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POLICY TRANSMITTAL NO. 05-05	DATE: MAY 10, 2005
FAMILY SUPPORT SERVICES DIVISION	DEPARTMENT OF HUMAN SERVICES OFFICE OF PLANNING, POLICY & RESEARCH

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TO: ALL OFFICES

SUBJECT: MANUAL MATERIAL

Old Style Manual Table of Contents 340; Old Style Manual Sections 340 through 346; OAC 340:10, Table of Contents; 340:10-2-8; 10-3-3; 10-3-10; 10-3-33; 10-3-39; 10-3-57; 10-3-81; 10-9-1; 10-10-5; 10-10-7; 10-15-1; 10-15-3; 10-17-1 through 10-17-5; 10-18-1; 10-19-5; 10-20-1; 10-22-1; 340:10 Appendix II, and 340:10 Appendix S.

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

OAC 340:10-2-8 and 340:10-3-81 rules are amended to reflect current terminology and clarify existing rules.

OAC 340:10-3-3 and 340:10-3-39 rules are amended to reflect current terminology regarding resources.

OAC 340:10-3-10, 340:10-3-33, 340:10-9-1, 340:10-10-7, 340:10-15-1, 340:10-15-3, 340:10-18-1, and 340:10-19-5 rules are amended to reflect current terminology.

OAC 340:10-3-57, 340:10-10-5, 340:10-20-1, and 340:10-22-1 rules are amended to reflect current terminology and be consistent with existing rules.

OAC 340:10-17-1 through 340:10-17-5 rules are revoked as they have been incorporated elsewhere or are no longer applicable to the foster care program. These rules were originally promulgated in 1991, but were never issued as manual material and remained in the format of old style Manual Sections 340 through 346.

OAC 340:10, Appendices II and S are revoked as they are no longer used.

Original signed on 3-29-05

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Mary Stalnaker, Director  
Family Support Services Division

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

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WF # 04-20 & 04-29 (NAP)

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## **INSTRUCTIONS FOR FILING MANUAL MATERIAL**

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

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

### **REMOVE**

### **INSERT**

Old Style Manual Table of Contents 340

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Old Style Manual Sections 340 through 346

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340:10, Table of Contents

340:10, Table of Contents, pages 1-2,  
revised 5-12-05

340:10-2-8

340:10-2-8, pages 1-10, revised 5-12-05

340:10-3-3

340:10-3-3, pages 1-2. revised 5-12-05

340:10-3-10

340:10-3-10, pages 1-2, revised 5-12-05

340:10-3-33

340:10-3-33, pages 1-4, revised 5-12-05

340:10-3-39

340:10-3-39, pages 1-5, revised 5-12-05

340:10-3-57

340:10-3-57, pages 1-8, revised 5-12-05

340:10-3-81

340:10-3-81, pages 1-2, revised 5-12-05

340:10-9-1

340:10-9-1, pages 1-2, revised 5-12-05

340:10-10-5

340:10-10-5, pages 1-2, revised 5-12-05

340:10-10-7

340:10-10-7, pages 1-3, revised 5-12-05

340:10-15-1

340:10-15-1, pages 1-3, revised 5-12-05

340:10-15-3

340:10-15-3, pages 1-2, revised 5-12-05

**REMOVE**

**INSERT**

340:10-18-1

340:10-18-1, pages 1-2, revised 5-12-05

340:10-19-5

340:10-19-5, 1 page only, revised 5-12-05

340:10-20-1

340:10-20-1, pages 1-4, revised 5-12-05

340:10-22-1

340:10-22-1, pages 1-3, revised 5-12-05

340:10 Appendix II

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340:10 Appendix S

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**CHAPTER 10. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF)**

<b>Subchapter</b>	<b>Section</b>
1. General Provisions .....	340:10-1-1
2. Temporary Assistance for Needy Families (TANF) Work Program .....	340:10-2-1
3. Conditions of Eligibility - Need .....	340:10-3-1
5. Conditions of Eligibility - Age .....	340:10-5-1
7. Conditions of Eligibility - Residence.....	340:10-7-1
9. Conditions of Eligibility - Relationship of Payee to Child.....	340:10-9-1
10. Conditions of Eligibility - Deprivation .....	340:10-10-1
11. Conditions of Eligibility - Deprivation of Parental Support or Care by a Natural or Adoptive Parent <b>[REVOKED]</b> .....	340:10-11-1
12. Conditions of Eligibility - Social Security Numbers .....	340:10-12-1
13. Conditions of Eligibility - School Attendance .....	340:10-13-1
14. Conditions of Eligibility - Immunizations .....	340:10-14-1
15. Conditions of Eligibility - Citizenship and Alienage .....	340:10-15-1
17. Foster Care in Aid to Families with Dependent Children <b>[REVOKED]</b>	340:10-17-1
18. Conditions of Eligibility for Support Service Funds for Child Only Cases.....	340:10-18-1
19. Eligibility requirements for Emergency Assistance to Needy Families with Children.....	340:10-19-1
20. Diversion Assistance .....	340:10-20-1
21. Education, Training and Employment Program (ET&E) <b>[REVOKED]</b>	340:10-21-1
22. Temporary Assistance for Needy Families (TANF) Supported Permanency Program .....	340:10-22-1
Appendix A.	Affidavit of Acknowledgment of Indebtedness <b>[REVOKED]</b>
Appendix B.	Authorization for Examination and Billing <b>[REVOKED]</b>
Appendix C.	Request to Insurance Company <b>[REVOKED]</b>
Appendix D.	Report of Physician's Examination <b>[REVOKED]</b>
Appendix E.	Medical Social Summary <b>[REVOKED]</b>
Appendix F.	Room and Board Order <b>[REVOKED]</b>
Appendix G.	Notice to Client <b>[REVOKED]</b>
Appendix H.	Notice to Client of Action Taken <b>[REVOKED]</b>
Appendix I.	County Client Contact Form/Verification List <b>[REVOKED]</b>
Appendix J.	Absent Parent Letter <b>[REVOKED]</b>
Appendix K.	Financial Management <b>[REVOKED]</b>
Appendix L.	Application for Aid to Families with Dependent Children <b>[REVOKED]</b>
Appendix M.	Written Statement of Contributions <b>[REVOKED]</b>
Appendix N.	Monthly Reporting Form <b>[REVOKED]</b>
Appendix O.	Notice Concerning Good Cause of refusal to Cooperate <b>[REVOKED]</b>
Appendix P.	Legal/Court Ordered Responsibility for AFDC Child Support <b>[REVOKED]</b>

Appendix Q.	Paternity Not Legally Established for AFDC Child Support <b>[REVOKED]</b>
Appendix R.	Agreement Regarding Protective Payment <b>[REVOKED]</b>
Appendix S.	Request for Services <b>[REVOKED]</b>
Appendix T.	Schedule of Maximum Income and Standard Money Payments Assistance Plan <b>[REVOKED]</b>
Appendix U.	Emergency Assistance to Needy Families with Children <b>[REVOKED]</b>
Appendix V.	Periodic Determination of Eligibility for AFDC <b>[REVOKED]</b>
Appendix W.	Education, Training and Employment Program Participation Agreement <b>[REVOKED]</b>
Appendix X.	Work Supplementation Program Participant Agreement <b>[REVOKED]</b>
Appendix Y.	Work Experience Program Participant Agreement <b>[REVOKED]</b>
Appendix Z.	Work Experience Program Training Agreement <b>[REVOKED]</b>
Appendix AA.	Work Supplementation Program Contract <b>[REVOKED]</b>
Appendix BB.	Authorization for GED Examination Fee <b>[REVOKED]</b>
Appendix CC.	Assignment to Family Enhancement Program <b>[REVOKED]</b>
Appendix DD.	Absent Parent (AP) Information Sheet <b>[REVOKED]</b>
Appendix EE.	ET&E Time and Progress Report <b>[REVOKED]</b>
Appendix FF.	Application for Emergency Assistance Family Preservation Service <b>[REVOKED]</b>
Appendix GG.	Interagency Referral and Information <b>[REVOKED]</b>
Appendix HH.	<b>[RESERVED]</b>
Appendix II.	Application for Emergency Assistance <b>[REVOKED]</b>
Appendix JJ.	Important Notice About the Effect of Lump Sum Payments on AFDC Benefits <b>[REVOKED]</b>
Appendix KK.	Lump Sum Termination/Denial Notice <b>[REVOKED]</b>
Appendix LL.	Education, Training and Employment (ET&E) Program Medical Exemption Request <b>[REVOKED]</b>
Appendix MM.	Education, Training and Employment (ET&E) Program Volunteer Child Care Plan <b>[REVOKED]</b>
Appendix NN.	Employee Contact List <b>[REVOKED]</b>

**340:10-2-8. Temporary Assistance for Needy Families (TANF) Work support services**

(a) **Scope.** The worker provides or arranges payments and services for the participant to ensure successful completion of his or her employability plan to become self-supporting. Payments are authorized for items or services directly related to employment as an outcome. When support services are available and part of the employability plan, the participant's failure to cooperate in obtaining the support services constitutes a failure to participate in the TANF Work program. Items and services covered by the participant's medical card are not paid for by the support service funds. The only support services available to an applicant are the participant allowance and work activity payment. ■ 1

(b) **Flexible funds.** ■ 2 The intent of flexible funds is to provide a participant with the necessary support services needed to accomplish his or her employment goals. Flexible funds are not available to an applicant. ■ 3 To be eligible for flexible funds, the participant must either be otherwise ready to participate in a required work activity for the minimum number of hours, have a guaranteed offer of employment, or be employed. Payments for the services through flexible funds are not an automatic entitlement to the participant. Flexible funds are not used for fines including traffic fines or any cost related to a criminal offense such as legal fees or court costs. The county staff has final authority to determine authorizations. ■ 4 One-time payments of specific services are allowed after the service is rendered. Ongoing maintenance payments are not allowed. ■ 5

(c) **Other support services.**

(1) **Work activity payments.** To be eligible for the work activity payment, the individual must be ready to participate in or be in a required work activity and in need of a small amount of cash to purchase items such as a tank of gas, or health, beauty, or personal items. ■ 6 The maximum amount approved cannot exceed \$30 per month.

(2) **Participant allowances.** ■ 7 Allowances, up to a maximum of \$8 for each day, are made to participants in assigned work activities which are scheduled, structured, and supervised. Lunch hours and travel time are not included as actual hours of attendance. For persons in Job Search, travel time between job interviews and job applications is included as actual hours of attendance. The participant makes appropriate daily entries on Form TW-13, Time and Progress Report, which documents actual hours in attendance. The daily allowance paid is: ■ 8

(A) \$5 each day when the work activity equals four hours or less; or

(B) \$8 each day when the work activity equals more than four hours.

