TO: ALL OFFICES

SUBJECT: MANUAL MATERIAL

OAC 340:10-2-2; 10-2-4 through 10-2-5; 10-2-7 through 10-2-8; 10-3-39; 10-3-57; 10-5-1; 10-7-1; 10-9-1; 10-10-4; 10-10-6 through 10-10-7; 10-13-1; and 10-14-1.

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

OAC 340:10-2-2 is amended to add: (1) a new reason for failure to participate in the Temporary Assistance for Needy Families (TANF) Work program; and (2) clarifying information regarding reopening benefits following closure. Instructions to staff (ITS) is amended to: (1) update an appendix; and (2) add a reason good cause may be approved.

OAC 340:10-2-4 is amended to move information about the Work Experience Program (WEP) and Community Partnership (CP) from the training section to the employment section.

OAC 340:10-2-5 is amended to add the completion of on-line applications as a form of job contact.

OAC 340:10-2-7 is amended to remove WEP and CP from this Section and add them to OAC 340:10-2-4.

OAC 340:10-2-8 ITS is amended to add fees for special testing not covered under the Disability Advocacy Program (DAP) contract as an allowed use for flex funds.

OAC 340:10-3-39 is amended to add information about how to consider child support income received by the assistance unit.

OAC 340:10-3-57 is amended to: (1) clarify information regarding a person acting in the role of spouse including when the income of a non-relative of the opposite sex is not considered; and (2) add clarifying language. ITS is amended to: (1) clarify who can receive tribal TANF; (2) better explain how to calculate and code stepparent income; and (3) add policy cites for more information.
OAC 340:10-5-1 is amended to update language and terminology regarding acceptable verification of age.

OAC 340:10-7-1 is amended to clarify that when the applicant has lived out-of-state, no matter how far in the past, the worker must verify whether the applicant received out-of-state TANF benefits before certification.

OAC 340:10-9-1 is amended to clarify legal responsibility when parental rights are terminated or the child is adopted by someone else.

OAC 340:10-10-4 is amended to: (1) remove outdated information; and (2) update information needed to verify deprivation.

OAC 340:10-10-6 ITS is amended to update language to current terminology.

OAC 340:10-10-7 ITS is amended to: (1) clarify how to code child support income; and (2) add a policy cite.

OAC 340:10-13-1 is amended to: (1) allow virtual schools to meet school attendance requirement; (2) remove worker instructions from the rules; and (3) update language to current terminology. ITS is amended to: (1) define what is meant by a virtual school; (2) add information regarding worker action when compliance to the school attendance requirement occurs after a penalty is imposed; and (3) explain how to verify school attendance.

OAC 340:10-14-1 is amended to: (1) change the time limit to verify immunizations are current from six months to 90 calendar days following certification; (2) update language to current terminology; and (3) add clarifying information.
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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340:10-2-2. Sanction process

Revised 6-1-11

(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.

(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 that 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;

   (F) comply with a substance abuse treatment plan; or

   (G) follow the rules of the facility or employer.

(c) Failure to participate without good cause. The worker must contact the individual to determine good cause. 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. 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.
(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. □ 5

(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 calendar 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. □ 6

2. Individuals who agree to participate within 60 calendar days of the date of the benefit termination may have their benefit reopened on reconsideration of the administrative action after the individual participates in an agreed upon appropriate activity for a specified length of time. □ 7 If an appropriate activity is not available due to the client's previous behavior, the case remains closed. The effective date of the reopen action is dependent upon the successful participation of the individual in an assigned work activity and the circumstances of the case. □ 8

(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. □ 9

(h) **Grievances and appeals by employees of Work Experience Program (WEP), Subsidized Employment Program (SEP), and On-the-Job Training (OJT) facilities.** Grievances may be filed by employees of facilities where TANF work participants are assigned to WEP, SEP, 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, SEP, 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 worker 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 6-1-11

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

   (b) 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 code "52B" at the end of the second month, if the worker has taken no action. Supervisory review is required prior to recertification.

2. (a) The preferred contact is a face-to-face interview. The worker attempts to contact the client by telephone to schedule a face-to-face interview in the office or the client’s home.

   (b) If the client refuses to schedule a face-to-face interview, the worker gathers as much information as possible over the phone about why the client was unable to meet participation hours.

   (c) When the worker is unable to reach the client by telephone to schedule an interview, the worker may use Form 08AD092E, Client Contact and Information Request, to request contact.

   (d) Family Assistance/Client Services (FACS) case notes must clearly document the worker’s efforts to contact the client and, if contact is made, the reasons given by the client for failure to participate.

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

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

   (1) The worker enters a closure action in the Action Type field in the Fin. Assistance tab of the Eligibility Notebook with a reason code of TANF Work
sanction (52A), Refused to Meet TANF Work Requirements (52B), or TANF Extension Failed (29B).

(2) The TANF Work tab ET&E status field of the Interview Notebook is coded TANF Work sanction.

(3) Food benefits are closed the same effective date as the TANF closure when the household receives Simplified Supplemental Nutrition Assistance Program (SSNAP) food benefits in accordance with OAC 340:50-11. When the household does not receive SSNAP food benefits, the worker enters a change action in the FACS SNAP tab rather than a closure action. The system applies a food benefit penalty by continuing to count the previous TANF payment standard as income.

(4) The SoonerCare (Medicaid) benefit is extended for a three-month certification period.

(5) If the case has an open child care authorization, the continued need for child care must be addressed.

(6) 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.

5. 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 in 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 pre-school, pre-kindergarten, kindergarten, Head Start, Early Head Start, or tribal child care program; 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 Oklahoma Department of Human Services OKDHS Appendix C-4, Child Care Eligibility/Co-payment Chart or the OKDHS 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 (DAP);

(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 work activity 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;

(15) crisis intervention needed due to domestic violence issues; or

(16) pending Supplemental Security Income (SSI) application with legal representation. Refer to OAC 340:10-2-8(c)(6) for instructions regarding DAP.

6. 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.

7. **A new application is not required.** 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.

8. 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 and the agreed upon work plan after certification.

9. 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.
340:10-2-4. Employment

Revised 6-1-11

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

(1) SEP. SEP is a subsidized employment program through which a TANF participant is hired in full-time employment with OKDHS reimbursing the employer for partial wages for up to four months. Public agencies, nonprofit private agencies, and private employers are eligible to participate. State agencies expressing an interest in participating in the program are informed that the subsidized employment reimbursement cannot be used to claim matching federal funds. If, for any reason in any given month, a SEP participant is paid less than the amount of his or her cash assistance at the time of entry into the program, the SEP participant receives a supplemental TANF benefit. SEP participants are entitled to all benefits from the employer which are available to other employees. Participants are assigned based on their employability plan and the availability of appropriate and willing employers.
(A) Participant requirements. TANF participants must be:

(i) included in the cash assistance unit; and

(ii) available for immediate employment.

(B) Position requirements. Position requirements must include:

(i) full-time employment with an average of 35 hours per week;

(ii) a salary not less than $10 per hour;

(iii) the same wages, benefits, and working conditions as provided to other employees who are performing a substantially equivalent job;

(iv) not considering tips as part of the wages;

(v) agreement to conform to the Equal Employment Opportunity Commission and fair employment practices, for example, nondiscrimination regarding age, race, sex, national origin, or disability; and

(vi) 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 at least $10 per hour is not guaranteed; or

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

(C) Recruitment of employers. Human services center (HSC) designated staff recruits employers interested in SEP. The employer is asked to notify HSC designated staff of potential positions with job specifications and qualifications in order to match the employer with an appropriate TANF participant referral. All SEP referrals are made by HSC designated staff using Form 08TW011E, Subsidized Employment Program (SEP) Referral.

(i) The program explanation emphasizes that employers are expected to retain the SEP participant in full-time employment unless there is good cause for the dismissal. Employers who fail to continue the successful SEP
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, SEP employees or other employees in lay-off status must be recalled.

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

(D) SEP placements. The HSC designated staff arranges interviews between participants and potential employers. SEP participants may begin employment any time during the month. The employer is informed that reimbursement begins after the participant has completed the first 30 calendar days of employment.

(i) Following the employer's agreement to participate and selection of a TANF participant, HSC designated staff negotiates the contract, Form 08TW017E, Subsidized Employment Program (SEP) Contract, with the employer. Negotiation includes the beginning date of employment, the salary the employee will be paid, and the planned number of hours per week the participant will be employed. ■ 3

(ii) Upon receipt of the contract, HSC designated staff reviews it for completeness and, if approved, signs and dates the contract. ■ 4 HSC designated staff delivers to the employer the employer's copy of the contract and Form 08TW018E, Subsidized Employment Program (SEP) Invoice, for requesting reimbursement.

(iii) HSC designated staff contacts the participant to complete and sign Form 08TW006E, Subsidized Employment Program (SEP) Temporary Assistance for Needy Families (TANF) Participant Agreement. ■ 5

(iv) If a contract is not approved, a letter is mailed by the HSC designated staff to the employer explaining the reason for the disapproval. ■ 6 HSC designated staff notifies the participant by either telephone or letter that the contract was not approved. ■ 7
(E) **Program procedures.** The procedures for programs listed in (i) through (iv) of this subparagraph are used.

(i) **TANF cash assistance.** Under SEP, eligibility for TANF cash assistance is frozen. During the period of participation, the TANF assistance unit cannot be determined ineligible.

(ii) **Medical benefits.** SEP participants whose TANF cash assistance is frozen, continue to be eligible for SoonerCare (Medicaid) benefits unless found ineligible for a reason other than earned income.

(iii) **Food benefits.** SEP participants whose TANF cash assistance is frozen and who are receiving Simplified Supplemental Nutrition Assistance Program (SSNAP) benefits in accordance with OAC 340:50-11-20 continue to receive SSNAP benefits without consideration of the SEP income during the period of participation as long as household composition remains the same. Once SEP participation period ends and the TANF benefit closes, the household may be eligible for transitional food benefits per OAC 340:50-11-27.

