
POLICY TRANSMITTAL NO. 11-19	DATE: APRIL 29, 2011
FAMILY SUPPORT SERVICES DIVISION	DEPARTMENT OF HUMAN SERVICES OFFICE OF INTERGOVERNMENTAL RELATIONS AND POLICY

TO: ALL OFFICES

SUBJECT: MANUAL MATERIAL

OAC 340:10-3-81 and 10-20-1.

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

OAC 340:10-3-81 Instructions to staff (ITS) is revised to: (1) update terminology; and (2) clarify what information must be included in Family Assistance/Client Services (FACS) case notes.

OAC 340:10-20-1 ITS is revised to: (1) include additional codes used to approve Diversion Assistance (DA); (2) give examples of appropriate expenditures; (3) add a new appendix used for DA; (4) reorder information for greater clarity; (5) clarify whose income is considered to determine eligibility for DA; (6) add appropriate policy cites; (7) clarify when relatives are eligible to receive payment for DA services; (8) update terminology; and (9) clarify what information must be included in FACS case notes.

Original signed on 4-28-11

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WF # 11-G (NAP)

INSTRUCTIONS FOR FILING MANUAL MATERIAL

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

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

REMOVE

340:10-3-81

340:10-20-1

INSERT

340:10-3-81, pages 1-2, revised 5-1-11

340:10-20-1, pages 1-6, revised 5-1-11

340:10-3-81. Adjustment period

Revised 6-1-09

(a) **Scope.** In an effort to promote marriage and provide a more secure and stable family situation, an adjustment period up to three months of the existing Temporary Assistance for Needy Families (TANF) benefit may be approved by the worker. The intent of the adjustment period is to assist the family in the payment of outstanding bills and to allow for the gradual assumption of financial responsibilities.

(1) When a TANF recipient marries and the income of the spouse will close the case, an adjustment period may be made available to the family. ■ 1

(2) If deprivation ends for the child(ren) when the spouse returns home and he or she is not incapacitated or does not meet the unemployed parent policy, an adjustment period may be made available to the family. ■ 2

(3) At the time the recipient reports his or her marriage or the return of the spouse, it is the responsibility of the worker to discuss the adjustment period with the family to determine possible eligibility.

(4) The marriage of the recipient or return of the spouse must be reported timely. If the TANF recipient fails to report the marriage or return of the absent spouse, the number of months of benefits approved is adjusted accordingly. ■ 3

(5) The TANF recipient must be made aware the receipt of an adjustment period counts towards the 60-month lifetime limit of receipt of TANF.

(b) **Benefits.** The maximum adjustment period approved is three months. ■ 4 The benefit issued is the same as the existing TANF benefit issued prior to the recipient's marriage or the return of the spouse. ■ 5

INSTRUCTIONS TO STAFF 340:10-3-81

Revised 5-1-11

1. The worker documents in Family Assistance/Client Services (FACS) case notes what discussion occurred regarding the adjustment period.

2. (a) Refer to OAC 340:10-10 for information regarding deprivation.

(b) The Deprivation tab on FACS is updated to show "adjustment period" in

the deprivation field when absence is no longer appropriate as the parent of the child(ren) has returned home.

3. (a) The worker documents in FACS case notes when the marriage or return of the spouse occurred and whether the change was reported timely.

(b) Refer to OAC 340:65-3-8(a) and 340:65-5-1 for timely reporting.

4. (a) The worker is responsible for determining the number of months the family is eligible and entering on the FACS Financial Assistance tab the effective date of ineligibility. The computer automatically closes the Temporary Assistance for Needy Families (TANF) case effective this date using a closure code of 30.

(b) The worker documents in FACS case notes whether an adjustment period is approved and if approved, for how many months.

5. (a) For TANF, the worker enters the benefit type of the stepparent or absent parent returning to the home on the FACS Household tab of "TANF" and the status of "Income and resources are not considered for benefit computation. Not included in benefit."

(b) When the TANF recipient receives child care subsidy benefits for the child(ren), no change is made regarding child care eligibility or the family share co-payment during the time of the adjustment period.

(c) If the family continues to be eligible for food benefits, it is necessary to add the stepparent or returning spouse to the food benefit on the FACS Household tab and show his or her income on the Income tab so food benefits are correctly computed.

(d) Medical benefits remain open until SoonerCare (Medicaid) eligibility is determined by the worker.

