
POLICY TRANSMITTAL NO. 04-63	DATE: DECEMBER 13, 2004
FAMILY SUPPORT SERVICES DIVISION	DEPARTMENT OF HUMAN SERVICES OFFICE OF PLANNING, POLICY & RESEARCH

TO: ALL OFFICES

SUBJECT: MANUAL MATERIAL

OAC 340:10-2-4; 10-2-7; 10-3-40; 10-3-56; and 10-10-6.

EXPLANATION: OAC 340:10-2-4 Instructions to Staff 16 is added to make a reference to OAC 340:10-3-40 for income from AmeriCorps*Vista.

OAC 340:10-2-7 Instructions to Staff 4 is updated to include Form TW-14-A, Work Experience Program – For-Profit Participant Agreement.

OAC 340:10-3-40 Instructions to Staff 4 is updated to make a reference to OAC 340:10-2-4 for on-the-job training.

OAC 340:10-3-56 Instructions to Staff 16 is added to clarify when and how the needs of a child(ren) receiving a voucher payment are automatically removed from the TANF voucher benefit.

OAC 340:10-10-6 Instructions to Staff 1 is updated to clarify procedures to follow when the Child Support Enforcement Division determines good cause does not exist and the client has failed or refused to cooperate.

Original signed on 12-13-04

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WF # 04-FF (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) 521-3611.

REMOVE

INSERT

340:10-2-4

340:10-2-4, pages 1-10, revised 12-13-04

340:10-2-7

340:10-2-7, pages 1-6, revised 12-13-04

340:10-3-40

340:10-3-40, pages 1-5, revised 12-13-04

340:10-3-56

340:10-3-56, pages 1-10, revised 12-13-04

340:10-10-6

340:10-10-6, pages 1-5, revised 12-13-04

340:10-2-4. Employment

(a) **Applicability.** Temporary Assistance for Needy Families (TANF) Work activities are designed to assist the participant in obtaining employment to achieve economic self-sufficiency. Work allows participants to enhance their self-esteem and to become more independent. Every effort is made to assist participants in securing jobs which provide financial security and opportunities for advancement. ■ 1 The appropriate employment criteria for subsidized and unsubsidized employment are included in paragraph (1) through (5) of this subsection.

(1) Appropriate employment may be temporary, permanent, full-time, part-time, or seasonal work, as long as the daily and weekly hours of employment do not exceed those customary to the occupation.

(2) The wage must meet or exceed the federal or state minimum wage laws or the prevailing rate for similar employment, whichever is applicable. The state law applies when federal law does not cover the job.

(3) A participant is not required to accept employment if the position offered is vacant due to a strike, lockout, or other bona fide labor dispute.

(4) A participant is not required to work for an employer if this is contrary to the conditions of membership in the union governing that occupation. Employment not governed by the rules of the union to which the participant belongs may be appropriate.

(5) A participant is not required to accept employment that results in the net loss of income.

(b) **Unsubsidized employment.** The State Work Incentive Program and any employment for which the employer does not receive reimbursement for any portion of the wages paid are examples of unsubsidized employment.

(1) **State Work Incentive Program.** The State Work Incentive Program is designed to assist in employing TANF participants into entry level positions in all branches of state government. Oklahoma Department of Human Services (OKDHS), in cooperation with other state agencies and the Office of Personnel Management, coordinates job placements for those TANF participants who are referred for the program by Form TW-23, State Work Incentive Referral. ■ 2 Employment of eligible participants can be considered for positions of unclassified status for a two year period in a full-time or part-time capacity. These positions are not included within any limitation on full-time equivalent employee positions for any agency.

Participants hired under this program are eligible for leave and other benefits that are available to other state employees, subject to other eligibility requirements, and may be reassigned or promoted while they are in the program. Participants hired are exempt from probationary hiring procedures. They can be considered for conversion to the permanent classified status after two years of continuous participation in the program. Requirements for placing employees in permanent status include:

- (A) completing satisfactory performance ratings which are conducted during employment;
- (B) having possession of the minimum requirements stated in the job specifications; and
- (C) passing the required entrance examination for the applicable job specification.

(2) **Other unsubsidized employment.** Unsubsidized employment includes any employment in which a participant is hired by a private or public employer and there is no reimbursement of any portion of the wages paid to the recipient.

(c) **Subsidized employment.** The Work Supplementation Program (WSP), on-the-job training (OJT), and Supported Transitional Employment Program (STEP) are examples of subsidized employment. The employment criteria in subsection (a) apply.

(1) **WSP.** WSP is a subsidized employment opportunity through which a TANF participant is hired in full-time employment with OKDHS reimbursing the employer for wages paid at a maximum of \$250 per month for up to six months. Public agencies, nonprofit private agencies, and private employers are eligible to participate. Payments to employers and supplemental payments to WSP participants are made from a wage pool created by diversion of the TANF participant's cash assistance. State agencies expressing an interest in participating in the program are informed that the \$250 reimbursement cannot be used to claim matching federal funds. If, for any reason in any given month, a WSP participant is paid less than the amount of his or her cash assistance at the time of entry into the program, the WSP participant will receive a supplemental check. WSP participants are entitled to all benefits from the employer which are available to other employees. Participation is limited to one adult per assistance unit and to a six-month period during the lifetime of the participant. The six-month period may or may not be consecutive or with the same employer. Participants are assigned based on their employability plan and the availability of appropriate and willing employers. The

employer retains the satisfactory WSP participant on a permanent basis following the contract period.

