
POLICY TRANSMITTAL NO. 05-37	DATE: AUGUST 12, 2005
FAMILY SUPPORT SERVICES DIVISION	DEPARTMENT OF HUMAN SERVICES OFFICE OF PLANNING, POLICY & RESEARCH

TO: ALL OFFICES

SUBJECT: MANUAL MATERIAL

OAC 340:10-3-56; 10-7-1; 10-10-5; and 10-10-6.

EXPLANATION: OAC 340:10-3-56 Instructions to Staff (ITS) 5 is revised to reference OAC 340:10-7-1 and the need to verify out-of-state receipt of Temporary Assistance for Needy Families (TANF). ITS 6 and 7 are revised for clarity.

OAC 340:10-7-1 ITS 2 is added to clarify the procedures to follow for verification of out-of-state receipt of TANF.

OAC 340:10-10-5 ITS 3 is revised to add a reference to OAC 317:35-5-7 and clarify existing procedures.

OAC 340:10-10-6 ITS 1 and 2 are revised to add a reference to OAC 317:35-5-7 and to clarify existing procedures.

Original signed on 8-11-05

Mary Stalnaker, Director
Family Support Services Division

Sharon Neuwald, Co-Interim Administrator
Office of Planning, Policy & Research

WF # 05-O (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

340:10-3-56

340:10-7-1

340:10-10-5

340:10-10-6

INSERT

340:10-3-56, pages 1-11, revised 8-1-05

340:10-7-1, pages 1-2, revised 8-1-05

340:10-10-5, pages 1-2, revised 8-1-05

340:10-10-6, pages 1-5, revised 8-1-05

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, and the case records 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 and OAC 340:10-7-1. When a client applying for**

TANF reports moving to Oklahoma from another state, contact with that state is required to determine concurrent receipt of TANF and the number of months of TANF received in that state. Form FSS-TANF-5, Out-of-State TANF Benefits, can be used to verify the number of months of out-of-state TANF receipt. If it is determined the client has received 60 months or more of TANF out-of-state, no action is taken on the application until a request for a hardship extension is completed and approved. If the client declines a hardship extension, the TANF application is denied. When the months and years of out-of-state TANF receipt are verified, this information is faxed to Family Support Services Division (FSSD), TANF Section or e-mailed to TANF@OKDHS.org.

(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 FSSD, TANF Section. If the hardship extension request is disapproved, the worker is notified to close 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 client requests TANF more than 30 days from the effective date of closure and the closure was for a reason other than reaching 60 months or closes after being approved for a hardship extension 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. The worker sends the request, with all appropriate information, 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 worker sends the request with the active case record to FSSD for a decision. The procedures 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. If the review of the hardship extension falls during this 60-day time frame and the TANF benefit is reopened, a new Form TW-25 must be completed and sent to the TANF Section. If the review of the hardship extension is beyond this 60-day time frame and the TANF benefit is reopened, the original review time frame is followed. 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 requests 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, which can include a high risk pregnancy or late term pregnancy, 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)(6). 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.

340:10-7-1. Residence

To be eligible to receive Temporary Assistance for Needy Families (TANF) an individual must be making his or her home in Oklahoma. An individual whose residence has been established in Oklahoma does not lose residency status when he or she is removed from Oklahoma against his or her will and held in another state, as for example, in federal prison, or has been out of the state to make use of a federal facility, or to attend school.

(1) An individual's statement that he or she is residing in Oklahoma voluntarily and not for a temporary purpose is acceptable if it is consistent with other known facts. If the statement is inconsistent with other known facts, further substantiation is necessary. ■ 1

(2) An individual applying for TANF after living in another state any time during the past 12 months must not be certified until the state of former residence is contacted to determine if cash assistance is being received from that state. If so, planning must be done with that state so approval and closure are simultaneously effected in the respective states. ■ 2

(3) Continuous residence is established when the case record and contact with the individual show no evidence of absence from the state.

(A) **Temporary residence.** For purposes of TANF eligibility, an individual is a resident of Oklahoma if he or she is living in Oklahoma voluntarily or has a job commitment or is seeking employment, even though the intent is to stay only temporarily, as long as cash assistance is not being received from another state. This includes migrant and itinerant workers who are temporarily residing in Oklahoma but maintain a homestead in another state. An individual traveling through the state or visiting relatives in this state is not considered a resident.

(B) **Out-of-state visits.** A temporary absence from the state with subsequent returns to the state or intent to return when the purposes of the absence have been accomplished does not interrupt Oklahoma residence. When the purpose is temporary in nature, the individual is responsible for information regarding which member(s) of the assistance unit is visiting out-of-state, for what purpose, the plan and date of the departure, and the planned date of return. [OAC 340:10-3-55]

(i) An absence from the state may not continue beyond three months without a specific and current determination of the circumstances of the absence, whether the purposes of the absence have been accomplished, and the

individual's statement as to his or her residence. ■ 3 The individual is considered as residing in Oklahoma until there is substantial factual evidence he or she has chosen to establish residence in another state.

