TO: ALL OFFICES

SUBJECT: MANUAL MATERIAL

OAC 340:10-2-1 through 10-2-4; 10-2-6.1 through 10-2-7; 10-3-5; 10-3-40; 10-3-56 through 10-3-57; 10-3-75; 10-3-81; 10-7-1; 10-10-1; 10-19-2; and 10-22-1.

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

OAC 340:10-2-1 is revised to clarify required work participant hours for a non-incapacitated adult when deprivation is based on incapacity.

OAC 340:10-2-2 Instructions to Staff (ITS) is revised to update: (1) language to current terminology, which includes changing the name of the Food Stamp Program to the Supplemental Nutrition Assistance Program (SNAP); and (2) forms the worker must use to determine affordable child care.

OAC 340:10-2-3 ITS is revised to: (1) clarify what assessments are required at certification when good cause exists; and (2) update language to current terminology.

OAC 340:10-2-4 is revised to update: (1) language regarding who is considered to be in a targeted group for the Work Opportunity Tax Credit; (2) language to current terminology; (3) appendix numbers; and (4) a policy cite.

OAC 340:10-2-6.1 ITS is revised to add study time as countable hours when they are included in the participant's employability plan.

OAC 340:10-2-7 ITS is revised to add study time as countable hours when they are included in the participant's employability plan.

OAC 340:10-3-5 is revised to update language to current terminology by updating the legal cite used for SNAP.

OAC 340:10-3-40 is revised to: (1) update the legal cite used for SNAP; (2) clarify that SSI income is not considered in determining
the Temporary Assistance for Needy Families (TANF) benefit; (3) clarify consideration of reimbursements made to foster care and potential foster care parents; (4) update language to current terminology; and (5) update form numbers.

OAC 340:10-3-56 is revised to: (1) add reference to child of a minor in foster care to those who may be included in TANF benefit; and (2) update language to current terminology.

OAC 340:10-3-57 is revised to: (1) clarify consideration of income from spouse of a needy caretaker and income of SSI dependents; and (2) update language to current terminology. ITS is revised to: (1) update appendix numbers; and (2) change the name of the Child Support Enforcement Division (CSED) to Oklahoma Child Support Services (OCSS).

OAC 340:10-3-75 is revised to update language to current terminology.

OAC 340:10-3-81 is revised to: (1) update language to current terminology; and (2) remove internal procedures. ITS is updated to correct a policy cite.

OAC 340:10-7-1 is revised to: (1) remove reference to revoked policy; and (2) update language to current terminology. ITS is revised to update a form number.

OAC 340:10-10-1 ITS is revised to add examples of documentation used for verification of parent's death.

OAC 340:10-19-2 is revised to update language to current terminology.

OAC 340:10-22-1 is revised to update language to current terminology. ITS is revised to correct a policy cite.

Original signed on 5-4-09

Mary Stalnaker, Director
Family Support Services Division

Sandra Harrison, Coordinator
Office of Legislative Relations and Policy

WF # 08-25 (NAP)
INSTRUCTIONS FOR FILING MANUAL MATERIAL

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

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

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340:10-2-1. Work requirements

Revised 6-1-09

All parents or needy caretakers who apply for or receive cash assistance from Oklahoma are required to be engaged in a work activity. The parent(s) or needy caretaker must participate in work activities for the number of hours weekly that are necessary to move that person into employment and self-sufficiency. ■ 1

(1) Work-eligible person. A work-eligible person is defined as an adult or minor head-of-household included in the Temporary Assistance for Needy Families (TANF) assistance unit. Excluded from this definition is a parent providing care for a disabled family member living in the home who does not attend school on a full-time basis, provided the need for such care is supported by medical documentation. ■ 2

(2) Minimum hours of work activities.

(A) All TANF applicants and recipients who meet the definition of a work-eligible person are required to participate the minimum hours of work activities.

(i) A work-eligible person must participate an average of 30 hours per week, with the exception of a single custodial parent with a child under age six who must participate an average of 20 hours per week. ■ 3

(ii) In a two-parent family, when deprivation is based on incapacity, the non-incapacitated adult must participate in work activities an average 30 hours per week, unless:

(I) required in the home to provide care for the incapacitated work-eligible parent; ■ 4 or

(II) he or she is a custodial parent with a child under age six. In this instance the non-incapacitated adult must participate an average of 20 hours per week.

(iii) In a two-parent family, when deprivation is based on unemployment, one adult must participate in work activities an average of 35 hours per week and the other adult must participate an average of 30 hours per week. If one parent is an ineligible alien, the other parent must participate an average of 35 hours per week.
(iv) To determine the average weekly countable work hours for a work-eligible person who is self-employed, the worker:

(I) determines the person's monthly countable earned self-employment income per OAC 340:10-3-32;

(II) divides that figure by the federal minimum wage; and

(III) divides that figure by 4.3 which equals weekly countable work hours.

(B) Hours missed due to holidays and a maximum of an additional 80 hours of excused absences count as hours of participation for any unpaid scheduled work activity.

(i) Federal law establishes public holidays. State holidays are ordered observed by the Governor. If the facility where the participant is scheduled to attend is open on a designated holiday, this day is not considered a holiday for participation purposes.

(ii) Excused absences are reasonable, short-term hours missed from a scheduled work activity. There are a maximum of 80 hours of excused absences in any 12-month period. No more than 16 hours of excused absences in a month are counted as hours of TANF Work participation. All excused absences must be approved by the worker. An excused absence is defined as:

(I) unavailability of appropriate child care;

(II) illness or injury of the participant or a family member who lives in the household. The family member must meet the definition of a relative per OAC 340:10-9-1;

(III) scheduled doctor appointments for the participant or a family member who lives in the household;

(IV) court-required appearance by the participant;

(V) required attendance at parent and teacher conferences by the participant;

(VI) temporary unavailability of planned transportation when needed or inability to arrange for transportation;
(VII) occurrence of inclement weather that prevented the participant, and other persons similarly situated, from traveling to, or participating in, the prescribed activity;

(VIII) crisis intervention needed due to domestic violence issues;

(IX) family crisis; or

(X) required attendance of the participant for a specific appointment by another governmental entity.

(iii) To count an excused absence or holiday as hours of participation, the person must have been scheduled to participate in an allowable work activity for the period of the absence. Participation allowances are paid for approved holidays and approved excused absences.

(3) Work activities. Work activities are defined as core and non-core and must be scheduled, structured, and supervised. TANF Work participants are placed in core work activities when appropriate.

(A) Core work activities are:

(i) unsubsidized employment that is full-time or part-time employment in the public or private sector that is not subsidized by TANF or any other public program;

(ii) subsidized private sector employment that is employment in the private sector for which the employer receives a subsidy from TANF or other public funds to offset some or all of the wages and costs of employing a recipient;

(iii) subsidized public sector employment that is employment in the public sector for which the employer receives a subsidy from TANF or other public funds to offset some or all of the wages and costs of employing a recipient;

(iv) Work Experience Program (WEP) that is a work activity that provides a person with an opportunity to acquire general skills, training, knowledge, and work habits necessary to obtain employment;

(v) on-the-job training that is training in the public or private sector that a paid employee receives while he or she is engaged in productive work and that provides knowledge and skills essential to the full and adequate performance of the job;
(vi) job search that is the act of seeking or obtaining employment and job readiness that prepares the person to seek or obtain employment, and includes life skills training, substance abuse treatment, mental health treatment, or rehabilitation activities for those who are otherwise employable; and ■ 10

(vii) vocational training, not to exceed 12 months, that are organized educational programs directly related to the preparation of persons for employment in current or emerging occupations requiring training. ■ 11

(B) Non-core work activities are:

(i) job skills training directly related to employment that is training or education for job skills required by an employer to provide a person with the ability to obtain employment or to advance or adapt to the changing demands of the workplace; ■ 12

(ii) education directly related to employment, in the case of a recipient who has not received a high school equivalency, that is education related to a specific occupation, job, or job offer; and

(iii) satisfactory school attendance at a secondary school or in a course of study leading to a General Educational Development (GED) certificate, in the case of a recipient who has not completed secondary school or received such a certificate, that is regular attendance with the requirements of the secondary school, or in a course of study leading to a GED certificate.

(4) Limitations and special rules.

(A) A single custodial parent who has not attained 20 years of age and has not completed high school is determined to be in a work activity for the month if the recipient maintains satisfactory attendance at a secondary school or equivalent during the month. ■ 13

(B) A single custodial parent or the non-incapacitated adult in a family where deprivation is based on incapacity who has a child under the age of four months is not required to participate in a work activity. The recipient can use this special rule for a lifetime limit not to exceed 12 months.

INSTRUCTIONS TO STAFF 340:10-2-1

Revised 6-1-09

TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) WORK PROGRAM

REVISED 6-1-09
1. (a) Application. During the application process, the worker reviews with the applicant his or her responsibilities listed on Form 08TW002E, TANF Work/Personal Responsibility Agreement, which is initiated during the application process.

(b) Employability plan. The activities related to the parent(s)' or needy caretaker's employability plan are:

1. determining the most appropriate work activity for the parent(s) or needy caretaker;

2. determining the parent(s)' or needy caretaker's hours of participation in a work activity;

3. informing the parent(s) or needy caretaker of the:

   (A) work requirements, including providing Oklahoma Department of Human Services (OKDHS) Publication No. 93-10, "TANF Work - The Future is Yours"; and

   (B) availability of supportive social services, such as medical assistance, child care, housing, and transportation;

4. assisting the parent(s) or needy caretaker to complete Form 08TW002E and update Section 7, Participant Agreement/Employability Plan, as often as indicated by the person's needs;

5. providing assistance in arranging for child care during participation in activities;

6. initiating the sanction process as outlined in OAC 340:10-2-2 if the parent(s) or needy caretaker fails to meet the work requirements;

7. establishing or maintaining community and participant contacts that support Temporary Assistance for Needy Families (TANF) Work activities;

8. maintaining records of current resource materials that provide information and assistance to staff and parent(s) or needy caretaker;
(9) establishing and maintaining a cooperative working relationship with local agencies or groups that provide job readiness and employment opportunities;

(10) developing new resources or identifying existing resources to create new work sites;

(11) providing consultation and assistance to ensure orderly program operations, which requires meeting with OKDHS staff, work participants, community groups, and employers;

(12) conducting small group workshops on an as-needed basis to provide information and instruction regarding the various work activities available; and

(13) updating the TANF Work tab and Auth. ET&E tab on Family Assistance/Client Services (FACS), showing the participation status of each parent or needy caretaker and using Case Notes to document the participation activities and other needs of the family members.

(c) Termination of TANF cash assistance. At the time TANF cash assistance is terminated, the worker explores with the family any continued need for social services. When termination of cash assistance is due to employment or increased earnings, the worker explains availability of transitional child care, medical services, and the earned income tax credit.

2. Worker updates FACS, TANF Work tab to CD, caring for a disabled person and codes a good cause authorization on FACS, Auth. ET&E tab.

3. Countable hours of TANF Work participation must include a minimum of 20 core hours of work activities. Refer to paragraph (4) of OAC 340:10-2-1 for the limitations for a single custodial parent under the age of 20 who has not completed high school.

4. (a) The incapacitated work-eligible parent is not required to participate in TANF Work activities. FACS, TANF Work tab, ET&E status must be updated to DI, disabled person. The worker codes a good cause authorization on FACS, Auth. ET&E tab.

(b) When the client provides medical documentation that substantiates the work-eligible spouse of the incapacitated parent is required in the home to
provide care, the worker updates FACS, TANF Work tab, ET&E Status to CD, caring for a disabled person. The worker codes a good cause authorization on FACS, Auth. ET&E tab.

5. (a) Federal holidays are set by law and state holidays are declared by the Governor. If the holiday falls on a Saturday, usually Friday is observed as the holiday; if it falls on a Sunday, usually Monday is observed as the holiday. The allowed holidays are:

   (1) New Years Day;
   (2) Independence Day;
   (3) Christmas Day and the day before or after;
   (4) Martin Luther King, Jr. Day;
   (5) President’s Day;
   (6) Memorial Day;
   (7) Labor Day; and
   (8) Thanksgiving Day and day after.

(b) A facility closure, such as spring break, fall break, and Christmas break, is not considered a holiday for participation purposes. Summer break for a secondary school is not considered a holiday for minor parents attending high school.

6. The worker uses the ETPANEW transaction for the appropriate ET&E authorization to enter holiday and excused absences. Approved excused absences must be documented in the Family Assistance/Client Services (FACS) case notes and noted on or documentation attached to Form 08TW013E, Time and Progress Report. OKDHS pays participation allowances for holidays and approved excused absences. Holidays must be coded as H on the appropriate day(s). Approved excused absences are coded E with the appropriate number of hours on the specific day(s). The payment of a part-time or full-time participation rate is dependent on the number of hours coded for the approved excused absence(s). The maximum number of countable approved excused absences are:

   (1) 16 hours for any given month; or
(2) 80 hours for the federal fiscal year.

7. Coordination between the participant, facility, and worker must be ongoing to accurately verify and document the number of hours coded as an excused absence.

8. Examples of a family crisis are attendance at a funeral or emergency home maintenance issues.

9. Refer to OAC 340:10-2-2 for the determination of good cause. See OAC 340:10-1-4 regarding 60-month time limits.

10. Job search and job readiness activities are limited in counting toward the participation rate to four consecutive weeks and a maximum of 240 hours at 20 hours per week or 360 hours at 30 hours per week for the preceding 12 month period.

11. Countable vocational training may include up to 12 months toward a two year vocational training certificate, an associate’s degree, a bachelor’s degree, or an advanced degree program that qualifies a person to obtain immediate employment in a specific field.

12. Time spent in vocational training in excess of 12 months may be counted as job skills training, if the participant is also participating in a different approved core activity for a minimum of 20 hours per week.

13. Refer to OAC 340:10-2-6.1 Instructions to Staff 1 for participation requirements.
340:10-2-2. Sanction process

Revised 6-1-06

(a) **Applicability.** The sanction process provides for the determination of good cause and the use of penalties for individuals who refuse or fail to participate in assigned work activities. 1 & 2

(b) **Failure or refusal to participate.** It is the responsibility of the worker to make the determination that an individual has refused or failed to participate without good cause in an assigned work activity.

(1) Refusal to participate occurs when an applicant or recipient states orally or in writing that he or she will not participate or continue to participate in work activities. Refusal also occurs when an individual's action or inaction indicates the individual, without good cause for refusing, will not participate in the program.

