

COMMENT DUE DATE: January 02, 2025

Date: December 02, 2024

**Caleb Turner, Programs Manager III
Holli Kyker, Program Administrator
Brandi Smith, Policy Specialist**

**405-982-3685
405-982-2217
405-982-2703**

It is important that you provide your comments regarding the **draft copy** of policy by the comment due date. Comments are directed to *STO.LegalServices.Policy@okdhs.org. The proposed policy is **PERMANENT**.

SUBJECT:

Chapter 10. Temporary Assistance for Needy Families (TANF)

Subchapter 2. Temporary Assistance for Needy Families (TANF) Work Program

340:10-2-1 [AMENDED]

340:10-2-5 [AMENDED]

340:10-2-8 [AMENDED]

Subchapter 3. Conditions of Eligibility – Need

Part 3. Income

340:10-3-26 [AMENDED]

340:10-3-31 [AMENDED]

340:10-3-32 [AMENDED]

Part 5. Assistance Payments

340:10-3-57 [AMENDED]

Subchapter 15. Conditions Of Eligibility – Citizenship And Alienage

340:10-15-1 [AMENDED]

(Reference WF 24-09 and 25-10)

SUMMARY:

The proposed amendments to Chapter 10, Subchapter 2 amend the rules to define who is a "work eligible" person and remove unnecessary barriers to Temporary Assistance for Needy Families (TANF) cash assistance and flexible funds.

The proposed amendments to Chapter 10, Subchapter 3 amend the rules to: (1) exclude income from a person acting in the role of a spouse from the TANF income determination; (2) clarify what circumstances qualify as self-employment; (3) adjust how Oklahoma Human Services (OKDHS) determines when a partner receives self-employment income; and (4) allow the self-employment business expense deduction to all self-employed households.

The proposed amendments to Chapter 10 amend the rules to: (1) allow a Ukrainian humanitarian parolee until September 30, 2024, to receive parole and be a qualified and eligible alien, per Section 301 of the Ukraine Security Supplemental Appropriations Act, 2024, Public Law (P.L.) 188-50; and (2) reclassify citizens of the Federated States of Micronesia, the Republic of Marshall Islands, and the Republic of

Palau as qualified and eligible aliens, per Section 209 of the Compact of Free Association Amendments Act of 2024.

Permanent rulemaking approval is requested.

LEGAL AUTHORITY:

Director of Human Services; Section 162 of Title 56 of the Oklahoma Statutes (56 O.S. § 162); Sections 602 and 603 of Title 42 of the United State Code; 45 C.F.R. § 206.10(b)(5); and 45 C.F.R. § 261.2(n). Director of Human Services; Section 162 of Title 56 of the Oklahoma Statutes; Section 301 of the Ukraine Security Supplemental Appropriations Act, 2024, P.L. 188-50; Section 401 of Additional Ukraine Supplemental Appropriations Act, 2022, P.L. 177-128; Section 209 of the Compact of Free Association Amendments Act, in the Consolidated Appropriations Act, 2024, P.L. 118-42; and Sections 1612, 1613, and 1641 of Title 8 of the United States Code.



Rule Impact Statement

To: Programs administrator
Legal Services - Policy

From: Deborah Smith, Adult and Family Services (AFS) Director
Adult and Family Services

Date: April 17, 2024

Re: Chapter 10. Temporary Assistance for Needy Families (TANF)
Subchapter 2. Temporary Assistance for Needy Families (TANF) Work Program
340:10-2-1 [AMENDED]
340:10-2-5 [AMENDED]
340:10-2-8 [AMENDED]
Subchapter 3. Conditions of Eligibility – Need
Part 3. Income
340:10-3-26 [AMENDED]
340:10-3-31 [AMENDED]
340:10-3-32 [AMENDED]
Part 5. Assistance Payments
340:10-3-57 [AMENDED]
(Reference WF 25-10)

Contact: Caleb Turner, Programs Manager III, 405-982-3685

A. Brief description of the purpose of the proposed rule:

Purpose.

The proposed amendments to Chapter 10, Subchapter 2 amend the rules to define who is a "work eligible" person and remove unnecessary barriers to Temporary Assistance for Needy Families (TANF) cash assistance and flexible funds.

The proposed amendments to Chapter 10, Subchapter 3 amend the rules to: (1) exclude income from a person acting in the role of a spouse from the TANF income determination; (2) clarify what circumstances qualify as self-employment; (3) adjust how Oklahoma Human Services (OKDHS) determines when a partner receives self-employment income; and (4) allow the self-employment business expense deduction to all self-employed households.

Strategic Plan Impact.

The proposed amendments achieve OKDHS goals by communicating updated eligibility information to applicants, recipients, OKDHS staff, and contracted partners;

aligning eligibility standards with federal regulations; removing unnecessary barriers to TANF cash assistance and flexible funds, and ensuring effective and efficient program administration.

Substantive changes.

Subchapter 2. Temporary Assistance for Needy Families (TANF) Work Program

Oklahoma Administrative Code (OAC) 340:10-2-1 is amended to: (1) update language; (2) define who may be a "work eligible" person per Section 261.2(n) of Title 45 of the Code of Federal Regulations (45 C.F.R. § 261.2(n)); (3) replace outdated "worker" terminology with "eligibility staff"; (4) allow an excused absence for the participant's attendance at all parent and teacher conferences; and (5) remove a citation to the unpublished Form 08TW008E, Higher Education Probationary Approval Request.

OAC 340:10-2-5 is amended to: (1) update language; (2) permit all employer interviews to qualify as an employer contact even if the interview does not occur face-to-face; and (3) replace outdated "worker" terminology with "eligibility staff."

OAC 340:10-2-8 is amended to: (1) replace outdated "worker" terminology with "eligibility staff"; (2) update language; (3) permit the payment of minor traffic tickets and fines when necessary to improve a family's stability or enable a family member to keep or obtain employment, training, or education; and (4) remove a reference to "county office" staff.

Subchapter 3. Conditions of Eligibility – Need

Part 3. Income

OAC 340:10-3-26 is amended to: (1) update language; (2) update the agency name and acronym from "Oklahoma Department of Human Services" to "Oklahoma Human Services" and from "DHS" to "OKDHS"; (3) add a citation to the TANF income reporting rules at OAC 340:65-5-1; (4) emphasize the household must report income within 10-calendar days; and (5) exclude income from a person acting in the role of a spouse from the TANF income determination.

OAC 340:10-3-31 is amended to: (1) clarify what circumstances qualify as self-employment; (2) adjust how OKDHS determines when a partner receives self-employment income; and (3) replace outdated "worker" terminology with "eligibility staff."

OAC 340:10-3-32 is amended to: (1) update language; (2) allow the self-employment business expense deduction to all self-employed households; (3) update a citation; (4) adjust how OKDHS determines when a partner receives self-employment income; and (5) replace outdated "worker" terminology with "eligibility staff."

OAC 340:10-3-57 is amended to: (1) update language; (2) replaced outdated "worker" terminology with "eligibility staff"; (3) exclude income from a person acting in the role of a spouse from the TANF income determination; and (4) correct citations.