(e) The worker documents in FACS case notes what action was taken and how benefits were affected.

340:10-20-1. Diversion Assistance (DA)

Revised 6-1-10

(a) **Scope.** Diversion Assistance (DA) for families with a minor child(ren) provides for financial assistance in lieu of Temporary Assistance for Needy Families (TANF) when there is an immediate need to retain or obtain employment. ■ 1

(1) DA is not used to pay fines, including traffic fines, or any cost related to a criminal offense, such as legal fees or court costs.

(2) DA is not to be used for reimbursement of expenses already paid by client or others.

(3) DA is limited to once in the lifetime of the applicant(s); therefore, it is vital that financial planning be initiated to determine if the provision of DA will allow the family to be self-sufficient for the next 12 months. ■ 2

(4) Families approved for this benefit are not included in the count of persons reported for federal participation rates and these payments do not count against the person's 60-month lifetime limit of receipt of TANF. For this reason, an adult must be included in the DA benefit. ■ 3

(b) **Need.** The criteria for the eligibility for DA are described in (1) through (4).

(1) The person is employed or has a bona fide offer of employment. ■ 4

(2) There is a financial need which, if not met, can cause the loss of employment or the offer of employment for the person. ■ 5

(3) The family monthly gross income cannot exceed the gross income maximum as shown on the Oklahoma Department of Human Services (OKDHS) Appendix C-1, Maximum Income, Resource, and Payments Standards, Schedule XVI, for the appropriate family size. ■ 6

(4) Family resources cannot exceed limits as shown on OKDHS Appendix C-1, Schedule XVI. ■ 7

(c) **Requirements.** ■ 8 The applicant completes Form 08MP001E, Request for Benefits, Form 08MP002E, Eligibility Information for Benefits, and Form 08MP003E, Responsibilities and Signature for Benefits, to apply for DA. When the applicant signs Form 08MP003E, he or she agrees to not apply for TANF for one year from the date of

application for DA. ■ 9 In two-parent families both parents must sign the application form. ■ 10 A stepparent may be included in the benefit if the couple is legally married.

(1) Refer to OAC 340:65-3-4 for Social Security number (SSN) requirement. The application is not delayed waiting for a SSN.

(2) Refer to OAC 340:10-15 and OAC 340:65-3-1(g) for requirements for citizenship and alienage.

(3) The application is processed within seven working days.

(d) **Benefits.** Benefits can equal up to three months of the payment standard as shown on OKDHS Appendix C-1, Schedule XVI for the appropriate family size. Benefits can be approved in more than one authorization as long as the request for additional funds is made before the end of the 90 calendar day period which begins with the initial date of application, and does not exceed three times the monthly payment standard for the family size. Payment is issued through an authorization to purchase. ■ 11

INSTRUCTIONS TO STAFF 340:10-20-1

Revised 5-1-11

1. (a) Refer to OAC 340:10-9 for relationship requirements.

(b) Any family that includes a head of household or spouse of a head of household who has already reached the 60-month time limit is not eligible for Diversion Assistance (DA).

2. The lifetime limit applies to the adult(s) and child(ren) included in the DA payment. As long as the child(ren) remains a minor, this restriction applies.

3. Refer to OAC 340:10-3-56(a)(3) for persons whose needs must not be included.

4. The worker is required to verify there is current employment or there is a valid offer of employment and documents how it was verified in Family Assistance/Client Services (FACS) case notes.

5. The worker is required to verify the financial need and cost of meeting the need and to document this information in FACS Case Notes. A budget sheet may be used to determine income and expenses.

6. (a) Family gross income includes income from all household members

included in the DA benefit. It also includes the income of a person acting in the role of spouse and the income of parents of a minor parent.

(b) Refer to OAC 340:10-3-26 through 340:10-3-40 for consideration of income and OAC 340:10-3-56 and 340:10-3-57 regarding whose income must be considered.

7. Refer to OAC 340:10-3-5 for consideration of resources.
8. (a) At the time of application, the worker advises DA applicants of other social services available to them and their family members such as substance abuse, domestic violence, Prevention and Relationship Program (PREP), or marriage counseling services. If appropriate, the worker makes a referral to the Children and Family Services Division and documents why he or she made the referral in FACS Case Notes.