(3) **Oklahoma State Bureau of Investigations (OSBI) background checks.** OSBI background checks may be requested for a participant who is placed in job skills training that requires an OSBI background check as a prerequisite for employment. The job skills training can include vocational training, hands-on work experience, or public or private sector work experience. The participant is advised of the requirement and Form ADM-60, Request for Release of Information, is completed. ■ 9

(4) **Child care.** Child care arrangements are made for each child in the home who is under age 13, mentally or physically incapable of self care, or under court supervision. The plans for child care are included on Form TW-2, TANF Work/Personal Responsibility Agreement. When the individual begins active participation in TANF Work activities, child care services are documented. ■ 10

(5) **Transportation contracts.** Transportation contracts are initiated to provide transportation for TANF recipients who have no means of transportation to access required TANF Work training activities. ■ 11 To initiate a transportation contract, contact the Family Support Services Division TANF Section.

(6) **Disability Advocacy Program (DAP).** DAP is available to assist a TANF Work participant or a child receiving a TANF benefit, who has an application for disability pending with the Social Security Administration (SSA) or who the Oklahoma Department of Human Services (OKDHS) determines has a potentially meritorious claim for such benefits. ■ 12

(A) A referral is made to the OKDHS contracted law firm to assist the recipient(s) with the application, reconsideration, Administrative Law Judge hearing, and review by the SSA Appeals Council. ■ 13

(B) The evaluation of merit determines if the appropriate SSA test for disability would be met if evidence was available to prove all conditions claimed by the TANF recipient. If the evaluation of merit determines there is:

(i) sufficient evidence, the law firm represents the TANF recipient. ■ 14 & 15 Statewide this representation consists of assisting the recipient with the application through an unfavorable decision by the SSA Appeals Council. In counties in which representation by a lawyer or experienced non-lawyer advocate is not available without advanced payment, the contracted law firm assists with the pending application for disability through an unfavorable decision by the SSA Appeals Council; or

(ii) insufficient evidence to prove conditions claimed by the TANF recipient, no further services are provided by DAP. Representation by the law firm ceases at any time the law firm determines there is insufficient evidence to support the TANF recipient's claim for disability benefits.

### **INSTRUCTIONS TO STAFF**

1. Participant allowances and the work activity payment are appropriate for an individual who has agreed to comply with work activities during the 60 day period following closure for non-compliance with Temporary Assistance for Needy Families (TANF) Work activities.
2. The flexible fund guidelines are listed in (1) through (32) of this Instruction. The maximum amount that can be authorized is \$750 per object code, unless the appropriate area director or designee approves the authorization for an amount above \$750. Dental can be approved in an amount up to \$2500 without area director or designee approval. For the payment of a dental expense above this amount, contact Family Support Services Division (FSSD) TANF Section.

(1) Eye examinations. This service can be utilized when it is determined there is a need for an eye examination.

(2) Eyeglasses - single vision. This service can be utilized when it is determined there is a need for eyeglasses. Payment for contact lens can be approved when it is determined to be more cost efficient or beneficial to the client.

(3) Eyeglasses - bifocal or trifocal. This service can be utilized when it is determined there is a need for eyeglasses.

(4) Dental. This service can be utilized when it is determined there is a need for dental services.

(5) Vaccinations. To be eligible for vaccinations such as Hepatitis B or tetanus, the participant must be otherwise ready to participate in the work activity that is requiring the vaccination.

(6) Work tolerance. This service is authorized to determine the participant's ability to participate in specific work activities. Form TW-27, Work Tolerance Report, and Form HIPAA-3, Authorization to Disclose

**Medical Records, must be completed when this service is authorized. Copies of Form TW-27 and Form HIPAA-3 are filed in the case record.**

**(7) Weight control programs. This service can be utilized when it is determined that losing weight would enhance employability for the participant.**

**(8) Uniforms or special clothing. This service can be utilized when the training facility or employer requires a uniform specifically required for the job or protective items such as hard hats, goggles, or gloves.**

**(9) Clothing and/or shoes. This service can be utilized when it is determined there is a need for clothing and/or shoes.**

**(10) Special equipment. This service can be utilized when the training facility or employer requires special equipment for the job, such as tools.**

**(11) Self-employment. This service can be utilized when the participant has a need for items that allow for implementation or continuation of self-employment.**

**(12) Licensure fees, certification, or bonding. To be eligible for this service, the participant must verify that license, certification, or bonding is required for employment.**

**(13) Automobile repair and maintenance. To be eligible for automobile repair, the automobile must be owned or co-owned by the participant, his or her spouse, or the participant's parent if the participant is under age 21. Two free estimates, when possible, are required for repairs. The case record must contain a statement from a qualified individual as to whether the vehicle is worth repairing based on the age and overall condition. If parts are purchased separately for installation by other than a regular vehicle repair business, a statement must be provided by the repair person that the parts were installed in the correct vehicle. This service can also include the expense for tires and a battery, if it is determined that without them the vehicle is inoperable or unsafe. The service does not include expenses for body repair, painting, or sanding.**

**(14) Driver license. This service can be utilized for a private and/or commercial license needed to operate a motor vehicle by a TANF Work**

participant. The loss of a driver license due to a traffic offense or a fine is not paid for through this fund.

(15) Automobile tags, title, and tax. The automobile to be tagged must be owned or co-owned by the participant, his or her spouse, or the participant's parent if the participant is under age 21. This service includes excise tax and transfer of title.

(16) Automobile insurance. The automobile to be insured must be owned or co-owned by the participant, his or her spouse, or the participant's parent if the participant is under age 21.

(17) Relocation and moving expenses. To be eligible for relocation and moving expenses, utility or rent deposits, the participant must relocate to accept employment. The employment must be located more than the locally accepted commuting distance from the participant's home.

(18) Reserved for future use.

(19) Automobile purchase. This service is authorized when it is determined the only option available to meet the transportation needs of the participant.

(20) Automobile down payment. This service is authorized when it is determined the only option available to meet the transportation needs of the participant.

(21) Rent and utilities. This service can be utilized for an emergency shelter need.

(22) General Educational Development (GED) examinations. This service is utilized for individuals who meet the criteria for taking the GED examination or retest.

(A) The participant makes application for the examination or retest through the local adult learning center, which sends the application to the State Department of Education (SDE). A second application to SDE must be completed prior to being accepted for retesting. Subsequent examinations are authorized only following additional educational instruction with a review and update of the employability plan.

- (B) SDE sends an authorization letter to the qualified participant. The participant contacts the worker for a flexible fund authorization. SDE sends the participant's score directly to the participant. When the participant attains a qualifying score, SDE sends a Certification of Equivalency. The participant notifies the worker upon receipt of the score.**
- (23) Non-contractual transportation. This service can be utilized only when a county is in the process of obtaining a transportation contract or when there is no vendor available or interested in contracting with the local county office.**
- (24) Non-contractual training. This service can be utilized when short-term training courses are not covered by existing local contracts. This includes vocational classes and job readiness training.**
- (25) Learning disabilities screening. This service can be utilized to assess a participant for learning disabilities. Adult learning centers can provide this assessment.**
- (26) Child care fees. This service can be utilized when child care arrangements have been made and the participant needs assistance paying an enrollment or activity fee. These funds are not available for the actual child care costs.**
- (27) Past due automobile payments. This service can be utilized to prevent repossession when transportation is essential to continue a work activity.**
- (28) Automobile inspection fee. This service can be utilized to have an automobile professionally inspected prior to purchase.**
- (29) Tow charge. This service can be utilized when it is necessary to tow a vehicle for purposes of repair.**
- (30) Household items. This service can be utilized to purchase or repair essential household items to prevent disruption of a work activity.**
- (31) Personal care items. This service can be utilized for personal care items in excess of the \$30 work activity payment.**

- (32) Health related.** This service can be utilized for health related expenses not covered by Medicaid, such as non-compensable prescriptions, medical supplies, psychological evaluations, mandated drug tests, or physical examinations not paid by an employer or training provider.
- 3. Flexible funds are available for TANF clients who are in special medical, Work Supplementation, or continuing medical benefit status. A client whose TANF benefits have terminated on a 52A closure code can also be considered eligible as a participant if he or she has signed a new or updated Form TW-2, TANF Work/Personal Responsibility Agreement, Section 7, and has agreed to cooperate with TANF Work within 60 days of the closure. There must be an open TANF Work authorization that shows the work activity agreed upon by the client and worker.**
- 4. The worker must:**
- (1) determine on a case-by-case basis if the service is available through any other resource, which includes other Oklahoma Department of Human Services (OKDHS) programs, local churches, and civic groups;**
  - (2) negotiate for goods and services for the participant at the least possible cost and determine if the labor cost can be reduced or donated;**
  - (3) not include state or local taxes in the negotiated amounts;**
  - (4) pre-determine and authorize any payment or service by signing the Authorization to Purchase form; and**
  - (5) inform the participant to sign the Authorization to Purchase form only after the service has been rendered.**
- 5. (a) The payment screen is accessed through the online Finance Division system or the Finance Applications Web site on the InfoNet. Data entered on the provider includes federal identification number, address, and telephone number. Enter on the same screen case number, cash amount of the service, the object code found on OKDHS Appendix H-4, Flexible Accounts, and a description of the service to be provided to the participant. This description must be as detailed as possible to prevent any misunderstanding as to what the payment of the authorization covers. When all the information is entered, the completed form is printed and given to the participant.**

**(b) The county director or designee is responsible for periodically monitoring expenditures from the flexible fund account.**

- 6.** The work activity payment is accessed through the ETPANEW screen. This payment can be issued as needed up to \$30 a month.
- 7.** Participation allowances are not paid for the TANF Work components of working full-time (WF), working part-time (WP), on-the-job training (TT), or college (EX). EX is not a countable work activity.
- 8.** Participant allowances are determined by using the ETPANEW transaction and entering the hours reported by the recipient on Form TW-13, Time and Progress Report. Any portion of an hour equal to or less than 29 minutes is rounded down to the next whole hour. Any portion of an hour equal to or greater than 30 minutes is rounded up to the next whole hour.
- 9.** Oklahoma State Bureau of Investigations (OSBI) background requests are accessed through the FSSD TANF home page on the OKDHS InfoNet. At the bottom of the TANF home page, there is a link to the online OSBI form. All applicable fields must be completed on this form. When completed, click the submit information button to send the request for processing. A response is sent to the requesting worker as soon as possible. The response is retained in the case record in a section marked confidential. A copy, if required, is mailed to the requesting facility.
- 10.** Purchased child care is arranged and claimed in accordance with OAC 340:40.
- 11.** TANF clients who are in the Work Supplementation Program, special medical, or continuing medical benefit status continue to be eligible to receive transportation services.
- 12.** A referral is made to the Disability Advocacy Program if the TANF Work recipient does not have current legal representation through a private attorney.
- 13.** See OKDHS Appendix DAP-1, Legal Aid Services of Oklahoma, Inc., for the listing of the offices of the contracted law firm. The referral is initiated by use of Form FSS-TANF-4, Referral for the Disability Advocacy Program. Form FSS-TANF-4, Part I, and the reverse side, Request for Release of Disability Information, is completed and signed by the TANF Work recipient. The signed and completed Form FSS-TANF-4 is faxed to the appropriate Legal Aid office.