(iv) **Child care.** Child care plans must be explored with each SEP participant. During the SEP participation period while the TANF cash assistance is frozen and the child is still considered a TANF recipient, the child remains predetermined eligible for child care subsidy benefits with a zero family share co-payment per OAC 340:40-7-1. Once the SEP participation period ends and the TANF benefit closes, the participant's earnings are considered income, and family share co-payments are computed per OKDHS Appendix C-4, Child Care Eligibility/Co-payment Chart.

(F) **Payment of employers.** Employers are eligible for:

(i) reimbursement of 100% of the employee's gross wages for the first 30 days of employment capped at a maximum of 40 hours per week at $12 per hour;

(I) Employers are eligible to apply for reimbursement 30 calendar days following the date of hire.

(II) Employers file for reimbursement by submitting Form 08TW018E directly to Family Support Services Division (FSSD) TANF Section with proof of the participant's earnings for the last six months attached.
(III) When a business changes ownership, the SEP contract transfers with the business. When change of ownership occurs mid-month, the original owner maintains the right to file a claim for reimbursement for the transfer month. The new owner may claim for subsidized wages for the remaining months of the original SEP agreement. ■ 8

(ii) reimbursement of 50% of the employee's gross wages based on hourly wage up to the maximum of $12 per hour the following three months, provided employee remains employed a minimum of 35 hours per week and earning at least $10 per hour up to 40 hours per week; and

(iii) a bonus equal to 100% of the unsubsidized portion of wages up to 40 hours per week for the four month subsidized period provided the SEP employee remains employed a minimum of 35 hours per week, earning a minimum $10 per hour, and the employer retains the employee for a minimum period of six months after the subsidized agreement ends. ■ 10

(G) **Supplemental payments to SEP participants.** FSSD automatically issues supplemental payments for months in which income shown on Form 08TW018E is less than the amount of the SEP participant's cash assistance prior to entering the program.

(H) **SEP contract period completions.** At the end of the fourth month of subsidized employment, TANF eligibility is reviewed for continued eligibility. ■ 11

(I) **SEP contract terminations.** At any time the SEP placement is terminated during the four months of subsidized employment, TANF eligibility is reviewed for continued eligibility. ■ 12

(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. ■ 13
(B) Income from OJT is considered as any other earned income. Transitiona 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.

(d) **Work Opportunity Tax Credit (WOTC).** The WOTC law permits for-profit employers to take a credit on their federal income tax when workers from certain target groups are hired. Workers in these target groups have faced significant barriers to employment. The WOTC is equal to between 25% to 40% of the first year wages, up to $9000, depending on the number of hours the employee works and the applicable target group for that person. The main objective of this program is to enable the targeted employees to gradually move from economic dependency into self-sufficiency as they earn a steady income and become contributing taxpayers, while the participating employers are compensated by being able to reduce their federal income tax liability.

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

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

(B) qualified veterans. Qualified veterans are persons who have received food benefits for at least three consecutive months within the last 15 months preceding the date of hire;

(C) qualified ex-felons. Qualified ex-felons are persons who were convicted of a felony and within the last year were either convicted or released from prison;

(D) designated community residents. Designated community residents are persons who have 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 and for persons who begin work for an employer after May 25, 2007. This High-Risk Youth group has been
renamed "Designated Community Resident" and expanded to include residents of Rural Renewal Counties; ■ 17

(E) vocational rehabilitation recipients. Vocational rehabilitation recipients are persons with a disability who have received or are receiving vocational rehabilitation from a rehabilitation agency approved by the State or Department of Veterans Affairs; ■ 18

(F) qualified summer youth employees. Qualified summer youth employees are persons at least 16 but not 18 on the hiring date and who has a principal residence in an Empowerment Zone, Enterprise Community, or Rural Renewal County hired between May 1 and September 15;

(G) qualified food benefit recipients. Qualified food benefit recipients are persons who are at least 18 but under age 40 who are:

   (i) members of a household that received food benefits for the last six consecutive months prior to their hiring date; or

   (ii) able-bodied adults without dependents no longer eligible for benefits who reside with a household currently receiving food benefits or a household that received food benefits for at least three months out of the last five consecutive months prior to the hiring date;

(H) qualified recipients of Supplemental Security Income (SSI). Qualified recipients of SSI are persons who have received SSI for any month during the 60 calendar days before the date of hire;

(I) long-term TANF recipients. Long-term TANF recipients are persons certified by a designated local agency as being members of families:

   (i) who have received TANF payments for at least 18 consecutive months ending on the hiring date;

   (ii) who have received TANF payments for a total of at least 18 months, whether consecutive or not, after August 5, 1997 if the persons are hired within two years after the date the 18 month total is reached;

(J) Hurricane Katrina employees. Hurricane Katrina employees do not require certification;
(K) unemployed veterans. Unemployed veterans are persons hired after 2008 and before 2011 who:
   (i) have been discharged or released from active duty in the United States Armed Forces at any time during the five year period ending on the hiring date; and
   (ii) received unemployment compensation under state or federal law for at least four weeks during the one year period ending on the hiring date; and

(L) disconnected youth. Disconnected youth are persons who are certified as:
   (i) having attained age 16 but not 25 on the hiring date;
   (ii) not regularly attending any secondary, technical, or post-secondary school during the six month period preceding the hiring date;
   (iii) not regularly employed during the six month period preceding the hiring date; and
   (iv) not readily employable by reason of lacking a sufficient number of basic skills.

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

(3) U.S. Department of Labor Form ETA-9062, Conditional Certification Work Opportunity and Welfare-to-Work Tax Credits, 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.

(e) Work Experience Program (WEP). The purpose of WEP is to provide job skills and work enhancement to TANF participants that enables them 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 OKDHS. Oklahoma workers' compensation law does not cover WEP participants. Medical coverage is provided by the SoonerCare (Medicaid) Program. ■ 20

(3) **WEP referrals.** Participants are referred to WEP slots based on their employability plan. The worker coordinates assignment to a WEP position with the participant. Based on the employability plan, the worker:

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

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

   (C) notifies the participant of the place, time, and interviewer's name. ■ 21

(4) **WEP facilities.** Facilities selected for WEP placements must be capable of providing employment and have an apparent intent to hire, or be able to provide quality job skills enhancement. WEP facilities are solicited by HSC designated staff or a contracted entity who has agreed to assist with job development and placement including WEP. ■ 22 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 skills enhancement are criteria used when soliciting a facility.

   (A) WEP slots are developed to 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: ■ 23

      (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, such as uniforms or special equipment.

(B) There are two types of WEP facilities, WEP Non-profit (WEP-NP) and WEP-For-Profit (WEP-FP).

(i) WEP-NP placement is approved for public and private non-profit organizations or businesses. When a participant requires additional skills enhancement, 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 time to develop 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 working in and has agreed to hire the participant if additional time is granted for the additional development of job skills.

(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 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 job skills enhancement.

(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 or HSC designated staff, the worker contacts the WEP facility to complete Form 08TW015E, Work Experience Program – Non-profit Agreement, or Form 08TW115E, Work Experience Program – For-Profit Agreement.

(A) The worker instructs the facility representative or the 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 day of the month shown on the form.

(C) Approved WEP slots that have not been utilized within a six-month period are reviewed for appropriateness. If the position is no longer feasible, HSC designated 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.

(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, a conference is held with the participant, worker, and supervisor to determine whether a second WEP placement might be beneficial. The worker reviews the employability plan prior to allowing a participant to re-enter WEP. 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 job skills enhancement;

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

(D) length of time between assignments.

(f) **Community Partnership (CP).** CP is unpaid employment in which TANF recipients perform work for the direct benefit of the community. A CP may be approved for both public and non-profit agencies and organizations. A CP assignment must be limited to projects that serve a useful community purpose and are designed to improve the employability of recipients not otherwise able to obtain employment. All CPs must be approved by FSSD, TANF Section staff. Placements in CP require daily supervision. Prior training, experience, and skills of a recipient must be considered in making an appropriate CP assignment.

(1) **Benefits.** Benefits of the program to participants include an opportunity to establish the basic skills necessary to obtain employment, such as daily attendance, appropriate attire, and proper behavior in a work environment. Participants also learn to balance the demands of home and work and gain confidence by performing in a job setting.

(2) **CP facilities.** CP facilities are solicited by HSC designated staff. The ability of the CP to provide the necessary supervision and basic skills training are criteria used when soliciting a partnership.

(A) Training slots are developed to meet the employment needs of the participant as determined by the employability plan.

(B) The worker submits Form 08TW019E, Community Partnership (CP) Approval Request, to the FSSD TANF Section for approval of the training facility.
(C) When a CP agrees to participate, the facility representative is requested to provide:

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

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

(iii) the hours of participation; and

(iv) any special requirements, such as uniforms or special equipment.

(D) No salary is paid.

(E) With respect to injuries incurred during working hours in CP, federal law requires medical coverage be offered under either state workers' compensation law or by OKDHS. Oklahoma workers' compensation law does not cover CP participants. Medical coverage is provided by the SoonerCare (Medicaid) Program.

(3) **CP assignments.** CP assignments are approved for an initial period of no more than 60 calendar days. When a participant requires additional training, the worker may approve a 30-day extension. The criteria listed in (A) through (F) of this paragraph are used as a guide in determining the appropriateness of requesting an extension beyond the initial 60 calendar day period, but are not limited to:

(A) the participant needs the additional time for skills to be acquired to meet minimum hiring requirements;

(B) the participant demonstrates a willingness to learn, but needs additional time to develop basic job skills necessary to be competitive in the labor market;

(C) the CP has an opening in an area different from the one the participant was trained;

(D) the participant has shown improvement in all areas, but needs additional socialization skills and improved behavior patterns in a work setting;

(E) the participant has missed more than two weeks of training due to illness or the illness of a household member; or

(F) extenuating circumstances which prevented the participant from receiving the full benefit of the training.
(4) **CP referrals.** Participants are referred to CP slots based on their employability plan and the availability of positions at the CP. Assignment to a CP position is coordinated between the participant, worker, and the CP. Based on the employability plan, the participant and worker determine:

(A) which CP best meets the participant's needs; and

(B) the location, date, and time to report to the CP.