(b) There is no work or deprivation of parental support requirement for either single or two-parent families. The worker may make referrals using Form 08TW003E, Interagency Referral and Information, to an existing community resource for persons who have not obtained a high school diploma or General Educational Development (GED) certificate and have demonstrated a lack of literacy skills. Refer to OAC 340:10-2-6(4)(C). During the certification period, current literacy contracts can provide payment of services for the DA recipient who follows through with a referral.

9. The county director is authorized to approve Temporary Assistance for Needy Families (TANF) if there is an unforeseen circumstance that requires the family to apply after the three-month time period covered by DA benefit. A TANF certification must not be approved during the three-month time period covered by the DA benefit because it is considered a duplication of benefits. The approval by the county director must be documented in FACS Case Notes.

10. Both parents do not have to be employed; however, one must be at risk of losing his or her employment or the offer of employment.

11. (a) Prior to completing an authorization to purchase, the worker must:

(1) approve DA by certifying the Fin. Assistance tab in FACS and entering three times the TANF payment standard for the number of eligible persons in the assistance unit in the warrant amount field;

(2) determine on a case-by-case basis whether the service requested by the client is available through any other resource, which includes other Oklahoma Department of Human Services (OKDHS) programs, local churches, and civic groups; and

(3) negotiate for goods and services for the client at the least possible cost, determine whether the labor cost can be reduced or donated, and not include state or local taxes in the negotiated amount.

(b) DA may only be used for transportation or shelter related expenses as indicated on the OKDHS Appendix H-4-B, Diversion Assistance Services and Object Codes, or in (d)(4) of this Instruction. To be eligible for an automobile repair or expenses related to tag, title, tax, or insurance, the automobile must be owned or co-owned by the payee or his or her spouse. If the payee or spouse is under 21 and has a valid driver's license, the payee's parent or the spouse's parent could own the automobile.

(c) Relatives of the client are not eligible for payment unless they own or operate a business such as an auto repair shop or rental agency and possess a federal employer identification (FEI) number for that business. Refer to OAC 340:10-9-1 and OKDHS Appendix I-7, The Family Tree - Degrees of Kindred According to the Law, for the definition of a relative.

(d) The worker must educate the vendor about the voucher process by explaining:

(1) payment can only be made to vendors who have a FEI number;

(2) no state or local taxes can be included in the negotiated cost of the service;

(3) what form is used to authorize payment and that a description of the agreed upon service is detailed on the form; and

(4) payment is not made until the vendor provides the service and completes the vendor portion of the form.

(e) To complete an authorization to purchase, the worker selects the Finance AS/400 Access option on the Finance Applications web page or the Finance AS400.EDP icon on his or her desktop and enters required information on the payment screen for DA. This includes entering:

(1) the provider's FEI, address, and telephone number;

(2) the case number;

(3) the negotiated amount of the service;

(4) the appropriate object code as shown on the OKDHS Appendix H-4-B or in A through E of this Instruction. The codes are:

(A) 61 for transportation purchases such as a down payment or monthly car payment, car insurance, or car tag, title, or taxes;

(B) 62 for transportation repairs or services such as car repairs, new tires, or towing fees;

(C) 64 for shelter expenses associating with renting such as the current or past due rent payment to avoid eviction or a rent deposit;

(D) 65 for shelter expenses associating with buying a home such as the current or past due home mortgage payment to avoid foreclosure, installation of a landline telephone, or purchase or repair of home heating or cooling system; and

(E) 66 for shelter expenses such as utility payments or home repair or purchase. These may include current and past due utility amounts to avoid cut off, plumbing or electrical repairs, or essential appliance purchase or repair such as a refrigerator or cooking appliance essential for food preparation or a washing machine or dryer; and

(5) a description of the service. The description must be as detailed as possible to prevent any misunderstanding as to what the payment of the authorization covers.

(f) The worker prints and signs the form generated from the information entered on the payment screen and gives the form to the client to take to the vendor. The worker advises the client to wait to sign the form until after the service has been provided to ensure the agreed upon service is provided. To receive payment after the service is completed, the vendor follows instructions on the form.

(g) The worker enters a FACS case note that includes:

(1) the applicant's circumstances that caused him or her to apply for assistance;

(2) how the applicant and the worker agreed that approving DA instead of TANF is expected to allow the applicant to be self-sufficient for at least 12 calendar months;

(3) what resources were explored to try to meet the applicant's needs before approving DA;

(4) what goods or services were approved and why; and

(5) the cost of the goods or services and how prices were negotiated.

(h) The county director or designee is responsible for periodically monitoring expenditures from the DA account.