If the individual referred is a minor child, the parent or guardian signs for the child. Form FSS-TANF-4, Part II, is completed by the contracted law firm within ten working days of completion of the evaluation of merit.

**14.** The law firm is responsible for:

- (1) interviewing the referred recipient;**
- (2) reviewing Social Security Administration (SSA) files;**
- (3) obtaining existing medical records;**
- (4) obtaining non-medical evidence;**
- (5) arranging medical examinations;**
- (6) obtaining evaluations of residual functional capacity;**
- (7) completing and submitting required SSA forms;**
- (8) submitting evidence to SSA; and**
- (9) advocating, formally or informally, on behalf of the recipient.**

**15.** The law firm is responsible for reporting to the worker by memorandum or electronic mail within ten working days if the referral lacks sufficient merit to proceed at any stage of the process or if the recipient fires the law firm, fails to cooperate with the law firm, or refuses to pursue any stage of administrative appeal through a decision by the SSA Appeals Council. Also reported is the:

- (1) filing of an SSA application;**
- (2) SSA initial decision;**
- (3) request for a SSA reconsideration;**
- (4) SSA reconsideration decision;**
- (5) request for an Administrative Law Judge hearing;**

**(6) SSA hearing decision;**

**(7) decision by the SSA Appeal Council; and**

**(8) current status of the referral, if no report has been made in the previous three months.**

**340:10-3-3. Home property**

The home and surrounding property necessary for the operation of the home is exempt regardless of the value. For purposes of the home resource exclusion, a home is defined as any shelter in which the individual has an ownership interest and which is used by the individual as his or her principal place of residence. The home may be either real or personal property, fixed or mobile.

(1) The home as described in this Section may be retained without affecting eligibility during periods when it is necessary to be absent for illness or other reason. The Oklahoma Department of Human Services (OKDHS) has not set a definite time limit to the individual's absence from the home. ■ 1

(2) When it is determined the individual does not have a feasible plan for and is not expected to return to the home, the current market value of the property is considered in relation to the maximum resource standard. Once the property is determined a resource, the individual is responsible for converting it for use in meeting current needs. If the individual fails or is unwilling to take steps necessary to convert the resource, continuing eligibility cannot be established. The individual is advised as to the effective date of denial or closure and his or her right to receive cash assistance when the resources are within the maximum resource standard provided other conditions of eligibility continue to be met.

(3) When a recipient sells his or her home with the intention of purchasing another home or when an insurance payment for damage to the home is received, a reasonable period of time is given to use the money for the intended purpose. A reasonable period of time is 90 calendar days. ■ 2

(4) At the point a recipient decides not to use the funds from the sale of his or her home to purchase another home, an evaluation is made in accordance with OKDHS Appendix C-1, Maximum Income, Resource, and Payment Standards, Schedule IX C. The amount considered available is the total payment received from the sale of the home. At the point a recipient decides not to use an insurance payment received to repair damage to the home, the lump sum rule applies. ■ 3

(5) A home traded for another home of equal value does not affect the recipient's eligibility status. If the home is traded for a home of lesser value, the difference may be invested in improvement of the new home.

**INSTRUCTIONS TO STAFF****1. Absences from home for trips, visits, and hospitalizations do not affect the**

home exclusion as long as the individual intends to return home. An absence of this nature of more than six months may indicate that the home no longer serves as the principal place of residence. If the home is used by an eligible or ineligible spouse or dependent relative during the individual's absence, it continues to be considered his or her principal place of residence as long as the spouse or dependent relative continues to live there and the absence is alleged to be temporary. For purposes of this reference a relative is defined as: son, daughter, grandson, granddaughter, stepson, stepdaughter, in-laws, mother, father, stepmother, stepfather, half sister, half brother, niece, nephew, grandmother, grandfather, aunt, uncle, sister, brother, stepbrother, or stepsister.

2. Extensions beyond the 90 calendar days may be justified in special instances when completion of the transaction is beyond the recipient's control.
3. Refer to OAC 340:10-3-28.

### 340:10-3-10. Maximum resources

Maximum resources is a term used to designate the largest amount an individual can hold in one or more capital resources and still be considered eligible for Temporary Assistance for Needy Families (TANF) from the standpoint of need. ■ 1 Resources may be held in any form or combination of forms of capital resources.

(1) **Maximum TANF resource standard.** The maximum resource standard is shown on OKDHS Appendix C-1, Maximum Income, Resource, and Payment Standards, Schedule IX.C. The resources of all members whose needs are included in the TANF cash assistance benefit are considered in determining the maximum resources for the family. For resources of a needy caretaker see paragraph (2) of this Section.

(A) When both parents are in the home and one parent is included in a State Supplemental Payment (SSP) case and the spouse is included in a TANF case with the children, the resources of both parents are evaluated in relation to eligibility for Supplemental Security Income (SSI) and therefore not considered on the TANF case.

(B) If a natural or adoptive parent or dependent child is not included in the assistance unit because of alien status, his or her resources are considered with the resources of the eligible children in computing the maximum resources.

(2) **Consideration of resources of a relative-payee other than a natural or adoptive parent.** A relative-payee can only be included in the cash assistance benefit when the natural or adoptive parent is not in the home and the relative-payee also meets the definition of a needy caretaker. ■ 2 A stepparent may be included in the cash assistance benefit when the natural or adoptive parent is incapacitated or not in the home.

(A) If a relative-payee is not eligible to be included in the TANF assistance unit or is eligible but does not request to be included, consideration is not given to his or her resources or the resources of his or her spouse in determining eligibility of the children.

(B) A relative-payee is considered resource eligible as a needy caretaker if the resources for the case does not exceed the maximum resource standard.

(C) Only one needy caretaker may be included in the TANF assistance unit when the child's parent(s) is not in the home. If the needy caretaker has a spouse who is not an SSI recipient, one-half of their combined resources are considered the

OAC 340:10-3-10 (p2) TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF)

needy caretaker's resources. If the spouse of the needy caretaker is an SSI recipient, consideration is not given to his or her resources.

**INSTRUCTIONS TO STAFF**

1. See OAC 340:10-3-2 through 340:10-3-5.
2. See OAC 340:10-3-56.

**340:10-3-33. Individual earned income exemptions**

Exemptions from each individual's earned income include a monthly standard work related expense and one-half of the remaining earned income. Exemptions are also allowed for child and adult dependent care expenses the individual is responsible for paying if expenses are not paid through other state and federal funds and the dependent care is in a licensed facility or home. ■ 1 Exempt income is income which by law is not considered in determining need for financial assistance in the Temporary Assistance for Needy Families (TANF) category. ■ 2 & 3 Income exempt for one individual is not taken into consideration in determining the need of any other individual for assistance in the State Supplemental Payment (SSP) for the aged, blind, and disabled and TANF.

(1) **Work related expenses.** The standard deduction for work related expenses such as income tax payment, Social Security taxes, and transportation to and from work, is \$120 monthly for each full-time or part-time employed member of the assistance unit, or an individual whose income is considered in determining the amount of the TANF cash assistance. ■ 4 The \$120 deduction is not applied to earnings of participants in the Work Supplementation Program (WSP).

(2) **One-half remainder.** For all countable income earned by each member included in the assistance unit, as well as a stepparent who is not included in the assistance unit, one-half of the remaining earned income is exempted. [OAC 340:10-3-57(f)(1)] The one-half remainder exemption is not applied to earnings received by participants in the WSP. An applicant is only eligible for one-half of the remainder exemption if:

(A) an individual in the TANF assistance unit was included in a TANF benefit in any of the 50 states in addition to the Virgin Islands, Puerto Rico, and Guam, during one of the four months preceding the application; or

(B) the total income of all members minus work related expenses and dependent care expenses is less than the TANF Need Standard found on Oklahoma Department of Human Services (OKDHS) Appendix C-1, Maximum Income, Resource, and Payment Standards, for the appropriate number of persons.

(3) **Dependent care expenses.** Dependent care expense is applied after all other earned income exemptions. ■ 5

(A) Dependent care expenses are not deducted from earnings of participants in the WSP. Dependent care expense may be deducted when:

(i) suitable care for a child or incapacitated adult included in the TANF assistance unit is not available from responsible persons living in the home or through other alternate sources;

(ii) the employed TANF assistance unit member whose income is considered in computing the amount of the benefit must purchase care;

(iii) the gross earned income equals or exceeds the work related and dependent care expenses combined; ■ 6

(iv) the child or incapacitated adult receives care in a properly licensed facility or from an approved in-home provider as required by Oklahoma law; and ■ 7

(v) the stepparent of the child(ren) for whom TANF is requested is living in the home and has dependents not included in the assistance unit who are also living in the home. [OAC 340:10-3-57(f)(1)]

(B) Dependent care expenses must be verified and the actual amount paid per month is deducted up to a maximum of \$200 for a dependent under the age of two or \$175 for a dependent age two or older or for an incapacitated adult. In considering the dependent care expense, only actual work hours and travel time between work and the care facility is allowed. Payment for dependent care is the individual's responsibility. The individual must immediately report any changes in the plan of care. ■ 8

(C) Dependent care provided by another person in the household who is not a member of the assistance unit may be considered as long as the caregiver meets applicable state, local or tribal law.

### **INSTRUCTIONS TO STAFF**

- 1. The work related expenses, one half of the remainder, and adult and child dependent care exemptions, are not applied in determining the amount of overpayment for a month any individual included in the assistance unit or whose income is considered in determining the amount of the benefit has failed without good cause to make a timely report of earned income.**
- 2. In calculating these exemptions, dollars and cents are used to determine the monthly amount for each individual's exemption. After the monthly amount of each exemption has been determined, cents are rounded to the nearest dollar for each exemption. For example: 1 cent - 49 cents, round down; 50 cents -**

99 cents, round up.

3. Refer to OAC 340:10-3-59(a). Formulas used to determine net earned income to be considered against the budgetary requirements are:

(1) net earned income from self-employment. Gross income:

(A) minus business expenses;

(B) minus work related;

(C) minus one half of the remainder;

(D) minus dependent care;

(E) equals net income; and

(2) net earned income from employment other than self-employment. Gross income:

(A) minus work related;

(B) minus one half of the remainder;

(C) minus dependent care;

(D) equals net income.