(5) **Procedures.** Upon approval by FSSD TANF Section staff, the worker contacts the CP facility to complete Form 08TW020E, Community Partnership (CP) 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 day of the month shown on the form.

(6) **Non-cooperation by CP.** When the worker obtains information that the CP is violating the terms and conditions of Form 08TW020E or participants are treated unfairly, the worker informs the county director or HSC designated staff immediately. The nature of the allegations guides the necessary action which may include:

(A) suspension of subsequent assignments at the CP;

(B) immediate removal of the current participants; or

(C) termination of the agreement.

(7) **Changes in placements and subsequent placements.** Following successful completion of CP training, the worker and participant meet to determine whether a second CP placement or other work activity might be beneficial. The worker reviews the employability plan prior to allowing a participant to enter the next work activity. In making this decision, consideration must be given to:

(A) the participant's ability to secure and maintain employment;

(B) whether the participant needs additional training or placement opportunities to enhance employment skills; or
whether the participant needs any educational opportunities to enhance employment skills.

INSTRUCTIONS TO STAFF 340:10-2-4

Revised 6-1-11

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. When an employer has not previously contracted with OKDHS, the employer must also complete and sign Form 23CO135E, Vendor Information – Substitute W-9.

4. The original of Form 08TW017E, Subsidized Employment Program (SEP) Contract, and Form 23CO135E, if needed, are filed in the case record and copies routed to the Family Support Services Division (FSSD), TANF Section. If Form 23CO135E is completed, HSC designated staff must fax the form to the Finance Division, Claims Section at (405) 522-2082.

5. The original of Form 08TW006E, Subsidized Employment Program (SEP) Temporary Assistance for Needy Families (TANF) Participant Agreement, is given to the participant.

6. A copy of the letter and the contract are filed in the participant's case record.

7. The date and the means of contact with the participant and the employer is documented in Family Assistance/Client Services (FACS) case notes.
8. (a) Upon receipt of completed Form 08TW006E and Form 08TW017E, the HSC designated staff determines if the new Subsidized Employment Program (SEP) employer is on the provider file.

   (1) To view provider files, enter P space federal identification (ID) number on the IMS network.

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

   (3) If ownership of the business changes, the new owner information must be on the provider file.

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

   (1) The HSC designated staff enters AUWC, space, the case number of the participant, and completes this screen per the instructions for the AUWC transaction.

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

(c) Periodic reviews of eligibility are completed as scheduled.

9. Upon receipt of Form 08TW018E, Subsidized Employment Program (SEP) Invoice, the FSSD TANF Section staff audits the invoice for completeness and compensability, signs it, and then routes it to the Finance Division for reimbursement.

10. (a) When the employer is eligible for the bonus reimbursement, the SEP authorization must remain open until after the bonus payment is made to the employer. Once the payment is made, the SEP authorization is closed using the last day of the 10th month of employment.

    (b) When the employer is not eligible for the bonus reimbursement, the SEP authorization remains open until after the final SEP payment is made. The
SEP authorization is then closed effective the last day of the fourth month of the subsidy period.

11. (a) The HSC designated staff ensures the final Form 08TW018E is submitted to FSSD TANF Section.

(b) When the participant remains eligible for TANF, the worker updates the TANF ET&E status field F154 of the TANF Work tab in the FACS Interview Notebook for the participant and updates the TANF benefit status by resending the benefit, status, and effective date fields F24, F25, and F26 in the Household tab.

(c) When the participant is not eligible for TANF, the worker closes the Financial Assistance section in the FACS Eligibility Notebook using the appropriate reason and updates other benefits sections as needed.

12. (a) When the participant remains eligible for TANF, the worker updates the TANF ET&E status field F154 of the TANF Work tab in the FACS Interview Notebook for the participant and updates the TANF benefit status by resending the benefit, status, and effective date fields F24, F25, and F26 in the Household tab.

(b) When the participant is not eligible for TANF, the TANF benefit is closed for the appropriate reason and other benefits sections updated. Determination of need for any continued receipt of cash assistance, medical benefits, food benefits, and child care benefits must be made as soon as possible and supplements issued if necessary.

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

14. Refer to OAC 340:10-3-40(a)(12) when the on-the-job training (OJT) is from AmeriCorps*Vista.

15. The HSC designated staff 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 HSC designated staff to notify FSSD TANF Section.
16. The HSC designated staff informs the employer of the availability of the Work Opportunity Tax Credit (WOTC) as it relates to the SEP. WOTC is available for the unsubsidized portion of the wages actually paid.

17. For information about Enterprise Communities go to www.ezec.gov.

18. A person participating in a drug or alcohol treatment facility does not qualify.

19. Care is given to avoid placement of trainees with facilities that consistently use Work Experience Program (WEP) participants without providing first option employment.

20. The county director reports injuries to the OKDHS Human Resources Management Division (HRMD) Risk and Safety Management Unit on Form 23RS046E, Employee's Report of Job-Related Accidental Injury or Illness.

21. 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 – Non-profit 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.

22. 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


23. The worker forwards the written description to the county director or designee requesting approval of the training slot.

24. Form 08TW013E, Time and Progress Report, advises the participant to submit pages one and two to the local HSC by the 20th of the current month and pages three and four by the fifth of the next month.
25. Examples of Community Partnerships may include:

(1) community outreach and enrichment programs, such as free clinics, the Urban League, community food banks, and clothes closets;

(2) public safety organizations, such as the Oklahoma Department of Environmental Quality, local police or fire departments, Oklahoma Department of Transportation, County Commissioners' offices, and city or county offices of the Oklahoma State Department of Health;

(3) educational facilities, such as local schools and colleges. Activities at local schools might include janitorial or maintenance work, playground monitors, or cafeteria workers;

(4) animal welfare organizations, such as the Oklahoma Department of Wildlife Conservation, local humane societies, and animal shelters;

(5) child care programs, such as Head Start and licensed after school programs;

(6) agencies responsible for community recreation or beautification of cities, counties or the state, such as the Oklahoma Tourism and Recreation Department, local parks and recreation programs, or local Young Men's Christian Association (YMCA) programs;

(7) other city, county, or state agencies or entities that provide services to the community;

(8) charitable organizations, such as the United Way, Salvation Army, and Goodwill Industries International Inc.;

(9) charitable organizations or faith based entities that sponsor organized community events, such as Relay for Life, health fairs, and community Thanksgiving or Christmas programs or dinners; and

(10) Faith-Based and Community Initiatives programs.

26. The county director reports injuries to the OKDHS HRMD Risk and Management Unit on Form 23R046E.
27. The worker must update Form 08TW002E.
340:10-2-5. Job search activities

Revised 6-1-11

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

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

(2) Job search is defined as the participant’s job seeking efforts. □ 1 Persons in job search activities are eligible for participant allowances and may be eligible for child care for the time they are actively looking for a job or in a group activity. □ 2

(A) The participant is given Form 08TW013E, TANF Time and Progress Report, to complete and return to the worker by the time frame shown on the form. □ 3

   (i) Additional job search may be required as a part of another work activity if it would improve the participant’s employment prospects. □ 4

   (ii) The number of employer contacts to be made each week is included in the employability plan. □ 5

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

(C) The maximum amount of time spent in job search activities cannot exceed 240 hours at 20 hours per week or 360 hours at 30 hours per week for the preceding 12 month period for any person. □ 6

INSTRUCTIONS TO STAFF 340:10-2-5

Revised 11-1-08
1. The worker provides information, resources, and any materials needed by the participant to initiate the job search process. This can include inviting employers to provide information about their businesses and available employment in the community. The worker is responsible for monitoring the participant’s job search activities. This includes:

   (1) reviewing the completed Form 08TW013E, TANF Time and Progress Report;

   (2) spot-checking the accuracy of the information on Form 08TW010E, Employer Contact List; and

   (3) any other activities necessary to assist the participant towards self-sufficiency.

2. See OAC 340:10-2-8 regarding support services and OAC 340:40 regarding child care.

3. Form 08TW13E 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.

4. The placement services of other agencies, such as Job Training Partnership Act, community colleges, and vocational technical schools are used when available.

5. The worker makes a face-to-face contact with each participant to determine progress, to see if any problems exist, and to offer encouragement and support.

6. No more than four consecutive weeks can count as federal participation at one time.
340:10-2-7. Training

Revised 6-1-11

(a) **Scope.** Job skills training activities include 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) **Job Corps non-resident 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 between 16 through 24 years of age. 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.

(d) **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. 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 used to make up hours of class that have been missed.

(e) **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 human services center (HSC) involved is expected to comply with the terms of those agreements.

(f) **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.

1. 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.

2. 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:

   A. a class requirement;
(B) above and beyond the work normally completed during class hours; and

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

INSTRUCTIONS TO STAFF 340:10-2-7

Revised 6-1-11

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. Refer to OAC 340:10-2-8.

2. Participation hours may be combined with other countable work activity hours to meet the minimum hours of required participation. Refer to OAC 340:10-2-1.

3. (a) 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.

(b) A practicum placement, internship, or work-based training that is required to complete a degree or vocational training certification may be counted as work experience. 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. These work-based training activities are coded in the Family Assistance Client Services (FACS) Eligibility Notebook Auth ET&E tab as work experience (TW).

4. Copies of the agreements and procedures for implementing the program are distributed through annual FSSD numbered memos. Workers are trained and the program is implemented according to the agreement.
340:10-2-8. Temporary Assistance for Needy Families (TANF) Work support services

Revised 6-1-10

(a) **Scope.** The worker provides or arranges payments and services for the participant to ensure successful completion of the participant's employability plan to become self-supporting.

   (1) Payments are authorized for items or services directly related to employment as an outcome.

   (2) When support services are available and part of the employability plan, the participant's failure to cooperate in obtaining the support services constitutes a failure to participate in the TANF Work program.

   (3) Items and services covered by the participant's medical card are not paid for by the support service fund.

   (4) The only support services available to an applicant are the participant allowance and work activity payment.  ■ 1

   (5) Payments are not authorized for reimbursement of expenses already paid by client or others.