(2) Failure to participate in the program includes failure to:

(A) assist in the assessment and development of employability plans which includes screening for substance abuse and literacy;

(B) attend orientation, scheduled meetings, or assessments;

(C) maintain a minimum of required hours in scheduled activities;

(D) accept or maintain appropriate employment;

(E) report absences from the work activity to the worker, facility coordinator, or employer; or

(F) comply with a substance abuse treatment plan.

(c) **Failure to participate without good cause.** The individual must be contacted to determine good cause. 3 If it is determined at this contact that good cause does exist, the worker assists the individual with either updating the employability plan or helping the individual resume the activity as soon as possible. 4 If it is determined there is not good cause for failure to participate or no contact was completed, the worker closes or denies the cash assistance. 5

(d) **Determination of good cause.** All good cause situations are temporary in nature. An individual may have good cause for refusing or failing to participate in Temporary
Assistance for Needy Families (TANF) Work. The worker determines whether or not good cause exists. ■ 6

(e) Procedure following denial of cash assistance. When an application for cash assistance is denied for failure to participate in the work activity without good cause, a new application must be completed.

(f) Procedures following termination of cash assistance.

(1) When there has been no contact with the individual 30 days after the effective date of closure, the worker makes a home visit to determine the family's circumstances and offers appropriate services, unless the worker's personal safety is in question. ■ 7

(2) Individuals who agree to participate within 60 days of the date of the benefit termination may have their benefit recertified on reconsideration of the administrative action. ■ 8 The effective date of the recertification is dependent upon the successful participation of the individual in an assigned work activity and the circumstances of the case. ■ 9

(g) TANF hearing. An individual who responds to a written notice of denial or termination of cash assistance as a result of failure or refusal to participate in work activities, and the matter cannot be resolved locally, is assisted in requesting a hearing before a hearing officer in accordance with OAC 340:2-5. ■ 10

(h) Grievances and appeals by employees of Work Experience Program (WEP), Work Supplementation Program (WSP), and On-the-Job Training (OJT) facilities. Grievances may be filed by employees of facilities where TANF work participants are assigned to WEP, WSP, or OJT, when they believe they have been harmed by the violation of one of the assurances in paragraph (1) of this subsection.

(1) WEP, WSP, or OJT assignments must not result in the filling of any established vacancy which:

(A) results in the displacement of any currently employed worker or position, including partial displacement, such as a reduction in hours or non-overtime work, wages, or employment benefits;

(B) impairs existing contracts for services;

(C) results in the employment or assignment of a participant, or the filling of a position, when any other person is on lay-off from the same organizational unit,
or when an employer has terminated any employee or otherwise reduced its work force with the effect of filling the vacancy created by hiring a participant whose wages are subsidized under this program; or

(D) infringes in any way upon promotional opportunities of any currently employed individual.

(2) If an employee or authorized representative wishes to file a grievance for any of the reasons stated in paragraph (1) of this subsection, the request is submitted in writing to the attention of the county director of the county in which the alleged violation occurred. The request:

(A) contains the date of the request, the date of the alleged violation, and a description of the alleged violation including the effect on the employee;

(B) is signed by the employee or authorized representative; and

(C) includes the mailing address and telephone number of the person signing the request.

(3) The worker contacts the individual making the request within ten calendar days from the date of receipt of the request in the local office, and attempts to resolve the grievance on an informal basis.

(A) When the grievance cannot be resolved on an informal basis within the ten calendar days, the case is referred to the county director for review and assistance in resolving the grievance.

(B) If the grievance is not resolved within ten calendar days from the date of referral to the county director, the county office notifies the employee in writing of the:

(i) point(s) still at issue in the grievance; and

(ii) right to request a fair hearing within 30 calendar days of the date of this decision.

(C) The 20-day period allowed for resolution of the grievance is part of the 90-day period allowed for disposition of the appeal if the employee appeals.
INSTRUCTIONS TO STAFF 340:10-2-2

Revised 6-1-09

1. The worker ensures persons fully understand their rights and responsibilities and the possible consequence of refusal to participate.

2. The computer will automatically close Temporary Assistance for Needy Families (TANF) case(s) that reflect the TANF Work participant has less than nine hours of participation for two consecutive months and good cause has not been determined. A subject to sanction notice is sent to the participant at the end of the first month of less than nine hours of TANF Work participation. The subject to sanction notice advises the participant to contact his or her worker for a determination of good cause. The TANF case automatically closes on a "52B" at the end of the second month, if the worker has taken no action. Supervisory review is required prior to recertification.

3. The Family Assistance/Client Services (FACS) case notes must clearly document the worker’s efforts to contact the person. The preferred contact is a face-to-face interview or discussion over the phone; however, the worker may use Form 08AD092E, Client Contact and Information Request, to contact the person.

4. The case record and FACS case notes must clearly document when good cause is established and when there is an updated employability plan.

5. FACS case notes must clearly document that a refusal or failure to participate is without good cause.

   (1) The Fin. Assistance tab is coded with TANF Work sanction (52A, 52B) or (29B) to close the case.

   (2) Food benefits are closed the same effective date as the TANF closure. The previous TANF payment standard applies to the Supplemental Nutrition Assistance Program (SNAP) Program as Food Stamp Penalty Income (FSPI).

   (3) The Soonercare (Medicaid) benefit is extended for a three-month certification period.
(4) If the case has an open child care authorization, the continued need for child care must be addressed.

(5) FSPI is ended using the Food Stamp Penalty Update (FSPU) transaction when the:

(A) TANF cash assistance is recertified within 60 calendar days of the effective date of closure;

(B) person becomes employed; or

(C) person has not complied with TANF Work requirements within 60 calendar days from the effective date of the TANF closure.

6. The worker must document the reason good cause is approved in the Family Assistance/Client Services (FACS) case notes and file any documentation provided by the person the case record. Examples of good cause are:

(1) appropriate child care for the child(ren) is not available. Appropriate child care is care provided by:

(A) a licensed, contracted child care facility;

(B) an approved in-home caregiver;

(C) a dependable relative who is able and willing to assume responsibility for care and supervision of the child for a part of the day;

(D) a free or low cost facility, such as a day care, pre-school, or Head Start program operated by a community action agency; or

(E) informal arrangements made by the parent with a neighbor or friend for occasional care;

(2) the custodial parent caring for a child who has not attained six years of age has demonstrated an inability to obtain needed child care. This is demonstrated by the unavailability:

(A) of appropriate child care within a reasonable distance from the person's home or work site. A reasonable distance is a distance determined and agreed upon by the parent and the worker and is
dependent upon the individual needs of the parent and child(ren);

(B) or unsuitability of informal child care provided by a relative or provided under other arrangements. Unsuitability of informal child care is an arrangement that does not:

(i) afford the child(ren) adequate care and supervision. Supervision of a child means the function of observing, overseeing, and guiding a child;

(ii) encourage social development or stimulate the child(ren)’s mental capabilities; and

(iii) afford the child(ren) a safe and stable environment that provides for learning opportunities; or

(C) of affordable child care. Affordable child care is defined as not exceeding the maximum child care cost as indicated on Co-payment Chart or the Appendix C-4-B, Child Care Provider Rate Schedule;

(3) the illness or incapacity of the participant or any household member who cannot give self-care and for whom special care is unavailable. If the illness or incapacity of the participant or any household member does not appear temporary, refer to OAC 340:10-2-8(c)(6), Disability Advocacy Program;

(4) a court-required appearance or incarceration of the participant;

(5) the participant’s attendance at parent and teacher conferences;

(6) a family crisis or markedly changed individual or family circumstances;

(7) the unavailability of planned transportation when needed or the inability to arrange for transportation;

(8) the occurrence of inclement weather which prevented the participant, and other persons similarly situated, from traveling to, or participating in, the prescribed activity;

(9) the lack of necessary social services or work activity;
(10) the assignment or job referral does not meet the appropriate criteria as defined in OAC 340:10-2-3(d);

(11) the refusal to accept major medical services even if such refusal precludes participation in the program;

(12) racial, ethnic, religious, sexual, physical or mental disability, or age discrimination or harassment by an employer or other employees;

(13) a participant is engaged in another work activity that is consistent with the employability plan;

(14) the lack of available treatment in the community for substance abuse or mental health issues affecting the family; or

(15) crisis intervention needed due to domestic violence issues.

7. The FACS case notes must document the home visit and describe the family's circumstances or document the reason the home visit was not made. County Worker Activity (CWA) Report 70 is provided for the 30 day follow-up. A contact with Child Welfare may be appropriate prior to or after the home visit.

8. The worker enters the new certification date. This can be a date other than the first day of the month. Action type is certification (1) and reason is "Reopen Cure TANF Work Sanction" (18T). The FSPI must be removed. Refer to the FSPU Transaction by entering M space FSPU.

9. The FACS case notes and Form 08TW002E, TANF Work/Personal Responsibility Agreement, Section 7, must document any requirement placed on the person prior to the recertification of the case.

10. For complaints involving situations covered by Fair Labor Standards Act, such as excessive hours or environmental conditions, the human services center (HSC) director or designee notifies the State Department of Labor.
340:10-2-3. Employability planning

Revised 6-1-07

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

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

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

(b) **Interest and ability assessments.** Assessments are required to determine the participant's skills, abilities, and barriers.

4. Assessment tools used are the Washington State Learning Disability Screen, the Test of Adult Basic Education (TABE) locator, the TABE battery, the Career Occupation Preference System (COPS), Key Train, and Career Readiness Certification.

5. The use of these assessments provides the worker, participant, assessment specialist, and/or community partners with:
   (A) an indication of possible learning disabilities;
   (B) a measurement of the participant's skills, abilities, interests, and aptitude; and
   (C) meaningful information to create a valid employability plan.

6. Participants referred for testing are informed of the use that is made of the test results. Test scores are kept confidential but may be shared with community partners. Referrals for testing are made by use of Form 08TW003E, Interagency Referral and Information. Participants in formal assessments are eligible for participant allowances and child care.
(c) **Employability planning.** The worker and the participant use the information from the assessment and other relevant information to develop a plan for securing employment. The employability plan includes establishing both short and long term goals, including specific occupational goals, activities, and services which are necessary to achieve the goals.

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

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

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

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

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

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

3. The daily commuting time to and from home to the assigned education, employment, or training site is normally less than two hours. Commuting time does not include the time required to transport a child to and from a child care facility. Where longer travel time is normal in the community, the round trip commuting time may not exceed the general community standards.
(4) When child care is required, it must be of the participant's choosing. It must be available during the hours the participant is engaged in any work activity, plus any additional commuting time.

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

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

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

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

INSTRUCTIONS TO STAFF 340:10-2-3

Revised 6-1-09

1. Workers utilize the results of approved screening tools for literacy or substance abuse. Refer to OAC 340:10-2-1 and 340:10-2-6 for the Temporary Assistance for Needy Families (TANF) Work exception for a single custodial parent under 20 who has not completed high school or obtained a General Education Development (GED) certificate. Assessments are not required for minor payee participants as the local school district is responsible for their educational and career needs. A TANF payee younger than 18 years of age, who has obtained a high school diploma or GED can be referred for assessments when there is parental consent. When this TANF payee turns 18 years of age, parental consent is no longer required and assessment referrals can be made.

2. If the participant self-declares a substance abuse problem, it is not necessary to administer a substance abuse screen. The age and/or educational status of the participant who self declares a substance abuse problem determines the referral process for further assessments. If the participant is:

   (1) 20 years of age or older a referral is made to the designated provider for further assessments;
(2) 18 years of age but under age 20 with a high school diploma or GED a referral is made to the designated provider for further assessments;

(3) 18 years of age but under age 20 without a high school diploma or GED, the participant can voluntarily agree to a referral to a designated provider for further assessments; or

(4) under age 18, the participant is advised to discuss treatment with his or her primary care physician.

3. The reading level of the TANF participant is updated on Family Assistance/Client Services (FACS) from any approved educational assessment tool.

4. (a) When assessments are completed, the worker must update the Auth AT ASMT tab on FACS to track the results of the assessments. The TANF tracking assessment components are:

   (1) substance abuse subtle screening inventory (SASSI);

   (2) addiction severity index (ASI);

   (3) learning disability;

   (4) academic achievement, which includes reading, math, and language;

   (5) career interests, abilities, and values;

   (6) Key Train; and

   (7) career readiness certification.

(b) It is not necessary to have a participant assessed who is in an approved work activity or has been assessed in the last six months to one year.

(c) If the client is not required to participate in a TANF Work activity due to good cause at certification, the only required assessment is the SASSI. All other assessments may be delayed until the client is able to participate in TANF Work. In extreme circumstances such as hospitalization, the SASSI assessment may also be delayed.
5. Assessment tools may be obtained through the statewide assessment contract or a community partner.

   (1) The Washington State Learning Disability Screen is a short assessment tool that gives indication of possible learning disabilities not previously identified.

   (2) The Test of Adult Basic Education (TABE) locator is an assessment tool used to identify which TABE assessment is given depending on the educational functioning level of the participant.

   (3) The TABE measures reading, math, and language levels from grades 0 through 12.9.

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

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

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

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

6. The appropriate assessment results are submitted with Form 08TW003E, Interagency Referral and Information, when a referral is made. If the referral is to the Oklahoma Department of Mental Health and Substance Abuse Services (ODMHSAS), the worker must assist the TANF participant in completing the ODMHSAS Consent for Release of Confidential Information. The Consent for Release of Confidential Information is available from the substance abuse treatment provider. When completed, the original is provided to the substance abuse treatment provider and a copy is retained in the case file. Without the Consent for Release of Confidential Information, the substance treatment abuse provider is not able to notify the worker when a participant does not appear for the initial substance abuse screening and/or assessment.
7. Techniques useful in helping the participant identify a specific employment goal include joint discussion of individual strengths and exploration of all necessary qualifications, duties to be performed, working conditions, salary, benefits, and chances of promotions.

8. The worker documents the action steps, what resources are being used, specific start dates, and anticipated ending dates on Form 08TW002E, TANF Work/Personal Responsibility Agreement, Section 7. Failure to specify these steps negates an adverse action taken against the participant. The employability plan may also include multiple activities that the participant may engage in at any one time.

9. The employability plan may be updated by entering new information on Form 08TW002E, Section 7. The worker and the participant initial the new information.