4. See OAC 340:10-3-57(f)(1)(3)(4).

5. When dependent care services are needed for reasons other than employment, the worker makes a determination of dependent care as outlined in OAC 340:40.

6. When the work related and dependent care expenses exceed the gross amount of earned income, the worker determines dependent care as outlined in OAC 340:40.

7. In situations where licensed dependent care facilities and approved in-home providers are not available and the individual arranges for care outside the home, an immediate referral is made on Form K-13, Information/Referral -

**Social Services.** The cost of dependent care is considered until the worker receives notification from the Division of Child Care (DCC) licensing worker that the home does not meet licensing standards or registration. If licensing or registration is denied, the recipient is allowed 30 calendar days after notification to make other dependent care arrangements, during which time the dependent care exemption continues to be allowed.

8. The worker is responsible for helping the family select a caregiver capable of providing adequate dependent care, training, and supervision. See OAC 340:40. The worker is responsible for advising the individual that payment for dependent care is the individual's responsibility and that changes in the plan of care must be reported immediately.

**340:10-3-39. Income other than earned income**

(a) **Capital investments.** Proceeds from interest or dividends from capital investments, which include savings accounts, bonds, other than United States (U.S.) Savings Bonds, notes, and mortgages received subsequent to certification constitute income.

(b) **Real property held as a resource.** If the individual has income from property held as a resource, only the income after deducting the actual business expense is considered.

(c) **Life estate and homestead rights.** For income from life estate and homestead rights, see OAC 340:10-3-4(d).

(d) **Minerals.** If the individual owns minerals, but not the surface rights, only actual income from minerals, delayed rentals, and production is considered. ■ 1 Evidence is obtained from documents which the individual has in hand. When the individual has no documentary evidence of the amount of income, the evidence is secured from the firm or person who is making the payment.

(e) **Home produce.** Any home produce from garden, livestock, and poultry utilized by the individual and his or her household for their consumption represents resourcefulness on the part of the individual in improving his or her situation, and is not considered in determining the amount of benefit.

(f) **Contributions.** Appreciable contributions recurrently received in cash are considered income except when the contribution is not made directly to the recipient.  
■ 2

(g) **Retirement, disability, and unemployment benefits.** Income received monthly from annuities, pensions, retirement, veterans' or disability benefits, workers' or unemployment compensation, survivors' or Social Security benefits are considered unearned income. ■ 3 Information as to present receipt and amount of current benefits is obtained from the individual's award letter or benefit verification statement, by viewing the warrant, or by use of the data exchange files. ■ 4 Retirement benefits received as a lump sum payment at termination of employment are considered a resource. Supplemental Security Income (SSI) does not fall under these types of benefits. ■ 5

(h) **Military benefits.** Life insurance, pensions, compensation, servicemen dependents' allowances, and similar benefits, are sources of income which the individual and dependents may be eligible to receive. In each case, information is obtained concerning the military service of the individual's son, daughter, spouse, or

parent. Clearance is made with the proper veterans' agencies, both state and federal, to determine whether the benefits are available.

(i) **Income from any agency or organization.** Financial aid provided to individuals by agencies or organizations which base their payment on financial need is not considered in determining the amount of the benefit provided duplication does not exist between such other assistance and that provided by the Oklahoma Department of Human Services (OKDHS). Financial aid given by other agencies or organizations does not constitute duplication if the financial aid is given:

(1) for a different purpose than that provided by OKDHS;

(2) for goods and services that are not included in the Temporary Assistance for Needy Families (TANF) need standard; or ■ 6 & 7

(3) in an amount sufficient to make it possible for the individual to have the amount of money as determined by the TANF need standard. In this instance, the non-duplicated amount is the difference between the monthly payment standard and the monthly need standard. Any amount of financial aid that exceeds that difference is considered as unearned income.

(j) **Income from Vocational Rehabilitation Program through Department of Rehabilitation Services.** Assistance or services received by a TANF recipient from the Department of Rehabilitation Services which are allocated to items not covered in the TANF standards, are disregarded in determining the amount of the assistance payments. Examples of assistance or services are car fare to a rehabilitation center, extra clothing, lunches, grooming needed for a training program, and any other such complementary payments.

(k) **Casual and inconsequential gifts.** Monetary gifts which do not realistically represent income to meet living expenses, for example, Christmas, graduation, and birthday gifts, not to exceed \$30 per calendar quarter for each individual, are disregarded as income.

(1) The amount of the gifts is disregarded as received during the quarter until the aggregate amount has reached \$30. At that time the portion exceeding \$30 is counted as lump sum income.

(2) If the amount of a single gift exceeds \$30, it is not inconsequential and the total amount is counted as income.

(3) If the recipient claims that the gift is intended for more than one person in the

assistance unit, it can be divided among these persons. Gifts between members of the assistance unit are not counted. ■ 8

(l) **Grants.** Grants which are not based on financial need are considered income to the extent the grant is available for current maintenance. ■ 9

(1) Any portion of the grant that is expended, designated, or intended for items not included in current maintenance is excluded.

(2) Any remaining portion of a grant excluded as not for current maintenance must have detailed case documentation to justify the exclusion.

(3) The countable amount of a grant received for a period covering more than one month is prorated over the period it is intended to cover.

(m) **Funds held in trust by Bureau of Indian Affairs (BIA).** BIA frequently puts an individual's trust funds in an Individual Indian Money (IIM) account. To determine the availability of funds held in trust in an IIM account, the worker must contact BIA in writing and ascertain if the funds, in total or any portion, are available to the individual. ■ 10 If any portion of the funds is disbursed to the individual client, guardian, or conservator, such funds are considered as available income. If BIA determines the funds are not available, they are not considered in determining eligibility. Funds held in trust by BIA and not disbursed are considered unavailable. ■ 11

(1) When BIA determines the account is unavailable and releases a certain amount of funds each month to the individual, the monthly disbursement is considered as unearned income.

(2) When BIA has stated the account is unavailable and the account does not have a monthly disbursement plan, but a review reveals a recent history of disbursements to the individual, guardian, or conservator, these disbursements must be resolved with BIA. These disbursements indicate all or a portion of the account may be available to the individual, guardian, or conservator. When the worker is unable to resolve the situation with BIA, the worker submits a referral to the Family Support Services Division (FSSD). ■ 12 When a referral is sent to FSSD, the funds are considered as unavailable with a legal impediment until the worker is notified otherwise.

(3) When disbursements have been made, a determination is made whether such disbursements were made to the individual or to a third party vendor in payment for goods or services. Payments made directly from BIA to vendors are not considered as income to the individual. Services rendered and payment made by BIA is

documented.

(4) Amounts disbursed directly to the individual are counted as non-recurring lump sum payments in the month received. Some trusts generate income on a regular basis and the income is sent to the beneficiary. In those instances, the income is treated as unearned income in the month received.

### **INSTRUCTIONS TO STAFF**

1. See OAC 340:10-3-4(b).
2. See OAC 340:10-3-39(k).
3. **The cash value of pension plans or funds is excluded, except for Individual Retirement Accounts (IRA) or Keogh Plans. The list of excluded retirement saving and pension plans are:**
  - (1) 457 plans, which are plans for state and local governments and other tax-exempt organizations;**
  - (2) 401(k) plans, which are generally a cash or deferred arrangement and generally limited to profit-making firms;**
  - (3) Federal Employee Thrift Savings plan;**
  - (4) Section 403(b) plans, which are tax-sheltered annuities provided for employees of tax exempt organizations and state and local educational organizations;**
  - (5) Section 501(c)(18) plans, which are retirement plans for union members consisting of employee contributions to certain trusts that must have been established before June 1959; and**
  - (6) Keogh plans that involve a contractual obligation with someone who is not a household member.**
4. See OAC 340:65-3-4.
5. **See OAC 10-3-57(c) for information concerning concurrent receipt of Temporary Assistance for Needy Families (TANF) and Supplemental Security Income (SSI).**

- 6. See OAC 340:10-1-3(10).**
- 7. For instance, a private agency may provide money for special training for a child or a Housing and Urban Development payment may be provided to cover moving expenses that are not included in the Oklahoma Department of Human Services (OKDHS) assistance standard.**
- 8. See OAC 340:10-3-56.**
- 9. See OAC 340:10-1-3(10).**
- 10. At each reapplication or redetermination, the Bureau of Indian Affairs (BIA) is contacted to obtain information regarding any changes as to the availability of the funds and any information regarding modifications to the Individual Indian Money (IIM) account. Information regarding prior disbursements is also obtained at this time.**
- 11. See OAC 340:10-3-40(26).**
- 12. The referral must include specific details of the situation, including the county's efforts to resolve the situation with BIA. If Family Support Services Division (FSSD) cannot make a determination, a legal decision regarding availability is obtained by FSSD and forwarded to the county office.**



**340:10-3-57. Special considerations**

(a) **Concurrent receipt of State Supplemental Payment (SSP) for the aged, blind, or disabled.** An individual who is not a recipient of Supplemental Security Income (SSI) has an option to be included in a Temporary Assistance for Needy Families (TANF) assistance unit or may be a recipient of SSP if all eligibility requirements are met. ■ 1 The individual may also be included in the TANF assistance unit pending determination of eligibility for SSP or SSI if all eligibility requirements are met. ■ 2

(b) **Concurrent receipt of SSI.** If it appears an individual included in a TANF application or an active TANF benefit might meet the eligibility conditions for TANF and SSI, the individual has a choice to have eligibility determined for TANF or SSI benefits.

(1) When the only dependent child is receiving SSI, the natural or adoptive parent(s) or needy caretaker relative may receive TANF if all other factors of eligibility are met. The assistance unit will consist of the adult(s) only.

(2) When a TANF applicant is also an applicant for SSI, eligibility for TANF must be determined and, if eligible, is included in the benefit until notified of SSI eligibility.

(3) When a TANF recipient is an applicant for SSI, the Social Security Administration (SSA) advises the Oklahoma Department of Human Services (OKDHS) of SSI eligibility, requesting the month of TANF termination and the amount of TANF benefits paid for each month of SSI eligibility. ■ 3 SSA considers a recipient removed from a TANF benefit effective with, and based on, the TANF termination date provided orally by the worker. If the actual date of termination is later than the date given orally to SSA, TANF payments to SSI recipients are TANF overpayments and must be recouped.

(4) When a TANF recipient is determined ineligible for SSI the individual may continue to be included in the TANF assistance unit if all other conditions of eligibility are met.