Reasons.

OKDHS seeks permanent rulemaking to streamline the TANF eligibility determination and to improve program administration. To the extent permitted by federal and state law, TANF seeks to increase applicants' and recipients' access to TANF cash assistance and flexible funds and reduce or eliminate unnecessary barriers. The OKDHS TANF rules did not define who was a "work eligible" person. Per 45 C.F.R. § 261.2(n)(1)(iii) and 45 C.F.R. § 261.2(n)(2)(ii), federal regulations allow states the option to exclude a Supplemental Security Income and Social Security Disability Insurance recipient from being "work eligible." TANF is adopting these options per this rules request. TANF rules granted an excused absence for the participant's "required" attendance at parent and teacher conferences. This language suggests there were parent and teacher conferences for

which a participant would not receive an excused absence. This change clarifies this issue. The requirement to have a face-to-face interview to meet the job search requirement places limits on how job seekers may seek employment and meet TANF program requirements. By permitting all employer interviews to count as an employer contact, TANF will grant TANF participants greater flexibility to meet this requirement. The prohibition on using flexible funds for traffic fines or criminal offenses meant TANF was unable to address a minor traffic fine that was detrimental to a family stability or their ability to keep or obtain employment, training, or education. TANF seeks to address these needs with this change. Federal law does not require TANF to include the income from a person acting in the role of a spouse in an assistance unit, so TANF seeks to join the states that do not count this income. TANF also seeks to speed the income determination process by permitting all self-employed applicants or recipients the self-employment business expense deduction. The proposed rules also adjust how TANF defines self-employment income and determines when a partner receives self-employment income. The proposed process more closely follows the United State Internal Revenue Service (IRS) designation about when a household has self-employment or partnership income.

Repercussions.

If the proposed amendments are not implemented: (1) OKDHS will not provide a comprehensive definition of a "work eligible" person; (2) OKDHS staff may deny a TANF participant's request to excuse his or her attendance at a parent teacher conference; (3) only face-to-face interviews will count as an employer contact; (4) flex funds will not address traffic fines or criminals offenses that affect family stability or the family's ability to keep or obtain employment, training, or education; (5) OKDHS will continue to count the income from a person acting in the role of the spouse toward the TANF income determination; (6) TANF households will have to claim self-employment business expenses to obtain the deduction; and (7) OKDHS and IRS rules will be misaligned.

Legal authority.

Director of Human Services; Section 162 of Title 56 of the Oklahoma Statues (56 O.S. § 162); Sections 602 and 603 of Title 42 of the United State Code; 45 C.F.R. § 206.10(b)(5); and 45 C.F.R. § 261.2(n).

Permanent rulemaking approval is requested.

- B. A description of the classes of persons who most likely will be affected by the proposed rule, including classes that will bear the costs of the proposed rule, and any information on cost impacts received by the Agency from any private or public entities:** The class of persons most likely to be affected by the proposed amendments are OKDHS staff, contracted provider staff, TANF applicants, and TANF recipients.
- C. A description of the classes of persons who will benefit from the proposed rule:** The classes of persons who will benefit are OKDHS staff, contracted provider staff, TANF applicants, and TANF recipients.
- D. A description of the probable economic impact of the proposed rule upon the affected classes of persons or political subdivisions, including a listing of all fee changes and, whenever possible, a separate justification for each fee change:** The proposed amendments do not have an economic impact on the affected persons or political subdivisions. There are no fee changes associated with the revised rules.

- E. The probable costs and benefits to the Agency and to any other agency of the implementation and enforcement of the proposed rule, the source of revenue to be used for implementation and enforcement of the proposed rule and any anticipated effect on state revenues, including a projected net loss or gain in such revenues if it can be projected by the Agency:** The proposed amendments will result in the more efficient delivery of services to positively impact TANF applicants and recipients. The probable OKDHS cost of printing and distributing the rules is estimated to be less than \$20.
- F. A determination whether implementation of the proposed rule will have an impact on any political subdivisions or require their cooperation in implementing or enforcing the rule:** The proposed amendments neither have an economic impact on any political subdivision nor require the cooperation of any political subdivisions in implementation or enforcement of the rules.
- G. A determination whether implementation of the proposed rule will have an adverse economic effect on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act:** There are no anticipated adverse effects on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act.
- H. An explanation of the measures the Agency has taken to minimize compliance costs and a determination whether there are less costly or nonregulatory methods or less intrusive methods for achieving the purpose of the proposed rule:** There are no less costly or nonregulatory methods or less intrusive methods for achieving the purpose of the proposed amendments.
- I. A determination of the effect of the proposed rule on the public health, safety, and environment and, if the proposed rule is designed to reduce significant risks to the public health, safety, and environment, an explanation of the nature of the risk and to what extent the proposed rule will reduce the risk:** OKDHS does not anticipate the rules to reduce significant risks to the public health, safety, and environment.
- J. A determination of any detrimental effect on the public health, safety, and environment if the proposed rule is not implemented:** If the proposed amendments are not implemented, there are no expected detrimental effects on public health, safety, and environment. However, the positive effects of the proposed amendments on public health, safety, and environment will not occur.
- K. The date the rule impact statement was prepared and, if modified, the date modified:**
Prepared April 26, 2024; modified



Rule Impact Statement

To: Programs administrator
Legal Services - Policy

From: Deborah Smith, Adult and Family Services (AFS) Director
Adult and Family Services

Date: July 8, 2024

Re: **Chapter 10. Temporary Assistance for Needy Families (TANF)**
340:10-15-1 [AMENDED]
(Reference WF 25-09)

Contact: Caleb Turner, Programs Manager III, 405-982-3685

A. Brief description of the purpose of the proposed rule:

Purpose.

The proposed amendments to Chapter 10 amend the rules to: (1) allow a Ukrainian humanitarian parolee until September 30, 2024, to receive parole and be a qualified and eligible alien, per Section 301 of the Ukraine Security Supplemental Appropriations Act, 2024, Public Law (P.L.) 188-50; and (2) reclassify citizens of the Federated States of Micronesia, the Republic of Marshall Islands, and the Republic of Palau as qualified and eligible aliens, per Section 209 of the Compact of Free Association Amendments Act of 2024.

Strategic Plan Impact.

The proposed amendments achieve Oklahoma Human Services (OKDHS) goals by communicating updated eligibility information to applicants, recipients, OKDHS staff, and contracted partners; aligning eligibility standards with federal law; and ensuring effective and efficient program administration.

Substantive changes.

Oklahoma Administrative Code (OAC) 340:10-15-1 is amended to: (1) allow a Ukrainian humanitarian parolee until September 30, 2024, to receive parole and be a qualified and eligible alien; and (2) reclassify citizens of the Federated States of Micronesia, the Republic of Marshall Islands, and the Republic of Palau as qualified and eligible aliens.

Reasons.

OKDHS Temporary Assistance for Needy Families (TANF) seeks emergency rulemaking authority to comply with changes in federal law.