10. See OAC 340:10-2-1 regarding work requirements.

11. If purchased child care is provided, refer to OAC 340:40.

12. Refer to OAC 340:10-1-3(a)(12) for the Civil Rights requirements for TANF.
340:10-2-4. Employment

Revised 6-1-09

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

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

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

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

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

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

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

(1) State Work Incentive Program. The State Work Incentive Program is designed to assist in employing TANF participants into entry level positions in all branches of state government. Oklahoma Department of Human Services (OKDHS), in cooperation with other state agencies and the Office of Personnel Management, coordinates job placements for those TANF participants who are referred for the program by Form 08TW023E, State Work Incentive Referral. 2
(A) Employment of eligible participants can be considered for positions of unclassified status for a two year period in a full-time or part-time capacity. These positions are not included within any limitation on full-time equivalent employee positions for any agency.

(B) Participants hired under this program are eligible for leave and other benefits that are available to other state employees, subject to other eligibility requirements, and may be reassigned or promoted while they are in the program.

(C) Participants hired are exempt from probationary hiring procedures. They can be considered for conversion to the permanent classified status after two years of continuous participation in the program.

(D) Requirements for placing employees in permanent status include:

   (i) completing satisfactory performance ratings which are conducted during employment; and

   (ii) having possession of the minimum requirements stated in the job specifications

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

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

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

(A) Participant requirements. TANF participants must:

(i) be included in a cash assistance unit;

(ii) be available for immediate employment;

(iii) have participated in Job Search; and

(iv) be assigned to a job at a salary exceeding their cash assistance.

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

(i) when there is a strike, lockout, or the contract would cause displacement of other employees;

(ii) that involve commission sales when the federal minimum wage is not guaranteed; or

(iii) that are casual, intermittent, or seasonal labor.

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

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

(II) the employee is frequently absent from work or engages in disruptive or inappropriate behavior; or

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

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

(iii) Human services center (HSC) staff has the responsibility for ensuring the employer is complying with the contract.

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

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

(ii) Upon receipt of the contract, the county director reviews it for completeness and, if approved, signs and dates the contract. ■ 7 The worker delivers the employer's copy of the contract with a supply of Form 08TW018E, Work Supplementation Program Invoice, and a copy of the instructions for the form. The worker contacts the participant and Form 08TW006E, Work Supplementation Program Participant Agreement, is completed in duplicate and signed by the worker and participant. ■ 8

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

(E) Program procedures. The procedures for programs listed in (i) through (iv) of this subparagraph are used.
(i) **Cash assistance.** Under WSP, eligibility for cash assistance is frozen. During the period of participation, the cash assistance unit cannot be determined ineligible. ■ 10

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

(iii) **Food benefits.** WSP participants may be eligible for food benefits. Eligibility for food benefits is determined based on OAC 340:50-7-29. ■ 11

(iv) **Child care.** Child care plans must be explored with each WSP participant. When purchased child care services are required, the participant's earnings are considered income, and family share co-payments are computed in accordance with OKDHS Appendix C-4, Child Care Eligibility/Co-payment Chart.

(F) **Wage pool payments.** Under WSP, the diversion of the cash assistance creates a wage pool from which payments are made to employers and cash assistance supplemental payments are issued to WSP participants.

(i) **Payment of employers.** Employers are eligible for reimbursement of the first $250 of the gross wages paid to each WSP participant. Payment to the employer is made the month following the month the cash assistance is diverted to the wage pool. Employers file for reimbursement by submitting Form 08TW018E to the HSC at the first of the month. ■ 12 When a business changes ownership, the WSP contract transfers with the business. When change of ownership occurs mid-month, the original owner maintains the right to a claim for reimbursement for that month.

(ii) **Supplemental payments to WSP participants.** The Family Support Services Division (FSSD) issues supplemental payments for months in which income shown on Form 08TW018E is less than the amount of the WSP participant's cash assistance prior to entering the program.

(G) **Terminations.** ■ 13 The closing date of the authorization is the last day of employment under the contract. When employment ends prior to the end of the contract, the authorization must be closed prior to the next deadline for cash assistance changes. ■ 14

(2) **OJT.** OJT is subsidized employment in which a participant is hired by a private or public employer and, while engaged in productive work, receives training that
provides knowledge or skills essential to the full performance of that job. During the OJT period the employer receives reimbursement for a portion of the wages paid to the employee.

(A) Participants who have successfully completed the Work Experience Program, have a recent history of employment, or who have been through a job readiness activity are the primary candidates for OJT referral.  ■ 15

(B) Income from OJT is considered as any other earned income. ■ 16

Transitional child care and medical benefits are explained to the participant at the time of entry into OJT.

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

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

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

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

(B) qualified veterans; ■ 19

(C) qualified ex-felons; ■ 20

(D) designated community residents; ■ 21

(E) vocational rehabilitation recipients; ■ 22

(F) qualified summer youth employees; ■ 23

(G) qualified food benefit recipients; ■ 24
(H) qualified recipients of Supplemental Security Income (SSI); and  ■ 25

(I) long-term family assistance recipients.  ■ 26

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

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

INSTRUCTIONS TO STAFF 340:10-2-4

Revised 6-1-09

1. The authorization for part-time employment remains open as long as either the participant receives cash assistance or the part-time activity is maintained. The authorization for full-time employment shows a beginning date and remains open until the employment ends or the case closes.

2. If a referral of a Temporary Assistance for Needy Families (TANF) participant is requested by another state agency, Form 08TW023E, State Work Incentive Referral, is completed by the worker and given to the participant to take to the other state agency. If a participant is referred to an Oklahoma Department of Human Services (OKDHS) human services center (HSC), no referral form is needed. Documentation of all referrals and outcomes must be kept in the case record.

3. The worker reviews available positions and consults with the participant and other staff to determine the most appropriate placement.

4. The worker recruits employers to participate and explains the forms and procedures.

5. The county director is consulted regarding the appropriateness of writing contracts with employers who experience constant turnover in staff or who have experienced reductions in staff.
6. Upon completion of the negotiations, HSC staff prepares triplicate, typed copies of Form 08TW017E, Work Supplementation Program Contract, and Form 08TW006E, Work Supplementation Program Participant Agreement. The worker delivers the prepared contract to the employer for signature and immediately routes the original and two copies to the county director.

7. The original is filed in the case record and a copy is routed to the Family Support Services Division (FSSD), TANF Section.

8. The original is given to the participant.

9. A copy of the letter and the contract are filed in the participant’s case record.

10. (a) Upon receipt of completed Form 08TW006E and 08TW017E, the worker determines if the new Work Supplementation Program (WSP) employer is on the provider file.
   
   (1) To view provider files, enter P space federal identification number on the IMS network.

   (2) If the new WSP employer is not on the provider file, the worker enters PU. This transaction brings up a screen that the worker must complete by entering the type of request as N, the business name, address, telephone number, and the federal identification number of the new employer.

(b) Once it has been determined the WSP employer is on the provider file, the worker must complete a WS authorization.

   (1) The worker enters AUW, space, the case number of the participant and completes this screen in accordance with the instructions for the AUW transaction.

   (2) After the authorization has cleared, the computer automatically updates the case status to Special Medical effective the following regular roll.

(c) The cash assistance is automatically diverted to the wage pool.

(d) Periodic redeterminations of eligibility are completed as scheduled.

11. If eligible, the household receives food benefits as a Non-Public Assistance food benefit household.
12. Upon receipt, the worker audits the invoice for completeness and compensability. Form 08TW018E, Work Supplementation Program Invoice, is signed by the county director or designee and routed in accordance with the instructions for the form. The FSSD, TANF Section prepares the claim form for the Finance Division.

13. When a participant completes a WSP contract period or terminates employment prior to completion, the worker must ensure the final Form 08TW018E is submitted to FSSD, TANF Section. Care must be taken by the worker to close the authorization and make a determination of need for any continued receipt of cash assistance, medical benefits, food benefits, and child care benefits before the deadline for changes in the last month of the contract period.

14. When it is not possible to close the authorization prior to the deadline in the month in which employment ends, and the participant is eligible for continued assistance, the FSSD TANF Section must be instructed by memo from the HSC to pay the next month's cash assistance from the wage pool. Closure of the authorization and computer input document updates are separate actions which must be completed by the worker at termination of a placement.

15. The worker refers to on-the-job training (OJT) by completing Form 08TW003E, Interagency Referral and Information.

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

17. The worker makes a referral using Form 08TW003E. When the contracted provider has agreed to accept the participant in the program, Form 08TW003E is returned to the HSC. It is the responsibility of the worker to notify FSSD, TANF Section.

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

19. A qualified veteran is a person who:
(1) has received food benefits for at least three consecutive months within the last 15 months preceding the date of hire;

(2) is a disabled veteran entitled to a service-connected disability and has a hiring date which is not more than one year after having been discharged or released from active duty in the Armed Forces of the United States; or

(3) has aggregate periods of unemployment during the one-year period ending on the hiring date that equals or exceeds six months.

20. A qualified ex-felon is a person who was convicted of a felony and within the last year was either convicted or released from prison.

21. A designated community resident is a person who has attained age 18 but not yet 40 years of age on the hiring date and his or her principal place of residence is within an Empowerment Zone, Enterprise Community, or a Rural Renewal County. For information about Enterprise Communities go to www.ezec.gov.

22. (a) A Vocational Rehabilitation referral recipient is a person with a disability who:

(1) has received or is receiving vocational rehabilitation from a rehabilitation agency approved by the State or Department of Veterans Affairs; or

(2) is a Ticket to Work holder who has an Individual Work Plan with an employment network agency.

(b) A person participating in a drug or alcohol treatment facility does not qualify.

23. A qualified summer youth is a person at least age 16 but not 18 on the hiring date and who has a principal residence in an Empowerment Zone or Enterprise Community during the 90-day summer working period.

24. A qualified food benefit recipient is a person who is at least 18 but under age 40, and is a member of a household that received food benefits for the last six months, or at least three of the last five months, and is no longer eligible to receive them.
25. A qualified recipient of Supplemental Security Income (SSI) is a person who has received SSI for any month during the 60 calendar days before the date of hire.

26. A qualified long-term family assistance recipient is a person certified by a designated local agency as being a member of a family:

   (1) that has received family assistance for at least 18 consecutive months ending on the hiring date;

   (2) that has received such family assistance for a total of at least 18 months, whether or not consecutive, after August 5, 1997 if the person is hired within two years after the date the 18 month total is reached; or

   (3) who is no longer eligible for family assistance because of either Federal or State time limits, if the person is hired within two years after becoming ineligible for family assistance because of time limits.
340:10-2-6.1. Educational services

Revised 11-1-08

Educational services to enhance the participant's potential for employment must be made available. Assignment is based on the criteria listed in (1) through (6) of this paragraph.

(1) Custodial parent participants under 20 years of age without a high school diploma are required to participate in educational activities directed toward the attainment of a high school diploma or its equivalent. 1 These persons may be excused from high school attendance or courses designed to lead to a General Educational Development (GED) certificate if the employability plan includes an alternative, such as basic education or English as a second language (ESL). 2

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

(3) Assignment to remedial education services is appropriate for participants who read and write below high school level, even if they have a high school diploma or GED certificate. Basic and remedial education includes:

   (A) Adult Basic Education (ABE) classes;

   (B) GED classes;

   (C) Certificate of High School Equivalency;

   (D) literacy classes;

   (E) tutoring; or

   (F) remedial reading classes.

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

(5) Participants already in attendance at an institution of higher education are considered appropriately assigned if the participant cooperates in the assessment process and development of an appropriate employability plan. The participant is required to participate the minimum number of hours in an activity listed in OAC 340:10-2-1. 3
INSTRUCTIONS TO STAFF 340:10-2-6.1

Revised 6-1-09

1. (a) These participants are required to work on a high school diploma or General Educational Development (GED) certificate and cannot be required to participate in any other Temporary Assistance for Needy Families (TANF) Work activity. Persons in high school may count homework or study time up to one hour for each class hour when at the beginning of each new class or semester he or she provides a statement from the instructor stating that the additional time is:

   (1) a class requirement;

   (2) above and beyond work normally completed during class hours; and

   (3) not being used to make up hours of class that have been missed.

(b) The participant documents on Form 08TW013E, Time and Progress Report, the hours spent in class. The worker records homework or study time hours only on days the participant attended class on Form 08TW013E, Time and Progress Report and in the system after ensuring that documentation required to count these hours is in the case record.

(c) Participants may volunteer to participate in a TANF Work activity that is scheduled, structured, and supervised when school or GED classes are not in session. Participants who volunteer cannot be sanctioned for failure to participate.

(d) All TANF Work activities must be:

   (1) coded in the Family Assistance Client Services (FACS) Eligibility Notebook Auth ET&E tab; and

   (2) documented in Case Notes.

2. For a teen parent who is a child in the TANF assistance unit, refer to OAC 340:10-13-1 for school attendance requirements.

3. (a) Persons participating in a vocational certificate, associate's degree, bachelor's degree, or advanced degree program as part of the employability

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plan may count homework or study time up to one hour for each class hour
when the participant at the beginning of each new class or semester provides
a class syllabus or a statement from the instructor, professor, or advisor
which states that the additional time is:

(1) a class requirement;

(2) above and beyond work normally completed during class hours; and

(3) is not being used to make up hours of class that have been missed.

(b) Time spent in vocational training in excess of 12 months that is an
approved part of the participant’s employability plan may be counted toward
the required work activity hours if the participant is also participating in a
different approved core activity for a minimum of 20 hours per week.

(c) The participant documents on Form 08TW013E, Time and Progress Report,
the hours spent in class. The worker records homework or study time hours
only on days the participant attended class on Form 08TW013E and in the
system after ensuring that documentation required to count these hours is in
the case record.

(d) All TANF Work activities must be:

(1) coded in the Family Assistance Client Services (FACS) Eligibility
    Notebook Auth ET&E tab; and

(2) documented in Case Notes.
340:10-2-7. Training

Revised 11-1-08

(a) Scope. Job skills training includes vocational training and hands-on work experience to develop technical skills, knowledge, and abilities in specific occupational areas. All training programs must include qualitative measures, such as competency gains or proficiency levels, to evaluate a participant's progress and reasonable time limits for completion. Referrals are made to appropriate training facilities on Form 08TW003E, Interagency Referral and Information.

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

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

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

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

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

(c) Work Experience Program (WEP). The purpose of WEP is to provide skill training and work enhancement to Temporary Assistance for Needy Families (TANF) participants while providing a useful public service that will enable participants to move toward self-sufficiency and obtain unsubsidized employment following completion of the placement.