(5) When a TANF recipient is determined ineligible for SSI for reasons other than a disability determination the individual may be included in an SSP, if all other conditions of eligibility are met. ■ 4

(c) **Concurrent receipt of TANF and SSI.** An individual cannot be included in a TANF benefit for the same month he or she was included in a SSI payment. ■ 5 The individual has a choice of which program, TANF or SSI, best meets his or her needs and, if otherwise eligible, may receive under that program. Individuals are informed of their responsibility to report to the OKDHS if any member of the assistance unit makes

application for SSI or becomes eligible for SSI. Also, they must report to the SSA if any assistance unit member applies for TANF or is receiving TANF when the member makes an application for SSI. ■ 6

(d) **Concurrent receipt of state and tribal TANF.** An individual who is included in a tribal TANF payment cannot be included in another TANF benefit in the same month. If the individual meets the criteria of a tribal TANF service area and population, the entire household must be served by tribal TANF. If the household moves out of the tribe's service area, the worker coordinates certification of state TANF benefits.

(e) **Concurrent receipt of more than one form of public assistance.** An individual who is included in a TANF benefit cannot be included in another TANF or SSP benefit for the same period. When a TANF applicant is eligible for TANF but has received a weekly or bi-monthly TANF benefit from another state for the same month the applicant is eligible in Oklahoma, the benefit from the other state is counted as unearned income. ■ 7 An individual who is the payee for a TANF benefit, but not included in that benefit, is not prevented from being a recipient of SSP if the SSP eligibility requirements are met. When transferring a TANF recipient to SSP, the removal and approval date must agree.

(f) **Stepparent or person acting in the role of a spouse and parent(s) of a minor parent.** The natural or adoptive parent's income cannot be diverted to meet the needs of the stepparent or other dependents in the home, but is considered available to the TANF assistance unit. No income is considered if the stepparent, person acting in the role of a spouse, or parent(s) of a minor parent is an SSI recipient.

(1) **Stepparent income.** If a stepparent of the child(ren) for whom TANF is requested is living in the home with the child(ren), the verified earned and unearned income of the stepparent, after all applicable TANF income disregards and work related expenses, is computed to determine the amount considered available to the assistance unit. The stepparent's income is computed by:

(A) subtracting the work related expense, one-half of the remaining earned income, and dependent care expense from the stepparent's earned income for full-time or part-time employment; [OAC 340:10-3-33]

(B) adding the net earned income to the stepparent's unearned income;

(C) subtracting the need standard for the appropriate number of individuals, including the stepparent and dependents who are not included in the assistance unit but are living in the home and can be claimed on the stepparent's personal income taxes; ■ 8

(D) subtracting the actual amounts the stepparent paid to individuals not living in the household but claimed as tax dependents. It is the stepparent's responsibility to identify and verify tax dependents; ■ 9

(E) subtracting the actual payments of alimony and child support to individuals outside the household; and

(F) adding the stepparent's remaining net income to all other gross income of individuals included in the TANF assistance unit. If the income does not exceed the monthly maximum gross income, the remaining income of the stepparent is considered as a contribution to the assistance unit. ■ 10

(2) **Stepparent resources.** Resources owned exclusively by the stepparent are not considered in determining the assistance unit's resource eligibility. Consideration is only given to the assistance unit's share of resources that are owned jointly with the stepparent.

(3) **Person acting in the role of a spouse.** Income must be considered available to the TANF assistance unit of any non-relative adult(s) of the opposite sex not receiving TANF who lives in the home with the natural or adoptive parent. ■ 11 The income of this individual(s) is computed the same as stepparent income; however, the exemption of one-half of the remainder and dependent care expense is not applicable in determining this individual's countable earned income. ■ 12 [OAC 340:10-3-57(f)(1)] If the parent or the person acting in the role of a spouse fails to provide information necessary to determine income eligibility, the application is denied or the cash assistance terminated.

(4) **Parent(s) of a minor parent.** When a minor parent is living in the home with his or her natural or adoptive parent(s) and the needs of the parent(s) are not included in the assistance unit, the parent's income is considered available to the assistance unit and computed the same as stepparent income. [OAC 340:10-3-57(f)(1)] The income of a minor parent's stepparent is not considered. The parent of the minor parent may be designated as the substitute payee for the case. ■ 13

(g) **Allocating or diverting income.** When family members are not included in the assistance unit, special consideration is required in determining the income available to the assistance unit.

(1) Income received by an individual included in the assistance unit is not allocated or diverted to individuals who are not in the assistance unit. All countable unearned and earned income of the individual is considered available to the assistance unit.

(2) The net income of an alien parent excluded from the benefit because the citizenship or alienage requirement is not met is considered the same as stepparent income. The needs and income of disqualified alien siblings are not considered when determining eligibility of an otherwise eligible child.

(h) **Benefit reduction as a result of program violation.** The TANF benefit is reduced by 25% of the payment standard when a determination of program violation has been made. ■ 14 The 25% penalty is removed the next effective date when compliance is documented or the time frame for the penalty has ended. ■ 15 When multiple types of program violations have occurred, a 25% penalty of the payment standard is imposed for each type of violation. If the benefit reduction causes existing income to be in excess of the benefit amount, the case is closed using the reason for the benefit reduction. ■ 16 The amount of the payment standard reduction applies as Food Stamp Penalty Income in the Food Stamp Program. [OAC 340:50-7-29(b)(1)] Reasons for benefit reduction are: ■ 17

(1) refusal to cooperate in an effort to obtain child support; [OAC 340:10-10-5(c)]

(2) failure to apply for or provide a Social Security number; ■ 18

(3) failure of a child kindergarten age to 18 years of age to attend school; [OAC 340:10-13]

(4) failure to provide verification of child(ren) immunizations; and [OAC 340:10-14]

(5) intentional program violations determined as fraud by court action or an administrative disqualification hearing or administrative hearing waiver. [OAC 340:65-9-4]

(i) **Parent living in the home receiving SSP.** When there is a parent living in the home but not included in the TANF benefit because of receipt of SSP and not SSI, consideration is not given to that parent's individual income for the TANF benefit. When a parent in the SSP benefit becomes ineligible to continue to receive the SSP, the parent is included in the TANF benefit and all the income and resources of the parent are considered in determining eligibility for TANF. If consideration of the parent's income and resources causes the TANF benefit to be closed, and the closure of the SSP benefit was a direct result of an overall Social Security increase, the SSP benefit is placed in Special Medical Status. If the parent is living in the home but not included in the TANF benefit because of receipt of SSP and SSI, no consideration is given to the parent's income and the parent is not included in the TANF assistance unit as long as the parent remains eligible for SSI.

(j) **TANF eligibility when the child(ren) is placed in out-of-home care.** ■ 19 When the child(ren) is removed by a child protection action and it is reasonably anticipated the child(ren) will return to the home within four months, the natural or adoptive parent or needy caretaker relative continues eligible for TANF, if other conditions of eligibility are met. ■ 20 A team consisting of the worker, the child welfare (CW) worker, the natural or adoptive parent or needy caretaker relative, and any other appropriate partner(s) must meet to develop a mutually agreed upon plan of action. ■ 21 This plan addresses employability and strategies to correct the conditions which caused the child(ren) to be removed from the home. ■ 22 At the end of the four month period if the child(ren) has not been returned to the home, the adult(s)' needs are removed and the TANF benefits are discontinued. ■ 23

(k) **Strikers.** The assistance unit is not eligible for TANF for any month the natural or adoptive parent, whether or not included in the benefit, is participating in a strike on the last day of that month. An individual other than the natural or adoptive parent is not included in the benefit for any month if that individual is participating in a strike on the last day of the month.

### **INSTRUCTIONS TO STAFF**

- 1. The Family Support Services (FSS) worker is responsible for explaining the benefits of both programs but the individual is responsible for choosing the program that is most beneficial in meeting the individual's needs.**
- 2. See OAC 340:10-2-8(c)(7) for the Disability Advocacy Program.**
- 3. The FSS worker is responsible for providing the requested information to the Social Security Administration (SSA), taking the appropriate action to adjust the benefit for the next effective date, and confirming such action.**
- 4. See OAC 317:35-5-4(1)(D) when Supplemental Security Income (SSI) has already determined the individual ineligible.**
- 5. See OAC 340:10-3-28(1) for non-recurring lump sum SSI retroactive payments.**
- 6. The local Oklahoma Department of Human Services (OKDHS) office notifies the SSA District Office when a Temporary Assistance for Needy Families (TANF) recipient is certified or terminated for cash assistance, if the recipient has also applied for SSI.**
- 7. An individual is denied assistance for ten years if found to have fraudulently misrepresented residence in order to obtain assistance in more than one**

state. See OAC 340:10-3-56(a)(3)(N).

8. See OKDHS Appendix C-1, Maximum Income, Resource, and Payment Standards, Schedule IX.A.

9. The stepparent's most recent income tax return can be used as documentation of this information.

10. When the stepparent has earned income, on the Family Assistance/Client Services (FACS) Income tab enter the total gross amount in the designated income field and the computer automatically calculates the work related expense and income disregards. Any unearned income is entered in the designated field. Enter the "diverted" field with the need standard as indicated on OKDHS Appendix C-1, Schedule IX, for the appropriate number of individuals and, if necessary, any exemptions.

11. If the natural or adoptive parent is living with a couple, the couple's income is not considered available to the TANF assistance unit.

12. The person acting in the role of a spouse is coded on the Household tab as an "other adult residing in the household" in the "Rel to Payee" field, as "TANF - Temporary Assistance to Needy Families" in the "benefit" field and "Income/Resources are considered in benefit computation - individual not included" in the "status" field. On the Income tab, if this person has earned income, enter the total gross amount in the designated income field and the computer automatically calculates the work related expense. Any unearned income is entered in the designated field. Enter the "diverted" field with the need standard as indicated on OKDHS Appendix C-1, Schedule IX, for the appropriate number of individuals and, if necessary, any exemptions. Any remaining income is considered available to the TANF assistance unit.

13. See OAC 340:10-3-56(a)(3)(P), when the payee is an unmarried minor.

14. See OKDHS Appendix C-1, Schedule IX.

15. A supplement is issued for the next month, if compliance occurs after deadline.

16. See OAC 340:65-3-8 for review periods. The closure code for the computer input document is 14A.

**17.** The 25% benefit reduction is initiated by the FSS worker updating the FACS, Household tab, for the appropriate penalty block(s) and the Financial Assistance tab at the same time for recalculation of the cash benefit. The computer automatically updates the Food Stamp Penalty Income (FSPI) screen. See OAC 340:50-7-29(b)(1)(A). When the program violation has ended, the FSS worker must update FACS, Household tab, to remove the penalty and make a change at the same time to the Financial Assistance tab for recalculation of the cash benefit. The FSS worker must also complete the Food Stamp Penalty Update (FSPU) screen with an end date. When the TANF case closes and there is a program violation coded, the FSS worker must update FACS, Household tab, by removing the penalty and the FSPU screen with an end date.