Section 301 of the Ukraine Security Supplemental Appropriations Act amends Section 401 of Additional Ukraine Supplemental Appropriations Act, 2022, P.L. 177-128. The Ukraine Security Supplement Appropriations Act updated the deadline for a Ukrainian humanitarian parolee to receive parole and become an eligible refugee from September 30, 2023, to September 30, 2024. President Biden signed this bill on April 24, 2024.

The second change relates to citizens of the Federated States of Micronesia, the Republic of Marshall Islands, and the Republic of Palau. To qualify for TANF, applicants or recipients who are not a United States (U.S.) citizen or national must qualify as a qualified and eligible alien. Section 209 of the Compact of Free Association Amendments Act creates an exemption for any lawful resident in the U.S. from the Compact of Free Association state to be considered a qualified and eligible alien for TANF eligibility.

Repercussions.

If the proposed amendments are not implemented: OKDHS rules will (1) not align with federal law as amended by Ukraine Security Supplement Appropriations Act and the Consolidated Appropriations Act; and (2) deny eligible households the right to participate in the TANF.

Legal authority.

Director of Human Services; Section 162 of Title 56 of the Oklahoma Statutes; Section 301 of the Ukraine Security Supplemental Appropriations Act, 2024, P.L. 188-50; Section 401 of Additional Ukraine Supplemental Appropriations Act, 2022, P.L. 177-128; Section 209 of the Compact of Free Association Amendments Act, in the Consolidated Appropriations Act, 2024, P.L. 118-42; and Sections 1612, 1613, and 1641 of Title 8 of the United States Code.

Emergency rulemaking justification.

OKDHS TANF seeks emergency rulemaking authority to comply with changes in federal law.

The first change relates to Ukrainian humanitarian parolees. Section 301 of the Ukraine Security Supplemental Appropriations Act amends Section 401 of Additional Ukraine Supplemental Appropriations Act, 2022, P.L. 177-128. The Ukraine Security Supplemental Appropriations Act updated the deadline for a Ukrainian humanitarian parolee to receive parole and become an eligible refugee from September 30, 2023, to September 30, 2024. President Biden signed this bill on April 24, 2024.

The second change relates to citizens of the Federated States of Micronesia, the Republic of Marshall Islands, and the Republic of Palau. To qualify for TANF, applicants or recipients who are not a U.S. citizen or national must qualify as a qualified and eligible alien. Section 209 of the Compact of Free Association Amendments Act creates an exemption for any lawful resident in the U.S. from the Compact of Free Association state to be considered a qualified and eligible alien for TANF eligibility.

- B. A description of the classes of persons who most likely will be affected by the proposed rule, including classes that will bear the costs of the proposed rule, and any information on cost impacts received by the Agency from any private or public entities:** The classes of persons most likely to be affected by the proposed amendments are OKDHS staff, contracted provider staff, applicants, recipients, Ukrainian humanitarian parolees, and citizens of the Federated States of Micronesia, the Republic of Marshall Islands, and the Republic of Palau.

- C. A description of the classes of persons who will benefit from the proposed rule:** The classes of persons most likely to be affected by the proposed amendments are OKDHS staff, contracted provider staff, applicants, recipients, Ukrainian humanitarian parolees, and citizens of the Federated States of Micronesia, the Republic of Marshall Islands, and the Republic of Palau.
- D. A description of the probable economic impact of the proposed rule upon the affected classes of persons or political subdivisions, including a listing of all fee changes and, whenever possible, a separate justification for each fee change:** The proposed amendments do not have an economic impact on the affected persons or political subdivisions. There are no fee changes associated with the revised rules.
- E. The probable costs and benefits to the Agency and to any other agency of the implementation and enforcement of the proposed rule, the source of revenue to be used for implementation and enforcement of the proposed rule and any anticipated effect on state revenues, including a projected net loss or gain in such revenues if it can be projected by the Agency:** The proposed amendments will result in the more efficient delivery of services. The probable OKDHS cost of printing and distributing the rules is estimated to be less than \$20.
- F. A determination whether implementation of the proposed rule will have an impact on any political subdivisions or require their cooperation in implementing or enforcing the rule:** The proposed amendments neither have an economic impact on any political subdivision nor require the cooperation of any political subdivisions in implementation or enforcement of the rules.
- G. A determination whether implementation of the proposed rule will have an adverse economic effect on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act:** There are no anticipated adverse effects on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act.
- H. An explanation of the measures the Agency has taken to minimize compliance costs and a determination whether there are less costly or nonregulatory methods or less intrusive methods for achieving the purpose of the proposed rule:** There are no less costly or nonregulatory methods or less intrusive methods for achieving the purpose of the proposed amendments.
- I. A determination of the effect of the proposed rule on the public health, safety, and environment and, if the proposed rule is designed to reduce significant risks to the public health, safety, and environment, an explanation of the nature of the risk and to what extent the proposed rule will reduce the risk:** OKDHS does not anticipate the rules to reduce significant risks to the public health, safety, and environment.
- J. A determination of any detrimental effect on the public health, safety, and environment if the proposed rule is not implemented:** If the proposed amendments are not implemented, there are no expected detrimental effects on public health, safety, and environment.
- K. The date the rule impact statement was prepared and, if modified, the date modified:**
Prepared July 8, 2024; modified

SUBCHAPTER 2. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF)

340:10-2-1. Work requirements

Revised ~~9-17-18~~ 9-15-25

All parents or needy caretakers who apply for or receive Temporary Assistance for Needy Families (TANF) cash assistance from Oklahoma ~~are required to be engaged~~ must participate in a work activity. ~~The parent(s) or needy caretaker must participate in work activities for at least~~ hours required are the minimum number of hours necessary to move that person into employment and self-sufficiency, per (2) of this Section. ■ 1

(1) **Work-eligible person.** A work-eligible person is ~~defined as~~ an adult or minor ~~head of household~~ head of household included in the TANF assistance unit.

~~Excluded from this definition is~~ The following persons are not work-eligible:

(A) a minor parent who is not the head of household;

(B) a non-citizen who is ineligible due to his or her immigration status;

(C) a parent providing care for a disabled family member living in the home, who does not attend school on a full-time basis, provided the need for such care is supported by medical documentation; ■ 2

(D) a Supplemental Security Income recipient; or

(E) a parent who receives Social Security Disability Insurance benefits.

(2) **Minimum hours of TANF Work activities.**

(A) ~~All parents or needy caretakers who meet the definition of a work-eligible person are required to~~ persons must participate in the minimum hours of work activities. ■ 3

(i) A work-eligible person must participate in work activities an average of 30 hours per week, ~~unless~~ When the person is a single custodial parent with a child under 6 years of age, ~~who~~ he or she must participate in work activities an average of 20 hours per week. ■ 4

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

(I) required in the home to provide care for the incapacitated work-eligible parent; ■ 5 or

(II) a custodial parent with a child under 6 years of age. In this instance the non-incapacitated adult must participate in work activities an average of 20 hours per week.

(iii) In a two-parent family, when deprivation is based on unemployment, one adult must participate in work activities an average of 35 hours per week and the other adult must participate an average of 30 hours per week. When one parent is an ineligible alien, the other parent must participate in work activities an average of 35 hours per week. When both parents are ineligible aliens, the family does not qualify as a two-parent family as the work requirement cannot be met.

