
POLICY TRANSMITTAL NO. 07-07	DATE: MAY 25, 2007
FAMILY SUPPORT SERVICES DIVISION	DEPARTMENT OF HUMAN SERVICES OFFICE OF LEGISLATIVE RELATIONS AND POLICY

TO: ALL OFFICES

SUBJECT: MANUAL MATERIAL

OAC 340:10-2-3; 10-2-5 through 10-2-7; 10-10-4; and 10-10-6.

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

340:10-2-3 is revised to include the assessments of Key Train and Career Readiness Certificate and to reflect current form numbers.

340:10-2-5 and 340:10-2-6 revisions limit job search and job readiness activities to 12 weeks in a federal fiscal year and reflect current form numbers.

340:10-2-7 is revised to include community service as a Temporary Assistance for Needy Families (TANF) Work activity.

340:10-10-4 and 340:10-10-6 are revised to reflect current rules and names and form numbers from the Child Support Enforcement Division.

Original signed on 4-16-07

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WF # 06-14 (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.

<u>REMOVE</u>	<u>INSERT</u>
340:10-2-3	340:10-2-3, pages 1-6, revised 6-1-07
340:10-2-5	340:10-2-5, pages 1-2, revised 6-1-07
340:10-2-6	340:10-2-6, pages 1-3, revised 6-1-07
340:10-2-7	340:10-2-7, pages 1-7, revised 6-1-07
340:10-10-4	340:10-10-4, pages 1-4, revised 6-1-07
340:10-10-6	340:10-10-6, pages 1-6, revised 6-1-07

340:10-2-3. Employability planning

(a) **Scope and applicability.** The employability planning process begins at intake and continues as long as there are employment barriers or family circumstances which interfere with the participant obtaining and retaining employment. The worker and the participant initiate Form 08TW002E, TANF Work/Personal Responsibility Agreement. In the development of the employability plan, the worker takes into consideration the need for English as a second language, basic education, literacy, learning disabilities, counseling or treatment for substance abuse or mental health issues, and crisis intervention for domestic violence. ■ 1

(1) Substance abuse screening is required for every new Temporary Assistance for Needy Families (TANF) participant. ■ 2

(2) Literacy screening is required for individuals who have not obtained a high school diploma or General Educational Development (GED) certificate and have demonstrated a lack of literacy skills. ■ 3

(b) **Interest and ability assessments.** Assessments are required to determine the participant's skills, abilities, and barriers. ■ 4 Assessment tools used are the Washington State Learning Disability Screen, the Test of Adult Basic Education (TABE) locator, the TABE battery, the Career Occupation Preference System (COPS), Key Train, and Career Readiness Certification. ■ 5

(1) The use of these assessments provides the worker, participant, assessment specialist, and/or community partners with:

(A) an indication of possible learning disabilities;

(B) a measurement of the participant's skills, abilities, interests, and aptitude; and

(C) meaningful information to create a valid employability plan.

(2) Participants referred for testing are informed of the use that is made of the test results. Test scores are kept confidential but may be shared with community partners. Referrals for testing are made by use of Form 08TW003E, Interagency Referral and Information. ■ 6 Participants in formal assessments are eligible for participant allowances and child care.

(c) **Employability planning.** The worker and the participant use the information from the assessment and other relevant information to develop a plan for securing

employment. The employability plan includes establishing both short and long term goals, including specific occupational goals, activities, and services which are necessary to achieve the goals. ■ 7

(1) The employability plan may include staffing with other community partners for assignment to specific work activities, collaboration with other agencies for services such as job placement, training, and education, and the provision of social services. The plan must identify specific needs and activities required to reach the occupational goal and estimated dates for achievement. The plan may include more than one activity at a time based on the participant's specific needs and the hours available. The employability plan is a part of the social services plan for the entire family. It must be realistic and within the participant's ability to complete. ■ 8

(2) The participant is informed that the employability plan is updated as necessary to account for situational changes. The employability plan is reviewed with the participant and updated as changes occur and at the completion of any work activity. ■ 9 If no changes have occurred, the worker reviews the employability plan within six months.