(ii) If the individual applies for cash assistance in another state and is determined eligible by that state, the case record must document the facts used to establish that the effective date of closure in Oklahoma corresponds with the effective date of certification in the other state, thus ensuring there is not interruption in the assistance payment.

INSTRUCTIONS TO STAFF

1. When references are contacted, the case record must show the name and address of each reference, the place and date of the contact, the known facts and the basis for the person's knowledge of facts related to the individual's residence.
2. **As receipt of Temporary Assistance for Needy Families (TANF) is limited to 60 months when an adult is included in the benefit, verification of receipt of out-of-state benefits is required. Contact with another state can be by telephone or by use of Form FSS-TANF-5, Out-of-State TANF Benefits, to verify the months and years of TANF benefits received out-of-state. This information is faxed to Family Support Services Division (FSSD), TANF Section or e-mailed to TANF@OKDHS.org.**
3. Among the factors considered in relation to the individual's own statement of intent are establishing living quarters, registering to vote, accepting work, or entering into business. Accepting employment obviously temporary in nature does not, of itself, constitute evidence of change of residence. Inability to return to the state because of a physical condition or a genuine family emergency is not considered as inconsistent with a statement of intent to retain Oklahoma residence since it cannot be said the individual has voluntarily chosen to stay in the other state. Evidence of intentions to change residence may be a statement of intent at the point of departure or may develop later in the other location.

340:10-10-5. Requirement for assignment of support rights and cooperation

(a) As a condition of eligibility, when the reason for deprivation is absence, each applicant or recipient of Temporary Assistance for Needy Families (TANF) must assign to the Oklahoma Department of Human Services (OKDHS) any support rights accrued, pending, and continuing of any other family member included in the assistance unit. Failure to assign support rights makes the assistance unit ineligible for TANF. This also includes Title IV-E benefits. Support rights may also be assigned for Medical Assistance (MA) and State Supplemental Payment (SSP) for the blind and disabled when the recipient is a minor with a parent absent from the home, as well as MA custody cases when OKDHS has temporary custody.

(b) As a condition of eligibility for TANF, each applicant or recipient must cooperate with OKDHS in obtaining support for each child of the individual. Failure of the applicant or recipient to cooperate without good cause may be indicated either during the intake interview or at any time further action by the recipient is necessary. ■ 1

(c) If the applicant or recipient refuses to cooperate with OKDHS without good cause, the cash assistance must be reduced by 25% of the TANF payment standard the next effective date. ■ 2 & 3

(d) The Child Support Enforcement Division (CSED) district office makes the determination that an individual is not cooperating in establishing paternity or in establishing, modifying, or enforcing a support order as required by Section 454(29) of the Social Security Act. ■ 4 Non-cooperation is indicated by:

- (1) failure to appear at a CSED district office to provide information or evidence relevant to the case;
- (2) refusal to complete and sign documents necessary to take legal action against the absent parent(s) when requested to do so by the CSED district office;
- (3) failure to comply with an order for genetic testing for the individual and the appropriate child to determine paternity;
- (4) failure to appear as a witness at an administrative or district court hearing or other proceeding when cooperation is essential for the next step in providing child support services;
- (5) failure to provide information, or attest to lack of information, under penalty of perjury;

(6) failure to forward to CSED all child support payments received from the absent parent(s) after receiving the initial TANF benefit;

(7) refusal to make a repayment agreement or to comply with a repayment plan when child support payments are retained; and

(8) failure to notify CSED of the pursuit of private legal action affecting the status or amount of a support obligation.

(e) When CSED determines the individual is cooperating, the worker is notified and the 25% penalty is removed the next effective date. ■ 5

INSTRUCTIONS TO STAFF

1. **If the worker becomes aware of a client's apparent non-cooperation, the worker notifies the local Child Support Enforcement Division (CSED) district office.**
2. **The 25% penalty only applies if the applicant or recipient is the natural or adoptive parent of the child(ren). The 25% penalty applies to adult only cases when the child(ren) is receiving State Supplemental Payment (SSP) and/or Supplemental Security Income (SSI). If the adult is receiving SSP and/or SSI, and fails to cooperate with CSED, the 25% penalty is coded on the child(ren) in the Temporary Assistance for Needy Families (TANF) benefit.**
3. **OAC 317:35-5-7 states the TANF applicant or recipient is not included in the health benefit if good cause has not been determined by CSED. The worker updates the Family Assistance/Client Services (FACS) Household tab for the Medical Assistance benefit to show "Income and resources are considered. Not included in the benefit." This does not apply to an applicant or recipient who is receiving pregnancy related services or is under age 19. When good cause has been approved and the applicant or recipient who has been removed from the health benefit agrees to cooperate, the worker updates the FACS Household tab for the Medical Assistance benefit to show "Added to the benefit."**
4. **Refer to OAC 340:25-5-114.**
5. **Refer to OAC 340:10-3-57(h).**

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 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 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. 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 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 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 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 C-9 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. 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.