(iv) To determine the average weekly countable work hours for a work-eligible person who is self-employed, the Adult and Family Services (AFS) ~~worker~~ eligibility staff:

(I) determines the person's monthly countable earned self-employment

income per Oklahoma Administrative Code (OAC) 340:10-3-32;

(II) divides the income by the federal minimum wage; and

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

(B) Hours missed due to holidays and excused absences count as hours of participation for any unpaid scheduled work activity per criteria in (i) through (iii) of this subparagraph.

(i) Federal law establishes public holidays and the Governor orders state holidays. ■ 6 When the facility the participant attends is open on a designated holiday, the day is not ~~considered~~ a holiday for participation purposes.

(ii) Excused absences are reasonable, short-term hours missed from a scheduled work activity. The participant may be granted a maximum of 80 hours of excused absences in any 12-month period with no more than 16 hours of excused absences per month counted as TANF Work participation hours. ■ 7 All excused absences must be approved by the AFS ~~worker~~ eligibility staff. ■ 8 An excused absence is defined as:

(I) unavailability of appropriate child care;

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

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

(IV) the participant's court-required appearance;

(V) the participant's ~~required~~ attendance at parent and teacher conferences;

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

(VII) an inclement weather occurrence that prevented the participant, and other persons similarly situated, from traveling to, or participating in, the prescribed activity;

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

(IX) a family crisis; or ■ 9

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

(iii) To count an excused absence or holiday as participation hours, the participant must have been scheduled to participate in an allowable work activity for the period of the absence. Participation allowances are paid for approved holidays and excused absences for a maximum of 16 hours per month.

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

(A) Core work activities are:

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

(ii) subsidized private sector employment in the private sector for which the

employer receives a subsidy from TANF or other public funds to offset some or all of the wages and costs of employing a recipient;

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

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

(v) paid on-the-job training in the public or private sector a participant receives while engaged in productive work that provides knowledge and skills essential to the full and adequate performance of the job;

(vi) job search and job readiness activities. Job readiness activities prepare the participant to seek and obtain employment and includes life skills training, substance abuse treatment, mental health treatment, or rehabilitation activities for those who are otherwise employable; ■ 10

(vii) vocational training, not to exceed 12 months, that is organized educational programs directly related to preparing participants for employment in current or emerging occupations requiring training. Countable vocational training may include up to 12 months toward a ~~two-year~~ two-year vocational training certificate, an associate's degree, a bachelor's degree, or an advanced degree program that qualifies a participant to obtain immediate employment in a specific field.

(I) When the institution of higher education has a TANF-funded contract, the participant must attend through the contracted provider.

(II) The participant ~~is required to~~ must participate in a TANF Work activity the minimum number of hours per (2) of this Section or as mandated by the TANF-contracted provider. ■ 11

(III) The participant must maintain satisfactory academic progress with a minimum grade point average of 2.0 and verify progress at ~~mid-term~~ midterm, when possible, and at the end of the semester. Progress may be verified by a grade report, transcript, or a statement from the contracted provider or other school official. ■ 12

~~(IV) When satisfactory progress is not met, the AFS worker submits Form 08TW008E, Higher Education Probationary Approval Request, to AFS TANF program field representative staff to request a probationary approval period. When the probationary approval period is not approved, the participant is placed in another TANF Work activity; and~~

(viii) Community Partnership (~~CP~~) is a structured work activity in which TANF participants perform work for the direct benefit of the community that improves the recipient's employability of ~~recipients~~ not otherwise able to obtain employment.

(B) Non-core work activities are:

(i) job skills training directly related to employment that is training or education for job skills required by an employer that provides a participant with the ability to obtain employment or to advance or adapt to the changing demands of the workplace. Time spent in vocational training in excess of 12 months

may be counted as job skills training; when the participant also participates in a different approved core activity for a minimum of 20 hours per week;

(ii) education directly related to employment when a participant has not received a high school equivalency, ~~that is related to~~ the education is necessary for a specific occupation, job, or job offer; and

(iii) satisfactory school attendance at a secondary school or in a course of study leading to a high school equivalency certificate when a participant has not completed secondary school or received such a certificate.

(4) Limitations and special rules.

(A) A single custodial parent younger than 20 years of age, who has not completed high school is ~~determined to be~~ in a work activity when the participant maintains satisfactory attendance at a secondary school or equivalent during the month. ■ 13

(B) A single custodial parent or the non-incapacitated adult in a family where deprivation is based on incapacity who has a child under the age of 4 months is not required to participate in a work activity. The participant may use this rule for a lifetime limit ~~not to exceed~~ of 12 months.

INSTRUCTIONS TO STAFF 340:10-2-1

Revised ~~11-1-23~~ 9-15-25

1. (a) Application. During the application process, ~~the worker~~ Adult and Family Services eligibility staff and applicant complete Form 08TW002E, TANF Work/Personal Responsibility Agreement, and ~~the worker~~ staff reviews the responsibilities listed on the form with the applicant before he or she signs the agreement.

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

(1) determine the most appropriate work activity and participation hours;

(2) inform the parent(s) or needy caretaker of the:

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

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

(3) assist the parent(s) or needy caretaker complete and update Form 08TW002E and ~~update~~ Section 7, Participant Agreement/Employability Plan, as often as indicated by the person's needs needed;

(4) provide:

(A) assistance in arranging for child care during participation in activities; and

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

(5) initiate the sanction process per Oklahoma Administrative Code (OAC) 340:10-2-2 when the parent(s) or needy caretaker fails to meet the work requirements;

(6) establish or maintain:

- (A) community and participant contacts that support Temporary Assistance for Needy Families (TANF) Work activities;
 - (B) a cooperative working relationship with local agencies or groups that provide job readiness and employment opportunities; and
 - (C) records of current resource materials that provide information and assistance to staff and parent(s) or needy caretaker; and
- (7) develop new resources or identify existing resources to create new work sites;
- (8) conduct small group workshops on an as-needed basis to provide information and instruction regarding the various available work activities. Orientation is not an appropriate activity when the participant completed orientation within the last 12 months; and
- (9) update the ~~TANF Work tab and Auth. ET&E tab in Family Assistance/Client Services (FACS)~~ eligibility system, to show the participation status of each parent or needy caretaker and use case notes to document the participation activities and other needs of the family members.
- (c) TANF cash assistance closure.
- (1) When TANF cash assistance closes, ~~the worker~~ eligibility staff explores any continued need for social services with the family. When TANF cash assistance closure is due to employment or increased earnings, ~~the worker~~ eligibility staff explains availability of child care, medical services, and the earned income tax credit.
- (2) When there is a lost pregnancy, no other minor children in the home, and the recipient reports the date of loss, the recipient receives two good cause months. ~~The worker~~ Eligibility staff closes the TANF cash assistance effective the third month following the loss and codes a good cause authorization in ~~FACS, Auth. ET&E tab~~ the eligibility system, for two months following the loss of pregnancy.
- (A) For example, when the client experiences the loss before the advance notice deadline per Appendix B-2, Deadlines for Case Actions, in June, ~~the worker~~ eligibility staff closes the TANF cash assistance for September 1.
 - (B) When the loss occurs after the advance notice deadline, ~~the worker~~ eligibility staff closes the case October 1. This procedure allows the client to receive two additional months of TANF cash assistance.
2. ~~The worker~~ (a) Eligibility staff accepts documentation showing the Social Security Administration (SSA) or Level of Care Evaluation Unit (LOCEU) has determined the assistance unit member has a disability or a medical need for care 24 hours per day.
- (b) When the member is caring for a person with a disability, per SSA or LOCEU, eligibility staff updates FACS, TANF Work tab to CD, the eligibility system to reflect caring for a disabled person and codes a good cause authorization on FACS, Auth. ET&E tab.
- (c) When the client provides medical documentation but has not received a SSA or LOCEU determination, eligibility staff enters a good cause

authorization in the eligibility system.