(b) **Flexible funds.** The intent of flexible funds is to provide a participant with the necessary support services needed to accomplish his or her employment goals.  ■ 2

   (1) Flexible funds are not available to the applicant.  ■ 3

   (2) To be eligible for flexible funds, the participant must:

      (A) otherwise be ready to participate in a required work activity for the minimum number of hours;

      (B) have a guaranteed offer of employment; or

      (C) be employed.

   (3) Payments for the services through flexible funds are not an automatic entitlement to the participant.
(4) Flexible funds are not used for fines including traffic fines or any cost related to a criminal offense such as legal fees or court costs.

(5) Human services center (HSC) staff has final authority to determine authorizations.  ■ 4

(6) One-time payments of specific services are not to be used for reimbursement of expenses already paid by the participant or others.  ■ 5

(7) Ongoing maintenance payments are not allowed.

(8) Relatives of the client are not eligible for payment. See OAC 340:10-9-1 for degree of relationship.

(c) Other support services.

(1) Work activity payments. Work activity payments are issued to persons participating in or ready to participate in assigned work activities when they have need of a small amount of cash to purchase specific items to aid them in participating in their assigned work activities such as a tank of gas, clothing, or personal items. (6) The maximum amount approved cannot exceed $40 per month.

(2) Participant allowances. Daily cash allowances, up to a maximum of $13 for each day, are made to participants in assigned work activities which are scheduled, structured, and supervised. (7)

(A) Lunch hours and travel time are not included as actual hours of attendance.

(B) For persons in Job Search, travel time between job interviews and job applications is included as actual hours of attendance.

(C) The participant makes appropriate daily entries on Form 08TW013E, Time and Progress Report, to document actual hours in attendance and submits it to the worker by the time frame shown on the form. (8)

(D) The daily allowance paid is: (9)

(i) $8 each day when the work activity equals four hours or less; or

(ii) $13 each day when the work activity equals more than four hours.
(3) **Oklahoma State Bureau of Investigations (OSBI) background checks.** OSBI background checks may be requested for a participant who is placed in job skills training that requires an OSBI background check as a prerequisite for employment. The job skills training can include vocational training, hands-on work experience, or public or private sector work experience. The participant is advised of the requirement and Form 08AD060E, Request for Release of Information, is completed. ■ 10

(4) **Child care.** Child care arrangements are made for each child(ren) in the home who is under age 13, mentally or physically incapable of self care, or under court supervision. The plans for child care are included on Form 08TW002E, TANF Work/Personal Responsibility Agreement. When the person begins active participation in TANF Work activities, child care services are documented. ■ 11

(5) **Transportation contracts.** Transportation contracts are initiated to provide transportation for TANF recipients who have no means of transportation to access required TANF Work training activities. ■ 12 To initiate a transportation contract, HSC staff contact the Family Support Services Division TANF Section.

(6) **Disability Advocacy Program (DAP).** DAP is available to assist a TANF Work participant or a child(ren) receiving a TANF benefit, who has an application for disability pending with the Social Security Administration (SSA) or who the Oklahoma Department of Human Services (OKDHS) determines has a potentially meritorious claim for such benefits. ■ 13

   (A) The worker makes a referral to the OKDHS contracted law firm to assist the recipient(s) with the: ■ 14

   (i) application;

   (ii) reconsideration;

   (iii) Administrative Law Judge hearing; and

   (iv) review by the SSA Appeals Council.

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

   (i) sufficient evidence, the law firm represents the TANF recipient. ■ 15
(I) Statewide this representation consists of assisting the recipient with the application through an unfavorable decision by the SSA Appeals Council.

(II) In counties in which representation by a lawyer or experienced non-lawyer advocate is not available without advance payment, the contracted law firm assists with the pending application for disability through an unfavorable decision by the SSA Appeals Council; or

(ii) insufficient evidence to prove conditions claimed by the TANF recipient, no further services are provided by DAP. Representation by the law firm ceases at any time the law firm determines there is insufficient evidence to support the TANF recipient's claim for disability benefits. ■ 16

INSTRUCTIONS TO STAFF 340:10-2-8

Revised 6-1-11

1. Participant allowances and the work activity payment are appropriate for a person who has agreed to comply with work activities during the 60-day period following closure for non-compliance with Temporary Assistance for Needy Families (TANF) Work activities.

2. The flexible fund guidelines are listed in (1) through (32) of this Instruction. The maximum amount that may be authorized is $750 per object code, unless the appropriate area director or designee approves the authorization for an amount above $750. Dental may be approved in an amount up to $2500 without area director or designee approval. For a dental expense above $2500, the worker contacts Family Support Services Division (FSSD) TANF Section.

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

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

   (3) Eyeglasses - bifocal or trifocal. This service may be utilized when it is determined there is a need for eyeglasses.
(4) Dental. This service **may** be utilized when it is determined there is a need for dental services.

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

(6) Work tolerance. This service is authorized to determine the participant's ability to participate in specific work activities. Form 08TW027E, Work Tolerance Report, and Form 08HI003E, Authorization to Disclose Medical Records, must be completed when this service is authorized. Copies of Form 08TW027E and Form 08HI003E are filed in the case record.

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

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

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

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

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

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

(13) Automobile repair and maintenance. To be eligible for automobile repair, the automobile must be owned or co-owned by the participant, his or her spouse, or the participant's parent if the participant is under 21 years of age.
(A) Two free estimates, when possible, are required for repairs.

(B) The case record must contain a statement from a qualified person as to whether the vehicle is worth repairing based on the age and overall condition.

(C) If parts are purchased separately for installation by other than a regular vehicle repair business, a statement must be provided by the repair person that the parts were installed in the correct vehicle.

(D) This service may also include the expense for tires and a battery, if it is determined that without them the vehicle is inoperable or unsafe.

(E) The service does not include expenses for body repair, painting, or sanding.

(14) Driver license. This service may be utilized for a private and/or commercial license needed to operate a motor vehicle by a TANF Work participant. The loss of a driver license due to a traffic offense or fine is not paid with this fund.

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

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

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

(18) Reserved for future use.

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

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

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

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

   (B) SDE sends an authorization letter to the qualified participant. The participant contacts the worker for a flexible fund authorization. SDE sends the participant's score directly to the participant. When the participant attains a qualifying score, SDE sends a Certification of Equivalency. The participant notifies the worker upon receipt of the score.

(23) Non-contractual transportation. This service may be utilized only when a human services center (HSC) is in the process of obtaining a transportation contract or when there is no vendor available or interested in contracting with the HSC.

(24) Non-contractual training. This service may be utilized when short-term training courses are not covered by existing local contracts. This includes vocational classes and job readiness training.

(25) Learning disabilities screening. This service may be utilized to assess a participant for learning disabilities. Adult learning centers may provide this assessment.

(26) Child care fees. This service may be utilized when child care arrangements have been made and the participant needs assistance paying an enrollment or activity fee. These funds are not available for the actual child care costs.
(27) Past due automobile payments. This service may be utilized to prevent repossession when transportation is essential to continue a work activity.

(28) Automobile inspection fee. This service may be utilized to have an automobile professionally inspected prior to purchase.

(29) Tow charge. This service may be utilized when it is necessary to tow a vehicle for repair.

(30) Household items. This service may be utilized to purchase or repair essential household items to prevent disruption of a work activity.

(31) Personal care items. This service may be utilized for personal care items in excess of the $40 work activity payment.

(32) Health related. This service may be utilized for health related expenses not covered by SoonerCare (Medicaid), such as non-compensable prescriptions, medical supplies, psychological evaluations, mandated drug tests, or physical examinations not paid by an employer or training provider.

(33) Disability Advocacy Program (DAP) fees. This service is utilized when fees for special testing are not covered under the DAP contract.

3. In addition to active TANF clients, clients who are in special medical, Work Supplementation, or continuing medical benefit status may receive flexible funds. A client whose TANF benefits are terminated on a 52A or a 52B closure code may also be considered eligible as a participant if he or she signs a new or updated Form 08TW002E, TANF Work/Personal Responsibility Agreement, Section 7, and agrees to cooperate with TANF Work within 60 calendar days of the closure. There must be an open TANF Work authorization that shows the work activity agreed upon by the client and worker.

4. The worker must:

   (1) determine on a case-by-case basis if the service is available through any other resource, which includes other Oklahoma Department of Human Services (OKDHS) programs, local churches, and civic groups;
(2) negotiate for goods and services for the participant at the least possible
cost and determine if the labor cost may be reduced or donated;

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

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

(5) inform the participant to sign the Authorization to Purchase form only
after the service has been rendered.

5. (a) The payment screen is accessed through the online Finance Division
system or the Finance Applications Web site on the InfoNet.

(1) Data entered on the provider includes federal identification number,
address, and telephone number.

(2) The worker enters on the same screen:

(A) case number;

(B) cash amount of the service;

(C) the object code found on OKDHS Appendix H-4, Flexible Accounts;
and

(D) a description of the service to be provided to the participant. This
description must be as detailed as possible to prevent any
misunderstanding as to what the payment of the authorization covers.

(3) When all the information is entered, the completed form is printed and
given to the participant.

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

6. The work activity payment is authorized through the ETPANEW screen. This
payment may be issued as needed up to a maximum of $40 per month. This
payment is not issued routinely to supplement monthly living expenses. All
payment amounts and reasons for issuing payment must be documented in
Family Assistance/Client Services (FACS) case notes.
7. Participation allowances are not paid for the TANF Work components of working full-time (WF), working part-time (WP), or on-the-job training (TT). Refer to OAC 340:10-2-1 for the payment of participation allowances for holidays and excused absences.

8. Form 08TW13E, Time and Progress Report, advises the participant to submit pages one and two to the local HSC by the 20th of the current month and pages three and four by the fifth of the next month.

9. The worker enters the hours per day that the participant participates in TANF Work activities in the ETPANEW transaction using information provided by the recipient on Form 08TW013E for that month. The worker rounds down to the next whole hour any portion of an hour equal to or less than 29 minutes. The worker rounds up to the next whole hour any portion of an hour equal to or greater than 30 minutes.