(3) Participants who are employed with income insufficient to close the case must have a plan designed to upgrade employment. These plans must not interfere with current employment.

(d) **Work activities.** Participants are assigned to one or more activities and scheduled the minimum number of hours as required. ■ 10 The participant signs Form 08TW002E, when any work activity other than the Work Experience Program or Work Supplementation Program is approved.

(1) Assignments must be within the scope of the participant's employability plan.

(2) The assignment must be related to the capability of the participant to perform the task on a regular basis.

(3) The daily commuting time to and from home to the assigned education, employment, or training site is normally less than two hours. Commuting time does not include the time required to transport a child to and from a child care facility. Where longer travel time is normal in the community, the round trip commuting time may not exceed the general community standards.

(4) When child care is required, it must be of the participant's choosing. ■ 11 It must be available during the hours the participant is engaged in any work activity, plus any additional commuting time.

(5) Assignments which are discriminatory in terms of age, sex, race, religion, ethnic origin, or physical or mental disability are not made. ■ 12

(6) The site of the assignment must not be in violation of established and applicable health and safety standards.

(7) The participant is not referred for a work activity unless supportive services necessary for participation are available. The cessation or withdrawal of such services constitutes good cause for refusal to participate.

(8) When the agreed upon employability plan requires hours in excess of the minimum requirement, the participant must participate the agreed upon number of hours.

INSTRUCTIONS TO STAFF 340:10-2-3

- 1. Workers utilize the results of approved screening tools for literacy or substance abuse. Refer to OAC 340:10-2-1 and 340:10-2-6 for the Temporary Assistance for Needy Families (TANF) Work exception for a single custodial parent under 20 who has not completed high school or obtained a General Education Development (GED) certificate. Assessments are not required for minor payee participants as the local school district is responsible for their educational and career needs. A TANF payee younger than 18 years of age, who has obtained a high school diploma or GED can be referred for assessments when there is parental consent. When this TANF payee turns 18 years of age, parental consent is no longer required and assessment referrals can be made.**
- 2. If the participant self-declares a substance abuse problem, it is not necessary to administer a substance abuse screen. The age and/or educational status of the participant who self declares a substance abuse problem determines the referral process for further assessments. If the participant is:**
 - (1) 20 years of age or older a referral is made to the designated provider for further assessments;**
 - (2) 18 years of age but under age 20 with a high school diploma or GED a referral is made to the designated provider for further assessments;**
 - (3) 18 years of age but under age 20 without a high school diploma or GED, the participant can voluntarily agree to a referral to a designated provider for further assessments; or**

- (4) under age 18, the participant is advised to discuss treatment with his or her primary care physician.
3. The reading level of the TANF participant is updated on Family Assistance/Client Services (FACS) from any approved educational assessment tool.
4. (a) When assessments are completed, the worker must update the Auth AT ASMT tab on FACS to track the results of the assessments. The TANF tracking assessment components are:
- (1) substance abuse subtle screening inventory (SASSI);
 - (2) addiction severity index (ASI);
 - (3) learning disability;
 - (4) academic achievement, which includes reading, math, and language;
 - (5) career interests, abilities, and values;
 - (6) Key Train; and
 - (7) career readiness certification.
- (b) It is not necessary to have a participant assessed who is in an approved work activity or has been assessed in the last six months to one year.
5. Assessment tools may be obtained through the statewide assessment contract or a community partner.
- (1) The Washington State Learning Disability Screen is a short assessment tool that gives indication of possible learning disabilities not previously identified.
 - (2) The Test of Adult Basic Education (TABE) locator is an assessment tool used to identify which TABE assessment is given depending on the educational functioning level of the participant.
 - (3) The TABE measures reading, math, and language levels from grades 0 through 12.9.

(4) The Woodcock-Johnson III, a comprehensive system for measuring general intellectual ability, specific cognitive abilities, scholastic aptitude, oral language, and achievement is administered by the assessment provider when there is an indication of possible learning disabilities.