(A) Participant requirements. TANF participants must:

- (i) be included in a cash assistance unit;
- (ii) be available for immediate employment;
- (iii) have participated in Job Search; and
- (iv) be assigned to a job at a salary exceeding their cash assistance.

(B) Position requirements. Positions must be permanent, not less than 30 hours per week, and pay at least 65 cents above the federal minimum wage. Tips are not considered part of the wages. All contracts must conform to the Equal Employment Opportunity Commission and fair employment practices, for example, nondiscrimination regarding age, race, sex, national origin, or disability. Contracts are not written for positions: ■ 3

- (i) when there is a strike, lockout, or the contract would cause displacement of other employees;
- (ii) that involve commission sales when the federal minimum wage is not guaranteed; or
- (iii) that are casual, intermittent, or seasonal labor.

(C) Recruitment of employers. ■ 4 The employer can be asked to identify potential positions during the initial interview to facilitate contract negotiations and match TANF participants with employers. ■ 5

(i) The program explanation emphasizes that employers are expected to retain the WSP participant in full-time employment unless there is good cause for the dismissal. Employers who fail to continue the successful WSP participant's employment without good cause are not granted subsequent contracts. Good cause reasons for dismissal are:

- (I) lay-off due to economic reasons which result in a reduction in force;
- (II) the employee is frequently absent from work or engages in disruptive or inappropriate behavior; or

(III) the employee is unable to perform at an acceptable skill level.

(ii) Before new or additional contracts are written with an employer, WSP employees or other employees in lay-off status must be recalled.

(iii) The county has the responsibility for ensuring the employer is complying with the contract.

(D) **WSP placements.** The worker arranges interviews between participants and potential employers. WSP participants may begin employment any time during the month. The employer is informed that reimbursement begins the first month after the cash assistance is diverted to the wage pool.

(i) Following the employer's agreement to participate and the employer's selection of a TANF participant, the worker negotiates the contract with the employer. Negotiation must include the beginning date of employment, the salary the employee will be paid, and the number of months the subsidy will be received. ■ 6

(ii) Upon receipt of the contract, the county director reviews it for completeness and, if approved, signs and dates the contract. ■ 7 The worker delivers the employer's copy of the contract with a supply of Form TW-18, Work Supplementation Program Invoice, and a copy of the instructions for the form. The worker contacts the participant and Form TW-6, Work Supplementation Program Participant Agreement, is completed in duplicate and signed by the worker and participant. ■ 8

(iii) If a contract is not approved, a letter is mailed to the employer explaining the reason for the disapproval. ■ 9 The participant is notified that the contract was not approved and that a placement will be negotiated with a new employer.

(E) **Program procedures.** The procedures for programs listed in unit (i) through (iv) of this subparagraph are used.

(i) **Cash assistance.** Under WSP, eligibility for cash assistance is frozen. During the period of participation, the cash assistance unit cannot be determined ineligible. ■ 10

(ii) **Medical services.** WSP participants continue to be eligible for medical services unless found ineligible for a reason other than earned income.

- (iii) **Food stamp benefits.** WSP participants may be eligible for food stamp benefits. Eligibility for food stamp benefits is determined based on OAC 340:50-11-20. ■ 11
- (iv) **Child care.** Child care plans must be explored with each WSP participant. When purchased child care services are required, the participant's earnings are considered income, and family share co-payments are computed in accordance with OKDHS Appendix C-4, Child Care Eligibility/Rates Schedule.
- (F) **Wage pool payments.** Under WSP, the diversion of the cash assistance creates a wage pool from which payments are made to employers and cash assistance supplemental payments are issued to WSP participants.
- (i) **Payment of employers.** Employers are eligible for reimbursement of the first \$250 of the gross wages paid to each WSP participant. Payment to the employer is made the month following the month the cash assistance is diverted to the wage pool. Employers file for reimbursement by submitting Form TW-18 to the county office at the first of the month. ■ 12 When a business changes ownership, the WSP contract transfers with the business. When change of ownership occurs mid-month, the original owner maintains the right to a claim for reimbursement for that month.
- (ii) **Supplemental payments to WSP participants.** The Family Support Services Division (FSSD) issues supplemental payments for months in which income shown on Form TW-18 is less than the amount of the WSP participant's cash assistance prior to entering the program.
- (G) **Terminations.** ■ 13 The closing date of the authorization is the last day of employment under the contract. When employment ends prior to the end of the contract, the authorization must be closed prior to the next deadline for cash assistance changes. ■ 14
- (2) **OJT.** OJT is subsidized employment in which a participant is hired by a private or public employer and, while engaged in productive work, receives training that provides knowledge or skills essential to the full performance of that job. During the OJT period the employer receives reimbursement for a portion of the wages paid to the employee.
- (A) Participants who have successfully completed the Work Experience Program, have a recent history of employment, or who have been through a job readiness activity are the primary candidates for OJT referral. ■ 15

(B) Income from OJT is considered as any other earned income. ■ 16
Transitional child care and medical benefits are explained to the participant at the time of entry into OJT.