10. The worker accesses Oklahoma State Bureau of Investigation (OSBI) background requests through the FSSD TANF home page on the OKDHS InfoNet.

   (1) At the bottom of the TANF home page, there is a link to the online OSBI form.

   (2) All applicable fields must be completed on this form.

   (3) When completed, the worker clicks the submit information button to send the request for processing.

   (4) A response is sent to the requesting worker as soon as possible.

   (5) The response is retained in the case record in a section marked confidential.

   (6) The worker mails a copy, if required, to the requesting facility.

   (7) The worker must document the reason for the request in case notes.

11. Purchased child care is arranged and claimed per OAC 340:40.
12. TANF clients who are in the Work Supplementation Program, special medical, or continuing medical benefit status continue to be eligible to receive transportation services.

13. A referral is made to **DAP** if the TANF Work recipient does not have current legal representation through a private attorney.

14. **Refer to** OKDHS Appendix DAP-1, Legal Aid Services of Oklahoma, Inc., for the listing of the offices of the contracted law firm.

   (1) The referral is initiated by use of Form 08TA010E, Referral for the Disability Advocacy Program.

   (2) The TANF Work recipient completes and signs Form 08TA010E, Part I, and the reverse side, Request for Release of Disability Information. If the person referred is a minor child(ren), the parent or guardian signs for the child.

   (3) The worker faxes the signed and completed Form 08TA010E to the appropriate Legal Aid office.

   (4) The contracted law firm completes Form 08TA010E, Part II, completed by the contracted law firm within ten working days of completion of the evaluation of merit.

15. The law firm is responsible for:

   (1) interviewing the referred recipient;

   (2) reviewing Social Security Administration (SSA) files;

   (3) obtaining existing medical records;

   (4) obtaining non-medical evidence;

   (5) arranging medical examinations;

   (6) obtaining evaluations of residual functional capacity;

   (7) completing and submitting required SSA forms;
(8) submitting evidence to SSA; and

(9) advocating, formally or informally, on behalf of the recipient.

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

(1) filing of an SSA application;

(2) SSA initial decision;

(3) request for an SSA reconsideration;

(4) SSA reconsideration decision;

(5) request for an Administrative Law Judge hearing;

(6) SSA hearing decision;

(7) decision by the SSA Appeals Council; and

(8) current status of the referral, if no report has been made in the previous three months.
340:10-3-39. Income other than earned income

Revised 6-1-11

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

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

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

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

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

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

(g) **Child support.** Oklahoma Child Support Services (OCSS) may send the client child support in excess of the monthly court ordered amount. When the client receives this excess amount, it is considered as unearned income. When the TANF payee is a minor parent and lives with an adult relative who receives child support for the minor parent, the child support is considered as income for the minor parent. ■ 3

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

(j) **Military benefits.** Life insurance, pensions, compensation, servicemen dependents' allowances, and similar benefits, are sources of income which the individual and dependents may be eligible to receive. In each case, information is obtained concerning the military service of the individual's son, daughter, spouse, or parent. Clearance is made with the proper veterans' agencies, both state and federal, to determine whether the benefits are available.

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

1. for a different purpose than that provided by OKDHS;
2. for goods and services that are not included in the Temporary Assistance for Needy Families (TANF) need standard; or
3. in an amount sufficient to make it possible for the individual to have the amount of money as determined by the TANF need standard. In this instance, the non-duplicated amount is the difference between the monthly payment standard and the monthly need standard. Any amount of financial aid that exceeds that difference is considered as unearned income.

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

(l) **Casual and inconsequential gifts.** Monetary gifts which do not realistically represent income to meet living expenses, for example, Christmas, graduation, and birthday gifts, not to exceed $30 per calendar quarter for each individual, are disregarded as income.
(1) The amount of the gifts is disregarded as received during the quarter until the aggregate amount has reached $30. At that time the portion exceeding $30 is counted as lump sum income.

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

(3) If the recipient claims that the gift is intended for more than one person in the assistance unit, it can be divided among these persons. Gifts between members of the assistance unit are not counted.

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

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

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

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

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

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

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

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

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

INSTRUCTIONS TO STAFF 340:10-3-39

Revised 6-1-11

1. Refer to OAC 340:10-3-4(b).

2. Refer to OAC 340:10-3-39(l).

3. In this instance, the worker codes the child support as a contribution and it continues to count as income after certification. Refer to OAC 340:10-3-57(e)(4) when the minor parent lives with his or her parent and 340:10-10-7 for information about how child support is considered after certification.

4. The cash value of pension plans or funds described in Section 4104 of the Food, Conservation, and Energy Act of 2008 (Public Law (P.L. 110-234) is excluded. The list of excluded retirement saving and pension plans are:

   (1) 457 of the Internal Revenue Code plans, which are plans for state and local governments and other tax-exempt organizations;

   (2) Section 401(a) of the Internal Revenue Code plans including:

      (A) 401(k) plans, which are generally a cash or deferred arrangement and generally limited to profit-making firms;

      (B) SIMPLE 401(k) plans which are available only to small businesses;
(C) Profit Sharing Plans;

(D) Cash Balance Plans;

(E) pension or traditional defined-benefit plans; and

(F) Keogh plans;

(3) Federal Employee Thrift Savings plan;

(4) Section 403(b) of the Internal Revenue Code plans, which are tax-sheltered annuities provided for employees of tax exempt organizations and state and local educational organizations;

(5) Section 501(c)(18) of the Internal Revenue Code plans, which are retirement plans for union members consisting of employee contributions to certain trusts that must have been established before June 1959;

(6) Section 408 and 408(A) of the Internal Revenue Code plans including:

(A) Individual Retirement Accounts (IRAs);

(B) SIMPLE IRAs;

(C) Roth IRAs; and

(D) Simplified Employer Plans (SEPs).

5. Refer to OAC 340:65-3-4.

6. Refer to OAC 340:10-3-57(b) for information concerning concurrent receipt of Temporary Assistance for Needy Families (TANF) and Supplemental Security Income (SSI).

7. (a) Refer to OAC 340:10-1-3(10).

(b) For instance, a private agency may provide money for special training for a child or a Housing and Urban Development payment may be provided to cover moving expenses that are not included in the Oklahoma Department of Human Services (OKDHS) assistance standard.
8. Refer to OAC 340:10-3-56.

9. Refer to OAC 340:10-1-3(10).

10. At each reapplication or review, the Bureau of Indian Affairs (BIA) is contacted to obtain information regarding any changes as to the availability of the funds and any information regarding modifications to the Individual Indian Money (IIM) account. Information regarding prior disbursements is also obtained at this time.

11. Refer to OAC 340:10-3-40(26) and 340:10-3-40(27).

12. The referral must include specific details of the situation, including the worker's efforts to resolve the situation with BIA. If Family Support Services Division (FSSD) cannot make a determination, a legal decision regarding availability is obtained by FSSD and forwarded to the human services center.
340:10-3-57. Special considerations

Revised 6-1-11

(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. 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. 

(b) Concurrent receipt of TANF and SSI. A person is not included in a TANF benefit for the same month he or she is included in an SSI payment. If it appears a person included in a TANF application or an active TANF benefit meets the eligibility conditions for TANF and SSI, the person has a choice to have eligibility determined for TANF or SSI benefits. The worker informs the payee of his or her 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 payee must inform the Social Security Administration (SSA).

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 consists 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. 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 included in a tribal TANF payment is not 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 assistance unit 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. ■ 7

(d) Concurrent receipt of more than one form of public assistance. A person included in a TANF benefit is not 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. ■ 8 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. ■ 9 Refer (3) of this subsection for the definition of a person acting in the role of a spouse.

(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 lives in the home with the child(ren), the worker computes the verified gross earned and unearned income of the stepparent or spouse of a needy caretaker, after all applicable TANF income disregards and work related expenses, to determine the amount considered available to the assistance unit. The worker computes the stepparent's or spouse of a needy caretaker's income by:

(A) subtracting the work related expense, one-half of the remaining gross 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 gross 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; 10

(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; 11

(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. 12

(2) Stepparent or spouse of a needy caretaker resources. The worker does not
consider resources owned exclusively by the stepparent or spouse of a needy
caretaker to determine the assistance unit's resource eligibility but does consider the
assistance unit's share of resources owned jointly with the stepparent or spouse of a
needy caretaker.

(3) Person acting in the role of a spouse. The worker must count the income of a
person acting in the role of a spouse who lives in the home with the natural or
adoptive parent when he or she does not receive a TANF benefit on another case.
The worker computes the income of this person the same as stepparent income.
The person acting in the role of spouse is not eligible to receive the exemption of
one-half of the remainder or a dependent care expense deduction in determining
this person's countable earned income. 13 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. Provided,
however, the income of non-relative adults of the opposite sex not receiving TANF
may be excluded if the adults have separate living quarters and demonstrate no
characteristics of a person acting in the role of spouse.

(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 assistance unit. ■ 14

(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). ■ 15

(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. ■ 16 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. ■ 17 The amount of the payment standard reduction applies as Food Stamp Penalty Income in the Supplemental Nutrition Assistance Program (SNAP). [OAC 340:50-7-29(b)(1)] Reasons for benefit reduction are: ■ 18

(1) refusal to cooperate in an effort to obtain child support per OAC 340:10-10-5(c); ■ 19

(2) failure to apply for or provide a Social Security number per OAC 340:10-12-1; ■ 20

(3) failure of a child(ren) kindergarten to 18 years of age to attend school per OAC 340:10-13-1;

(4) failure to provide verification of child(ren) immunizations per OAC 340:10-14-1; and
(5) intentional program violations determined as fraud by court action or an administrative disqualification hearing or administrative hearing waiver per 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 6-1-11
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. Refer to OAC 340:10-2-8(c)(6) for the Disability Advocacy Program.

3. Refer to OAC 340:10-3-28(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 documenting the action in Family Assistance/Client Services (FACS) case notes.

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

7. Tribal TANF serves only enrolled members of a tribe. The assistance unit for tribal TANF must consist of at least one enrolled member of a tribe. The tribal office determines if an individual is eligible to be included in the assistance unit.