(5) The Career Occupation Preference System (COPS) is used to identify the participant's interests, abilities, and work values.

(6) Key Train assessments are given to determine job skill level in the areas of reading for information, applied mathematics, and locating information.

(7) For participants with high Key Train scores who are determined to be job ready, a test is administered for the Career Readiness Certificate. The Career Readiness Certificate shows employers the individual has the skills needed for employment.

6. The appropriate assessment results are submitted with Form 08TW003E, Interagency Referral and Information, when a referral is made. If the referral is to the Oklahoma Department of Mental Health and Substance Abuse Services (ODMHSAS), the worker must assist the TANF participant in completing the ODMHSAS Consent for Release of Confidential Information. The Consent for Release of Confidential Information is available from the substance abuse treatment provider. When completed, the original is provided to the substance abuse treatment provider and a copy is retained in the case file. Without the Consent for Release of Confidential Information, the substance treatment abuse provider is not able to notify the worker when a participant does not appear for the initial substance abuse screening and/or assessment.
7. Techniques useful in helping the participant identify a specific employment goal include joint discussion of individual strengths and exploration of all necessary qualifications, duties to be performed, working conditions, salary, benefits, and chances of promotions.
8. The worker documents the action steps, what resources are being used, specific start dates, and anticipated ending dates on Form 08TW002E, TANF Work/Personal Responsibility Agreement, Section 7. Failure to specify these steps negates an adverse action taken against the participant. The employability plan may also include multiple activities that the participant may engage in at any one time.

9. The employability plan may be updated by entering new information on Form 08TW002E, Section 7. The worker and the participant initial the new information.
10. See OAC 340:10-2-1 regarding work requirements.
11. If purchased child care is provided, refer to OAC 340:40.
12. Refer to OAC 340:10-1-3(a)(12) for the Civil Rights requirements for TANF.

340:10-2-5. Job search activities

The primary objective of all job search activities is for applicants and recipients of Temporary Assistance for Needy Families (TANF) to obtain employment through personal contacts with employers. The worker and the individual jointly determine the number of employer contacts based on availability of child care, financial resources, jobs in the community, skills and abilities, and any other factors which affect or influence the individual's ability to obtain employment.

(1) An employer contact is defined as a face-to-face interview with an employer, the completion and return of any application to an employer, or the completion of tests required for employment with the state, local, or federal government. Referrals to employers are made on Form 08TW011E, Referral to Employment. The individual records employer contacts on Form 08TW010E, Employer Contact List.

(2) Job search is defined as the individual's job seeking efforts. ■ 1 Individuals in job search activities are eligible for participant allowances and day care for the time they are actively looking for a job or in a group activity. ■ 2

(A) The individual is given Form 08TW013E, TANF Time and Progress Report, to complete and return to the worker.

(i) Additional job search may be required as a part of another work activity if it would improve the individual's employment prospects. ■ 3

(ii) The number of employer contacts to be made each week is included in the employability plan. ■ 4

(B) If the individual has been unsuccessful in obtaining a job after a reasonable amount of time, the worker and individual review the employability plan to determine if another activity is more appropriate.

(C) The maximum amount of time spent in job search and job readiness activities cannot exceed 12 weeks within a federal fiscal year for any individual. ■ 5

INSTRUCTIONS TO STAFF 340:10-2-5

1. The worker provides information, resources, and any materials needed by the individual to initiate the job search process. This can include inviting employers to provide information about their businesses and available employment in the community. The worker is responsible for monitoring the

individual's job search activities. This includes reviewing the completed Form 08TW013E, TANF Time and Progress Report, spot-checking the accuracy of the information on Form 08TW010E, Employer Contact List, and any other activities necessary to assist the individual towards self-sufficiency.

2. See OAC 340:10-2-8 and OAC 340:40.
3. The placement services of other agencies, such as Job Training Partnership Act, community colleges, and vocational technical schools are used when available.
4. The worker makes a face-to-face contact with each individual to determine progress, to see if any problems exist, and to offer encouragement and support.
5. No more than four consecutive weeks can count as federal participation at one time.