(3) **STEP.** STEP is a subsidized employment program which provides comprehensive support services that lead to permanent employment placements for TANF participants. These services are contracted with specified vendors who provide temporary paid work experience to program participants in a supportive work environment. When the participant is accepted into the program, his or her TANF benefit remains active with no cash benefit issued. If eligible, the participant continues to receive other program benefits. ■ 17

(d) **Work Opportunity Tax Credit (WOTC).** ■ 18 The WOTC law permits for-profit employers to take a credit on their federal income tax when workers from certain groups are hired. The WOTC is equal to 40% of the first year wages up to \$6,000. To claim the credit, the employee must be retained at least 180 days or work at least 400 hours.

(1) WOTC is available to employers for workers hired from targeted groups. The targeted groups are:

(A) cash assistance recipients who have received assistance for nine months out of the last 18 months;

(B) qualified veterans; ■ 19

(C) qualified ex-felons; ■ 20

(D) high-risk youths; ■ 21

(E) vocational rehabilitation referrals; ■ 22

(F) qualified summer youth employees; ■ 23

(G) qualified food stamp recipients; and ■ 24

(H) qualified recipients of Supplemental Security Income (SSI). ■ 25

(2) Through an agreement with the Oklahoma Employment Security Commission, OKDHS issues WOTC conditional certification forms for recipients of OKDHS benefits.

(3) The Conditional Certificate, Form ETA-9062, and a letter from the worker stating the number of months the participant has received OKDHS benefits must be given to the participant to present to the employer on or before the first day of employment. An explanation is given to the participant about the purpose of the form and that the tax credit may help the participant get a job.

INSTRUCTIONS TO STAFF

- 1. The authorization for part-time employment remains open as long as either the participant receives cash assistance or the part-time activity is maintained. The authorization for full-time employment shows a beginning date and remains open until the employment ends or the case closes.**
- 2. If a referral of a Temporary Assistance for Needy Families (TANF) participant is requested by another state agency, Form TW-23, State Work Incentive Referral, is completed by the worker and given to the participant to take to the other state agency. If a participant is referred to an Oklahoma Department of Human Services (OKDHS) office, no referral form is needed. Documentation of all referrals and outcomes must be kept in the county case record.**
- 3. The worker reviews available positions and consults with the participant and other staff to determine the most appropriate placement.**
- 4. The worker recruits employers to participate and explains the forms and procedures.**
- 5. The county director is consulted regarding the appropriateness of writing contracts with employers who experience constant turnover in staff or who have experienced reductions in staff.**
- 6. Upon completion of the negotiations, the county office prepares triplicate, typed copies of Form TW-17, Work Supplementation Program Contract, and Form TW-6, Work Supplementation Program Participant Agreement. The worker delivers the prepared contract to the employer for signature and immediately routes the original and two copies to the county director.**
- 7. The original is filed in the case record and a copy is routed to the Family Support Services Division (FSSD), TANF Section.**
- 8. The original is given to the participant.**

9. A copy of the letter and the contract are filed in the participant's case record.
10. Upon receipt of completed Form TW-6 and Form TW-17, the worker determines if the new Work Supplementation Program (WSP) employer is on the provider file. To view provider files, enter P space federal identification number on the IMS network. If the new WSP employer is not on the provider file, the worker enters PU. This transaction brings up a screen that the worker must complete by entering the type of request as N, the business name, address, telephone number, and the federal identification number of the new employer. Once it has been determined the WSP employer is on the provider file, the worker must complete a WS authorization. The worker enters AUW, space, the case number of the participant and completes this screen in accordance with the instructions for the AUW transaction. After the authorization has cleared, the computer automatically updates the case status to Special Medical effective the following regular roll. The cash assistance is automatically diverted to the wage pool. Periodic redeterminations of eligibility are completed as scheduled.
11. If eligible, the household receives food stamp benefits as a Non-Public Assistance food stamp household.
12. Upon receipt, the worker audits the invoice for completeness and compensability. Form TW-18, Work Supplementation Program Invoice, is signed by the county director or designee and routed in accordance with the instructions for the form. The FSSD, TANF Section prepares the claim form for the Finance Division.
13. When a participant completes a WSP contract period or terminates employment prior to completion, the worker must ensure the final Form TW-18 is submitted to FSSD, TANF Section. Care must be taken by the worker to close the authorization and make a determination of need for any continued receipt of cash assistance, health benefits, food stamp benefits, and social services before the deadline for changes in the last month of the contract period.
14. When it is not possible to close the authorization prior to the deadline in the month in which employment ends, and the participant is eligible for continued assistance, the FSSD TANF Section must be instructed by memo from the county office to pay the next month's cash assistance from the wage pool. Closure of the authorization and computer input document updates are

separate actions which must be completed by the worker at termination of a placement.

15. The worker refers to on-the-job training (OJT) by completing Form TW-3, Interagency Referral and Information.

16. Refer to OAC 340:10-3-40(a)(12). When the on-the-job training (OJT) is from AmeriCorps*Vista, a determination must be made if the gross amount of the payment equals or exceeds the state or federal minimum wage, whichever is greater.