3. Refer to OAC 340:10-2-2 for good cause information when the participant does not satisfactorily participate in work activities.
4. (a) Refer to OAC 340:10-2-1(4) for the limitations for a single custodial parent younger than 20 years of age, who did not complete high school.
(b) A participant enrolled in a TANF-funded program at an institution of higher education per OAC 340:10-2-6.1 or vocational training per OAC 340:10-2-7 must comply with the hours set for the program even when the hours exceed 20 hours per week.
5. (a) The incapacitated, work-eligible parent is not required to participate in TANF Work activities. ~~The worker Eligibility staff codes the ET&E status in the FACS TANF Work tab with DI, disabled person and inputs eligibility system to a disabled individual and enters a good cause authorization in the FACS Auth. ET&E tab.~~
(b) When the client provides medical documentation that substantiates shows the work-eligible spouse of the incapacitated parent is required in the home to provide care, ~~the worker eligibility staff updates FACS, TANF Work tab, ET&E Status to CD, caring for a disabled person, and inputs a good cause authorization in the FACS, Auth. ET&E tab~~ the eligibility system to caring for a disabled person. A good cause authorization is not needed.
6. (a) When a holiday falls on a Saturday, usually Friday is ~~observed~~ as the holiday, and when it falls on a Sunday, usually Monday is ~~observed~~ as the holiday. The allowed holidays are:
 - (1) New Years Day;
 - (2) Independence Day;
 - (3) two business days for Christmas;
 - (4) Martin Luther King, Jr. Day;
 - (5) Presidents' Day;
 - (6) Memorial Day;
 - (7) Labor Day; and
 - (8) Thanksgiving Day and the following day.
(b) A facility closure, such as spring break, fall break, and Christmas break, is not a holiday for participation purposes. Summer break for a secondary school is not a holiday for minor parents attending high school.
7. (a) ~~The worker Eligibility staff~~ uses the ETPANEW transaction for the appropriate ET&E authorization to enter holidays and excused absences. Approved excused absences must be documented in FACS case notes and noted on or documentation attached to Form 08TW013E, Time and Progress Report. OKDHS pays participation allowances for holidays and approved excused absences. Holidays must be coded as H on the appropriate day(s). Approved excused absences are coded E with the appropriate number of hours on the specific day(s). The payment of a part-time or full-time participation rate is dependent on the number of hours coded for the approved excused absence(s).
(b) Refer to OAC 340:10-2-2(d) to determine good cause when the participant's excused absences exceed the maximum allowed.

8. Coordination between the participant, facility, and ~~worker~~ eligibility staff must be ongoing to accurately verify and document the number of hours coded as an excused absence.
9. Examples of a family crisis include, but are not limited to, attendance at a funeral or emergency home maintenance issues.
10. Job search and job readiness activities may only count toward the participation rate for four consecutive weeks and a maximum of 240 hours at 20 hours per week or 360 hours at 30 hours per week for the preceding 12-month period. Refer to OAC 340:10-2-5 for job search and OAC 340:10-2-6 for job readiness activities.
11. Refer to OAC 340:10-2-6.1 Instructions to Staff (ITS) #3 for information regarding countable participation hours, documentation requirements, and coding instructions.
12. ~~The worker~~ Eligibility staff reviews the document provided by the participant to determine if the participant is maintaining satisfactory progress and documents progress in FACS case notes.
13. Refer to OAC 340:10-2-6.1 ITS #1 for participation requirements.

340:10-2-5. Job search activities

Revised ~~9-15-20~~ 9-15-25

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~~ Adult and Family Services eligibility staff 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) The participant records employer contacts on Form 08TW010E, Employer Contact List.

(2) An employer contact is defined as a face-to-face includes:

(A) an employer interview with an employer, the completion and return of any;

(B) a completed and returned employer application to an employer, including an on-line application; or

(C) the completion of any required tests or assessments required for employment with the state, local, or federal government. The participant records employer contacts on Form 08TW010E, Employer Contact List.

~~(2)~~(3) 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 Eligibility staff provides 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 when it would improve the participant's employment prospects. ■ 4

~~(ii) The number of employer contacts to be made each week is included in the~~
The employability plan lists the number of required weekly employer contacts.

■ 5 4

(B) When the participant has not obtained a job after a reasonable amount of time, ~~the worker~~ eligibility staff 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~~ may not 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 5

INSTRUCTIONS TO STAFF 340:10-2-5

Revised ~~9-15-20~~ 9-15-25

1. ~~The worker~~ **Adult and Family Services eligibility staff** provides information, resources, and any materials the participant needs 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~~ **Eligibility staff monitors** the participant's job search activities, which 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. Refer to Oklahoma Administrative Code (OAC) 340:10-2-8 regarding support services and OAC 340:40 regarding child care.

3. Form 08TW13E instructs the participant to submit pages one ~~and, two, and three to the local county office~~ by the 20th of the current month and pages ~~three and four, five, and six~~ by the fifth of the next month.

4. ~~Other agencies' placement services, such as community colleges and career technical schools are used when available.~~

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

~~65.~~ **No more than four consecutive weeks can** may count as federal participation at one time.

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

Revised ~~9-15-24~~ 9-15-25

(a) **Scope.** ~~The worker~~ **Adult and Family Services (AFS) eligibility staff** 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. Refer to Oklahoma Human Services (OKDHS) Appendix H-4, Flexible Accounts, for the list of flexible fund services. ■ 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) Designated county staff or the career development specialist has final authority to determine authorizations.~~ ■ 4

~~(6)(5) One-time Staff does not approve onetime payments of for specific services are not approved for reimbursement of expenses already paid by the participant or others.~~ ■ 5

~~(7)(6) Ongoing maintenance payments are not allowed.~~

~~(8)(7) The client's relatives are not eligible for payment. Refer to Oklahoma Administrative Code (OAC) 340:10-9-1 for degree of relationship.~~

(c) **Other support services.**

(1) **Work activity payments.** Work activity payments are ~~issued~~ to purchase specific items, such as a tank of gas, clothing, or personal items, when needed to participate in assigned work activities. ■ 6 Refer to OKDHS Appendix H-4-C, Support Service Payments, for the maximum amount that may be approved.