(1) Benefits. Benefits of the program to participants include an opportunity to establish a work history and earn a recommendation from an employer. Participants also learn to balance the demands of home and work, gain confidence by performing in a job setting, brush-up skills already acquired, learn marketable skills on-the-job, and determine interest and aptitude for a particular type of work by doing the job.

(2) WEP assignments. WEP assignments are approved for an initial period of 90 calendar days.
(A) No salary is paid.

(B) With respect to injuries incurred during working hours in WEP, federal law requires medical coverage be offered under either state workers’ compensation law or by the Oklahoma Department of Human Services (OKDHS). Oklahoma workers’ compensation law does not cover WEP participants. Medical coverage is provided by the SoonerCare (Medicaid) Program.  ■ 4

(3) WEP referrals. Participants are referred to WEP slots based on their employability plan. Assignment to a WEP position is coordinated between the participant and worker. Based on the employability plan, the worker:

(A) determines which facility best meets the participant's needs;

(B) arranges for an interview between the facility and the participant; and

(C) notifies the participant of the place, time, and interviewer's name.  ■ 5

(4) WEP facilities. Facilities selected for WEP training must be capable of providing employment and have an apparent intent to hire, or be able to provide quality training. Training facilities are solicited by OKDHS staff or a contracted entity who has agreed to assist with job development and placement including WEP.  ■ 6

Local job market conditions, opportunities for employment following completion of WEP participation as well as the ability of the facility to provide the necessary supervision and training are criteria used when soliciting a facility.

(A) Training slots are developed which meet the employment needs of the participant as determined by the employability plan. When a facility agrees to participate in WEP, the representative of the facility is requested to provide:  ■ 7

(i) a written description of the type of activities the participant will be involved in;

(ii) the number of participants the facility can accept;

(iii) the hours of participation; and

(iv) any special requirements.  ■ 8

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

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

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

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

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

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

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

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

(ii) WEP-FP is approved for businesses or entities that operate for profit. Only one WEP-FP placement is allowed per 25 full-time employees in a for-profit business or entity. The criteria in subunits (I) through (II) of this subsection must be in effect prior to a WEP-FP placement.

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

(II) The employer has committed to hire the participant on or before the completion of the three month placement.
(5) **WEP procedures.** Upon approval by the county director, the worker contacts the WEP facility to complete Form 08TW015E, Work Experience Program – Nonprofit Training Agreement, or Form 08TW115E, Work Experience Program – For-Profit Training Agreement.

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

(B) It is the participant's responsibility to complete Form 08TW013E and submit it to the worker by the time frame shown on the form.  

(C) Approved training slots that have not been utilized within a six-month period are reviewed for appropriateness. If the position is no longer feasible, human services center (HSC) staff sends a letter to the facility stating the WEP slot is no longer active and may be re-evaluated at the facility's request.

(6) **Non-cooperation by WEP facility.** When the worker obtains information that the facility is violating the terms and conditions of Form 08TW015E, Form 08TW115E, or that participants are being treated unfairly, the county director is informed immediately. The nature of the allegations guides the necessary action which may include:

(A) suspension of subsequent assignments at the facility;

(B) immediate removal of current participants; or

(C) termination of the agreement.

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

(8) **Changes in placements and subsequent placements.** When the facility, worker, and participant determine that placement in a different facility is more beneficial, the worker locates a new facility and arranges an interview for the participant.  

When the participant fails to secure employment following successful completion of WEP training, a conference is held with the participant, worker, and supervisor to determine whether a second training placement might be beneficial. The worker reviews the employability plan prior to allowing a participant
to re-enter WEP training. Consideration is given to reassignment to job search or another appropriate work activity. In making this decision, consideration must be given to the:

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

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

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

(D) length of time between training assignments.

(d) **Job Corps nonresident training program (Job Corps II).** Oklahoma’s four Job Corps centers provide a nonresident Job Corps program to TANF participants who can commute to their sites. Participants referred must be ages 16 through 24. Referrals are made by the worker completing Form 08MP013E, Information/Referral - Social Services. It is the responsibility of the worker to coordinate with the Job Corps center and arrange for child care.

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

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

(e) **Vocational training.** Up to 12 months of participation in a vocational certificate, associate’s degree, bachelor’s degree, or advanced degree program may count as vocational training when it qualifies a person to obtain immediate employment in a specific field.

(f) **Special programs and demonstration efforts with other agencies.** OKDHS may enter into special education, training, or employment efforts with federal, state, and local governments, and private for-profit, private not-for-profit organizations, and agencies. When this occurs, the HSCs involved are expected to comply with the terms of those agreements.
(g) **Job skills training.** Training that is directly related to employment for job skills required by an employer to provide a person with the ability to obtain employment or to advance or adapt to the changing demands of the workplace is considered job skills training.

**INSTRUCTIONS TO STAFF 340:10-2-7**

Revised 6-1-09

1. Prior to enrolling a participant in a specific training program, the worker must evaluate whether an Oklahoma State Bureau of Investigation (OSBI) background check is a prerequisite for potential employment. A background check may be considered a prerequisite for potential employment when a criminal history is indicated or when required by a specific employer or field of employment such as medical or child care. This action could prevent an inappropriate placement in a training program that would not best suit the employment needs of the participant. A background check is not necessary for all Temporary Assistance for Needy Families (TANF) participants. See OAC 340:10-2-8.

2. Work Experience Program (WEP) participation hours can be combined with other countable work activity hours to meet the minimum hours of required participation. See OAC 340:10-2-1.

3. Care is given to avoid placement of trainees with facilities which consistently use WEP trainees without providing first option employment.

4. The county director reports injuries to the Oklahoma Department of Human Services (OKDHS) Support Services Division (SSD) Risk and Safety Management Unit on Form 23RS046E, Employee's Report of Job-Related Accidental Injury or Illness.

5. Following the participant's interview with the facility and the facility's acceptance of the participant for training, the worker makes a notation on the copy of Form 08TW002E, TANF Work/Personal Responsibility Agreement, and initiates an authorization. Form 08TW014E, Work Experience Program - Nonprofit Participant Agreement, or Form 08TW114E, Work Experience Program - For-Profit Participant Agreement, is completed at this time. A copy of Form 08TW014E or Form 08TW114E is mailed to the facility as notification of the participant's starting date.
6. A contracted entity may include, but is not limited to:

   (1) Oklahoma Department of Career and Technology Education (ODCTE);

   (2) Oklahoma State Regents for Higher Education (OSRHE);

   (3) Workforce Investment Act (WIA); or


7. The worker forwards the written description to the county director requesting approval of the training slot.

8. Special requirements are items such as uniforms or special equipment.

9. Form 08TW013E, Time and Progress Report, advises the participant to submit pages one and two to the local human services center (HSC) by the 20th of the current month and pages three and four by the fifth of the next month.

10. The Family Support Services Division (FSSD) TANF Section may be consulted for appropriate procedures.

11. See OAC 340:10-2-7(c)(1).

12. The worker documents participation on the Information Management System by using the ETPANEW transaction.

13. (a) Time spent in vocational training in excess of 12 months as part of the employability plan may be counted for participation if the participant is also participating in a different approved core activity for a minimum of 20 hours per week.

   (b) Persons participating in a vocational certificate, associate's degree, bachelor's degree, or advanced degree program as part of the employability plan may count homework or study time up to one hour for each class hour when the participant provides at the beginning of each new class or semester a class syllabus or a statement from the instructor, professor, or advisor which states that the additional time is:

       (1) a class requirement;
(2) above and beyond work normally completed during class hours; and

(3) not being used to make up hours of class that have been missed.

(c) The participant documents on Form 08TW013E the hours spent in class. The worker records homework or study time hours only on days the participant attended class on Form 08TW013E and in the system after ensuring that documentation required to count these hours is in the case record.

(d) A practicum placement, internship, or work-based training that is required to complete a degree or vocational training certification may also be counted as vocational training. In some types of degree programs, the work-based training is completed after the degree is obtained. It is only allowable when the person cannot work in the field until the work-based training is completed. An example is student teaching.

(e) All TANF Work activities must be:

(1) coded in the Family Assistance Client Services (FACS) Eligibility Notebook Auth ET&E tab; and

(2) documented in Case Notes.

14. Copies of the agreements and procedures for implementing the program are distributed through annual FSSD numbered memos. Workers are trained and the program is implemented according to the agreement.

15. (a) Time spent in vocational training in excess of 12 months that is an approved part of the participant's employability plan may be counted toward the required work activity hours if the participant is also participating in a different approved core activity for a minimum of 20 hours per week.

(b) Homework or study time may count up to one hour for each class hour when the participant provides at the beginning of each new class or semester a class syllabus or a statement from the instructor, professor, or advisor which states that the additional time is:

(1) a class requirement;
(2) above and beyond the work normally completed during class hours; and

(3) is not being used to make up hours of class that have been missed.

(c) The participant documents on Form 08TW013E the hours spent in class. The worker records homework or study time hours only on days the participant attended class on Form 08TW013E and in the system after ensuring that documentation required to count these hours is in the case record.

(d) All TANF Work activities must be:

(1) coded in the FACS Eligibility Notebook Auth ET&E tab; and

(2) documented in Case Notes.
340:10-3-5. Personal property

Revised 6-1-09

(a) This subsection describes personal property and how it is considered in determining eligibility for Temporary Assistance for Needy Families (TANF).

(1) Household goods and equipment. Items essential to day-to-day living such as clothing, furniture, and other similarly essential items of limited value are excluded as resources.

(2) Livestock and equipment used in a business enterprise. A person's equity in livestock, equipment, or inventory of merchandise in a business enterprise is considered as a resource only if the person is not actively engaged in the business enterprise. Equity is not counted if the person actively participates in the business or is only temporarily inactive, for example, incapacitated and can reasonably expect and has plans to resume the business enterprise. Equity is established on the basis of oral or written information which the person has at hand and counsel with persons who have specialized knowledge about the particular resources.

(3) Livestock and home produce used for home consumption. Any livestock or produce grown and used by the assistance unit for home consumption is exempt.

(4) Cash savings and bank accounts. Money on hand or in a savings account is considered as a resource. The person's statement that he or she has no money on hand or on deposit is sufficient unless there are indications to the contrary. When there is information to the contrary or when the person does not have records to verify the amount on deposit, verification is obtained from bank records. Section 167.1 of Title 56 of the Oklahoma Statutes provides that financial records obtained for the purpose of establishing eligibility for assistance or services must be furnished without cost to the person or the Oklahoma Department of Human Services (OKDHS).

(A) Checking accounts may or may not represent savings. Current bank statements are evaluated with the person to establish what, if any, portion of the account represents savings. Any income deposited during the current month is not considered.

(B) Accounts owned jointly are considered available to the person unless it can be established what part of the account actually belongs to each of the owners, the money is separated, and the joint account is dissolved.
(5) **Insurance policies and prepaid funeral benefits.**

(A) **Life insurance policies.** The cash surrender value (CSV) less any loans or unpaid interest of life insurance policies owned by members included in the TANF cash assistance is counted as a resource. Dividends which accrue and remain with the insurance company increase the amount of the resource. Dividends paid to a person are considered as income. Assignment of the face value of a life insurance policy to fund a prepaid burial contract is not counted as a resource. In this instance, the amount of the face value of the life insurance is evaluated according to (C) or, if applicable, (D) of this paragraph.

(B) **Burial spaces.** The value of a burial space for each family member whose needs are in the cash assistance or whose income and resources are considered when computing the cash assistance is excluded from resources.

(C) **Burial funds.** Revocable burial funds not in excess of $1500 for each person included in the assistance unit are excluded as a resource if the funds are specifically set aside for the burial arrangements of the person. Any amount in excess of $1500 for each person included in the assistance unit is considered as a resource. Burial policies which require premium payments and do not accumulate cash value are not considered prepaid burial policies.

(i) Burial funds means a prepaid funeral contract or burial trust with a funeral home or burial association which is for the person's burial expenses.

(ii) The face value of a life insurance policy, when properly assigned by the owner to a funeral home or burial association, may be used for purchasing burial funds as described in (i) of this subparagraph.

(iii) The burial fund exclusion must be reduced by the face value of life insurance policies owned by the person and by the amounts in an irrevocable trust or other irrevocable arrangement.

(iv) Interest earned or appreciation on the value of any excluded burial funds is excluded if left to accumulate and become a part of the burial fund.

(v) If the person did not purchase the prepaid burial, even if the person's money was used for the purchase, the person is not the owner and the prepaid burial funds cannot be considered a resource to the person.

(D) **Irrevocable burial contract.** Oklahoma law provides that a purchaser of a prepaid funeral contract may elect to make the contract irrevocable.
Irrevocability becomes effective 30 days after the contract is signed.

(i) If the irrevocable election was made prior to July 1, 1986, and the person received assistance on July 1, 1986, the full amount of the irrevocable contract is excluded as a countable resource. This exclusion applies only if the person does not add to the amount of the contract. Interest accrued on the contract is not considered as added. Any break in assistance requires that the contract be evaluated at the time of reapplication.

(ii) If the effective date for the irrevocable election or application for assistance is July 1, 1986, or later, the amount in any combination of an irrevocable contract, revocable prepaid burial contract or trust, and the cash value of unassigned life insurance policies cannot exceed $7500. When the principal amount exceeds $7500, the person is ineligible for assistance. Accrued interest is not counted as a part of the $7500 limit, regardless of when it is accrued.

(iii) For an irrevocable contract to be valid, the election to make it irrevocable must be made by the purchaser or the purchaser's guardian or a person with power of attorney for the purchaser.

(E) Medical insurance. When a person has medical insurance whether directly purchased or available in conjunction with employment, the available benefits are applied toward the medical expense for which the benefits are paid. If an assignment of the insurance is not made to the vendor and payment is made directly to the person, the payment must be applied to the cost of medical services. Any amount remaining after payment for medical services is considered a resource.

(6) Stocks, bonds, mortgages, and notes. The person's equity in stocks and bonds, including United States Savings Bonds, Series A through EE, is considered a resource. The current market value less encumbrances is the equity. Except for a bond which has been held beyond the maturity date, the current value is the redemption value listed in the table on the back of the bond for the anniversary date most recently reached. If the bond has been held beyond maturity date, it has continued to draw interest. The amount which can be realized from notes, mortgages, and similar instruments, if offered for immediate sale, constitutes a resource.