17. The worker makes a referral using Form TW-3. When the contracted provider has agreed to accept the participant in the program, Form TW-3 is returned to the county office. It is the responsibility of the worker to notify FSSD, TANF Section.

18. Workers inform the employer of the availability of the Work Opportunity Tax Credit (WOTC) as it relates to the WSP. WOTC is available for the portion of the wages actually paid, not including the \$250 reimbursement from the wage pool.

19. A qualified veteran is a person who has received food stamps for at least three consecutive months within the last 15 months.

20. (a) A qualified ex-felon is a person who within the last year was either convicted or released from prison and during the last six months was a member of a low income family. The table below outlines the criteria for income guidelines to qualify as low income. These amounts are based on the entire household income over the last six months multiplied by two.

Lower Living Standard Income Levels (effective June, 1999)						
Family size	1	2	3	4	5	6
Metro	\$6,340	\$10,390	\$14,260	\$17,600	\$20,770	\$24,290
Non-metro	\$6,060	\$9,930	\$13,640	\$16,830	\$19,860	\$23,230

(For each person over six add \$2,820 for both metro and non-metro.)

(b) Metro Counties are: Canadian, Cleveland, Comanche, Creek, Garfield, Logan, McClain, Oklahoma, Osage, Pottawatomie, Rogers, Sequoyah, Tulsa, and Wagoner.

- 21.** A high risk youth is between the ages of 18 and 24 on the hiring date and living within an Empowerment Zone or Enterprise Community. For information about Enterprise Communities go to www.ezec.gov.
- 22.** A Vocational Rehabilitation referral is a participant who has been referred by a rehabilitation agency approved by the State or Department of Veterans Affairs.
- 23.** A qualified summer youth performs services for the employer between May 1 and September 15; is 16 or 17 years of age on the hiring date; has not been employed by the same employer prior to the 90 day summer period between May 1 and September 15; and lives within an Empowerment Zone or Enterprise Community. Due to this short period, the maximum credit is \$1,200 per eligible worker. This amount is based on 40% of qualified wages up to \$3,000.
- 24.** A qualified food stamp recipient is between the ages of 18 and 24 on the hiring date and is a member of a household that received food stamp benefits for at least three of the last five months but is no longer eligible to receive them.
- 25.** A qualified recipient of Supplemental Security Income (SSI) is a person who has received SSI for any month during the 60 days before the date of hire.

340:10-2-7. Training

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

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

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

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

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

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

(c) **Work Experience Program (WEP).** The purpose of WEP is to provide skill training and work enhancement to Temporary Assistance for Needy Families (TANF) participants while providing a useful public service that will enable them to move toward self-sufficiency and obtain unsubsidized employment following completion of the placement. Facilities selected for WEP training must be capable of providing employment and have an apparent intent to hire, or be able to provide quality training. Care is given to avoid placement of trainees with facilities which consistently use WEP trainees without providing first option employment. Benefits of the program to participants include an opportunity to establish a work history and earn a recommendation from an employer. Participants also learn to balance the demands of home and work, gain confidence by performing in a job setting, brush-up skills already acquired, learn marketable skills on-the-job, and determine interest and aptitude for a particular type of work by doing the job. WEP assignments are approved for an initial period of three months. No salary is paid. With respect to injuries incurred during working hours in WEP, federal law requires medical coverage be offered under either state workers' compensation law or by the Oklahoma Department of Human Services (OKDHS). Oklahoma workers' compensation law does not cover WEP participants. Medical coverage is provided by the Medicaid Program. ■ 3

(1) **WEP referrals.** Participants are referred to WEP slots based on their employability plan. Assignment to a WEP position is coordinated between the participant and worker. Based on the employability plan, the worker determines which facility best meets the participant's needs, arranges for an interview between the facility and the participant, and notifies the participant of the place, time, and interviewer's name. ■ 4

(2) **WEP facilities.** Training facilities are solicited by Oklahoma Department of Human Services (OKDHS) staff or a contracted entity who has agreed to assist with job development and placement including WEP. ■ 5 Local job market conditions, opportunities for employment following completion of WEP participation as well as the ability of the facility to provide the necessary supervision and training are criteria used when soliciting a facility.

(A) Training slots are developed which meet the employment needs of the participant as determined by the employability plan. When a facility agrees to participate in WEP, the representative of the facility is requested to provide a written description of the type of activities the participant will be involved in, the number of participants the facility can accept, the hours of participation, and any special requirements. ■ 6 & 7

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

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

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

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

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

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

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

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

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

(ii) WEP-FP is approved for businesses or entities that operate for profit. Extensions are not approved unless the initial placement did not result in full-time employment. A subsequent placement at the same facility for the participant is not considered. Only one WEP-FP placement is allowed per 25 full-time employees in a for-profit business or entity. The criteria in subunit (I) through (II) of this subsection must be in effect prior to a WEP-FP placement.

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

(II) The employer has committed to hire the participant following the three month placement.