(2) **Participant allowances.** Daily cash allowances are ~~made to~~ for participants in assigned scheduled, structured, and supervised work activities based on the number of activity hours. Refer to OKDHS Appendix H-4-C for the maximum payment amounts. ■ 7

(A) ~~Lunch Staff does not include lunch hours and travel time are not included as actual attendance hours.~~

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

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

(D) OKDHS does not pay TANF Work participant allowances ~~are not paid~~ for part-time or full-time employment or on-the-job training.

(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 may include vocational training, hands-on work experience, or public or private sector work experience. ■ 9

(4) **Child care.** ~~Child Staff makes child~~ care arrangements ~~are made~~ for each child in the home younger than 13 years of age or younger than 19 years of age when the child is mentally or physically incapable of self-care or under court supervision, per ~~Oklahoma Administrative Code (OAC) 340:40-7-3.~~ The worker Eligibility staff includes the child care plan on Form 08TW002E, TANF Work/Personal Responsibility Agreement. When the person begins active participation in TANF Work activities, ~~the worker~~ eligibility staff and client complete a child care application based on the TANF Work plan, per OAC 340:40-3-1 and 340:40-7-8. ■ 10

(5) **Transportation contracts.** Transportation contracts are ~~initiated~~ to provide transportation for TANF recipients who have no means of transportation to access required TANF Work training activities. ■ 11 To initiate a transportation contract, ~~designated county office staff contact Adult and Family Services contacts (AFS) TANF Unit program staff.~~

(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 OKDHS determines has a potentially meritorious claim for such benefits. ■ 12

(A) ~~The worker~~ Eligibility staff makes a referral to the OKDHS-contracted law firm to assist the recipient(s) with the: ■ 13

- (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. When the evaluation of merit determines there is:

(i) sufficient evidence, the law firm represents the TANF recipient. ■ 14

(I) Statewide representation consists of assisting the recipient with the application through an unfavorable SSA Appeals Council decision.

(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. ■ 15

(7) **Achievement bonuses.** TANF recipients participating in TANF Work are eligible for bonuses related to achievement of certain goals when funding is available. TANF recipients may receive one bonus payment per achievement.

(A) Achievements are completion of a:

- (i) high school diploma; or
- (ii) high school equivalency certificate.

(B) Refer to OKDHS Appendix H-4-C for bonus payment amounts.

INSTRUCTIONS TO STAFF 340:10-2-8

Revised ~~4-29-24~~ 9-15-25

1. Participant allowances and the work activity payment are appropriate for a person who agrees to comply with work activities during the 60-calendar day period following closure for non-compliance with Temporary Assistance for Needy Families (TANF) Work activities.
2. The flexible fund guidelines for each service are listed in (1) through (33) of this Instruction. The maximum amount authorized is \$750 per object code, unless the appropriate deputy director or designee approves the authorization for an amount above \$750. Dental may be approved up to \$2500 without deputy director or designee approval. For a dental expense above \$2500, the worker Adult and Family Services (AFS) eligibility staff ~~contacts Adult and Family Services (AFS) TANF Unit AFS program staff~~ for approval.
 - (1) Eye examinations. This service is used when there is a need for an eye examination.
 - (2) Eyeglasses - single vision. This service is used when 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 is used when there is a need for eyeglasses.
 - (4) Dental. This service is used when 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 a work activity requiring 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 13HI003E, Authorization to Disclose Medical Records, is completed when this service is authorized. Copies of Form 08TW027E and Form 13HI003E are filed in the case record.
 - (7) Weight control programs. This service is used when losing weight would enhance employability for the participant.
 - (8) Uniforms or special clothing. This service is used 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 or shoes. This service is used when there is a need for clothing or shoes.

- (10) Special equipment. This service is used when the training facility or employer requires special equipment for the job, such as tools.
- (11) Self-employment. This service is used 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 verifies 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 when the participant is younger than 21 years of age, and the participant must possess a valid driver license.
- (A) The participant must provide two cost estimates from qualified repair persons. When the participant is unable to provide two free estimates, ~~the worker~~ eligibility staff may issue flex funds for estimates using the automobile inspection fee code, per Oklahoma Human Services (OKDHS) Appendix H-4, Flexible Accounts.
- (B) The case record must contain a statement from a qualified repair person, such as a mechanic, as to whether the vehicle is worth repairing based on the age and overall condition.
- (C) When parts are purchased separately for installation by someone other than a regular vehicle repair business; the qualified repair person must provide a statement attesting the parts were installed in the correct vehicle.
- (D) This service may also include tire and battery expenses, when the qualified repair person determines the vehicle is inoperable or unsafe without them.
- (E) The service does not include expenses, such as body repair, painting, or sanding.
- (14) Driver license. This service is used for a TANF Work participant who needs a private or commercial license to operate a motor vehicle. ~~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 when the participant is younger than 21 years of age and the participant must possess a valid driver license. 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 when the participant is younger than 21 years of age and the participant must possess a valid driver license.
- (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. Minor traffic tickets and fines. The service is for traffic tickets or fines that are detrimental to the family's stability or their ability to keep or obtain employment, training, or education. The deputy director or designee must approve any payment greater than \$500 and ensure the payee has made a good faith effort to minimize reoccurrence, such as verifying the client has completed all legal requirements.

(19) Reserved for future use.

(20) Reserved for future use.

(21) Rent and utilities. This service is used for an emergency shelter need.

(22) Reserved for future use.

(23) Non-contractual transportation. This service is used only when an OKDHS office is in the process of obtaining a transportation contract or there is no vendor available or interested in contracting with the office.

(24) Non-contractual training. This service is used 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 is used to assess a participant for learning disabilities. Adult learning centers may provide this assessment.

(26) Child care fees. This service is used when the participant needs assistance paying for a child care enrollment or activity fee. These funds are not used to pay actual child care costs.

(27) Past due automobile payments. This service is used to prevent repossession when transportation is essential to a work activity and the participant is able to make future payments. When the worker eligibility staff determines the participant is unable to make future payment, the worker eligibility staff develops a different transportation plan.

(28) Automobile inspection fee. This service is used to have an automobile professionally inspected prior to purchase.

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

(30) Household items. This service is to purchase or repair essential household items to prevent work activity disruption.

(31) Personal items. This service is for items, such as hygiene products, necessary to attend work activity, obtain or maintain employment.

(32) Health related. This service is 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 covers fees for special testing not covered under the DAP contract.

- 3. (a) In addition to active TANF clients, clients in a Subsidized Employment Program component or in special medical or continuing medical benefit status may receive flexible funds.**

(b) A client whose TANF benefits closed with a 52A or a 52B closure code may also be eligible as a participant when:

(1) he or she signs a new or updated Form 08TW002E, TANF Work/Personal Responsibility Agreement, the Employability Plan Section;

(2) he or she agrees to cooperate with TANF Work within 60-calendar days of the closure; and

(3) ~~the worker~~ eligibility staff opens a TANF Work authorization documenting the agreed upon work activity ~~agreed upon by the client and worker~~.