8. 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. Refer to OAC 340:10-3-56(a)(3)(N).

9. (a) The definition of a person acting in the role of a spouse is a non-relative adult of the opposite sex living in the home.

   (1) The opposite sex individual is acting in the role of a spouse when one or both of these factors exist:

   (A) they represent themselves to be a couple; or

   (B) have a physical relationship with each other.
(2) When the client states the conditions in (a)(1)(A) and (B) do not exist, factors that may indicate the opposite sex individual is acting in the role of a spouse include when he or she:

(A) assists in parenting the child, such as exercising responsibility for the child(ren), providing day-to-day care, physical care, and guidance for the child(ren);

(B) provides financial support for the family beyond his or her own pro rata share of the household expenses;

(C) shares joint bank accounts or property ownership with the client; or

(D) files a joint tax return with the client.

(b) The client's statement regarding the relationship with the opposite sex individual is accepted unless considered questionable.

10. Refer to Oklahoma Department of Human Services (OKDHS) Appendix C-1, Maximum Income, Resource, and Payment Standards, Schedule IX.A to determine the need standard.

11. The stepparent's or spouse of a needy caretaker's most recent income tax return may be used as documentation.

12. When the stepparent or spouse of a needy caretaker has earned income, the FSS worker enters on the FACS Income tab the total gross amount in the designated income field. The computer automatically calculates the work related expense and income disregards. Any unearned income is entered in the designated field. The FSS worker enters the need standard as indicated on OKDHS Appendix C-1, Schedule IX, in the diverted income field for the appropriate number of persons and, if necessary, any exemptions. When remaining income is less than the need standard, enter the remaining income. Form 08TA008E, Stepparent TANF Income Computation, may be used to calculate countable income.

13. (a) For the purpose of this rule, "living in the home with" means that a person of the opposite sex is acting in the role of a spouse.

(1) The opposite sex individual is acting in the role of a spouse when one or both of these factors exist:
(A) they represent themselves to be a couple; or

(B) have a physical relationship with each other.

(2) When the client states the conditions in (a)(1)(A) and (B) do not exist, factors that may indicate the opposite sex individual is acting in the role of a spouse include when he or she:

(A) assists in parenting the child, such as exercising responsibility for the child(ren), providing day-to-day care, physical care, and guidance for the child(ren);

(B) provides financial support for the family beyond his or her own pro rata share of the household expenses;

(C) shares joint bank accounts or property ownership with the client; or

(D) files a joint tax return with the client.

(b) The client’s statement regarding the relationship with the opposite sex individual is accepted unless considered questionable. When the worker requests verification of the relationship, he or she documents in FACS case notes why the client’s statement is questionable. The reason is based on one or more of the factors described at (a) of this Instruction.

(c) 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) If this person has earned income, the FSS worker enters the total gross amount in the designated income field on the FACS Income tab and the computer automatically calculates the work related expense.

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

(3) The FSS worker enters the need standard as indicated on OKDHS Appendix C-1, Schedule IX, in the diverted income field for the appropriate number of persons and, if necessary, any exemptions.
(4) Any remaining income is considered available to the TANF assistance unit.

14. Refer to OAC 340:10-3-56(a)(3)(O), 340:10-3-39(g), and 340:10-10-7 when the payee is an unmarried minor.

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

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

17. Refer to OAC 340:65-3-8 for review periods. The FSS worker enters closure code, "penalty and other income" (14A) on the FACS Financial Assistance tab.

18. The FSS worker initiates the 25% benefit reduction by checking the appropriate penalty block(s) on the FACS Household tab and entering a change action on the Financial Assistance tab for recalculation of the cash benefit. The computer automatically updates the Food Stamp Penalty Income (FSPI) screen. Refer to OAC 340:50-7-29(b)(1)(A).

   (1) When the program violation ends, the FSS worker must update FACS, Household tab, to remove the penalty and make a change to the FACS Financial Assistance tab for recalculation of the cash benefit.

   (2) The FSS worker must also enter an end date on the Food Stamp Penalty Update (FSPU) screen.

   (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).

   (1) The 25% penalty applies to adult only cases when the child(ren) is receiving State Supplemental Payment (SSP) and/or SSI.

   (2) 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

21. Refer to OAC 340:10-3-56(a)(2)(B)(ii) for information about whose needs may be included in the 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. It is the responsibility of the FSS worker to take appropriate timely action. If no action is taken by regular roll of the fourth month, the case continues to appear on the CWA Report. The FSS worker must document in FACS Case Notes the decision to not return the child(ren) to the home. The FSS worker explains other available support services and OKDHS programs to the natural or adoptive parent or the needy caretaker relative and documents any referrals in FACS Case Notes.
To be eligible for Temporary Assistance for Needy Families (TANF), a child must be under 19 years of age. If a child is removed from the benefit because he or she has reached the maximum age for eligibility under the TANF program, he or she is eligible for the month in which his or her birthday occurs. The worker accepts the parent or guardian's statement to establish the child's age, unless the information is inconsistent or there are other facts or observations which cause the worker to question the parent or guardian's statement. When such questions exist, verification must be obtained to verify the information. Acceptable sources of verification are listed in (1) - (2) of this section.

(1) An original or certified birth certificate, acceptable hospital certificate, or Form 08MA015E, Reporting of Newborn Child of SoonerCare Member, is considered conclusive evidence of birthdate, and is used as verification, if available. A hospital certificate is considered acceptable when it includes the:

(A) child's name and birthdate;

(B) name of the institution or geographical location of the birth;

(C) name of the parent(s); and

(D) signature of the attending physician or responsible hospital staff member such as administrator, nurse, or records supervisor.

(2) If birth information is from hospital records other than an acceptable certificate, birth scrolls, and similar records, two other pieces of evidence which reflect the same birthdate, with no evidence to the contrary, are acceptable as conclusive evidence and constitute a source of age verification. Evidence includes:

(A) baptismal, confirmation, or other church and parish records. These may be found either in the possession of the family or on record at the church;

(B) passports. Persons who have obtained visas may have in their possession documents showing the birthdate at the time the visa was issued;

(C) court records;

(D) insurance and burial policies if the date of birth at the time the policy was
issued, is entered on the insurance policy;

(E) any social agency records including Oklahoma Department of Human Services (OKDHS) records;

(F) institution records such as records of a public or private hospital, or other type of institution, or home, giving the child's birthdate at the time of admission;

(G) family records such as an entry of a child's birthdate in a family Bible or on some other similar document if the entry is unchanged, either by erasure or overwriting;

(H) school records. Elementary and high school records are available in the school districts. School census records are available in the county superintendent of schools office. These records are made from information given by the parent or guardian; or

(I) United States Census records. If possible, data given for more than one year is reviewed for purposes of corroboration. ■ 2

INSTRUCTIONS TO STAFF 340:10-5-1

Revised 6-1-11

1. Refer to OAC 340:10-13-1.

2. (a) A record or document seen by an employee of the Oklahoma Department of Human Services (OKDHS) or another public agency may be used as evidence if a statement describing the document is entered in the Family Assistance/Client Services (FACS) case notes. It is not necessary that a copy of the document be placed in the case record.

(b) Records or documents must be evaluated in terms of the circumstances under which they were made and the purposes served. They must also be evaluated as to appearance; that is, whether there is evidence of alteration, whether handwriting on each of the several documents appears to be by the same or different persons, or detached from related material.

(c) The worker must reconcile any conflict which appears in various pieces of evidence offered to establish the birthdate. Records of the date of birth given by the child's parent(s) or relative, in general, have more weight than age or date of birth given by someone else. It is necessary to use judgment in
determining the need for securing corroboration of any evidence.

(d) The nature and location of each document, pertinent content, including the date of birth of the child, the name and address of the person or office with whom or in which the document is lodged, and the date on which each record was made, must be recorded in the case record. The worker's analysis and evaluation of various pieces of evidence, with his or her conclusion as to birthdate, must be recorded in FACS case notes. Final determination as to birthdate is made on the basis of accumulated information, all of which must be shown in the case record.
340:10-7-1. Residence

Revised 6-1-11

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, for example, in federal prison, or has been out-of-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 at any time must not be certified until the state or states of former residence is contacted to determine how many months, if any, the person has already received TANF and if cash assistance is currently 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 no interruption in the assistance payment.

INSTRUCTIONS TO STAFF 340:10-7-1

Revised 6-1-11

1. When references are contacted, Family Assistance/Client Services case notes 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 may 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.
340:10-9-1. Relationship of payee to child

Revised 6-1-11

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

1 It is only when the child is living with a person of one of these degrees of relationship that there is an eligible payee for the TANF benefit.

(1) Related by blood. Blood lines remain intact in terms of legal responsibility except when parental rights are terminated or the child is legally adopted by someone else. Blood relatives, including half blood, are:

(A) parent(s) including a natural parent even if the child is legally adopted and deprivation is based on the absence of the adoptive parent(s); 2

(B) siblings;

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

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

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

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

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

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

(b) Verification of relationship. If the individual making the application for TANF is the
child's mother, no further verification is required unless the information is inconsistent with known facts or observations. If the individual making the application claims to be the natural father, no further verification is required unless information provided is inconsistent with known facts or observations. If the child's mother has alleged this person to be the natural father, relationship is not questionable. If the natural father's name is not on the birth certificate, the natural father is requested to sign a statement acknowledging paternity or provide medical evidence that substantiates the relationship. 

3. If the individual who claims to be the natural father refuses, relationship cannot be determined. If the individual making the application is someone other than the parent, the relationship to the child's parent must also be established as outlined in (a) of this Section. The individual's statement as to the relationship to the child's parent is accepted unless the information is inconsistent with known facts or observations.

INSTRUCTIONS TO STAFF 340:10-9-1

Revised 6-1-11

1. Refer to Oklahoma Department of Human Services (OKDHS) Appendix I-7, The Family Tree - Degrees of Kindred According to the Law, for the determination of kinship.