(3) **WEP procedures.** Upon approval by the county director, the worker contacts the WEP facility to complete Form TW-15, Work Experience Program – Nonprofit Training Agreement, or Form TW-15-A, Work Experience Program – For-profit Training Agreement. The worker instructs the facility representative or the training supervisor regarding the purpose and use of Form TW-13, Time and Progress Report. ■ 8 It is the participant's responsibility to complete Form TW-13, secure the signature of the facility director or supervisor on Part III of Form TW-13, and return the form to the county office by the fifth day of each month. Approved training slots that have not been utilized within a six-month period are reviewed for appropriateness. If the position is no longer feasible, the county sends a letter to the facility stating the WEP slot is no longer active and may be re-evaluated at the facility's request.

(4) **Non-cooperation by WEP facility.** When information is obtained that the facility is violating the terms and conditions of Form TW-15, Form TW-15-A, or that

participants are being treated unfairly, the county director is informed immediately. The nature of the allegations guides the necessary action which may include:

(A) suspension of subsequent assignments at the facility;

(B) immediate removal of current participants; or

(C) termination of the agreement. ■ 9

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

(6) **Changes in placements and subsequent placements.** When the facility, worker, and participant determine that placement in a different facility is more beneficial, the worker locates a new facility and arranges an interview for the participant. ■ 10 When the participant fails to secure employment following successful completion of WEP training, a conference is held with the participant, worker, and supervisor to determine whether a second training placement might be beneficial. The employability plan is reviewed prior to allowing a participant to re-enter WEP training. Consideration is given to reassignment to job search or another appropriate work activity. In making this decision, consideration must be given to the:

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

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

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

(D) length of time between training assignments.

(d) **Job Corps nonresident training program (Job Corps II).** Oklahoma's four Job Corps centers provide a nonresident Job Corps program to TANF participants who can commute to their sites. Participants referred must be ages 16 through 24. Referrals are made by the worker completing Form K-13, Information/Referral - Social Services. It is the responsibility of the worker to coordinate with the Job Corps center and arrange for child care. ■ 11

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

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

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

(f) **Special programs and demonstration efforts with other agencies.** OKDHS may enter into special education, training, or employment efforts with federal, state, and local governments, and private for-profit, private not-for-profit organizations, and agencies. When this occurs, the counties involved are expected to comply with the terms of those agreements. ■ 12

INSTRUCTIONS TO STAFF

- 1. Prior to enrolling a participant in a specific training program, the worker must evaluate whether an Oklahoma State Bureau of Investigation (OSBI) background check is a prerequisite for potential employment. This action could prevent an inappropriate placement in a training program that would not best suit the employment needs of the participant. See OAC 340:10-2-8.**
- 2. Work Experience Program (WEP) participation hours can be combined with other countable work activity hours to meet the minimum hours of required participation. See OAC 340:10-2-1.**
- 3. The county director reports injuries to the Oklahoma Department of Human Services (OKDHS) Office Support Services Division (OSSD) Risk, Safety and Emergency Management Unit on Form ADM-46, Employee's Report of Job-Related Accidental Injury or Illness.**
- 4. Following the participant's interview with the facility and the facility's acceptance of the participant for training, the worker makes a notation on the copy of Form TW-2, TANF Work/Personal Responsibility Agreement, and**

initiates an authorization. Form TW-14, Work Experience Program - Nonprofit Participant Agreement or Form TW-14-A, Work Experience Program - For-Profit Participant Agreement, is completed at this time. A copy of Form TW-14 or Form TW-14-A is mailed to the facility as notification of the participant's starting date.

5. A contracted entity can include, but is not limited to:
 - (1) Oklahoma Department of Career and Technology Education (ODCTE);
 - (2) Oklahoma State Regents for Higher Education (OSRHE);
 - (3) Workforce Investment Act (WIA); or
 - (4) Oklahoma Employment Security Commission (OESC).
6. Special requirements are items such as uniforms or special equipment.
7. A written description is forwarded to the county director requesting approval of the training slot.
8. Form TW-13, Time and Progress Report, is computer-generated and mailed monthly to each participant with an open WEP authorization.
9. Family Support Services Division (FSSD) may be consulted for appropriate procedures.
10. See OAC 340:10-2-7(c)(1).
11. Participation must be documented by the worker on the Information Management System by using the ETPANEW transaction.
12. Copies of the agreements and procedures for implementing the program are distributed through annual FSSD numbered memos. County workers are trained and the program is implemented according to the agreement.

340:10-3-40. Income disregards

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

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

worker that funds are to be used for educational purposes for the child. 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'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 in a TANF benefit even if the child'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 of 1965 amended by Public Law (P.L.) 100-175 to become the Older Americans Act amendments of 1987. Each state and eight organizations receive some Title V funds. These organizations are:

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

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

(11) payments for supportive services or reimbursement for out-of-pocket expenses made to individual volunteers serving as foster grandparents, senior health aides, or senior companions, and to persons serving in the Service Corps of Retired

Executives (SCORE) and Active Corps of Executives (ACE);

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

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

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

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

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

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

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

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

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

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

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

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

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

(25) federal major disaster and emergency assistance provided under the Disaster Relief Act of 1974 and comparable disaster assistance provided by states, local governments, and disaster assistance organizations;

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

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

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

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

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

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

(32) payments made from the crime victims compensation program as amended in section 1403 of the Victims of Crime Act of 1984, Section 10602 of Title 42 of the United States Code;

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

(34) payments as described in Section 1823(c) of Title 38 of the United States Code

(USC) provided to certain individuals who are children of Vietnam War veterans.