**18.** See OAC 340:10-12, 340-65-3-1(e), 340:65-3-4, 340:50-5-68, and 317:35-5-27.

**19.** See OAC 340:10-3-56(a)(2)(B)(ii).

**20.**(a) The FSS worker is notified by the Child Welfare (CW) worker within five working days from the filing of the petition that impending reunification of the family is planned and this adult(s) may be considered eligible for the adult only benefit. The child(ren) is removed from this TANF benefit. It is the responsibility of the FSS worker to determine if the adult(s) meets continuing eligibility requirements. If eligibility requirements are not met, the appropriate case action is taken. When the CW worker informs the FSS worker the child(ren) has been placed in another relative's home and TANF benefits are requested by this relative for the child(ren) only, the needy caretaker relative or the natural or adoptive parent, if eligible, is approved for continuing adult only TANF benefits.

(b) When the adult(s) is determined eligible, the computer document is updated by entering "A" in Payee/Spouse/Parent Indicator - TANF Only block that is located on the Household tab, and an expected date of return in the Adult TANF Pending Reunification block located on the Financial Assistance tab. Food stamp benefits are recalculated using the adult only benefit amount. The adult(s) continues eligible for managed health care. When the child(ren) is returned to the home, the date entered in the Adult TANF Pending Reunification block is deleted, the "A" in Payee/Spouse/Parent Indicator - TANF Only block is updated to "1," and the child(ren) is added back to the TANF benefit, if the family continues to meet eligibility criteria.

**21.** The team must meet within 15 working days of the filing of the petition. At a

minimum, the team consists of the FSS worker, CW worker, and the natural or adoptive parent or needy caretaker relative. The plan of action agreed upon must be documented in the case record.

- 22.** Any time during the four month period, that it is evident the natural or adoptive parent or needy caretaker relative is not complying with the plan of action, the FSS worker notifies the CW worker and terminates the TANF adult only benefits. If the CW plan changes any time during the four month period to other than reunification, the FSS worker is notified and the TANF adult only benefits are terminated.
- 23.** A County Worker Activity (CWA) Report 80 notifies the FSS worker during the third month for action to be taken. If no action is taken by regular roll of the fourth month the case continues to appear on the CWA Report. It is the responsibility of the FSS worker to take appropriate timely action. The case record must document the decision to not return the child(ren) to the home. Other available support services and OKDHS programs are explained to the natural or adoptive parent or the needy caretaker relative.

### **340:10-3-81. Adjustment period**

(a) **Scope.** In an effort to promote marriage and provide a more secure and stable family situation, an adjustment period up to three months of the existing Temporary Assistance for Needy Families (TANF) benefit can be approved by the worker. The intent of the adjustment period is to assist the family in the payment of outstanding bills and to allow for the gradual assumption of financial responsibilities. When a TANF recipient marries and the income of the spouse will close the case, an adjustment period can be made available to the family. ■ 1 If deprivation ends for the child(ren) when the spouse returns home and he or she is not incapacitated or does not meet the unemployed parent policy, an adjustment period can be made available to the family. ■ 2 At the time the recipient reports his or her marriage or the return of the spouse, it is the responsibility of the worker to discuss the adjustment period with the family to determine possible eligibility. The marriage of the recipient or return of the spouse must be reported timely. ■ 3 If the TANF recipient fails to report the marriage or return of the absent spouse, the number of months of benefits approved is adjusted accordingly. The TANF recipient must be made aware the receipt of an adjustment period counts towards the 60-month lifetime limit of receipt of TANF.

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

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

(2) If the family continues to be eligible for food stamps, it is necessary to add the stepparent or returning spouse to the food stamp benefit on the Household tab of Family Assistance/Client Services (FACS) and show his or her income on the Income tab of FACS so food stamp benefits are correctly computed. ■ 5

(3) Medical benefits remain open until medical eligibility is determined by the worker.

### **INSTRUCTIONS TO STAFF**

1. Refer to OAC 340:10-10.

2. The Deprivation tab on Family Assistance/Client Services (FACS) is updated to show "adjustment period" in the deprivation field when absence is no longer appropriate as the father of the child(ren) has returned home.

3. Refer to OAC 340:65-3-8(1) and 340:65-3-2.1 for timely reporting.
4. The worker is responsible for determining the number of months the family is eligible and entering on the Financial Assistance tab of FACS the effective date of ineligibility. The computer automatically closes the Temporary Assistance for Needy Families (TANF) case effective this date using a closure code of 30.
5. For TANF, the benefit type of the stepparent or absent parent returning to the home is entered on the Household tab of FACS of "TANF" and the status of "Income and resources are not considered for benefit computation. Not included in benefit."

### 340:10-9-1. Relationship of payee to child

(a) **Specified degree of relationship.** To be eligible to receive Temporary Assistance for Needy Families (TANF), in addition to other qualifications, a child must be living with a person having a specified degree of relationship in a place of residence maintained by one or more of such relatives as his or her own home. An otherwise eligible person is not denied assistance solely because the home is not a fixed address or does not have a mailing address. An individual is recognized as meeting the specified degree of relationship if the individual is related within the fifth degree of kinship. ■ 1 It is only when the child is living with a person of one of these degrees of relationship that there is an eligible payee for the TANF benefit.

(1) **Related by blood.** Blood lines remain intact and are not changed by decisions of legal responsibility. Blood relatives, including half blood, are:

(A) parent(s) including a natural parent even if the child is legally adopted and deprivation is based on the absence of the adoptive parent(s);

(B) siblings;

(C) grandparent(s) including those denoted by prefixes of great, great-great, and great-great-great;

(D) aunt(s) and uncle(s) including those denoted by the prefixes of great and great-great;

(E) niece(s) and nephew(s) including those denoted by prefixes of grand and great-grand; and

(F) first cousin(s) and first cousin(s) once removed.

(2) **Related by marriage.** Use kinship as denoted under (1) of this Section, whether the marriage is common-law or ceremonial. Included are step-relations. Kinship by marriage is included even after the marriage is terminated by death or divorce.

(3) **Related by adoption.** Use kinship as denoted under (1) and (2) of this subsection.

(b) **Verification of relationship.** If the individual making the application for TANF is the child's own parent, no further verification is required unless the information is inconsistent with known facts or observations. If the individual making the application is someone other than the parent, the relationship to the child's parent must also be

established as outlined in (a) of this Section. The individual's statement as to the relationship to the child's parent is accepted unless the information is inconsistent with known facts or observations. ■ 2 If the individual making the application claims to be the natural father, no further verification is required unless information provided is inconsistent with known facts or observations. When questions exist, the natural father is requested to sign a statement acknowledging paternity or provide medical evidence that substantiates the relationship. ■ 3 If the individual who claims to be the natural father refuses, relationship cannot be determined.

### **INSTRUCTIONS TO STAFF**

- 1. Refer to Oklahoma Department of Human Services (OKDHS) Appendix I-7, The Family Tree - Degrees of Kindred According to the Law, for the determination of kinship.**
- 2. When questions exist regarding relationship, the worker is required to verify the information through acceptable sources. See OAC 340:10-5-1(3) for commonly found sources of verification.**
- 3. See OAC 340:10-10-4 for procedures to establish paternity.**

**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. Refer to OAC 317:35-5-7(a)(2)(F) which states the TANF applicant or recipient is not to be included in the health benefit if good cause has not been determined by CSED. The Family Assistance/Client Services (FACS) Household tab for the Medical Assistance benefit is updated to show "Income and resources are considered. Not included in the benefit." When good cause has been approved and the applicant or recipient agrees to cooperate, the FACS Household tab for the Medical Assistance benefit is update to show "Added to the benefit."
4. Refer to OAC 340:25-5-114.
5. Refer to OAC 340:10-3-57(h).

**340:10-10-7. Oklahoma Department of Human Services (OKDHS) responsibilities in relation to support payments**

(a) **Referral to the Child Support Enforcement Division (CSED).** Federal regulations require referral to CSED no later than two working days after the Temporary Assistance for Needy Families (TANF) benefit is issued based on deprivation due to absence. The appropriate completed CSED forms supplement the computer-generated referral and are submitted, with the exception of good cause, to CSED. Information which may have an effect on support enforcement may become known after the CSED district office referral has been made. ■ 1

(b) **Receipt of child support or spousal support.** For purposes of this Subchapter, child support is defined as voluntary monetary contributions or court-ordered obligations. When a child support order also contains an order for spousal support which may be referred to as alimony or support alimony in Oklahoma, the obligation for spousal support must also be assigned to OKDHS. At the application interview, the applicant is informed of the responsibility to forward to the Oklahoma Centralized Support Registry (OCSR) any support payments received from the absent parent(s) after TANF certification. ■ 2

(1) **Payments received during application period.** All child support payments reported by an applicant during the time prior to certification are considered as income. For purposes of rules in this Chapter, certification is considered the date of the supervisor's signature authorizing payment. Support anticipated to be received after certification is not considered as the client has agreed by signing Form FSS-1, Comprehensive Application and Review, to submit any future payments to OCSR.

(2) **Payments received after certification.** Any support payments brought to the county office by the client after certification must be forwarded to OCSR. Payments are not sent in the form of cash.

(3) **Retained support payments.** If the worker becomes aware that the client has retained assigned support payments, the CSED district office is contacted with this information.

(A) The client is considered as not cooperating if:

(i) assigned support paid directly to the client is retained;

(ii) he or she refuses to repay a retained support overpayment in full or sign a repayment plan;

(iii) he or she fails to make payments according to the repayment agreement;  
or

(iv) he or she retains assigned direct support payment even if any overpayment has been repaid in full or a repayment plan is being followed.

(B) The CSED district office determines whether non-cooperation has occurred and notifies the county worker. When non-cooperation is determined, the TANF cash assistance is reduced by 25% of the TANF payment standard and the support is considered as income the next effective date. ■ 3

(C) When notified by CSED that the client has resumed cooperation, the worker removes the 25% penalty and no longer considers the support as income. The cash assistance is increased the next effective date. ■ 3

**(4) Child support and other income exceeds cash assistance.** When a support payment is received that is greater than or equal to that month's TANF cash assistance, the TANF cash assistance must be closed the next effective date. ■ 4  
If the TANF cash assistance is not closed timely, any child support payment received during that month or subsequent months is retained by CSED for reimbursement of TANF payments made for those months or any preceding months. ■ 5 When child support, spousal support, or both, causes ineligibility, the family is entitled to continued medical benefits. Following reimbursement of all TANF cash assistance, any excess payment remaining is forwarded to the client. ■ 6

**(5) Federal and/or state tax intercept payments.** Tax intercept payments collected by CSED prior to the client's current receipt of TANF and held for six months may be distributed to the client and is considered as a resource the month following the month of receipt. ■ 7

**(c) Arrearage in child support payments.** CSED determines the amount of child support owed by the absent parent, which includes any arrearages. Arrearages are amounts that are past due for previous months. When a child support payment received by OKDHS during any given month includes arrearages, paragraphs (1) through (2) of this subsection apply.

