whatever period of time that underpayment was made. ■ 2

**INSTRUCTIONS TO STAFF****1. (a) An incorrect administrative action occurs when:**

- (1) an application is denied or a case is closed in error;
  - (2) there is a failure to complete an application due to:
    - (A) a delay in receipt of a case record from another county office;
    - (B) a computer input error which prevented the application from achieving active benefit status; or
    - (C) down time on the computer that prevented input; or
  - (3) a failure to take appropriate action on an active case prior to the next deadline after a change was reported or discovered.
- (b) Adverse action that is not the result of an administrative error is:
- (1) failure of a client to provide required verification of information within prearranged time limits causes closure or denial, and new or additional information is received within 30 days from the effective date of the closure or denial. If the information establishes the client's eligibility, a closed case may be reopened or a denied application may be certified and no new application is required. After the 30 day period the client must either reapply or request a hearing according to the hearing policies and procedures;
  - (2) anticipating eligibility establishes the client to be ineligible, but after closure the client's situation changes, and the client remains eligible. If the client notifies the worker within 30 days of the date of closure, the case is reopened after verification that the reason for ineligibility did not occur. The certification date and the redetermination date remain the same but the effective date is the date the benefits were terminated; or
  - (3) anticipating eligibility establishes the applicant to be ineligible, but after the denial the applicant's situation changes and the applicant is eligible. If the applicant notifies the worker within 30 days of the date action is taken to deny the application, no new application is required and the case is certified after verification that the reason for the denial did not occur.
2. (a) The worker completes Form F-17, Terminal Disposition and Issuance, to authorize retroactive payments when no benefit was issued for an eligible month. The same form is used to authorize a supplemental payment for an

eligible month.

**(b) Information Management Systems (IMS) transaction F17V is used to issue retroactive or supplemental child vouchers. See OAC 340:10-3-56(K).**

**(c) IMS transaction F17K is used to issue retroactive or supplemental payments for the Supported Permanency Program. See OAC 340:10-22-1.**