340:10-2-6. Job readiness

Job readiness activities help prepare participants for work by ensuring that participants are familiar with general workplace expectations and exhibit work behavior and attitudes necessary to compete successfully in the labor market.

(1) **Orientation.** Participants are referred to orientation as the need is identified on Form 08TW002E, TANF Work/Personal Responsibility Agreement. Orientation consists of individual or group meetings designed to present information about:

(A) self-esteem building;

(B) activities and services available through the Temporary Assistance for Needy Families (TANF) Program;

(C) the Oklahoma Department of Human Service (OKDHS) policies; and

(D) the employment process, including job applications, interviewing, goal-setting, and managing home and work.

(2) **Counseling, treatment, or crisis intervention.** The worker assists participants who have barriers that prevent them from obtaining or retaining a job by meeting with the participant and appropriate local partners to determine available resources to overcome barriers. Referrals may include counseling or treatment for:

(A) substance abuse, medical needs, or mental health problems;

(B) domestic violence; and

(C) other crisis intervention. ■ 1

(3) **Other activities.** TANF participants may be referred to other agencies and organizations for group activities. The worker, with input from the service provider, decides the appropriate number of hours the participant is capable of participating in other activities. Individual or group meetings may be held as necessary to address any other needs of the participants. Topics which can be successfully addressed include:

(A) training available from other agencies;

(B) financial aid for education or training;

(C) career planning for youth;

(D) Work Experience Program participation requirements and benefits; and

(E) local labor market information.

(4) **Educational services.** Educational services to enhance the participant's potential for employment must be made available. Assignment is based on the criteria listed in (A) through (E) of this paragraph.

(A) Custodial parent participants under 20 years of age without a high school diploma are required to participate in educational activities directed toward the attainment of a high school diploma or its equivalent. ■ 2 These individuals may be excused from high school attendance or courses designed to lead to a General Educational Development (GED) certificate if the employability plan includes an alternative, such as basic education or English as a second language (ESL). ■ 3

(B) Participants age 20 or older that have not completed high school can participate in a basic or remedial education program.

(C) Assignment to remedial education services is appropriate for participants who read and write below high school level, even if they have a high school diploma or GED certificate. Basic and remedial education includes Adult Basic Education (ABE) classes, GED classes, Certificate of High School Equivalency literacy classes, tutoring, or remedial reading classes.

(D) Participants lacking proficiency in understanding, speaking, reading, or writing the English language are assigned to ESL classes.

(E) Participants already in attendance at an institution of higher education are considered appropriately assigned if the participant cooperates in the assessment process and development of an appropriate employability plan. However, the participant is required to participate the minimum number of hours in an activity listed in OAC 340:10-2-1.

(F) The maximum amount of time spent in job search and job readiness activities cannot exceed 12 weeks within a federal fiscal year for any individual. ■ 4

INSTRUCTIONS TO STAFF 340:10-2-6

- 1. Specific plans include any combination of treatment and work activities that assist the participant to achieve self-support. The plan is developed with the participant and local partners' input. Form 08TW002E, TANF Work/Personal Responsibility Agreement, Section 7, reflects the resource or treatment facility involved, specific hours of each activity, the start and end dates, and the initials of the participant as changes are made on the plan. It may be necessary to meet frequently with the participant and local partners to monitor the participant's progress and determine the need for any changes in the plan.**
- 2. These participants are required to work on a high school diploma or General Educational Development (GED) certificate and cannot be required to participate in any other Temporary Assistance for Needy Families (TANF) Work activity. They may volunteer to participate in a TANF Work activity that is scheduled, structured, and supervised when school or GED classes are not in session. Participants who volunteer cannot be sanctioned for failure to participate. As with any approved TANF Work activity, participation must be coded on Family Assistance Client Services (FACS).**
- 3. For a teen parent who is a child in the TANF assistance unit, refer to OAC 340:10-13-1 for requirements for school attendance.**
- 4. No more than four consecutive weeks can count as federal participation at one time.**

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 08TW003E, 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 Oklahoma.