INSTRUCTIONS TO STAFF

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

PART 5. ASSISTANCE PAYMENTS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(vi) a substance abuse treatment plan. The participant has a treatment plan level of care which requires intensive aftercare treatment of nine hours or more per week in conjunction with other appropriate work activities, or

outpatient treatment of nine hours or more per week in conjunction with other appropriate work activities, or is in full-time inpatient treatment; or ■ 12

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

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

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

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

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

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

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

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

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

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

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

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

(K) a child(ren) born to a recipient after ten months from the date of application. Any such child(ren) is not eligible for the parent to receive cash benefits but is eligible for the parent to receive a non-cash voucher in the incremental amount the cash benefits would have been increased had the child(ren) been eligible for cash benefits. This voucher is issued for items of necessity for newborns until the age of 36 months. ■ 16 If a recipient gives birth to an additional child(ren)

during the period in which the family is eligible for benefits or during a temporary penalty period of ineligibility, the increase in the amount of benefits is issued as a voucher. A child(ren) born within ten months of application is not considered an additional child(ren) for this provision. The first child(ren) born after ten months from the date of application to a minor child(ren) of an applicant or a recipient family is not considered an additional child(ren) for this provision and is added to the cash payment. Any subsequent child(ren) born to a minor child(ren) is considered an additional child(ren) who is added for voucher benefits for the first child's 36 months of age; ■ 17

(L) a fugitive felon; ■ 18

(M) a probation and/or parole violator;

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

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

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

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

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

(iii) physical or emotional health or safety of the minor or the minor's dependent child(ren) is jeopardized if the minor or the minor's dependent

child(ren) lives in the home with the parent(s), legal guardian, or other adult relative age 18 or older;

(iv) minor parent has lived apart from the minor's parent(s), legal guardian, or other adult relative age 18 or older, for at least one year before the birth of any dependent child(ren), or before the minor applied for benefits; or

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

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

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

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

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

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

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

assistance unit;

(6) an individual absent from the home for medical services, other than institutionalization for treatment of mental illness, mental retardation, or tuberculosis, for up to six months. Six-month extensions may be allowed when verification indicates the individual may return to the home within the next six months;

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

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

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

INSTRUCTIONS TO STAFF

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

5. (a) Refer to OAC 340:10-1-4.

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

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

(d) When the TANF benefit has closed as a result of reaching the 60-month time limit and the client requests TANF more than 30 days from the effective date of closure and does not meet the situation described in Instructions to Staff (ITS) 6(d) of this instruction, a new Form FSS-1, Comprehensive Application and Review, and Form TW-24 are completed. Form TW-24, all supporting documentation, and the case record are mailed to FSSD, TANF Section. If the request is approved, the worker is notified to certify the TANF benefit if all other factors of eligibility are met. If the request is disapproved, the worker is notified to deny the TANF benefit using the appropriate denial code.

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

the worker by Form TW-25, Part II, to either update the authorization review date to continue an extension or to close the benefit.

6. (a) The worker is required to have a face-to-face contact with each participant to complete Form TW-24, Part I. When Form TW-24, Part I, is completed and an extension is requested by the participant, it is the responsibility of the worker to assure all assessments, diagnostic tests, and verifications are documented in the case record prior to the request for an extension. This request with all appropriate information is sent to FSSD with the case record. Based on the documentation and information provided, FSSD notifies the worker of the decision and, if approved, the period of time for the extension. When Form TW-24, Part I, is completed and no extension is requested, it is the responsibility of the worker to submit Form TW-24 to FSSD for review and close the benefit the appropriate month.

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

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

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

(e) If the time frame for the hardship extension approval has been completed and the participant does not request an additional extension, the cash benefit is terminated using the appropriate closure code. If the participant does

request an additional extension, refer to procedures in ITS 6 (a) through (c).

7. Barriers can include, but are not limited to, learning disabilities, physical limitations, or mental disorders observed by the Oklahoma Department of Human Services (OKDHS) staff or other community partners. Medical records are not required to document the observed mental disorder.
8. Examples of merit are when the participant has obtained legal representation for his or her Supplemental Security Income (SSI) or Social Security disability application or a determination has been made by the Disability Advocacy Program (DAP). See OAC 340:10-2-8(c)(7). Another example is when the Department of Rehabilitation Services has denied services to a participant because employment is unlikely.
9. The decision by the Social Security Administration Appeals Council to send the request back to the Administrative Law Judge is not an unfavorable decision.
10. The spouse or child does not have to be receiving disability benefits, however due to physical or mental impairment he or she cannot provide self-care.
11. The mental disorders at Part 404, Subpart P, Appendix 1, of Title 20 of the Code of Federal Regulations are:
 - (1) Section 12.03 - schizophrenia, paranoia, and other psychotic disorders;
 - (2) Section 12.04 - depression, manic disorder, or bipolar disorder;
 - (3) Section 12.06 - anxiety disorder, including post-traumatic stress disorder;
 - (4) Section 12.07 - somatoform disorder; and
 - (5) Section 12.08 - personality disorders.
12. If the required nine hours or more per week of treatment is not available in the community, the participant continues eligible until the appropriate services are provided.
13. When a recipient is approved for SSI, the removal date is the next effective date. If the initial SSI payment is received prior to the removal date, no

overpayment exists.