4. ~~The worker~~ Eligibility staff must:

(1) determine on a case-by-case basis whether the service is available through any other resource, including other OKDHS programs, local churches, or 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 worker~~ Eligibility staff accesses the payment screen through the Finance Applications Main Menu on the Financial Services SharePoint site.

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

(2) ~~The worker~~ Eligibility staff enters on the same screen the:

(A) case number;

(B) cash amount of the service;

(C) the applicable object code, per OKDHS Appendix H-4; and

(D) description of the service to be provided to the participant. The description is as detailed as possible to prevent misunderstanding as to what the payment of the authorization covers.

(3) ~~The worker~~ Eligibility staff enters needed information, prints the completed form, obtains the supervisor's signature on the completed form, and gives the form to the participant.

(b) The field manager or designee periodically monitors the flexible fund account expenditures.

6. ~~The worker~~ Eligibility staff authorizes the work activity payment through the ETPANEW screen. ~~The worker~~ Eligibility staff:

(1) upon client request, may issue up to a maximum of \$40 per month when the participant has a specific need pertaining to TANF Work only. ~~The worker~~ Eligibility staff only issues the amount needed to fulfill the request, not a generic \$40. For example, the client needs to renew his or her driver license to participate in TANF Work and the cost is \$31. ~~The worker~~ Eligibility staff issues a work activity payment in the amount of \$31;

(2) does not routinely issue a work activity payment to supplement monthly living expenses; and

- (3) documents all payment amounts and reasons for issuing payments in ~~Family Assistance/Client Services (FACS)~~ case notes.
7. ~~The worker~~ Eligibility staff uses the TANF Work components of working full-time (WF) or working part-time (WP) for work study participants. Refer to Oklahoma Administrative Code 340:10-2-1 for the payment of participation allowances for holidays and excused absences.
 8. (a) Form 08TW013E, Time and Progress Report, instructs the participant to submit pages one and two to an OKDHS office by the 20th of the current month and pages three and four by the fifth of the next month. Timesheets may be submitted by paper form, electronically, or through a client portal, such as Tuapath.
(b) ~~The worker~~ Eligibility staff enters the participation hours per day in the ETPANEW transaction using information provided by the recipient on Form 08TW013E for that month. ~~The worker~~ Eligibility staff rounds down to the next whole hour any portion of an hour equal to, or less than 29 minutes, and rounds up to the next whole hour any portion of an hour equal to, or greater than 30 minutes.
 9. (a) ~~The worker~~ Eligibility staff only authorizes an Oklahoma State Bureau of Investigation (OSBI) background check when one is required by the program for employment in a particular field, such as medical, child care, or that requires federal bonding. The TANF benefit must be open or in the process of curing a 52A closure.
(b) ~~The worker~~ Eligibility staff accesses the OSBI background request form through
<http://surveys.prod.okdhs.int/selectsurvey/TakeSurvey.aspx?SurveyID=88KH682#>.
 - (1) ~~The worker~~ Eligibility staff completes all applicable fields on the form and clicks the submit information button to send the request for processing.
 - (2) AFS TANF staff sends the OSBI response to the requesting worker as soon as possible.
 - (3) ~~The worker~~ Eligibility staff:
 - (A) documents the reason for the request in case notes;
 - (B) images and saves the OSBI response in a section of the case record marked confidential; and
 - (C) mails a copy, when required, to the requesting facility.
 10. ~~The worker~~ Eligibility staff images the child care application, files it in the case record, and documents the days and hours child care is approved in ~~FACS~~ case notes.
 11. TANF clients in an a Subsidized Employment Program (SEP) component or in special medical or continuing medical benefit status continue to be eligible to receive transportation services.
 12. ~~The worker~~ Eligibility staff refers the participant to DAP when the TANF Work recipient does not have current legal representation through a private attorney.

13. Refer to the Legal Aid website at <http://www.legalaidok.org/law-offices/> for the listing of contracted Legal Aid offices.

(1) ~~The worker~~ Eligibility staff initiates the referral by use of Form 08TA010E, Referral for the Disability Advocacy Program.

(2) The TANF Work recipient completes Form 08TA010E, Part I, and signs Form 08TA010E, Part II. When the person referred is a minor child(ren), the parent or guardian signs for the child.

(3) ~~The worker~~ Eligibility staff sends the signed and completed Form 08TA010E to the appropriate Legal Aid office.

(4) Contracted-law firm staff completes Form 08TA010E, Part III, within 10-business days of completing the evaluation of merit.

14. Law firm staff:

(1) interviews the referred recipient;

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

(3) obtains existing medical records;

(4) obtains non-medical evidence;

(5) arranges medical examinations;

(6) obtains evaluations of residual functional capacity;

(7) completes and submits required SSA forms;

(8) submits evidence to SSA; and

(9) advocates, formally or informally, on the recipient's behalf.

15. (a) By contract, law firm staff must inform ~~the worker~~ eligibility staff within 10-business days when the:

(1) referral lacks sufficient merit to proceed at any stage of the process;

(2) recipient fires the law firm;

(3) recipient fails to cooperate with the law firm; or

(4) recipient refuses to pursue any stage of administrative appeal through a decision by the SSA Appeals Council.

(b) When the referral has sufficient merit to proceed, law firm staff provides status updates to ~~the worker~~ eligibility staff within 10-business days of the:

(1) SSA application filing;

(2) SSA initial decision;

(3) SSA reconsideration request;

(4) SSA reconsideration decision;

(5) request for an Administrative Law Judge hearing;

(6) SSA hearing decision;

(7) SSA Appeals Council decision; and

(8) current referral status, when a report was not made in the previous three months.

SUBCHAPTER 3. CONDITIONS OF ELIGIBILITY – NEED

PART 3. INCOME

340:10-3-26. General provisions regarding income

Revised ~~9-15-15~~ 9-15-25

~~Income is defined~~ Oklahoma Human Services (OKDHS) defines income as any gain, payment, or proceeds from labor, business, property, retirement, and other benefits. All OKDHS includes all available income, except that required to be income disregarded by law or the Oklahoma Department of Human Services (DHS) OKDHS policy, is taken into consideration in determining to determine eligibility for Temporary Assistance for Needy Families (TANF) cash assistance. ■ 4 Income is considered available when actually received. When an overpayment or recoupment reduces an individual's income is reduced due to recoupment of an overpayment or a garnishment, OKDHS uses the gross amount before the recoupment or garnishment is counted as the countable income.

(1) The individual is responsible for reporting all assistance unit must report income changes, per Oklahoma Administrative Code (OAC) 340:65-5-1, within 10-calendar days. This requirement includes changes in the source, amount, and regularity of receipt payment frequency.

(1)(2) Income received on behalf of a member of the assistance unit by another individual, such as, but not limited to, a guardian or conservator, is considered available to the assistance unit.

(2)(3) Money received and used for the care and maintenance of a third party not included in the assistance unit is does not counted count as income when it is identified and verified as intended for third party use. ■ 21 The income of a stepparent or a person acting in the role of a spouse is considered per Oklahoma Administrative Code (OAC) OAC 340:10-3-57(e).