(1) Any portion of the arrearages for months during which the family was receiving TANF is considered as reimbursement to OKDHS for the TANF received by the family.

(2) The only payment from such arrearages made to the family is that portion, if any,

which exceeds the total TANF payments.

(d) **Child support services after TANF closure.** At the time the TANF benefit is closed, the client is advised that he or she can receive non-TANF Child Support Services with no further application, no fee required, nor charge for collection deducted. This service occurs automatically unless the client specifically requests in writing that CSED not provide the service or the client becomes ineligible for non-TANF Child Support Services for some other reason.

### **INSTRUCTIONS TO STAFF**

- 1. This information is reported by updating the absent parent information on the Deprivation tab on Family Assistance/Client Services (FACS) and forwarding attachments, if any, by memo to the appropriate Child Support Enforcement Division (CSED) district office.**
- 2. Form C-16, Child Support Services and Responsibilities, is fully explained and given to the applicant at this time. When the client forwards payment to the Oklahoma Child Support Registry (OCSR), the client's name, case number, and the name of the absent parent making the payment must be included. Page 2 of Form C-16 lists the address of the OCSR.**
- 3. Refer to OAC 317:35-5-7(a)(2)(F), OAC 340:10-10-5, and OAC 340:10-10-6 for eligibility for health benefits.**
- 4. The amount of child support paid up to the amount of the monthly support is considered available. Any child support received above the monthly support amount is assigned to the Oklahoma Department of Human Services (OKDHS) for the reimbursement of prior months receipt of Temporary Assistance for Needy Families (TANF).**
- 5. A recipient is not allowed to return the TANF benefits for a month the child support payment exceeds the TANF payment standard as it is not considered a lump sum payment.**
- 6. This excess payment is considered as a non-recurring lump sum payment. See OAC 340:10-3-28(3).**
- 7. See OAC 340:10-3-2.**



**340:10-15-1. Citizenship and alien status**

(a) An individual eligible to be included in a Temporary Assistance for Needy Families (TANF) benefit, must be either:

(1) a citizen or a national of the United States (U.S.), including the 50 states, District of Columbia, commonwealth of Puerto Rico, Virgin Islands, Guam, American Samoa and Northern Mariana Islands. An individual may be a citizen of the U.S. by being born in the U.S. or by being born in some other country but moving to the U.S. and being granted U.S. citizenship through the U.S. Citizenship and Immigration Services (USCIS) a bureau of the U.S. Department of Homeland Security; or

(2) a qualified alien described as:

(A) an alien who is lawfully admitted for permanent residence under the Immigration and Nationality Act;

(B) an alien who is paroled into the U.S. under Section 212(d)(5) of such Act for a period of at least one year;

(C) an alien who is granted conditional entry pursuant to Section 203(a)(7) of such Act as in effect prior to April 1, 1980;

(D) an alien who is granted asylum under Section 208 of such Act;

(E) a refugee who is admitted to the U.S. under Section 207 of such Act;

(F) an alien whose deportation is withheld under Section 243(h) or Section 241(b)(3) of such Act;

(G) an alien who is a Cuban or Haitian entrant as defined in Section 501(e) of the Refugee Education Assistance Act of 1980;

(H) battered aliens and their children or parents as defined in Section 431(c) of the Personal Responsibility and Work Opportunity Reconciliation Act as amended; or [8 U.S.C. 1641(c)]

(I) an alien and his or her eligible relatives who are victims of a severe form of trafficking pursuant to Section 107(b) of the Trafficking Victims Protection Act of 2000 which was reauthorized and amended by the Trafficking Victims Protection Reauthorization Act of 2003. ■ 1

(b) A qualified alien who enters the U.S. on or after August 22, 1996, is not eligible for TANF benefits for a five year period beginning on the date of the alien's entry into the U.S. with a qualified alien status unless the alien is:

- (1) admitted to the U.S. as a refugee;
- (2) granted asylum;
- (3) one whose deportation is being withheld;
- (4) a Cuban or Haitian entrant;
- (5) admitted to the U.S. as an Amerasian immigrant;
- (6) lawfully residing in the state and is a veteran of the U.S. armed forces, on active duty, or is that person's spouse or unmarried dependent child; or
- (7) is a victim of a severe form of trafficking. ■ 2

(c) A declaration of citizenship and alien status is required for all adults and children in the TANF benefit. This requirement is met when an adult member in the assistance unit signs Form FSS-1, Comprehensive Application and Review, attesting to the citizenship and alien status for all members of the assistance unit.

(d) Declaration on behalf of a newborn child may be delayed provided the delay does not exceed the date of the assistance unit's next eligibility redetermination.

(e) Persons determined as having satisfactory alien status must have the status verified through Systematic Alien Verification for Entitlements (SAVE). In situations which require a written inquiry to the USCIS, the worker must not delay, deny, terminate, or reduce benefits to an alien pending USCIS verification of submitted documentation. ■ 3

(f) All persons born in the U.S. are, with rare exceptions, U.S. citizens. Documents of citizenship or national status of individuals from certain U.S. territories or possessions listed in (a)(1) of this Section may not be in their possession nor available. Their status can usually be determined by birth certificate, passport, or other official document. ■ 4

### **INSTRUCTIONS TO STAFF**

**1. The Office of Refugee Resettlement (ORR) provides a certification letter to an individual 18 years of age or older and an eligibility letter to a person who has**

**not attained 18 years of age. These individuals are also provided T Visas which indicates eligibility for federally funded or administered benefits to the same extent as a refugee. The T Visas are T-2, T-3, T-4, and T-5 referred to collectively as Derivative T Visas. To determine the validity of the letters issued by ORR and to inform ORR which benefits the individual(s) has applied for, the worker must call the toll-free trafficking verification number 1-866-401-5510.**

- 2. Refer to OAC 340:10-15-1(a)(2)(I).**
- 3. Refer to OAC 340:65-3-4(a)(5) and OAC 340:65-3-4, Instructions to Staff 15, for information regarding the Systematic Alien Verification for Entitlements (SAVE).**
- 4. Any questions regarding whether any other official document provides reliable evidence of citizenship or national status are referred to Family Support Services Division Temporary Assistance for Needy Families Section.**



### **340:10-15-3. Sponsored aliens**

Certain aliens, unless specifically exempted or covered by one of two exceptions as identified at Section 1631(e)(f) of Chapter 14 of United States Code (USC) 8, whose entry into the U.S. required sponsorship, must have the income and resources of the sponsor considered in determining eligibility and benefit amount for Temporary Assistance for Needy Families (TANF). Aliens who are exempted from this requirement are parolees, political asylees, Cuban or Haitian entrants, and refugees admitted under Section 207(a)(7) and Section 207(c) of the Immigration and Nationality Act. The deeming rules do not apply to a sponsored immigrant and his or her child(ren) who are victims of domestic violence or extreme cruelty. If a sponsored immigrant is unable to obtain food and shelter without government assistance, then only the amount of income and resources actually provided by the sponsor or the sponsor's spouse is deemed to the immigrant. A sponsor is defined as an individual(s) or an organization who executed an affidavit of support or similar agreement on behalf of the alien, who is not an individual sponsor's child. Such affidavit or agreement must be verified before application of this rule.

(1) **Organizational sponsor.** Aliens who have a support affidavit from an organizational sponsor are ineligible for a period of three years from the date of entry into the U.S. unless the sponsoring agency has ceased to exist or is unable to meet the alien's financial need. The case record must contain documentation of the reason the organization is not meeting the need.

(2) **Individual sponsor.** To determine eligibility and benefit amount, an alien who was sponsored must provide any information and documentation necessary to determine the income and resources of the sponsor and obtain the necessary sponsor's cooperation. The income and resources of a sponsor and his or her spouse, if living with the sponsor, are considered as the unearned income and resources of an alien unless the sponsor is receiving TANF or Supplemental Security Income (SSI).

(A) The amount of the sponsor's income considered is determined:

(i) as total monthly gross earned income minus 20%, not to exceed \$175, plus total monthly unearned income;

(ii) by subtracting the need standard for the sponsor and his or her dependents living in the home shown on Oklahoma Department of Human Services (OKDHS) Appendix C-1, Maximum Income, Resource, and Payment Standards, Schedule IX.A;

- (iii) by subtracting amounts actually paid by the sponsor to dependents outside of the home who are claimed by the sponsor as dependents, to determine his or her federal personal income tax liability; and
  - (iv) by subtracting actual payments of alimony or child support to individuals not living in the household.
- (B) Resources considered available to the alien from the sponsor are the total amount of the resources of the sponsor determined as if he or she were applying for TANF, less \$1,500.
- (C) When the person is the sponsor of two or more aliens in the same home, the income and resources of the sponsor and his or her spouse, if living with the sponsor, are divided equally among the aliens.
- (D) Income and resources considered available to a sponsored alien are not considered in determining the need of unsponsored members of the alien's family unless actually available.
- (E) The sponsor and the alien are held jointly liable for any overpayment of benefits due to failure to provide correct information.
- (F) The income and resources of the sponsors of aliens who have United States Citizenship and Immigration Services (USCIS) Form I-864, Affidavit of Support, continue to be deemed to the alien until:
- (i) the alien achieves U.S. citizenship through naturalization pursuant to Chapter 2 of Title III of the Immigration and Nationality Act;
  - (ii) the alien has worked 40 qualifying quarters of coverage as defined under Title II of the Social Security Act or can be credited with 40 qualifying quarters as provided under Section 435 of this Title; and in the case of any qualifying quarter credited for any period beginning after December 31, 1996, the alien did not receive any federal means-tested public benefit, as provided under Section 403, during such period; or
  - (iii) the sponsor dies.
- (G) The income and resources of the sponsors of aliens who have affidavits of support other than USCIS Form I-864 continues to be deemed to the alien for a period of three years from the date of entry of the alien into the U.S.

**340:10-18-1. Conditions of eligibility for support service funds for child only cases**

(a) **Scope.** In an effort to promote family stability and assist in the prevention of Child Welfare (CW) involvement, support service funds are provided to child only cases when there is no natural or adoptive parent(s) in the home and a caretaker relative has assumed responsibility for rearing the child(ren). ■ 1 The worker provides or arranges payment(s) of the approved support service fund(s) determined appropriate to maintain the child(ren) in the home. Items and services covered by Medicaid are not paid by support service funds.