(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. ■ 3

(1) **Benefits.** 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.

(2) **WEP assignments.** WEP assignments are approved for an initial period of three months.

(A) No salary is paid.

(B) 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. ■ 4

(3) **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. ■ 5

(4) **WEP facilities.** 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. Training facilities are solicited by OKDHS staff or a contracted entity who has agreed to assist with job development and placement including WEP. ■ 6
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. ■ 7 & 8

(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. 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 on or before the completion of the three month placement.

(5) **WEP procedures.** Upon approval by the county director, the worker contacts the WEP facility to complete Form 08TW015E, Work Experience Program – Nonprofit Training Agreement, or Form 08TW115E, Work Experience Program – For- Profit Training Agreement.

(A) The worker instructs the facility representative or the training supervisor regarding the purpose and use of Form 08TW013E, Time and Progress Report.

■ 9

(B) It is the participant's responsibility to complete Form 08TW013E, secure the signature of the facility director or supervisor on Part III of Form 08TW013E, and return the form to the local human services center (HSC) by the fifth day of each month.

(C) 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.

(6) **Non-cooperation by WEP facility.** When information is obtained that the facility is violating the terms and conditions of Form 08TW015E, Form 08TW115E, 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. ■ 10

(7) **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.

(8) **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. ■ 11 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 08MP007E, Information/Referral - Social Services. It is the responsibility of the worker to coordinate with the Job Corps center and arrange for child care. ■ 12

(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. ■ 13

(g) **Community service.** Community service programs are structured programs in which the TANF participants perform work for the direct benefit of the community under the guidance of a public or non-profit organization.

INSTRUCTIONS TO STAFF 340:10-2-7

- 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. Care is given to avoid placement of trainees with facilities which consistently use WEP trainees without providing first option employment.**
- 4. The county director reports injuries to the Oklahoma Department of Human Services (OKDHS) Support Services Division (SSD) Risk, Safety and Emergency Management Unit on Form 23RS046E, Employee's Report of Job-Related Accidental Injury or Illness.**
- 5. 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 08TW002E, TANF Work/Personal Responsibility Agreement, and initiates an authorization. Form 08TW014E, Work Experience Program - Nonprofit Participant Agreement, or Form 08TW114E, Work Experience Program - For-Profit Participant Agreement, is completed at this time. A copy of Form 08TW014E or Form 08TW114E is mailed to the facility as notification of the participant's starting date.**
- 6. 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).**
- 7. Special requirements are items such as uniforms or special equipment.**

8. A written description is forwarded to the county director requesting approval of the training slot.
9. Form 08TW013E, Time and Progress Report, is computer-generated and mailed monthly to each participant with an open WEP authorization.
10. Family Support Services Division (FSSD) may be consulted for appropriate procedures.
11. See OAC 340:10-2-7(c)(1).
12. Participation is documented by the worker on the Information Management System by using the ETPANEW transaction.
13. Copies of the agreements and procedures for implementing the program are distributed through annual FSSD numbered memos. Workers are trained and the program is implemented according to the agreement.

340:10-10-4. Continued absence of the natural or adoptive parent(s) from the home

(a) **Determining absence.** Continued absence of the natural or adoptive parent(s) from the home constitutes a reason for deprivation of parental care.

(1) It is essential to determine if a primary caretaker exists or if the parents are equally sharing parental responsibilities.

(A) Only the parent determined as the primary caretaker is eligible to receive Temporary Assistance for Needy Families (TANF) for this child(ren).

(B) If both parents are exercising responsibility for the child(ren), providing day-to-day care, and share maintenance, physical care, and guidance for the child(ren), deprivation does not exist for this child(ren). ■ 1 If any one of the conditions included in the previous sentence is not met, the child(ren) is deprived of parental care. ■ 2

(2) The nature of the absence must have either interrupted or terminated the parent's functioning as a provider of maintenance, physical care, or guidance for the child(ren) and the known or indefinite duration of the absence precludes counting on the parent(s) for the present support or care of the child(ren). ■ 3 If these conditions exist, the length of time of the absence is not considered.