2. (a) Termination of parental rights terminates the parent-child relationship including:

   (1) parent's right to the custody of the child;

   (2) parent's right to visit the child;

   (3) parent's right to control the child's training and education;

   (4) the necessity for the parent to consent to the adoption of the child;

   (5) parent's right to the earnings of the child;

   (6) parent's right to inherit from or through the child.

   (b) This does not terminate the duty of the parent to support the minor child unless the child is adopted.

   (c) The biological parent is treated as the child's aunt or uncle for TANF purposes if the child has not been adopted. If the child has been adopted by
the grandparents, the biological parent is now a sibling.

(d) Worker views order regarding termination of parental rights and documents information in case notes. The document is not copied and is not filed in case record.

3. Refer to OAC 340:10-10-4 for procedures to establish paternity.

4. When questions exist regarding relationship, the worker is required to verify the information through acceptable sources. Refer to OAC 340:10-5-1(3) for commonly found sources of verification.
340:10-10-4. Continued absence of the natural or adoptive parent(s) from the home

Revised 6-1-11

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

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

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

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

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

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

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

(b) Identifying information. An applicant for TANF must provide the name of the person(s) alleged as responsible for the support of a child(ren), including the legal and natural father when they are not the same, and provide identifying information such as name, address, and the employer of the person(s), if known. The parent or caretaker relative completes and signs Form 08TA001E, Absent Parent (AP) Information Sheet and Form 03EN002E, Affidavit of Child Support Payments Received. □ 4

(1) Absence is verified through an evaluation of the information recorded. □ 5
(2) If the absent parent can be located at the time deprivation is being established or at subsequent reviews, the absent parent must be interviewed to determine whether deprivation exists and whether child support is being paid.

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

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

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

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

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

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

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

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

INSTRUCTIONS TO STAFF 340:10-10-4

Revised 6-1-11

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

   (1) a child(ren) lives with each parent for an equal period of time, such as two weeks with one parent and then two weeks with the other parent; or
(2) one parent, who does not live in the home, provides maintenance, has daily contact with the child(ren) and shares parental decision-making relating to the health, education, and welfare of the child(ren).

2. Deprivation does exist for a child(ren) who continuously lives with one parent, visits the other parent on the weekends and during the summer, and the absent parent makes support payments. In this situation, the absent parent does not have daily contact or share physical care and guidance.

3. Maintenance is considered as any assistance designed to meet the expenses of day-to-day living.

4. (a) After deprivation based on absence is established, the worker is responsible for submitting Form 03EN002E, Affidavit of Child Support Payments Received, to the appropriate Oklahoma Child Support Services (OCSS) district office.

   (b) Form 08TA001E, Absent Parent (AP) Information Sheet, is completed on each absent parent and any other information of value in the development of child support is included in the comments section. This form is retained in the case record and not sent to OCSS.

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

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

      (2) forwards the information by memo to the appropriate OCSS district office.

   (d) If the reason for deprivation changes to absence from incapacity or unemployment, the worker:

      (1) updates the Deprivation tab on FACS; and

      (2) submits the applicable OCSS forms to the appropriate OCSS district office.

5. Acceptable evidence includes, but is not limited to:
(1) an absent parent address;
(2) a landlord's statement;
(3) an absent parent statement; or
(4) an interview with a collateral source.

6. When the absent parent's address is known, the worker completes and mails Form 08AD008E, Non-Custodial Parent Letter, to the absent parent.

7. Payments made to OCSS may be verified by viewing the child support payment screen using the transaction CFRR. To view the CFRR transaction, enter M space CFRR. Payments that have not been made through OCSS can be verified by sending Form 08AD008E, Non-Custodial Parent Letter, to the absent parent.

8. If the parents are divorced or legally separated, any legal documents are copied and attached to the OCSS forms.

9. Form 03PA209E, Acknowledgement of Paternity, is completed and the original and one copy are forwarded to the Oklahoma State Department of Health (OSDH), Division of Vital Records. Copies are given to the mother and alleged father. Completion and filing of Form 03PA209E legally establishes paternity for a child. If either parent, within 60 calendar days of completing Form 03PA209E, changes his or her mind about acknowledging paternity, Form 03PA211E, Rescission of Acknowledgement of Paternity, is signed and filed with OSDH. If either parent is under 18 years of age when Form 03PA209E is signed, they have 60 calendar days after turning 18 years of age to complete Form 03PA211E.
340:10-10-6. Good cause

Revised 6-1-07

(a) **Basis for client to claim good cause.** Although cooperation is required as a condition of eligibility for Temporary Assistance for Needy Families (TANF), federal regulations provide for waiver of that condition when such cooperation is not in the best interest of the child. However, the Oklahoma Department of Human Services (OKDHS) may determine that child support enforcement activities can be safely conducted without the cooperation of the client.

(1) It is clear that the best interests of the parent or caretaker relative are relevant to the child's best interest determination when an adverse impact on the parent or caretaker will have an adverse impact upon the child. Clearly, the physical safety and well-being of the parent or caretaker relative is in the best interest of the child. If cooperation by the mother in establishing paternity or securing support would subject her to physical or emotional harm, such cooperation would be against the child's best interest if harm to the mother is sufficiently severe to affect her ability to care for the child adequately.

(2) OKDHS determines that the client has good cause for refusing to cooperate only if:

   (A) there is possible physical or emotional harm to the child;

   (B) there is possible physical or emotional harm to the parent or caretaker relative-payee;

   (C) the child was conceived as a result of incest or forcible rape;

   (D) legal proceedings for adoption of the child are pending before a court; or

   (E) the client is currently being assisted by a public or licensed private social agency to resolve the issue of whether to keep the child or relinquish the child for adoption.

(b) **Cooperation.** The cooperation requirement per OAC 340:10-10-5 is a TANF eligibility condition when there is an absent parent(s), unless the applicant has good cause for refusing to cooperate. In all but exceptional cases, such as when it is very difficult to gather information, the good cause determination must be made with the same degree of promptness as the determination of TANF eligibility.
(c) **Assignment and degree of promptness.** The good cause exception applies only to excuse the cooperation requirement. The requirement that the applicant or recipient per OAC 340:10-10-5 assign support rights to OKDHS as a condition for TANF eligibility:

- (A) cannot be waived or excused based on a good cause determination;
- (B) is independent from the cooperation requirement; and
- (C) is not affected by a good cause determination.

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

1. When deprivation is based on absence, the applicant for or recipient of TANF must sign Form 08TA012E, Cooperation Agreement and Request for Good Cause:
   - (A) at the time of original application;
   - (B) when a child is added to the grant; or
   - (C) when circumstances result in an applicant's or recipient's request for good cause.

2. The human services center (HSC) does not deny, delay, or discontinue assistance pending a determination of good cause for refusal to cooperate if the applicant or recipient has complied with the requirements to furnish evidence or information.

(e) **Responsibility of applicant or recipient.** It is the responsibility of the applicant or recipient who makes a claim for good cause to supply documentary evidence to establish the claim, or to furnish sufficient information to permit OKDHS to investigate the circumstances of good cause for refusing to cooperate. Uncorroborated statements of the applicant or recipient do not constitute verifying information as required by this regulation.

1. The evidence must be of probative value and must be supported by written statements to the extent possible. Examples of acceptable written statements are:
   - (A) birth certificate or medical or law enforcement records which indicate that the child was conceived as a result of incest or forcible rape;
(B) court documents or other records which indicate that legal proceedings for adoption are pending before a court of competent jurisdiction;

(C) criminal, medical, child protective services, social services, psychological, or law enforcement records which indicate that the putative or absent parent might inflict physical or emotional harm on the child or caretaker relative;

(D) medical records which indicate the emotional health history and present emotional health status of the caretaker relative or child, or a written statement from a mental health professional indicating a diagnosis or prognosis concerning the emotional health of the caretaker relative or child;

(E) a written statement from a public or licensed private social agency that the applicant or recipient is being assisted by OKDHS to resolve the issue of whether to keep the child or relinquish the child for adoption; and

(F) sworn statements from individuals other than the client with knowledge of the circumstances which provide the basis for the good cause claim.

(2) Upon request, the worker assists the client in obtaining evidence that is not reasonably obtainable. This requirement is limited to the specific documentary evidence listed in (1)(A) through (F) of this subsection. The client must specify the type of document or record needed, as well as provide sufficient identifying information to make it possible to be obtained.

INSTRUCTIONS TO STAFF 340:10-10-6

Revised 6-1-11

1. When a claim for good cause is made, the worker updates the Deprivation tab on Family Assistance/Client Services (FACS) to indicate good cause determination is pending; however, Oklahoma Child Support Services (OCSS) forms are not submitted at this time. The good cause determination process is accomplished by completing the appropriate Sections of Form 08TA009E, Good Cause Report.

   (1) Certification. On an application or reapplication without a previous good cause request, the worker and supervisor determine whether good cause is justified after evaluating all of the information. Sections I, II, and III of Form 08TA009E are completed by the worker and forwarded, with a copy of the corroborative evidence attached, to the OCSS district office, where Section IV is completed and the form is returned to the human
services center (HSC).

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

(B) If the HSC and OCSS district office do not concur with the client’s claim for good cause, the client is advised that if he or she continues to refuse to cooperate, the Temporary Assistance for Needy Families (TANF) cash assistance will be reduced by 25% of the TANF payment standard per OAC 340:10-10-5. The worker updates the program violation indicator on the Household tab on FACS to indicate non-cooperation. Refer to OAC 317:35-5-7 and 340:10-10-5, Instructions to Staff (ITS) # 3, for eligibility for health benefits. If the client agrees to cooperate, a new Form 08TA012E, Cooperation Agreement and Request for Good Cause, is signed and the worker submits the appropriate OCSS forms to the OCSS district office, and updates the Household tab and the Deprivation tab on FACS to indicate the client is cooperating.

(C) When the HSC and OCSS district office cannot concur in a determination of good cause, OCSS submits all pertinent information, including Form 08TA009E, to Family Support Services Division (FSSD) TANF Section, where the final determination regarding good cause is made. FSSD TANF Section returns Form 08TA009E with Section V completed to the HSC for appropriate action and a copy to the OCSS district office.