(7) Non-negotiable resources. Installment payments received on a note, mortgage, and similar instruments, for which a buyer cannot be found, are considered as monthly income.
(8) **Automobiles, pickups, and trucks.** The market value of each year's make and model is established on the basis of the average trade-in value. In the event the person and worker cannot agree on the value of the vehicle, the person secures written appraisals by two persons familiar with current values. If there is substantial unexplained divergence between these appraisals or between the blue book value and one or more of these appraisals, the worker and the person jointly arrange for the market value to be established by an appraisal made by a third person who is familiar with current values and acceptable to both the person and worker.

(A) **Exempt automobiles.** One automobile, pickup, truck, or other vehicle used for the primary source of transportation for each assistance unit not to exceed an equity of $5,000 is exempted. The amount of the equity in excess of $5,000 is considered against the resource limit.

(B) **Other vehicles.** The equity in other automobiles, pickups, and trucks as well as other personal property including boats, travel trailers, motorcycles, motor homes, campers, and similar items is considered a resource. The current market value less encumbrances on the vehicle is the equity. Only encumbrances that can be verified are considered in computing equity.

(9) **Lump sum payments.** A lump sum settlement which compensates for the loss of a resource such as an automobile may be disregarded in the amount used to replace the loss. The person is given a reasonable amount of time to replace the loss not to exceed 30 days. Extension beyond 30 days may be justified in special instances when completion of the transaction is beyond the person's control. Any amount remaining after the replacement of the loss is considered as income. Income tax refunds, except for the portion that represents an earned income tax credit (EITC), must be treated as a resource and considered available to the person upon receipt. Retirement benefits received as a lump sum payment at termination of employment are considered a resource. These benefits are not treated as income because the retirement contribution was regarded as income in the month earned and withheld by the employer.

(10) **Individual Development Accounts (IDAs).** IDAs are dedicated savings accounts that are used for a qualified purpose such as purchasing a first home, education or job training expenses, capitalizing a small business, or other purposes designated by the IDA administrative entity. IDAs are managed by community organizations and accounts are held at local financial institutions. Cash deposits and interest accrued from the deposits made by a person in an IDA up to $2,000 are not considered as income or resources in determining TANF eligibility. The account deposits must be made from earned income, EITCs, or tax refunds.
(11) **Saving For Education, Entrepreneurship, and Downpayment (SEED) Initiative accounts.** SEED accounts are dedicated savings accounts for persons age 13 through 18 that are used for a qualified purpose such as purchasing a first home, education or job training expenses, capitalizing a small business, or other purposes designated by the administrative entity. SEED accounts are managed by community organizations and accounts are held at local financial institutions. Cash deposits and interest accrued from the deposits made by a person in a SEED account up to $2,000 are not considered as income or resources in determining TANF eligibility.

(b) This subsection describes resources disregarded in determining need. Disregarded resources are:

1. food benefit allotments under the Food and Nutrition Act of 2008;

2. any payments received under Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970;

3. education grants, including work study, scholarships, and similar grants, if receipt is contingent upon the student regularly attending school. The student's classification, graduate or undergraduate, is not a factor;

4. loans, regardless of use, if a bona fide debt or obligation to pay can be established. Criteria to establish a loan as bona fide includes an acknowledgment of obligation to repay or evidence that the loan was from an individual or financial institution in the loan business. The borrower's acknowledgment of obligation to repay, with or without interest, is considered to indicate that the loan is bona fide. If the loan agreement is not written, Form 08AD103E, Loan Verification, is completed by the borrower attesting the loan is bona fide and signed by the lender verifying the date and amount of loan;

5. Indian payments, including judgment funds or funds held in trust, distributed per capita by the Secretary of the Interior, Bureau of Indian Affairs (BIA) or distributed per capita by the tribe subject to approval by the Secretary of the Interior. For purposes of this paragraph, per capita is defined as each tribal member receiving an equal amount. Any interest or investment income accrued on such funds while held in trust or any purchases made with judgment funds, trust funds, interest, or investment income accrued on such funds is disregarded. Any income from mineral leases or tribal business investments is disregarded as long as the payments are paid per capita. Any interest or income derived from the principal or produced by purchases made with the funds after distribution is considered as any other income;
(6) special allowances for school expenses made available upon petition, in writing, from funds held in trust for the student;

(7) trusts of a child(ren) included in a TANF benefit if it is determined by the worker the funds are to be used for educational purposes for the child(ren). Any court established trust must be examined to determine if the court has restricted the trust for other purposes. The worker must verify at application and redetermination if funds have been withdrawn. ■ 5 Any funds withdrawn are treated as lump sum unearned income unless it can be documented the funds were used for the child(ren)'s educational purposes; ■ 6

(8) any accounts, stocks, bonds, or other resources held under the control of a third party if the funds are designated for educational purposes for a child(ren) eligible for TANF, even if the child(ren)'s name is on the account and the third party holder is required to access the funds;

(9) benefits from state and community programs on aging from Title III and Title V are disregarded. Both Title III and Title V are under the Older Americans Act (OAA) of 1965 amended by Public Law (P.L.) 100-175 to become the OAA as amended 2000;

(10) unearned income received by a child(ren) eligible for TANF, such as needs based payments, cash assistance, compensation in lieu of wages, or allowances from programs funded by the Workforce Investment Act (WIA), including Job Corps income. This includes WIA earned income received as wages when the child(ren) is a full-time student; ■ 7

(11) payments for supportive services or reimbursement of out-of-pocket expenses made to individual volunteers serving as foster grandparents, senior health aides, or senior companions, and to persons serving in the Service Corps of Retired Executives (SCORE), Active Corps of Executives (ACE), and any other programs pursuant to the National and Community Service Trust Act of 1993 (NCSTA);

(12) payments to volunteers under the NCSTA, unless the gross amount of AmeriCorps*VISTA payments equals or exceeds the state or federal minimum wage, whichever is greater;

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

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

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

(16) advance payments of EITC or refunds of EITC, as a result of filing a federal income tax return, in the month received and the following month;

(17) refunds of the state EITC, as a result of filing a state income tax return, in the month received and the following month;

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

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

(20) federal major disaster and emergency assistance provided by Section 5515(d) of Title 42 of the United States Code (U.S.C.), and comparable disaster assistance provided by state, local governments, and disaster assistance organizations;

(21) interests of individual Indians in trust or restricted lands. However, any disbursements from the trust or restricted lands are considered as income;

(22) a migratory farm worker's out-of-state homestead if the farm worker's intent is to return to the homestead after the temporary absence;

(23) a non-recurring lump sum Supplemental Security Income (SSI) retroactive payment, made to a TANF recipient, in the month paid and the next following month. The amount remaining in the second month after the month of receipt is a countable resource;

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

(25) payments made to persons because of their status as victims of Nazi persecution;
(26) payments made from the crime victims compensation program as amended in section 1403 of the Victims of Crime Act of 1984, Section 10602 of Title 42 of the U.S.C.;

(27) reimbursements made to a foster care parent(s);

(28) payments as described in Section 1823(c) of Title 38 of the U.S.C. provided to certain persons who are children of Vietnam War veterans; and

(29) funds in education accounts established under Section 529 and 530 of the Internal Revenue Code or exempted by Section 4000 of Title 56 of the Oklahoma State Statues. ■ 8

INSTRUCTIONS TO STAFF 340:10-3-5

Revised 11-1-08

1. The type of insurance is documented in Case Notes on Family Assistance/Client Services (FACS).

2. (a) The average trade-in value listed in the National Automobile Dealers Association (NADA) books can be used, other blue books, or one of the Internet Web sites which provide data on the market value of used vehicles at no cost to the user. Available Web sites include:

   (1) CarPrices www.carprices.com;
   (2) AutoWorld www.autoworld.com;
   (3) Intellichoice www.intellichoice.com;
   (4) Edmund's www.edmunds.com;
   (5) Kelley Blue Book www.kbb.com.; and

   (b) The value of a vehicle cannot be increased by adding the value of low mileage or optional equipment. The Kelley Blue Book requires users to include mileage prior to calculating a vehicle’s value. Other online services
with a mileage field assume average mileage if the mileage field is left blank. To ensure any vehicles are not assigned a higher value based on unusually low mileage the worker uses the greater of the vehicle’s actual mileage or 12,000 miles per year.

(c) The case record must include sufficient documentation indicating the Web site or blue book used to determine the market value of the vehicle.

3. See OAC 340:10-3-28(a)(6).

4. See OAC 340:10-3-28(a)(1) for consideration of a lump sum retirement benefit received at the time of retirement.

5. See OAC 340:10-3-6.

6. Funds for educational purposes are for any necessary expenses related to school activities such as fees, books, and clothing.

7. See OAC 340:10-3-40(17).

8. Money withdrawn from an education account is not considered unless withdrawn for use other than education. This exclusion includes:

   (1) Oklahoma College Savings Plan accounts. Information about these accounts may be found at http://www.ok4saving.com/;

   (2) Coverdell Education Savings also known as Section 530 accounts; and

   (3) Qualified Tuition Program also known as Section 529 accounts.
340:10-3-40. Income disregards

Revised 6-1-09

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

(1) the food benefit allotment under the Food and Nutrition Act of 2008;

(2) any payment received under Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970;

(3) education grants, including work study, and scholarships that are contingent upon the student regularly attending school. The student's classification as a graduate or undergraduate is not a factor;

(4) loans, regardless of use, if a bona fide debt or obligation to pay can be established. Criteria to establish a loan as bona fide includes an acknowledgment of obligation to repay or evidence that the loan was from a person or financial institution in the loan business. If the loan was from a person(s) not in the loan business, the borrower's acknowledgment of obligation to repay, with or without interest, is required to indicate that the loan is bona fide. If the loan agreement is not written, Form 08AD103E, Loan Verification, must be completed by the borrower attesting that the loan is bona fide and signed by the lender verifying the date and amount of loan. When copies of written agreements or Form 08AD103E are not available, detailed case documentation must include information that the loan is bona fide and how the debt amount and date of receipt was verified;

(5) Indian payments, which include judgment funds or funds held in trust, distributed per capita by the Secretary of the Interior, Bureau of Indian Affairs (BIA) or distributed by the tribe subject to approval by the Secretary of the Interior. For purposes of this paragraph, per capita is defined as each tribal member receiving an equal amount. Any interest or investment income accrued on such funds while held in trust or any purchases made with judgment funds, trust funds, interest, or investment income accrued on such funds is disregarded. Any income from mineral leases or from tribal business investments is disregarded as long as the payments are paid per capita. Any interest or income derived from the principal or produced by purchases made with the funds after distribution is considered as any other income;

(6) special allowance(s) for school expenses made available upon petition in writing from trust funds of the student;
(7) income from trusts of a child(ren) included in a TANF benefit if it is determined by the worker that funds are to be used for educational purposes for the child(ren). Any court established trust must be examined to determine if the court has restricted the trust for other purposes. The worker must verify at application and redetermination if funds have been withdrawn. ■ 1 Any funds withdrawn are treated as lump sum unearned income unless it can be documented the funds were used for the child(ren)'s educational purposes; ■ 2

(8) income from accounts, stocks, and bonds held under the control of a third party if the funds are designated for educational purposes for a child(ren) in a TANF benefit even if the child(ren)'s name is on the account and the third party holder is required to access the funds;

(9) benefits from state and community programs on aging from Title III and Title V. Title III and Title V are under the Older Americans Act (OAA) of 1965 amended by Public Law (P.L.) 100-175 to become the OAA as amended 2000. Each state and various organizations receive some Title V funds. These organizations include:

   (A) Experience Works;

   (B) National Council on Aging;

   (C) National Council of Senior Citizens;

   (D) American Association of Retired Persons (AARP);

   (E) United States (US) Forest Service;

   (F) National Association for Spanish Speaking Elderly;

   (G) National Urban League;

   (H) National Council on Black Aging; and

   (I) National Council on Indian Aging.

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

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

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

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

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

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

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

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

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

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

(20) Low Income Home Energy Assistance Program (LIHEAP) payments for energy assistance and payments for emergency situations under Emergency Assistance to Needy Families with Children;
(21) advance payments of Earned Income Tax Credit (EITC) or refunds of EITC as a result of filing a federal income tax return;

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

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

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

(25) federal major disaster and emergency assistance provided by Section 5515(d) of Title 42 of the United States Code (U.S.C.) and comparable disaster assistance provided by states, local governments, and disaster assistance organizations;

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

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

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

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

(30) interest accrued from the deposits made by an person into an Individual Development Account (IDA) up to $2,000; ■ 4

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

(32) payments made from the crime victims compensation program as amended in section 1403 of the Victims of Crime Act of 1984, Section 10602 of Title 42 of the U.S.C.;
(33) reimbursements made to a foster care parent(s) or a potential foster care parent(s) \( \text{5} \); and

(34) payments as described in Section 1823(c) of Title 38 of the U.S.C. provided to certain persons who are children of Vietnam War veterans.

**INSTRUCTIONS TO STAFF 340:10-3-40**

Revised 6-1-09

1. See OAC 340:10-3-6 for trust accounts policy.

2. See OAC 340:10-3-28 for lump sum payments policy.

3. See OAC 340:10-2-4(c)(2) for on-the-job training.

4. See OAC 340:10-3-5(a)(10) for Individual Development Accounts.

5. Such as a pre-service training stipend or Kinship Start Up Stipend (KSUS) payment. See OAC 340:75-5-24.
340:10-3-56. Structure of the assistance unit

Revised 6-1-09

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

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

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

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

   (C) all blood-related minor siblings living in the home with the TANF eligible child(ren), including half brothers and half sisters unless eligibility for the half brothers and half sisters does not exist.  

   (2) Persons whose needs may be included are:

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

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

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

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

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

   (D) the natural parent(s) when the only child(ren) in the home received benefits in the form of a voucher and has been removed from the cash benefit as a result of attaining 36 months of age;
(E) the adoptive parent(s) when the only dependent child(ren) receives a Title IV-E or state adoption subsidy;

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

4 All other conditions of TANF eligibility must be met. The hardship extensions are:

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

(ii) chronically under-employed. The participant is under-employed over an extended period of time as a result of documented barriers; ■ 5

(iii) pending SSI or Social Security Administration (SSA) disability application. This extension is granted only if the Oklahoma Department of Human Services (OKDHS) determines the disability application has merit and the participant pursues all appeals through a decision by the SSA Appeals Council. ■ 6 If an unfavorable decision is received from the SSA Appeals Council during the time period the participant is approved for a hardship extension, Family Support Services Division (FSSD), TANF Section, is notified and the TANF benefit is closed the next effective date; ■ 7

(iv) care of a disabled child(ren) or spouse. The participant is responsible for the care of a disabled child(ren) or spouse. This extension is granted only when verification has been provided to show the participant is needed in the home to care for this disabled person and there is no alternative care available; ■ 8

(v) a clinical diagnosis of mental illness. The participant must be diagnosed with and receiving treatment for a mental disorder listed at Part 404, Subpart P, Appendix 1 of Title 20 of the Code of Federal Regulations. ■ 9 This illness must interfere with the participant maintaining or obtaining gainful employment. If appropriate, the participant must participate in other work activities in conjunction with receiving treatment;

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

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

(G) a child of a minor in foster care if the minor's child is not included in a foster care payment.