(3) A parent(s) whose absence is due solely to employment, looking for employment, education, or active duty in the uniformed services of the United States, is not considered absent from the home.

(4) A parent(s) who is a convicted offender but is permitted to live at home while serving a court-imposed sentence by performing unpaid public work or unpaid community service during the workday is considered absent from the home.

(b) **Identifying information.** An applicant for TANF must provide the name of the person(s) alleged as responsible for the support of a child(ren) and provide identifying information such as name, address, and the employer of the person(s), if known.

(1) The parent or caretaker relative completes and signs Form 08TA001E, Absent Parent (AP) Information Sheet.

(A) Absence is determined through an evaluation of the information recorded.

(B) If the absent parent can be located at the time deprivation is being

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established or at subsequent reviews, the absent parent must be interviewed to determine whether deprivation exists and whether child support is being paid.

■ 4

(2) When there is any question as to whether deprivation actually exists, the parent is advised that it may be necessary to obtain further evidence from persons acquainted with the situation.

(c) **Establishing need.** To establish the need for TANF, it is necessary to determine if any child support is currently being paid and, if so, the amount, how often it is paid, and the method of payment. ■ 5

(1) Parents have a legal obligation to provide financial support for their child(ren), whether or not they were married to each other. ■ 6

(2) An unmarried mother is legally the sole parent until paternity is established.

(3) The termination of parental rights does not stop the obligation of either parent to provide financial support for his or her minor child(ren), unless the child(ren) has been subsequently adopted.

(4) An adoptive parent's legal obligation continues even if a child(ren) is returned to the care of the natural parent.

(d) **Acknowledgment of paternity.** At any time the alleged father is located, the acknowledgment of paternity is discussed with the alleged father. The alleged father's and the mother's notarized signature are secured on Form 03PA209E, Acknowledgement of Paternity. ■ 7

(1) If the alleged father lives in the home and acknowledges paternity orally, deprivation does not exist.

(2) If the alleged father in the home denies paternity but the mother continues to maintain that he is the father, deprivation does not exist pending legal establishment of paternity.

(3) If the alleged father is under the age of 18, he must not be interviewed unless his parents, legal guardian, or natural guardian are present at the interview.

INSTRUCTIONS TO STAFF 340:10-10-4

1. Deprivation does not exist for a child(ren) if:

- (1) a child(ren) lives with each parent for an equal period of time, such as two weeks with one parent and then two weeks with the other parent; or
 - (2) one parent, who does not live in the home, provides maintenance, has daily contact with the child(ren) and shares parental decision-making relating to the health, education, and welfare of the child(ren).
2. Deprivation does exist for a child(ren) who continuously lives with one parent, visits the other parent on the weekends and during the summer, and the absent parent makes support payments. In this situation, the absent parent does not have daily contact or share physical care and guidance.
3. Maintenance is considered as any assistance designed to meet the expenses of day-to-day living.
4. When the legal father and natural father are not the same, attempts are made to contact both individuals to determine deprivation and if child support is being paid.

(1) After deprivation based on absence is established, the worker is responsible for submitting Form 03EN002E, Affidavit of Child Support Payments Received, to the appropriate Child Support Enforcement Division (CSED) district office. Form 03PA001E, Mother's Affidavit of Paternity, is completed when appropriate and forwarded to the local CSED district office.

(2) Form 08TA001E, Absent Parent (AP) Information Sheet, is completed on each absent parent and any other information of value in the development of child support is included in the comments section.

(3) When additional information is made available to the worker after the original referral and has an effect on the enforcement of child support, the worker immediately:

(A) updates the Deprivation tab on Family Assistance/Client Services (FACS); and

(B) forwards the information by memo to the appropriate CSED district office.

(4) If the reason for deprivation changes to absence from incapacity or

unemployment, the worker;

(A) updates the Deprivation tab on FACS; and

(B) submits the applicable CSED forms to the appropriate CSED district office.