(D) On a reapplication or review when good cause has been previously approved, the worker interviews the client regarding what changes, if any, there are from the circumstances that resulted in the previous good cause determination. If there are no changes, the worker completes Sections I, II, and III of Form 08TA009E and forwards it to the OCSS district office for concurrence. If there have been changes that might affect the good cause determination, the client is requested to furnish sufficient documentary evidence to substantiate the reported changes. Upon receipt of the documentation, the worker completes Sections I, II, and III of Form 08TA009E, attaches a copy of the documentation, and forwards it to the OCSS district office for concurrence.

(2) Reviews and changes. At each review of eligibility, the worker evaluates whether circumstances have changed for cases in which a
finding of good cause has been made. If it appears that circumstances have not changed, action concerning good cause is not required. If it appears that circumstances have changed and that good cause does not continue to exist, the worker completes Section VI of the original Form 08TA009E, attaches documentation of the change(s), and sends it to the OCSS district office for concurrence of the good cause reconsideration. The OCSS district office completes Section VI and returns the form to the HSC. If there is no Form 08TA009E in the case record, the worker completes Sections I and VI of a new Form 08TA009E.

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

(B) If an additional child(ren) is added to the case, and there are no changes in the good cause circumstances, OCSS forms are not submitted for the designated absent parent for which good cause exists.

   (i) The Deprivation tab on FACS is updated with the appropriate code to show good cause exists. OCSS forms must be submitted if the additional child application has a different absent parent and good cause has not been requested.

   (ii) If good cause is requested, the procedures in 1 through 2 of this ITS are followed.

(C) If the client reports that good cause is no longer requested because circumstances have changed, the worker makes the appropriate entry on the Deprivation tab on FACS after completing Form 08TA001E, Absent Parent (AP) Information Sheet.

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

(ii) Section VI of the original Form 08TA009E is completed and sent to the OCSS district office.

(iii) If there is no Form 08TA009E in the case record, the worker completes Sections I and VI of a new Form 08TA009E.

(iv) The routing of these forms substantiates to the OCSS district office that the client no longer requests good cause as previously approved. After reviewing these forms, OCSS rescinds good cause.
340:10-10-7. Oklahoma Department of Human Services (OKDHS) responsibilities in relation to support payments

Revised 7-1-10

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

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

   (1) **Payments received during application period.** All child support payments reported by an applicant during the time prior to certification are considered as income. For purposes of rules in this Chapter, certification is considered the date of the supervisor's signature authorizing payment. Support anticipated to be received after certification is not considered as the client has agreed by signing the application to submit any future payments to OCSR. ■ 3

   (2) **Payments received after certification.** Any support payments brought to the human services center (HSC) by the client after certification must be forwarded to OCSR. Payments are not sent in the form of cash. When OCSS receives child support in excess of the monthly court ordered amount, the excess payment may be sent to the client. The client receives this excess amount and it is considered as unearned income. ■ 4

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

   (A) The client is considered as not cooperating if:
TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF)

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

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

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

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

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

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

(4) Child support and other income exceeds cash assistance. When a support payment is received that is greater than or equal to that month's TANF cash assistance, the TANF cash assistance must be closed the next effective date. If the TANF cash assistance is not closed timely, any child support payment received during that month or subsequent months is retained by OCSS for reimbursement of TANF payments made for those months or any preceding months. When child support, spousal support, or both, causes ineligibility, the family is entitled to continued medical benefits in accordance with OAC 340:10-3-75. Following reimbursement of all TANF cash assistance, any excess payment remaining is forwarded to the client.

(5) Federal and/or state tax intercept payments. Federal and/or state tax intercept is used for the collection of current and past due child support payments, including interest owed.

(A) Tax intercept payments collected by OCSS prior to the client's current receipt of TANF and held for six months may be distributed to the client and is considered as a resource the month following the month of receipt.

(B) Tax intercept payments collected for interest owed on past due child support may be forwarded to the client when the principle amount of past due child support has been paid off.
(c) **Child support services after TANF closure.** At the time the TANF benefit is closed, the client is advised that he or she can receive non-TANF Child Support Services with no further application, no fee required, nor charge for collection deducted. This service occurs automatically unless the client specifically requests in writing that OCSS not provide the service or the client becomes ineligible for non-TANF Child Support Services for some other reason.

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

Revised 6-1-11

1. This information is reported by updating the absent parent information on the Deprivation tab on Family Assistance/Clien Services (FACS) and forwarding attachments, if any, by memo to the appropriate Oklahoma Child Support Services (OCSS) district office.

2. Oklahoma Department of Human Services (OKDHS) Appendix C-16, Child Support Services and Responsibilities, is fully explained and given to the applicant at this time. When the client forwards payment to the Oklahoma Child Support Registry (OCSR), the client’s name, case number, and the name of the absent parent making the payment must be included. OKDHS Appendix C-16, page 4, lists the address of the OCSR.

3. Child support income is coded on the case at certification and removed the next effective date. The worker issues a supplement for the Temporary Assistance for Needy Families (TANF) benefit for each month child support was counted in error.

4. Refer to OAC 340:10-3-39.

5. Refer to OAC 317:35-5-7(a)(2)(F), 340:10-10-5, and 340:10-10-6 for eligibility for SoonerCare (Medicaid) benefits.

6. (a) Child support paid up to the monthly court-ordered support is considered available.

(b) Any child support received in excess of the monthly court-ordered support, including cash medical, is assigned to OKDHS for the reimbursement of prior months receipt of TANF.

(c) A recipient is not allowed to return the TANF benefits for a month the child support payment exceeds the TANF payment standard as it is not considered...
a lump sum payment.

7. Refer to OAC 340:10-3-2.

8. This excess payment is considered as a non-recurring lump sum payment. Refer to OAC 340:10-3-28(3).
340:10-13-1. School attendance

Revised 6-1-11

(a) Applicability. School attendance is a condition of eligibility. It is required for each Temporary Assistance for Needy Families (TANF) child from the age the child is eligible for kindergarten through 18 years of age unless the child is home educated according to the Oklahoma constitution and statutes. General Education Development (GED), alternative high schools, or virtual schools meet this requirement. 1 If it is determined the child is not attending school, the cash assistance must be reduced by 25% of the payment standard. [OAC 340:10-3-57(h)] The 25% penalty is removed the next effective date after the parent or caretaker relative provides verification the child is attending school. 2 At application and at each review, school attendance is verified for each child in the family. 3

(b) Ages 18 years and under 19 years.

(1) An otherwise eligible child 18 years of age is included in the assistance unit if he or she is a full time secondary school student, attending GED classes, an alternative high school, or a virtual school and is expected to complete school before reaching 19 years of age or will graduate during the month he or she turns 19 years of age. 4

(2) Any other child who is going to be 18 years of age but is not expected to complete school before turning 19 years of age or graduate during the month he or she turns 19 years of age is eligible only through the month during which he or she reaches 18 years of age. 5

INSTRUCTIONS TO STAFF 340:10-13-1

Revised 6-1-11

1. A virtual school describes an institution that teaches courses entirely or primarily through online methods.

2. If compliance occurs after deadline, the worker issues a supplement for the next month. Refer to OAC 340:10-3-57(g) for more information regarding benefit reductions due to program violations.

3. The worker completes Form 08AD010E, School Attendance Verification, and sends it to the school to verify attendance. When the child attends a virtual school, acceptable verification are documents showing proof of enrollment.
and attendance reports.

4. Refer to OAC 340:10-5-1.

5. County Worker Activity (CWA) Report 13 indicates children turning 18 years of age. CWA Report 14 indicates children turning 19 years of age. The worker removes the child’s needs from the benefit the month following the month 18 years of age is reached.
340:10-14-1. Immunizations

Revised 6-1-11

(a) **Scope.** Immunization of minor children two months of age or older is a variable condition of eligibility. The parent or caretaker relative must provide proof of current immunization within 90 days of certification or when additional immunizations become due in the future unless he or she request good cause. **1** Proof of immunization includes providing a copy of the vaccination record issued by the local health official or a licensed physician. **2**

(1) If the minor child attends a licensed child care center or home or a parochial, private, or public school, proof of current immunization is not required as each of these entities require proof of immunization or a signed certificate of exemption on file with the Oklahoma State Department of Health (OSDH) as a condition of attendance. **3**

(2) When required, if the parent or caretaker relative fails to provide proof of current immunization within 90 calendar days without good cause, the cash assistance must be reduced by 25% of the payment standard. **4** The worker removes the 25% penalty the next effective date after the parent or caretaker relative provides proof of current immunization.

(b) **Good cause.** A parent or caretaker relative can request good cause because of the medical condition of the child, the religious affiliation of the child, or the personal objection of the parent or caretaker relative. Good cause is approved when a:

(1) physician certifies on Form 08TA017E, Immunization Certificate of Exemption, that there is a medical contraindication;

(2) religious leader, parent, or caretaker relative certifies on Form 08TA017E that immunizations are contrary to the teachings of the child's religion; or

(3) parent or caretaker relative certifies on Form 08TA017E that immunizations are contrary to the beliefs of the parent or caretaker relative.

**INSTRUCTIONS TO STAFF 340:10-14-1**

Revised 6-1-11

1. The worker can view an Immunization Schedule showing at what ages vaccinations are due on the Family Support Services Division (FSSD)
Temporary Assistance for Needy Families (TANF) web page under TANF Web Links.

2. When it is determined that a child does not have the required immunizations or is not current, the worker makes a referral to the primary care provider or to the Oklahoma State Department of Health (OSDH). OSDH has outreach workers to assist families and can provide immunizations without charge.

3. Upon certification, entries must be made on the Household tab on Family Assistance/Client Services (FACS), showing immunization status of each child included in the cash assistance. All children coded "P" for immunization pending or "N" for immunization not current are shown on County Worker Activity (CWA) report 62, until the worker changes the immunization code to "Y" for immunization current or "G" for good cause. The worker must complete a review at six month intervals when required immunizations are pending per OAC 340:65-3-8.

4. If compliance occurs after deadline, the worker issues a supplement for the next month. Refer to OAC 340:10-3-57(g) for more information regarding benefit reductions due to program violations.