(b) **Support service funds.** ■ 2 Payments for the services through support service funds are not an automatic entitlement to the child(ren). Support service funds are not used for fines including traffic fines or any cost related to a criminal offense such as legal fees or court costs. Before any consideration is given to authorizing payment for support service funds, the worker must determine if the service is available through any other resource. Resources include other Oklahoma Department of Human Services (OKDHS) programs, local churches, and civic groups. This determination is made on a case-by-case basis. The worker pre-determines and authorizes payments and services. The worker negotiates for goods and services for the child(ren) for the least possible cost. The negotiated amounts must not include state or local sales taxes. Payments of specific services are allowed only after the service is rendered. Ongoing maintenance payments are not allowed. The county director or designee is responsible for periodically monitoring expenditures from this account. The worker signs the Authorization to Purchase form and gives it to the caretaker relative to take to the provider. Approval for payment to the provider occurs after service is rendered and the caretaker relative signs the Authorization to Purchase form. ■ 3

**INSTRUCTIONS TO STAFF**

1. **The needs of the caretaker relative(s) are not included in the Temporary Assistance for Needy Families (TANF) benefit.**

2. **Support service fund guidelines.**

(1) **School supplies.** This service is utilized for supplies not provided by the school and required for the classroom.

(2) **School activities.** This service is utilized for school fees which include, but are not limited to, laboratory fees, art class fees, driver education fees, and sports class fees. This service includes a one-time rental payment for band and orchestra instruments.

- (3) **Clothing.** This service is utilized when clothing is determined necessary for the child(ren). Examples are diapers, school clothing or uniforms when required. This service includes clothing and shoes.
- (4) **Youth activities.** This service is utilized for costs for after school activities related to youth organizations as well as summer youth activities.
- (5) **Legal issues.** This service is only utilized for the cost of obtaining guardianship or legal custody of the child(ren).
- (6) **Counseling.** This service is utilized for counseling services for the child(ren) as well as for parenting classes for the caretaker.
- (7) **Shelter related expense.** This service is utilized for an emergency shelter need.
- (8) **Transportation related expense.** This service is utilized for an emergency transportation need.
3. The payment screen is accessed through the online Finance System or Finance Applications Web site on the InfoNet. Enter the provider's federal identification number, address, and telephone number. On the same screen enter the case number, cash amount of the service, the object code found on Oklahoma Department of Human Services (OKDHS) Appendix H-4-A, Support Services Funds, and a description of the service to be provided. This description must be as detailed as possible to prevent any misunderstanding as to what the payment of the authorization covers. When all the information is entered, hit 'Enter', and the completed form is printed and made available to the caretaker relative.

**340:10-19-5. Application and disposition of Temporary Assistance for Needy Families-Emergency Assistance (TANF-EA)**

When a natural disaster occurs, the county office telephones Office Support Services (OSSD) Risk Management Unit with pertinent information as to the type and location of the disaster and the approximate number of families who may require TANF-EA. Applications are taken but not processed until Family Support Services Division (FSSD) is notified that the emergency funds have been approved. The FSSD notifies the local office when applications are to be processed. Form FSS-1, Comprehensive Application and Review, is completed for every request for TANF-EA.

■ 1 Processing of the application must be completed as soon as possible, but cannot exceed 15 working days. The applicant is notified of certification or denial by computer-generated notices.

**INSTRUCTIONS TO STAFF**

1. The original is filed in the county case record and a copy may be given to the client.



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

(a) **Scope.** DA for families with a minor child(ren) provides for financial assistance in lieu of Temporary Assistance for Needy Families (TANF) when there is an immediate need to retain or obtain employment. ■ 1 & 2 DA is not used to pay fines, including traffic fines, or any cost related to a criminal offense, such as legal fees or court costs. DA is limited to once in the lifetime of the applicant(s); therefore, it is vital that financial planning be initiated to determine if the provision of DA will allow the family to be self-sufficient for the next 12 months. ■ 3 Families approved for this benefit are not included in the count of persons reported for federal participation rates and these payments do not count against the individual(s) 60-month lifetime limit of receipt of TANF. For this reason, an adult must be included in the DA benefit. ■ 4

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

(1) The individual(s) is employed or has a bona fide offer of employment. ■ 5

(2) There is a financial need which, if not met, can cause the loss of employment or the offer of employment for the individual(s). ■ 6

(3) The family monthly gross income cannot exceed the gross income maximum as shown on the Oklahoma Department of Human Services (OKDHS) Appendix C-1, Maximum Income, Resource, and Payments Standards, Schedule XVI, for the appropriate family size. ■ 7

(4) Family resources cannot exceed limits as shown on OKDHS Appendix C-1, Schedule XVI. ■ 8

(c) **Requirements.** ■ 9 The applicant(s) completes Form FSS-1, Comprehensive Application and Review, which states the applicant(s) agrees to not apply for TANF for one year from the date of application for DA. ■ 10 In two-parent families both parents must sign the application form. ■ 11

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

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

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

(d) **Benefits.** ■ 12 Benefits can equal up to three months of the payment standard as shown on OKDHS Appendix C-1, Schedule XVI for the appropriate family size. ■ 13

Benefits can be approved in more than one authorization as long as the request for additional funds is made before the end of the 90 day period which begins with the initial date of application, and does not exceed three times the monthly payment standard for the family size. ■ 14 Payment is issued through an authorization to purchase. ■ 15

### **INSTRUCTIONS TO STAFF**

1. Refer to OAC 340:10-9 for relationship requirements.
2. Any family that includes a head of household or spouse of a head of household who has already reached the 60-month time limit is not eligible for Diversion Assistance (DA).
3. The lifetime limit applies to the adult(s) and child(ren) included in the DA payment. As long as the child(ren) remains a minor, this restriction applies.
4. See OAC 340:10-3-56(a)(3) for individual(s) whose needs cannot be included.
5. The worker is required to verify there is current employment or there is a valid offer of employment. This is documented in the case record.
6. The worker is required to verify the financial need and the cost. A budget sheet can be used to determine income and expenses.
7. Family gross income includes stepparent income, income of a person acting in the role of a spouse, and income of parents of a minor parent. See OAC 340:10-3-26 and 340:10-3-40 for consideration of income.
8. See OAC 340:10-3-5 for consideration of resources.
9. (a) At the time of application, the worker advises DA applicants of other social services available to them and their family members such as substance abuse, domestic violence, Prevention and Relationship Program (PREP), or marriage counseling services. If appropriate, a referral is made to the Children and Family Services Division.  
  
(b) There is no work requirement and no deprivation of parental support required for either single or two-parent families. Referrals can be made to an existing community resource for individuals who have not obtained a high school diploma or General Educational Development (GED) certificate and

have demonstrated a lack of literacy skills. Refer to OAC 340:10-2-6(4)(C). During the certification period, current literacy contracts can provide payment of services for the DA recipient who follows through with a referral.

10. The county director can approve Temporary Assistance for Needy Families (TANF) if there is an unforeseen circumstance that requires the family to apply. This approval is only used after the three-month time period covered by DA benefit. The approval by the county director must be documented in Family Assistance/Client Services (FACS) case notes. Receipt of TANF during this three-month period is a duplication of benefits.

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

12. The guidelines for DA are listed in (1) through (2) of this Instruction.

(1) Transportation. This service can be utilized when a transportation related expense has been determined. To be eligible for an automobile repair or expenses related to tag, title, tax, and/or insurance, the automobile must be owned or co-owned by the payee, his or her spouse, or the payee's parent or the spouse's parent if under age 21 and the payee or spouse must have a valid driver license.

(2) Shelter expense. This service can be utilized when an expense related to shelter has been determined.

13. The worker must:

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

(2) negotiate for goods and services for the individual(s) at the least possible cost and determine whether the labor cost can be reduced or donated;

(3) not include state or local taxes in the negotiated amounts;

(4) pre-determine and authorize any payment or service by signing the Authorization to Purchase form; and

**(5) inform the individual to sign the Authorization to Purchase form only after the service has been provided.**

**14. When the certification is processed, the worker must enter on the Fin. Assistance tab on FACS, the warrant amount field with three times the TANF payment standard for the number of persons in the assistance unit.**

**15. (a) The payment screen is accessed through the online Finance system or the Finance Applications Web site on the InfoNet. Enter the provider's federal identification number, address, and telephone number. Enter on the same screen case number, cash amount of the service, the object code 42 for transportation or 43 for shelter expense, and a description of the service requested by the individual. This description must be as detailed as possible to prevent any misunderstanding as to what the payment of the authorization covers. When all the information is entered the completed form is printed and given to the individual.**

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

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

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

(1) the child is age 12 or older or has a sibling age 12 or older who resides in the same relative foster home;

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

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

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

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

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

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

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

## **INSTRUCTIONS TO STAFF**

1. Refer to OAC 340:75-6-31.4.
2. The transfer of legal responsibility can be completed through:
  - (1) a permanent care and custody transfer in a juvenile proceeding. See OAC 340:75-1-18.2;
  - (2) a custody transfer to a kinship guardian. See OAC 340:75-1-18.3; or
  - (3) a traditional guardianship. See OAC 340:75-6-31.
3. Supportive service funds described in OAC 340:10-18 are not available for this child(ren).
4. (a) The Child Welfare (CW) worker makes the referral on Form DCFS-77, Supported Permanency Referral, within five working days of the relative(s) obtaining legal responsibility. Form DCFS-77 must have the copy of the legal responsibility order and the e-mail authorization from the Children and Family Services Division (CFSD) Permanency Planning Section attached. The date legal responsibility is awarded is considered the date of application for Temporary Assistance for Needy Families (TANF).
  - (1) The Family Support Services (FSS) worker must contact the relative(s) within five working days of receipt of Form DCFS-77.
  - (2) The relative(s) is advised by the CW worker to contact the FSS worker within ten working days of the relative(s) obtaining legal responsibility when no personal contact has been made by the FSS worker.
- (b) The TANF application is processed the same as any other "child only" case. However, the benefit amount is determined by use of OKDHS Appendix C-1, Maximum Income, Resource, and Payment Standards, Schedule XVII.
  - (1) To identify this child(ren), a "CK" benefit type is used in the Benefit Type block located on the Household tab of Family Assistance/Client Services (FACS).
  - (2) The Information Management System (IMS) transaction F17K is used to issue retroactive or supplemental payments. To access the F17K

transaction, enter F17K space case number.

**(c) The age of the child(ren) determines the amount of the cash benefit. County Worker Activity (CWA) 14 notifies the worker when the child(ren) turns 5 years 10 months and 12 years 10 months. The worker must make a change on the Financial Assistance tab on Family Assistance/Client Services (FACS) on or after the day the child(ren) turns age 6 or 13 for the benefit amount to recalculate correctly. If the child's birthday falls after regular roll, the change is made for the next effective date and the F17K transaction is used to issue a supplemental payment.**

5. Refer to OAC 340:10-3-26.
6. Refer to OAC 340:10-3-57(h).