(3) Persons whose needs may not be included are:

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

(B) a person who has received or is included in an SSI payment for the same month;

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

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

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

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

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

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

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

(J) a person in a household that is eligible to receive benefits under a tribal TANF program;

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

(ii) If a recipient gives birth to an additional child(ren) during the period in which the family is eligible for benefits or during a temporary penalty period of ineligibility, the increase in the amount of benefits is issued as a voucher. A child(ren) born within ten months of application is not considered an additional child(ren) for this provision.

(iii) The first child(ren) born after ten months from the date of application to a minor child(ren) of an applicant or a recipient family is not considered an additional child(ren) for this provision and is added to the cash payment. Any subsequent child(ren) born to a minor child(ren) is added for voucher benefits;

(L) a fugitive felon; ■ 16

(M) a probation and/or parole violator;

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

(O) a family that includes any head of household or a spouse of the head of household who has received TANF benefits for a total of 60 cumulative months, whether or not consecutive, and a hardship extension is not approved; or ■ 17

(P) a minor unmarried payee who has a dependent child(ren) in the minor's care and does not reside with a parent(s), legal guardian, or other adult relative age 18 or older. For the minor payee to be eligible for TANF benefits, the minor must live with the minor's natural or adoptive parent(s) or a stepparent, legal guardian, or other adult relative age 18 or older, or live in a foster home, maternity home, or other supportive living arrangement supervised by an adult. A supportive living arrangement is where a private family setting is maintained and an adult assumes the responsibility for the care and control of the minor and the minor's dependent child(ren) or provides supportive services such as counseling and guidance. The minor payee can reside elsewhere and be eligible for TANF if good cause is established because the:
(i) minor has no living parent or legal guardian whose whereabouts are known;

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

(iii) physical or emotional health or safety of the minor or the minor's dependent child(ren) is jeopardized if the minor or the minor's dependent child(ren) lives in the home with the parent(s), legal guardian, or other adult relative age 18 or older;

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

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

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

1. a person receiving training or education for employment during the period of time the training or educational activities are taking place;

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

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

4. a child(ren) absent in order to attend school, other than boarding school. Factors considered in making this determination include the maintenance of normal ties between home and the child(ren) during the period of absence; whether the child(ren) continues under the control and guidance of the payee during the absence; and assumption of responsibility by the relative-payee for meeting the child(ren)'s expenses during the school term. A child(ren) who attends the School
for the Blind or the School for the Deaf is considered temporarily absent from the home in determining TANF eligibility; 19

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

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

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

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

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

INSTRUCTIONS TO STAFF 340:10-3-56

Revised 6-1-09

1. When a person is required to be included in two or more assistance units in the same household, the assistance units must be combined, and the case records consolidated.

2. (a) A child(ren) in common may not be included when deprivation cannot be established for the child(ren) because neither the natural or adoptive parent is disabled or incapacitated and neither parent can meet a work history requirement. In this situation, it is a stepparent case with only the adult and his or her child(ren) by a prior relationship included in the assistance unit.
(b) A child(ren) of the proper degree of relationship to the adult in the home who is not a blood-related sibling to the child(ren) in the assistance unit remains in his or her own case if one exists or a new application is taken. Refer to OAC 340:10-3-59(b).

(c) A blood-related minor sibling that receives Supplemental Security Income (SSI) or an ineligible alien blood-related sibling may not be included in the Temporary Assistance for Needy Families (TANF) benefit.

3. This provision applies to active TANF benefits only. Refer to OAC 340:10-3-57(i) for more information about impending reunification. Impending reunification is the anticipated return of the child(ren) to the home within four months.

4. (a) In accordance with OAC 340:10-1-4 a client is restricted to a lifetime limit of 60 months of TANF unless a hardship extension is approved. In accordance with OAC 340:10-7-1, when a person applying for TANF reports moving to Oklahoma from another state, the worker must contact that state to determine concurrent receipt of TANF and the number of months of TANF received in that state. Form 08TA005E, Out-of-State TANF Benefits, can be used to verify the number of months of out-of-state TANF receipt.

(1) When a person applying for TANF has received 60 months or more of TANF benefits, whether in Oklahoma or out-of-state, the worker discusses Part I of Form 08TW024E, Extension Request for Temporary Assistance for Needy Families (TANF), with the applicant along with other factors of eligibility during a face-to-face interview.

(2) When the client meets all other factors of eligibility and requests a hardship extension, the worker and applicant complete and sign Part I of Form 08TW024E at the face-to-face interview. No action is taken on the application until a decision is made regarding the extension request.

(A) The worker gathers information to determine whether the applicant meets hardship criteria shown on Form 08TW024E and verification of the number of months of previous TANF receipt.

(B) When additional documentation is needed to support the hardship request, the worker gives the applicant Form 08AD092E, Client Contact and Information Request, requesting needed documentation.
(C) The worker documents the interview and reasons why a hardship extension is requested in Family Assistance/Client Services (FACS) Case Notes.

(D) The worker sends Form 08TW024E to the Family Support Services Division (FSSD) TANF Section, along with the case record and all supporting documentation received, to request a hardship extension decision. It is the responsibility of the worker to ensure all assessments, diagnostic tests, and verifications are documented in the case record prior to sending it to FSSD TANF Section. When the months and years of out-of-state TANF receipt are verified after the other case information has already been sent, the worker faxes this information to the FSSD TANF Section or e-mails it to TANF@OKDHS.org.

(E) The FSSD TANF Section staff reviews all documentation provided, completes Part II of Form 08TW024E showing whether the hardship extension request was approved or disapproved, and returns the case record and all documentation to the worker.

(i) If the request is approved, Form 08TW024E shows when the extension request must be reviewed. The worker enters an ET&E authorization in FACS using the appropriate TANF Work extension component to designate the reason for the extension and enters the review date shown on Form 08TW024E. If the approval is based on an agreement for the client to participate in a work activity, the worker must open an appropriate authorization for that activity to track hours of participation and to pay the client a participation allowance.

(ii) If the request is disapproved, the worker denies the application using code 29A "TANF extension not approved - receipt of TANF benefits for 60 months."

(3) When the applicant marks on Form 08TW024E that an extension is not requested, the worker submits Form 08TW024E to the FSSD TANF Section and denies the application using code 29 "TANF extension not requested – receipt of TANF benefits for 60 months." FSSD TANF Section staff reviews Form 08TW024E and returns it to the worker with Part II completed showing that no request for an extension was received.
(b) When the TANF benefit is active and the client is approaching the 60 month time limit, the system sends an automatic notice in the 57th month of benefit receipt. The notice advises the client to contact the worker as benefits are ending soon. The worker's CWA Report 57 lists all cases where TANF clients are within 90 calendar days of the 60 month time limit. When a case appears on the worker's CWA, the worker makes a home visit or sends the client Form 08AD092E requesting a face-to-face interview to discuss whether the client wishes to request a hardship extension request.

(1) When the client participates in a face-to-face interview and requests an extension, the worker follows the same procedures outlined in (a)(2) of this Instruction. The TANF benefit remains active until a decision is made by the FSSD TANF Section.

(2) When the client fails to respond to the interview request or marks on Form 08TW024E that an extension request is not requested, the worker closes the TANF benefit for the next effective date and follows the same procedures outlined in (a)(3) of this Instruction. If the client requests a fair hearing during the ten-day period following the issuance of the adverse notice, the benefit can remain open until a decision is made by the Appeals Unit. Refer to OAC 340:65-5-1.

(A) When the client requests TANF within 30 calendar days from the effective date of closure, the worker and client complete and sign Part I of Form 08TW024E at a face-to-face interview. The worker follows the same procedures outlined in (a)(2) of this Instruction.

(B) The date of the client's signature on Form 08TW024E is used as the application date of the hardship extension request. No action is taken on the hardship extension request until a decision is reached by the FSSD TANF Section.

(i) If the hardship request is approved, the worker reopens the TANF benefit using the appropriate administrative reopening code.

(ii) If the hardship extension request is disapproved, the worker denies the TANF request using code 29A "TANF extension not approved – receipt of TANF benefits for 60 months."

(3) When the client requests an extension and it is disapproved, the worker closes the TANF benefit for the next effective date using reason code 29A
"TANF extension not approved – receipt of TANF benefits for 60 months."

(4) When the hardship extension is requested and disapproved or the client did not request an extension, the client’s case appears on the worker's CWA Report 70 30 calendar days from the effective date of the closure. The worker makes a home visit to determine the family’s circumstances and offers any appropriate services. The worker documents the interview and current family circumstances in FACS Case Notes.

(c) When the FSSD TANF Section approves the hardship extension request and the reason for the extension changes during the extension period, the worker and client complete and sign a new Part I of Form 08TW024E. The worker sends the extension request with supporting documentation and the active case record to the FSSD TANF Section for a decision.

(1) If the new request is approved, the worker closes the ET&E authorization with the previously approved TANF Work extension component and enters a new ET&E authorization with the new TANF Work extension component and the new review date.

(2) If the new request is disapproved, the worker closes the TANF benefit for the next effective date using reason code 29A "TANF extension not approved – receipt of TANF benefits for 60 months."

(d) When the client's hardship extension approval time frame is completed, the worker makes a home visit or sends the client Form 08AD092E requesting a face-to-face interview to discuss whether the client wishes to request an additional hardship extension.

(1) If the client requests an additional extension, the worker and client complete and sign Part I of Form 08TW025E, Extension Review/Disposition. The worker gives Form 08AD092E to the client when additional supporting documentation is needed. The worker sends Form 08TW025E, any supporting documentation, and the active case record to the FSSD TANF Section for a decision. FSSD TANF staff reviews the request and completes Part II of Form 08TW025E approving or disapproving the request and sends back to the worker this form and all information submitted.

(A) If the continued extension is approved, the worker updates the ET&E authorization to show the new review date for the TANF Work extension component and makes updates as needed to any open ET&E
authorizations to track hours of participation.

(B) If the extension request is disapproved, the worker closes the TANF benefit for the next effective date using the code 29C "receipt of 60 months of TANF. Extension time frame completed."

(2) When the client fails to respond to the interview request or marks on Form 08TW025E that a continued extension request is not requested, the worker closes the TANF benefit for the next effective date using code 29C "receipt of 60 months of TANF. Extension time frame completed."

(3) When a hardship extension was requested and disapproved or the client did not request an extension, the client's case appears on the worker's CWA Report 70 30 calendar days from the effective date of the closure. The worker makes a home visit to determine the family's circumstances and offers any appropriate services. The worker documents the interview and current family circumstances in FACS Case Notes.

(e) When a hardship extension request is approved and the client fails, without good cause as described at OAC 340:10-2-2, to follow through with the employment plan as authorized by the extension approval, the worker closes the TANF benefit for the next effective month using code 29B "TANF extension – failed or refused to meet TANF work requirements" and notifies the FSSD TANF Section by e-mail.

(1) When there has been no contact with the person within 30 calendar days after the effective date of closure, the worker makes a home visit to determine the family's circumstances and offers appropriate services.

(2) Persons who agree to participate within 60 calendar days of the date of the benefit termination may have their benefit recertified on reconsideration of the administrative action. The effective date of the recertification is dependent upon the successful participation of the person in an assigned work activity and the circumstances of the case. The FACS Case Notes and Form 08TW002E, TANF Work/Personal Responsibility Agreement, Section 7, must document any requirement placed on the person prior to the recertification of the case.

(3) If the review of the hardship extension falls during the 60 calendar day time frame and the TANF benefit is reopened, a new Form 08TW025E must
be completed and signed by the worker and client at the face-to-face interview. Form 08AD092E is given to the client when additional supporting documentation is needed. The worker sends the request with supporting documentation to the FSSD TANF Section for a decision.

(4) If the review of the hardship extension is due after this 60 calendar day time frame and the TANF benefit is reopened, the original review time frame and procedures are followed. Refer to OAC 340:10-2-2 Instructions to Staff (ITS) 5(2) for consideration of Food Stamp Penalty Income (FSPI) and ITS 6 for good cause reasons.

(f) When the client requests TANF more than 30 calendar days from the effective date of closure and the closure was for a reason other than reaching 60 months or closes after being approved for a hardship extension and does not meet the situation described in (e) of this Instruction, a new application and Form 08TW024E are completed and signed by the worker and client at the face-to-face interview. The worker follows the same procedures outlined in (a)(2) of this Instruction.

(g) When the worker closes the TANF benefit on failure to cooperate with TANF Work between the 57th and 60th calendar month of receipt of TANF benefits and the client requests to have the TANF benefit reopened, in addition to updating Form 08TW002E the worker and client complete and sign Part I of Form 08TW024E at the face-to-face interview. The worker follows the same procedures at (a)(2) of this Instruction. FSSD TANF staff wait to make a decision on this request until benefits are reopened.

(h) When the client has received 60 months of TANF benefits and benefits closed due to failure to cooperate with TANF Work (52A) rather than 29A "TANF extension not approved – receipt of TANF benefits for 60 months," and the client requests an extension within 60 calendar days of closure, a new application form is not required. Part I of Form 08TW024E and Form 08TW002E are completed and signed by worker and client at face-to-face interview. The worker follows the same procedures at (a)(2). The TANF benefit remains closed until the client is cooperating in a new TANF Work plan and the hardship extension approval is received by worker.

5. Barriers can include, but are not limited to, learning disabilities, physical limitations, which can include a high risk pregnancy or late term pregnancy, or mental disorders observed by the Oklahoma Department of Human Services (OKDHS) staff or other community partners. Medical records are not required
to document the observed mental disorder.