14. Refer to OAC 340:10-15-1.

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

16. The needs of a child(ren) receiving a TANF voucher benefit are automatically removed from the TANF voucher benefit the month after the child(ren) turns 36 months of age. The Household tab on FACS for the TANF voucher benefit status is automatically updated to "Income and resources are considered for benefit computation. Not included in benefit." This child(ren) is no longer eligible for a voucher or cash assistance as long as he or she continues to live in the home of his or her natural or adoptive parent(s). The child(ren) continues to show on the Household tab as TANF voucher benefit with a benefit status of "Income and resources are considered for the benefit computation. Not included in the benefit," if the case closes and reopens and the cash assistance unit remains the same.

17. The Information Management System transactions F17V, BMU, and CVRP are used to issue, reissue, or replace vouchers. The F17V transaction is used to issue retroactive or supplemental vouchers. To access the F17V transaction, enter F17V space case number. Vouchers returned to the Finance Division are posted to the county office's BML listing and the county office is responsible for reissuing or canceling the voucher using the BMU transaction. The CVRP transaction is used to request replacement of child vouchers for stop payment or expired vouchers. To access the CVRP transaction, enter CVRP and a formatted screen is returned for the worker to complete. Form ADM-44, Affidavit of Lost or Destroyed Warrant, is used when a recipient states that the vouchers were never received.

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

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

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

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

340:10-10-6. Good cause

(a) **Basis for client to claim good cause.** Although cooperation is required as a condition of eligibility for Temporary Assistance for Needy Families (TANF), federal regulations provide for waiver of that condition when such cooperation is not in the best interest of the child. However, the Oklahoma Department of Human Services (OKDHS) may determine that child support enforcement activities can be safely conducted without the cooperation of the client.

(1) It is clear that the best interests of the parent or caretaker relative are relevant to the child's best interest determination when an adverse impact on the parent or caretaker will have an adverse impact upon the child. Clearly, the physical safety and well-being of the parent or caretaker relative is in the best interest of the child. If cooperation by the mother in establishing paternity or securing support would subject her to physical or emotional harm, such cooperation would be against the child's best interest if harm to the mother is sufficiently severe to affect her ability to care for the child adequately.

(2) OKDHS determines that the client has good cause for refusing to cooperate only if:

(A) there is possible physical or emotional harm to the child;

(B) there is possible physical or emotional harm to the parent or caretaker relative-payee;

(C) the child was conceived as a result of incest or forcible rape;

(D) legal proceedings for adoption of the child are pending before a court; or

(E) the client is currently being assisted by a public or licensed private social agency to resolve the issue of whether to keep the child or relinquish the child for adoption.

(b) **Assignment and degree of promptness.** The good cause exception applies only to excuse the cooperation requirement. The requirement that the applicant or recipient assign support rights to OKDHS as a condition for TANF eligibility cannot be waived or excused based on a good cause determination. The assignment requirement is independent from the cooperation requirement and is not affected by a good cause determination. The cooperation requirement is a TANF eligibility condition when there is an absent parent(s), unless the applicant has good cause for refusing to cooperate. In all but exceptional cases, such as when it is very difficult to gather information, the

good cause determination must be made with the same degree of promptness as the determination of TANF eligibility.

(c) **Notice of right to request a decision.** The client has the right to claim good cause for failure to cooperate in obtaining child support. When deprivation is based on absence, the applicant for or recipient of TANF must sign Form C-9, Cooperation Agreement and Request for Good Cause, at the time of original application, when a child is added to the grant, or when circumstances result in an applicant's or recipient's request for good cause. The county does not deny, delay, or discontinue assistance pending a determination of good cause for refusal to cooperate if the applicant or recipient has complied with the requirements to furnish evidence or information.

(d) **Responsibility of applicant or recipient.** It is the responsibility of the applicant or recipient who makes a claim for good cause to supply documentary evidence to establish the claim, or to furnish sufficient information to permit OKDHS to investigate the circumstances of good cause for refusing to cooperate. Uncorroborated statements of the applicant or recipient do not constitute verifying information as required by this regulation.

(1) The evidence must be of probative value and must be supported by written statements to the extent possible. Examples of acceptable written statements are:

(A) birth certificate or medical or law enforcement records which indicate that the child was conceived as a result of incest or forcible rape;

(B) court documents or other records which indicate that legal proceedings for adoption are pending before a court of competent jurisdiction;

(C) criminal, medical, child protective services, social services, psychological, or law enforcement records which indicate that the putative or absent parent might inflict physical or emotional harm on the child or caretaker relative;

(D) medical records which indicate the emotional health history and present emotional health status of the caretaker relative or child, or a written statement from a mental health professional indicating a diagnosis or prognosis concerning the emotional health of the caretaker relative or child;

(E) a written statement from a public or licensed private social agency that the applicant or recipient is being assisted by OKDHS to resolve the issue of whether to keep the child or relinquish the child for adoption; and

(F) sworn statements from individuals other than the client with knowledge of the

circumstances which provide the basis for the good cause claim.