5. Payments made to CSED can be verified by viewing the child support payment screen using the transaction CFRR. To view the CFRR transaction enter M space CFRR. Payments that have not been made through CSED can be verified by sending Form 08AD008E, Non-Custodial Parent Letter, to the absent parent.
6. If the parents are divorced or legally separated, any legal documents are copied and attached to the CSED forms.
7. Form 03PA209E, Acknowledgement of Paternity, is completed and the original and one copy are forwarded to the Oklahoma State Department of Health (OSDH), Division of Vital Records. Copies are given to the mother and alleged father. Completion and filing of Form 03PA209E legally establishes paternity for a child. If either parent, within 60 days of completing Form 03PA209E, changes his or her mind about acknowledging paternity, Form 03PA211E, Rescission of Acknowledgement of Paternity, is signed and filed with OSDH.

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) Cooperation. The cooperation requirement per OAC 340:10-10-5 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) Assignment and degree of promptness. The good cause exception applies only to excuse the cooperation requirement. The requirement that the applicant or recipient

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per OAC 340:10-10-5 assign support rights to OKDHS as a condition for TANF eligibility:

(A) cannot be waived or excused based on a good cause determination;

(B) is independent from the cooperation requirement; and

(C) is not affected by a good cause determination.

(d) Notice of right to request a decision. The client has the right to claim good cause for failure to cooperate in obtaining child support.

(1) When deprivation is based on absence, the applicant for or recipient of TANF must sign Form 08TA012E, Cooperation Agreement and Request for Good Cause:

(A) at the time of original application;

(B) when a child is added to the grant; or

(C) when circumstances result in an applicant's or recipient's request for good cause.

(2) The human services center (HSC) 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.

(e) 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

INSTRUCTIONS TO STAFF 340:10-10-6

1. When a claim for good cause is made, the worker updates the Deprivation tab on Family Assistance/Client Services (FACS) 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 08TA009E, 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 08TA009E 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 human services center (HSC).

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

(B) If the HSC 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 per OAC 340:10-10-5. The worker updates the program violation indicator on the Household tab on FACS to indicate non-cooperation. Refer to OAC 317:35-5-7 and OAC 340:10-10-5, Instructions to Staff 3, for eligibility for health benefits. If the client agrees to cooperate, a new Form 08TA012E, 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 HSC and CSED district office cannot concur in a determination of good cause, CSED submits all pertinent information, including Form 08TA009E, to Family Support Services Division (FSSD) TANF Section, where the final determination regarding good cause is made. FSSD TANF Section returns Form 08TA009E with Section V completed to the HSC 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 08TA009E 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 08TA009E, attaches a copy of the documentation, and forwards it to the CSED district office for concurrence.

(2) Reviews and changes. At each review of eligibility, the worker evaluates whether circumstances have changed for 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 08TA009E, 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 HSC. If there is no Form 08TA009E in the case record, the worker completes Sections I and VI of a new Form 08TA009E.

(A) If the joint decision is that good cause does not exist, this is discussed with the client and the client is advised that non-cooperation will cause a 25% reduction in the TANF payment. The program violation indicator on the Household tab on FACS is updated to indicate non-cooperation. Refer to OAC 317:35-5-7 and OAC 340:10-10-5, Instructions to Staff 3, for eligibility for health benefits. If the client agrees to cooperate, a new Form 08TA012E is signed and the worker submits the appropriate CSED forms to the CSED district office. The worker updates the Household tab and the Deprivation tab on FACS to indicate the client is cooperating and the client's needs are included in the Medical Assistance benefit.

(B) If an additional child(ren) is 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.

(i) 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.

(ii) 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 08TA001E, Absent Parent (AP) Information Sheet.

(i) A new Form 08TA012E and the appropriate CSED forms are completed.

(ii) Section VI of the original Form 08TA012E is completed and sent to the CSED district office.

(iii) If there is no Form 08TA012E in the case record, the worker completes Sections I and VI of a new Form 08TA012E.

(iv) 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.