6. Examples of merit are when the participant has obtained legal representation for his or her SSI or Social Security disability application or a determination has been made by the Disability Advocacy Program (DAP). See OAC 340:10-2-8(c)(6). Another example is when the Department of Rehabilitation Services has denied services to a participant because employment is unlikely.

7. The decision by the Social Security Administration Appeals Council to send the request back to the Administrative Law Judge is not an unfavorable decision.

8. The spouse or child(ren) does not have to be receiving disability benefits, however due to physical or mental impairment he or she cannot provide self-care.

9. The mental disorders at Part 404, Subpart P, Appendix 1, of Title 20 of the Code of Federal Regulations are:

   (1) Section 12.03 - schizophrenia, paranoia, and other psychotic disorders;

   (2) Section 12.04 - depression, manic disorder, or bipolar disorder;

   (3) Section 12.06 - anxiety disorder, including post-traumatic stress disorder;

   (4) Section 12.07 - somatoform disorder; and

   (5) Section 12.08 - personality disorders.

10. If the required nine hours or more per week of treatment is not available in the community, the participant continues eligible until the appropriate services are provided.

11. When a recipient is approved for SSI, the removal date is the next effective date. If the initial SSI payment is received prior to the removal date, no overpayment exists.

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

14. Recipient includes SSI and ineligible alien mother.

15. (a) The needs of a child(ren) receiving a TANF voucher benefit are automatically removed from the TANF voucher benefit the month after the child(ren) turns 36 months of age. The Household tab on FACS for the TANF voucher benefit status is automatically updated to "Income and resources are considered for benefit computation. Not included in benefit." This child(ren):

   (1) is no longer eligible for a voucher or cash assistance as long as the child(ren) continues to live in the home of his or her natural or adoptive parent(s); and

   (2) continues to show on the Household tab as TANF voucher benefit with a benefit status of "Income and resources are considered for the benefit computation. Not included in the benefit," if the case closes and reopens and the cash assistance unit remains the same.

(b) The Information Management System transactions F17V, BMU, and CVRP are used to issue, remail, or replace vouchers.

   (1) The F17V transaction is used to issue retroactive or supplemental vouchers. To access the F17V transaction, enter F17V space case number.

   (2) Vouchers returned to the Finance Division are posted to the human service center's (HSC) BML listing and HSC staff is responsible for remailing or canceling the voucher using the BMU transaction.

   (3) The CVRP transaction is used to request replacement of child vouchers for stop payment or expired vouchers. To access the CVRP transaction, enter CVRP and a formatted screen is returned for the worker to complete.

   (4) Form 10AD044E, Affidavit of Lost or Destroyed Warrant, is used when a recipient states that the vouchers were never received.


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

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

340:10-3-57. Special considerations

Revised 6-1-09

(a) **Concurrent receipt of State Supplemental Payment (SSP) for the aged, blind, or disabled.** A person 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 person 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 TANF and SSI.** A person cannot be included in a TANF benefit for the same month he or she was included in an SSI payment. 3 If it appears a person included in a TANF application or an active TANF benefit might meet the eligibility conditions for TANF and SSI, the person has a choice to have eligibility determined for TANF or SSI benefits. Persons are informed of their responsibility to report to the Oklahoma Department of Human Services (OKDHS) if any member of the assistance unit makes application for SSI or becomes eligible for SSI. If any assistance unit member applies for TANF or is receiving TANF when the member makes an application for SSI, the member must inform the Social Security Administration (SSA). 4

(1) When the only dependent child(ren) 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, SSA advises OKDHS of SSI eligibility, and requests the month of TANF termination and the amount of TANF benefits paid for each month of SSI eligibility. 5 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 person 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 person may be included in an SSP, if all other conditions...
of eligibility are met. ■ 6

(c) Concurrent receipt of state and tribal TANF. A person who is included in a tribal TANF payment cannot be included in another TANF benefit in the same month. If the person 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.

(d) Concurrent receipt of more than one form of public assistance. A person 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 A person 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.

(e) Stepparent, spouse of needy caretaker, person acting in the role of a spouse, or 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, spouse of a needy caretaker, person acting in the role of a spouse, parent(s) of a minor parent, or his or her dependent is an SSI recipient.

(1) Stepparent or spouse of needy caretaker income. If a stepparent of the child(ren) or the spouse of a needy caretaker for whom TANF is requested is living in the home with the child(ren), the verified earned and unearned income of the stepparent or spouse of a needy caretaker, 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 or spouse of a needy caretaker'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 or spouse of a needy caretaker'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 or spouse of a needy caretaker's unearned income;

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

(D) subtracting the actual amounts the stepparent or spouse of a needy caretaker paid to persons not living in the household but claimed as tax dependents. It is the stepparent's or spouse of a needy caretaker's responsibility to identify and verify tax dependents; ■ 9

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

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

(2) Stepparent or spouse of a needy caretaker resources. Resources owned exclusively by the stepparent or spouse of a needy caretaker 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 or spouse of a needy caretaker.

(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 person(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 person's countable earned income. ■ 12

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. 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

(f) 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 a person included in the assistance unit is not allocated or diverted to persons who are not in the assistance unit. All countable unearned and earned income of the person 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(ren).

3. The net income of a fugitive felon excluded from the benefit is considered the same as stepparent income.

(g) **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. The 25% penalty is removed the next effective date when compliance is documented or the time frame for the penalty has ended. 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.

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; [OAC 340:10-13]

3. failure of a child(ren) kindergarten age to 18 years of age to attend school; [OAC 340:10-14]

4. failure to provide verification of child(ren) immunizations; and [OAC 340:65-9-4]

(h) **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.

(i) **TANF eligibility when the child(ren) is placed in out-of-home care.** ■ 21 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. ■ 22

(1) 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. ■ 23 This plan addresses employability and strategies to correct the conditions which caused the child(ren) to be removed from the home. ■ 24

(2) 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. ■ 25

(j) **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. A person other than the natural or adoptive parent is not included in the benefit for any month if that person is participating in a strike on the last day of the month.

**INSTRUCTIONS TO STAFF 340:10-3-57**

**Revised 6-1-09**

1. The Family Support Services (FSS) worker is responsible for explaining the benefits of both programs but the person is responsible for choosing the program that is most beneficial in meeting the person's needs.

2. See OAC 340:10-2-8(c)(6) for the Disability Advocacy Program.
3. See OAC 340:10-3-28(a)(1) for non-recurring lump sum Supplemental Security Income (SSI) retroactive payments.

4. The local Family Support Services (FSS) worker notifies the Social Security Administration (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.

5. The FSS worker is responsible for providing the requested information to SSA, taking the appropriate action to adjust the benefit for the next effective date, and confirming such action.

6. See OAC 317:35-5-4(a)(1)(D) when SSI has already determined the person ineligible.

7. A person 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 Oklahoma Department of Human Services (OKDHS) Appendix C-1, Maximum Income, Resource, and Payment Standards, Schedule IX.A.

9. The stepparent’s or spouse of a needy caretaker’s most recent income tax return can be used as documentation.

10. When the stepparent or spouse of a needy caretaker 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 persons 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 FACS 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 - person not included" in the status field.
(1) On the FACS 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.

(2) Any unearned income is entered in the designated field.

(3) Enter the diverted field with the need standard as indicated on OKDHS Appendix C-1, Schedule IX, for the appropriate number of persons and, if necessary, any exemptions.

(4) 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. To determine the need standard for the alien parent and/or any disqualified siblings who do not meet the citizenship and alienage requirement, see OKDHS Appendix C-1, Schedule IX.

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

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

17. See OAC 340:65-3-8 for review periods. The closure code is entered on FACS Financial Assistance tab, penalty and other income (14A).

18. 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).

   (1) 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 FACS Financial Assistance tab for recalculation of the cash benefit.

   (2) The FSS worker must also complete the Food Stamp Penalty Update (FSPU) screen with an end date.
(3) When the TANF benefit 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.

19. 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 SSI. If the adult is receiving SSP and/or SSI, and fails to cooperate with Oklahoma Child Support Services (OCSS), the 25% penalty is coded on the child(ren) in the Temporary Assistance for Needy Families (TANF) benefit.


22. (a) The FSS worker is notified by the Child Welfare (CW) worker within five working days from the filing of the petition to remove the child(ren) from the home.

   (1) The child(ren) is removed from the TANF benefit.

   (A) It is the responsibility of the FSS worker to determine if the adult(s) meets continuing eligibility requirements.

   (B) If not met, the appropriate case action is taken.

   (2) 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:

   (1) the FACS TANF Work tab is updated to reflect TANF pending reunification in the Payee/Spouse Grant Indicator field;

   (2) the expected date of return is updated by using the FF transaction for PS2 block B80;

   (3) food benefits are recalculated using the adult only benefit amount; and
(4) the adult(s) continues eligible for medical benefits.

(c) When the child(ren) is returned to the home the:

(1) date entered in PS2 block B80 is deleted;

(2) Payee/Spouse Grant Indicator field on the FACS TANF Work tab is updated to Parent or Caretaker relative included in benefit and is a required TANF Work participant; and

(3) child(ren) is added back to the TANF benefit, if the family continues to meet eligibility criteria.

23. 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 FACS Case Notes.

24. 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.

25. 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. FACS Case Notes 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.
340:10-3-75. Continued medical benefits (CMB)

Revised 6-1-09

(a) **Conditions for CMB.** Medical benefits are continued when a Temporary Assistance for Needy Families (TANF) benefit is closed due to the receipt of child or spousal support, or new or increased earnings of the caretaker relative. The medical benefits coverage is of the same amount, duration, and scope as if the assistance unit continued receiving TANF. Eligibility for CMB begins with the effective date of closure or the effective date of closure had the income been reported timely. A person is included for CMB only if that person was eligible for TANF and included in the assistance unit at the time of the closure. To be eligible for CMB the assistance unit must meet all of the requirements listed in (1) - (4) of this subsection.

1. At least one member received TANF in at least three of the six months immediately preceding the month of case closure.

2. The assistance cannot have received fraudulently as determined by Family Support Services Division Benefit Integrity and Recovery Section in any one of those six months.

3. The assistance unit must include a dependent child who meets the age and relationship requirements for TANF and whose needs are included in the TANF assistance unit at the time of closure, unless the only eligible child is a Supplemental Security Income (SSI) recipient.

4. Client must comply with Soonercare (Medicaid) citizenship and identity verification rules at OAC 317:35-5-25.

(b) **Closure due to child support or spousal support.** Medical benefits are continued if the TANF closure is due to the receipt of new or increased child support or payments for spousal support in the form of alimony. The medical benefits are continued for four months.

(c) **Closure due to new or increased earnings of caretaker relative.** Medical benefits are continued if the closure is due to the new or increased earnings of the caretaker relative. The caretaker relative's needs must be included in the assistance unit at the time of closure. The caretaker relative who is the natural or adoptive parent is required to cooperate with Oklahoma Child Support Services (OCSS) during the period of time the family is receiving CMB. If the caretaker relative changes during the CMB period, the assistance unit loses its CMB coverage.
(1) **Eligibility.** Medical benefits may be continued for a period up to 12 months. This period is divided into two six-month periods with eligibility requirements and procedures for each period.

(A) **Initial six-month period.** The assistance unit is eligible for CMB if:

   (i) an eligible child remains in the home;

   (ii) the caretaker relative remains the same; and

   (iii) the assistance unit remains in **Oklahoma**.

(B) **Additional six-month period.** Medical benefits are continued for the additional six-month period if:

   (i) an eligible child remains in the home;

   (ii) the caretaker relative remains the same;

   (iii) the assistance unit remains in **Oklahoma**;

   (iv) the assistance unit was eligible for and received CMB for each month of the initial six-month period;

   (v) the assistance unit has complied with reporting requirements in (4) of this subsection;

   (vi) the assistance unit has average monthly earned income that does not exceed the standard which is based on 185% of the Federal Poverty Level; and

   (vii) the caretaker relative had earnings in each month of the three-month reporting period, unless the lack of earnings was due to an involuntary loss of employment, illness, or other good cause.

(C) **Income eligibility.** Income eligibility is determined using rules in (i) through (ix) of this subsection.

   (i) The unearned income and resources of the assistance unit are disregarded in determining eligibility for CMB.

   (ii) There is no earned income test for the initial six-month period.
(iii) The assistance unit's medical benefits are not continued for the additional six-month period if the assistance unit's countable earnings exceed the standard.

(iv) Income is determined by averaging the entire assistance unit's gross monthly earnings for the three-month reporting period.

(v) Use average family size for the immediate preceding three months when the family size changes during the three-month period.

(vi) The only deduction allowed is the cost for approved child care necessary for the employment of the caretaker relative. The child care deduction is averaged for the same three-month reporting period. There is no maximum amount for this deduction.

(vii) The earnings of all assistance unit members are used in determining the earned income test. The earnings of additional family members are considered only if that member is a natural or adoptive parent.

(viii) The needs of all persons whose earnings are considered are included in determining the household size for the income test.

(ix) The earned income of a full time student included in the assistance unit is disregarded the same as in TANF rules.

(D) Eligible child. When the TANF benefit is closed and CMB begins, the assistance unit must include an eligible child whose needs were included in the TANF benefit at the time of closure, unless the only eligible child is a SSI recipient. After the CMB begins, the assistance unit must continue to include an eligible child. However, age is the only requirement an eligible child must meet. This means that the eligible child does not have to meet the deprivation factor once CMB begins.

(E) Additional members. After the CMB begins, family members who move into the home cannot be added to the CMB coverage. This includes siblings and a natural or adoptive parent(s). If the additional member is in need of medical services, a new application is completed for that person. If an assistance unit member included in the CMB leaves the home and then returns, that member may be added back to the CMB coverage if all conditions of eligibility are met. A child under the age of one year whose mother is included in the CMB coverage, is added to the assistance unit if the child is deprived of parental support.
(F) **Third party liability.** The assistance unit’s eligibility for CMB is not affected by a third party liability. However, the assistance unit is responsible for reporting all insurance coverage and any changes in the coverage. The worker must explain the necessity for applying benefits from private insurance to the cost of medical care. ■ 2

(G) **Termination of CMB.** The CMB coverage is discontinued any time the assistance unit fails to meet the eligibility requirements as shown in this Section. If it becomes necessary to discontinue the CMB coverage for the assistance unit or any member of the assistance unit, the person must be advised that he or she may be eligible for medical benefits under the regular SoonerCare (Medicaid) Program and how to obtain these benefits. ■ 3

(2) **Notification.** Notices are sent to the assistance unit, both at the onset of and throughout the CMB period. These notices, which are sent at specific times, inform the assistance unit of its rights and responsibilities. When a TANF benefit is closed and the assistance unit is eligible for CMB, the computer-generated closure notice includes notification of the continuation of medical benefits. Another computer-generated notice is sent at the same time to advise the assistance unit of the reporting requirements and under what circumstances the medical benefits may be discontinued. Each notice listed in (A) through (C) of this paragraph includes specific information about what the assistance unit must report. The notices serve as the required advance notification in the event benefits are discontinued as a result of the information furnished in response to these notices.