(2) Upon request, the worker assists the client in obtaining evidence that is not reasonably obtainable. This requirement is limited to the specific documentary evidence listed in (1)(A) through (F) of this subsection. The client must specify the type of document or record needed, as well as provide sufficient identifying information to make it possible to be obtained. ■ 1

(e) **Title IV-E exemption.** Under limited conditions the parent(s) of a child removed from the home by a custody order may be exempt from the required referral to the CSED district office as a condition of the child's eligibility. A referral from the Children and Family Services Division (CFSD) and Office of Juvenile Affairs (OJA) includes reasons for the request of an exemption to the requirement to cooperate in the development of child support.

INSTRUCTIONS TO STAFF

1. When a claim for good cause is made, the Deprivation tab on Family Assistance/Client Services (FACS) is updated to indicate good cause determination is pending; however, the Child Support Enforcement Division (CSED) forms are not submitted at this time. The good cause determination process is accomplished by completing the appropriate Sections of Form C-15, Good Cause Report.

(1) Certification. On an application or reapplication without a previous good cause request, the worker and supervisor determine whether good cause is justified after evaluating all of the information. Sections I, II, and III of Form C-15 are completed by the worker and forwarded, with a copy of the corroborative evidence attached, to the CSED district office, where Section IV is completed and the form is returned to the county office.

(A) If the county office and CSED district office concur with the client's claim for good cause, the county office updates the appropriate entries on the Deprivation tab on FACS.

(B) If the county office and CSED district office do not concur with the client's claim for good cause, the client is advised that if he or she continues to refuse to cooperate, the Temporary Assistance for Needy Families (TANF) cash assistance will be reduced by 25% of the TANF payment standard and he or she will not be eligible for health benefits. The worker updates the program violation indicator on the Household tab on FACS to indicate non-cooperation and updates the Medical

Assistance benefit to show "Income and resources are considered. Not included in the benefit." If the client agrees to cooperate, a new Form C-9, Cooperation Agreement and Request for Good Cause, is signed and the worker submits the appropriate CSED forms to the CSED district office, and updates the Household tab and the Deprivation tab on FACS to indicate the client is cooperating.

(C) When the county office and CSED district office cannot concur with each other in a determination of good cause, **CSED** submits all pertinent information, including Form C-15, to Family Support Services Division (FSSD), **TANF Section**, where the final determination regarding good cause is made. FSSD, **TANF Section** returns Form C-15 with Section V completed to the county office for appropriate action and a copy to the CSED district office.

(D) On a reapplication when good cause has been previously approved, the worker interviews the client regarding what changes, if any, there are from the circumstances that resulted in the previous good cause determination. If there are no changes, the worker completes Sections I, II, and III of Form C-15 and forwards it to the CSED district office for concurrence. If there have been changes that might affect the good cause determination, the client is requested to furnish sufficient documentary evidence to substantiate the reported changes. Upon receipt of the documentation, the worker completes Sections I, II, and III of Form C-15, attaches a copy of the documentation, and forwards it to the CSED district office for concurrence.

(2) Redeterminations and changes. At each redetermination of eligibility, the worker reviews all cases in which a finding of good cause has been made. If it appears that circumstances have not changed, action concerning good cause is not required. If it appears that circumstances have changed and that good cause does not continue to exist, the worker completes Section VI of the original Form C-15, attaches documentation of the change(s), and sends it to the CSED district office for concurrence of the good cause reconsideration. The CSED district office completes Section VI and returns the form to the county office. If there is no Form C-15 in the case record, the worker completes Sections I and VI of a new Form C-15.

(A) If the joint decision is that good cause does not exist, this is discussed with the client and he or she is advised that non-cooperation

will cause a 25% reduction in the TANF payment and he or she will not be eligible for health benefits if the client's needs are included in the cash benefit. The program violation indicator on the Household tab on FACS is updated to indicate non-cooperation and the Medical Assistance benefit is updated to show "Income and resources are considered. Not included in the benefit." the next effective date. If the client agrees to cooperate, a new Form C-9 is signed and the worker submits the appropriate CSED forms to the CSED district office. The Household tab and the Deprivation tab on FACS are updated to indicate the client is cooperating and his or her needs are included in the Medical Assistance benefit.

(B) If additional children are added to the case, and there are no changes in the good cause circumstances, CSED forms are not submitted for the designated absent parent for which good cause exists. The Deprivation tab on FACS is updated with the appropriate code to show good cause exists. CSED forms must be submitted if the additional child application has a different absent parent and good cause has not been requested. If good cause is requested, the procedures in 1 through 2 of this ITS are followed.

(C) If the client reports that good cause is no longer requested because circumstances have changed, the worker makes the appropriate entry on the Deprivation tab on FACS after completing Form FSS-AP-1-A, Absent Parent (AP) Information Sheet. A new Form C-9 and the appropriate CSED forms are completed. Section VI of the original Form C-15 is completed and sent to the CSED district office. If there is no Form C-15 in the case record, the worker completes Sections I and VI of a new Form C-15. The routing of these forms substantiates to the CSED district office that the client no longer requests good cause as previously approved and this, in effect, rescinds good cause.