(A) **Notice #1.** PSNCM1 is issued in the third month of the initial continued medical eligibility period. This notice advises the assistance unit of the additional six-month period of CMB, the eligibility conditions, reporting requirements, and appeal rights.

(B) **Notice #2.** PSNCM2 is issued in the sixth month of the continued medical eligibility period, but only if the assistance unit is eligible for the additional six-month period. This notice advises the assistance unit of the eligibility conditions, reporting requirements, and appeal rights.

(C) **Notice #3.** PSNCM3 is issued in the ninth month of the continued medical eligibility period, or the third month of the additional six-month period. This notice advises the assistance unit of the eligibility conditions, the reporting requirements, appeal rights, and the expiration of CMB coverage.

(3) **Notices not received.** In some instances the assistance unit does not receive all of the notices listed in (c)(2)(A)-(C) of this Section. ■ 4 The notices and report
forms are not issued retroactively.  ■ 5

(4) Reporting. The assistance unit is required to periodically report specific information. To assist the unit, Form 08TA018E, Continued Medical Benefit Reply Form, is sent at the same time as the notices generated during the CMB period. Though preferred, it is not mandatory for the report form itself to be returned. The information may be reported by telephone, in an office interview, or by letter.  ■ 6

(A) The assistance unit must report:

(i) gross earned income of the entire assistance unit for the appropriate three-month period; ■ 7

(ii) child care expenses, for the appropriate three-month period, necessary for the caretaker relative’s continued employment;

(iii) changes in members of the assistance unit;

(iv) residency; and

(v) third party liability.

(B) The reporting requirement time frames are explained in this subparagraph.

(i) The information requested in the third month must be received by the 21st day of the fourth month and is used to determine the assistance unit’s eligibility for the additional six-month period. While this report is due in the fourth month, negative action cannot be taken during the initial period for failure to report. If the assistance unit fails to submit the requested information, benefits are automatically suspended effective the seventh month. If action to reinstate is not taken by deadline of the suspension month, the computer automatically closes the case effective the next month.

(ii) The information requested in the sixth month must be furnished by the 21st day of the seventh month. The decision to continue benefits into the eighth month is determined by the information reported.

(iii) The information requested in the ninth month must be furnished by the 21st day of the tenth month. The decision to continue medical benefits into the 11th month is determined by the information reported.

(I) When the information is not reported timely, the CMB are automatically
suspended by the computer for the appropriate effective date.

(II) If the assistance unit subsequently reports the necessary information, the worker determines eligibility.

(III) If all eligibility factors are met during and after the suspension period, the medical benefits are reinstated. The effective date of the reinstatement is the same as the effective date of the suspension so the assistance unit has continuous medical coverage.

(d) **Receipt of medical benefits after CMB ends.** To ensure continued medical coverage, Form 08MA007E, Recertification of Eligibility for SoonerCare Health Benefits, is computer-generated and mailed to the assistance unit during the third month of CMB for benefits closed due to the receipt of child or spousal support or the 11th month of CMB for benefits closed due to increased earnings. The assistance unit must return Form 08MA007E for a medical redetermination to be made prior to the termination of the CMB benefits. When determined eligible, medical benefits continue as regular SoonerCare (Medicaid) benefits, not CMB. ■ 8 If the assistance unit fails to return Form 08MA007E, medical benefits are terminated.

**INSTRUCTIONS TO STAFF 340:10-3-75**

Revised 6-1-08

1. When medical benefits are not continued at the Temporary Assistance for Needy Families (TANF) closure and should have been, the worker is responsible for updating the Family Assistance/Client Services (FACS) system to reflect the information listed in (1) - (3) of this Instruction.

   (1) In the Interview notebook in the Financial Assistance tab enter Type Action Taken = C, Reason = correct reason code, and Effective Date = same effective date.

   (2) In the Eligibility notebook in the Medical General tab enter Type Action Taken = R, Reason = 18A, and Effective Date = correct date. In the Financial Assistance tab enter Continued Medical Begin Date = correct date or repeat entry.

   (3) For each person included for continued medical benefits (CMB), in the Interview notebook under the Household tab enter Benefit Type = C, Status = E, Date = closure date, Benefit Type = M, Status = A, and Date = most recent certification date.
2. Information regarding the private medical insurance must be kept current in the case record and the computer system.

3. This requirement is met by providing the person with an application. The case record must be documented to show this requirement has been met.

4. For example, if a TANF benefit was to be closed effective 05-01-00 but failed to get closed until 08-01-00, the effective date of CMB would be 05-01-00. Notice #1 would have normally been issued in July. Since the benefit was not closed timely, the assistance unit will not receive notice #1.

5. When a notice or report form is not issued to the assistance unit, the worker is responsible for working with the assistance unit to obtain the information necessary to establish their continued medical eligibility. The case record must contain documentation as to how continued medical eligibility was established.

6. (a) The Form 08TA018E, Continued Medical Benefit Reply Form, is computer-generated on the 25th of each month and is shown on the notice list and the computer screens CM5A or CM5O for each human services center (HSC). The CM5A screen lists the most recent 08TA018E reports issued for a HSC while the CM5O screen shows only those 08TA018E reports issued after the first three months of CMB and information has not been received and updated by the HSC in the fourth or fifth months of the initial six months of eligibility. To access these screens enter CM5A or CM5O space HSC number. When the assistance unit responds to Form 08TA018E, it is the responsibility of the worker to update the CM5A or CM5O screen. If the information provided indicates continued eligibility, an "X" is entered in the indicator field and the date the form was returned or information received is entered in the date returned field.

   (b) CMB benefits are suspended if the CM5A or CM5O screen has not been updated. A notice of suspension is computer-generated to the assistance unit. If it is determined that the assistance unit continues eligible for CMB benefits after the suspension action has taken place, the worker must reinstate the benefits effective the same effective date as the suspension. If a determination is made that the assistance unit will be ineligible at the beginning of the seventh month, the appropriate action is taken on the FACS system on the Medical General tab.

7. Gross earned income must be verified and documented.
8. When the assistance unit returns the Form 08MA007E, Recertification of Eligibility for SoonerCare Health Benefits, and continued medical benefits are appropriate, the worker must update the Certification Period in the Medical General tab of FACS. The FACS system updates the entries for the Continued Medical Begin Date, Continued Medical Expiration Date, and shows the TANF benefits removed.
340:10-3-81. Adjustment period

Revised 6-1-09

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

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

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

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

4. The marriage of the recipient or return of the spouse must be reported timely. ■ 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.

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

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

**INSTRUCTIONS TO STAFF 340:10-3-81**

Revised 6-1-09

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(a) 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. (a) 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."

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

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

(d) Medical benefits remain open until SoonerCare (Medicaid) eligibility is determined by the worker.
340:10-7-1. Residence

Revised 6-1-09

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

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

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

3. Continuous residence is established when the case record and contact with the person show no evidence of absence from Oklahoma.

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

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

   (i) An absence from the state may not continue beyond three months without a specific and current determination of the circumstances of the absence,
whether the purposes of the absence have been accomplished, and the person's statement as to his or her residence. 3 The person is considered as residing in Oklahoma until there is substantial factual evidence he or she has chosen to establish residence in another state.

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

INSTRUCTIONS TO STAFF 340:10-7-1

Revised 6-1-09

1. When references are contacted, the case record must show the name and address of each reference, the place and date of the contact, the known facts and the basis for the person's knowledge of facts related to the person's residence.

2. As receipt of Temporary Assistance for Needy Families (TANF) is limited to 60 months when an adult is included in the benefit, verification of receipt of out-of-state benefits is required. Contact with another state can be by telephone or by use of Form 08TA005E, Out-of-State TANF Benefits, to verify the months and years of TANF benefits received out-of-state. This information is faxed to Family Support Services Division (FSSD), TANF Section or e-mailed to TANF@OKDHS.org.

3. (a) Among the factors considered in relation to the person's own statement of intent are:

   (1) establishing living quarters;
   (2) registering to vote;
   (3) accepting work; or
   (4) entering into business.

   (b) Accepting employment obviously temporary in nature does not, of itself, constitute evidence of change of residence.
(c) Inability to return to the state because of a physical condition or a genuine family emergency is not considered as inconsistent with a statement of intent to retain Oklahoma residence since it cannot be said the person has voluntarily chosen to stay in the other state.

(d) Evidence of intentions to change residence may be a statement of intent at the point of departure or may develop later in the other location.
340:10-10-1. Deprivation of parental support or care by a natural or adoptive parent

Revised 11-1-99

(a) A child is eligible for Temporary Assistance for Needy Families (TANF) if, in addition to meeting other conditions of eligibility, he or she is deprived of parental support or care of at least one natural or adoptive parent(s) due to:

1. death;
2. physical or mental incapacity;
3. unemployment of the principal wage earner; or
4. continued absence from the home and failure to provide maintenance, physical care, or guidance.

(b) For the purpose of TANF eligibility a parent is defined as the:

1. legal father or mother;
2. legal adoptive father or mother; or
3. natural father of a child born out of wedlock who acknowledges paternity or, whose paternity has been determined by court action, or established by documentation, or who is alleged by the mother to be the father of the children.

INSTRUCTIONS TO STAFF 340:10-10-1

Revised 6-1-09

1. A child(ren) with a solely responsible parent such as a single parent adoption is eligible.

2. Verification of a parent's death is documented in the case record using a:

   (1) death certificate;
   (2) obituary notice from the newspaper;
   (3) funeral program; or
(4) notice pertaining to the deceased.

3. The parent must be willing to accept any feasible plan of physical restoration, training, or social services in connection with an employability plan.

4. A child(ren) whose family does not fall within one of these categories is not eligible regardless of financial need.

5. To be legal adoptive parents, the final court decree must have been issued.

6. Documentation for the establishment of paternity can include a birth certificate or a paternity affidavit.
340:10-19-2. Emergency assistance to needy families with children

Revised 6-1-09

The Emergency Assistance Program consists of Emergency Family Services (EFS) administered by the Children and Family Services Division (CFSD), Office of Juvenile Affairs (OJA), and Temporary Assistance for Needy Families (TANF) Emergency Assistance (TANF-EA) administered by the Family Support Services Division (FSSD).

(1) **EFS.** EFS are services to families in which immediate action is necessary to avoid placement of a child(ren) in out-of-home care or to assist in reuniting a child(ren) with the family when in out-of-home placement and thereby prevent destitution of a child(ren) or family.

(2) **TANF-EA.** TANF-EA is administered by FSSD. TANF-EA is available to or on behalf of a needy child(ren) if the assistance is necessary to avoid destitution of the child(ren). TANF-EA payments are state disaster relief funds to families for food, medicine, shelter, utilities, clothing, and personal items. These payments are authorized only after all other resources such as emergency funds from the Social Security Administration (SSA), Bureau of Indian Affairs (BIA), Veterans' Administration (VA), other federal, or state, county, city agencies, and community organizations have been determined unavailable.

(A) **Persons who might be eligible for TANF-EA.** The assistance unit for TANF-EA is defined as containing the natural or adoptive parent(s) if residing with the child(ren) or if the parent(s) is absent from the home, the applicant who is of the specified degree of relationship, the applicant's spouse and any dependent child(ren) in the home who meet the age and relationship requirements. The applicant must be responsible for meeting the emergency need(s) of the child(ren) and unable to meet such need(s). The assistance unit must have suffered a major loss to their home as a result of a natural disaster and whose interest was not protected by insurance. In this instance, income and resources may be disregarded if they are not available or are insufficient to meet the emergency need. Partial insurance coverage must be considered when determining the amount to be disregarded.

(B) **TANF-EA emergency benefits.** Emergency benefits for persons eligible for TANF-EA are:

   (i) food which is not available through the Supplemental Nutrition Assistance Program (SNAP) Program;
(ii) medicines or medical supplies not otherwise covered under the SoonerCare (Medicaid) Program;

(iii) shelter or emergency repairs on the home. If the client owns the home or is responsible for repairs, benefits can be provided for emergency repairs required to make the home livable. Verification of the repair cost must be documented in the case record. If the request is for new shelter, the worker contacts the prospective landlord, either in person or by telephone, to document details regarding the new shelter plan;

(iv) utilities when services have been discontinued. A written notice is required from the supplier that services or fuel cannot be provided or utilities turned on until a payment is received. 1 The notice must be other than routinely printed on the regular bill and must include client's name, address, amount of bill, and account number; and

(v) clothing and personal items lost or destroyed.

INSTRUCTIONS TO STAFF 340:10-19-2

Revised 7-1-00

1. A copy of the notice must be filed in the case record.
340:10-22-1. Temporary Assistance for Needy Families (TANF) Supported Permanency Program

Revised 6-1-09

(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 the:

1. child is age 12 or older or has a sibling age 12 or older who resides in the same relative foster home;
2. relative(s) meets the specified degree of relationship as defined in OAC 340:10-9-1;
3. 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. child(ren) currently resides with the relative(s) in Oklahoma and has resided with the relative(s) four of the last six months;
5. relative(s) has completed all requirements to be an approved OKDHS foster care home;
6. relative(s) is willing to assume legal responsibility; and
7. court and, if appropriate, the child(ren), are in agreement with the plan for the relative(s) to obtain legal responsibility.

(b) **Eligibility.** 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 Temporary Assistance for Needy Families (TANF) to the Field Operations Division Family Support Services. When the child(ren) is approved for TANF supported permanency, he or she is eligible for SoonerCare (Medicaid) and child care benefits, if appropriate.

1. Income of this child(ren) is considered the same as for any other TANF eligible child.
(2) Food benefit eligibility is dependent on the eligibility of the household.

(3) Benefit reduction as a result of program violation is applicable for school attendance and immunization. ■ 6

(4) If the child(ren) leaves the home to reside elsewhere, the Supported Permanency Program benefit is terminated for the child(ren).

(5) 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 340:10-22-1

Revised 6-1-09

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 the Oklahoma Department of Human Services (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(g).