(3)(4) If it appears any member of the TANF assistance unit or an individual whose income and resources are considered per OAC 340:10-3-57(e) is eligible for any type of income or benefits, the worker Adult and Family Services eligibility staff uses Form 08AD092E, Client Contact and Information Request, to notify the assistance unit in writing. Form 08AD092E contains the information that failure to apply for and take all appropriate steps to obtain such benefits within 30-calendar days from the date of the notice results in a determination of ineligibility. Supplemental Security Income (SSI) does not fall under these types of benefits.

(4)(5) When spouses live together or live apart, but there has not been a clear break in the family relationship, income received by either spouse and income received jointly is considered as family income.

(5)(6) Income received by a member of the TANF cash assistance unit cannot be diverted to members receiving State Supplemental Payments or to meet the needs of a stepparent.

(6)(7) Any family member receiving SSI is not included in a TANF benefit and the SSI income is not considered in computing the TANF benefit.

(7)(8) When an applicant's net income, after applying applicable earned income exemptions per OAC 340:10-3-33, meets or exceeds the payment standard for that month, the application is denied. ■ 3

(8)(9) Refer to OAC 340:10-3-31.1 to determine whether the recipient is eligible for an earned income disregard prior to closing the TANF cash assistance payment because of earnings. ■ 32

INSTRUCTIONS TO STAFF 340:10-3-26

Revised ~~9-15-15~~ 9-15-25

- ~~1. Refer to Oklahoma Administrative Code (OAC) 340:10-3-58 for income determination procedures.~~
- ~~2. Refer to OAC 340:10-3-40 for income disregards.~~
- 32. Refer to Oklahoma Department of Human Services (DHS) Appendix C-1, Schedule of Maximum Income, Resource, and Payment Standards, Schedule IX for the Temporary Assistance for Needy Families (TANF) payment standard.**

340:10-3-27. Monthly maximum gross income [ITS ONLY]

The monthly maximum gross income for Temporary Assistance for Needy Families (TANF) eligibility is 185% of the State Standard of Need. ■ 1 The "monthly gross income" is the total earned and unearned income of all members whose income is considered in determining the TANF benefit prior to application of the exemptions. ■ 2 Any child support payments received in the State Office must be considered as part of the family income in determining the monthly maximum gross income. When the family's gross income meets or exceeds the monthly maximum gross income, the application is denied or the case is closed.

INSTRUCTIONS TO STAFF 340:10-3-27

Revised 9-15-25

- 1 See DHS Oklahoma Human Services Appendix C-1, Schedule of Maximum Income, Resource and Payment Standards, Schedule IX A.**
- 2. See OAC Oklahoma Administrative Code (OAC) 340:10-3-32 for the computation of self-employment income and OAC 340:10-3-57(f) for the computation of income for a stepparent, ~~person(s) acting in the role of spouse~~, and parent(s) of a minor parent.**

340:10-3-31. Earned income

Revised ~~7-4-12~~ 9-15-25

(a) The term earned income refers to monies earned by an individual through the receipt of wages, salary, commission, or profit from activities in which the individual is engaged as self-employed or as an employee. A person is ~~considered~~ self-employed when:

- (1) he or she declares ~~himself or herself to be~~ self-employed status;
- (2) he or she works as a sole proprietor or an independent contractor;
- (3) he or she is in business for oneself, including a part-time business or gig work;
- (4) he or she earns self-employment income from a partnership according to United States Internal Revenue Services tax forms; ■ 1
- (5) there is an ~~employer/employee~~ employer and employee relationship and the employer does not withhold income taxes or Federal Insurance Contributions Act (FICA), even if required by law to do so; or
- (3)(6) the employer withholds taxes and the person provides proof he or she files taxes as self-employed.

(b) Payments made for accumulated annual leave, vacation leave, sick leave, or as severance pay are ~~considered as~~ earned income whether paid during employment or at termination of employment. ■ 42 Temporary disability insurance payment(s) and

temporary worker's compensation payments are ~~considered as~~ earned income if payments are employer funded and the individual remains employed.

(c) Earned income received as a one-time nonrecurring payment is ~~considered as~~ a lump sum payment per Oklahoma Administrative Code OAC 340:10-3-28.

(d) Earned income includes in-kind benefits received by an employee from an employer in lieu of wages or in conjunction with wages. An exchange of labor or services, for example, barter, is ~~considered as an in-kind~~ in-kind benefit. Such benefits received in-kind are ~~considered as~~ earned income only when the employee and employer relationship has been established. ■ 23

(1) The cash value of the in-kind benefits must be verified by the employer.

(2) Income from self-employment also includes in-kind benefits for a work activity or service for which the self-employed person ordinarily receives payment in the business enterprise.

(3) Medical insurance secured through the employer, whether purchased or as a benefit, is not ~~considered~~ in-kind income. ■ 34

(e) Gross earned income is used to determine eligibility for assistance. Gross earned income is defined as the "true wage" prior to payroll deductions and withholdings. Income that is based on the number of hours worked as opposed to income based on regular monthly wages must be computed as irregular income. ■ 45

(f) Countable earned income excludes income from:

(1) capital investments with respect to which the individual is not actively engaged. Dividends and interest on rental properties in the hands of a rental agent with the check forwarded to the recipient is excluded from "earned income," and ■ 56

(2) benefits not in the nature of wages, salary, or profit accruing as compensation or reward for services, or as compensation for lack of employment. ■ 67

(g) ~~The worker~~ Eligibility staff verifies income by the best available information such as pay stubs presented by the individual or an interview with the employer. ~~The worker~~ Eligibility staff verifies medical insurance which may be available to the employed Temporary Assistance for Needy Families (~~TANF~~) recipient and any dependents at the same time that income is verified.

(1) Pay stubs may only be used for verification if they have the individual's name or social security number indicating that the pay stubs are in fact the individual's wages. The stubs must include the date(s) of the pay period and the amount of income before deductions. If this information is not included, employer verification is required.

(2) With new employment, it is necessary to verify the beginning date.

(3) When a member of the assistance unit accepts employment and has not received any wages, verification of the amount of income to be considered and the anticipated date of receipt must be obtained from the employer. ■ 45

(4) Verified income expected to be received during a future month is ~~considered~~ available to the assistance unit and is counted in determining eligibility for that month. ■ 78

INSTRUCTIONS TO STAFF 340:10-3-31

Revised ~~7-1-12~~ 9-15-25

1. When the partner has filed a tax return, Adult and Family Services eligibility staff reviews lines 14a, 14b, and 14c on Schedule K-1 (Form 1065), Partner's Share of Income, to determine if a household member has received self-employment income from a partnership. When there is self-employment income on these lines, eligibility staff follows the instructions per Instruction to Staff (ITS) 2 on Oklahoma Administrative Code (OAC) 340:10-3-32 to calculate the partner's monthly countable self-employment income. When there is no self-employment income on these lines, eligibility staff follows the unearned income procedures in OAC 340:10-3-39.
2. Refer to OAC 340:10-3-5(a)(9)(D); 340:10-3-28(1); and 340:10-3-39(h) for retirement benefits.
- 2.3. The employer's and employee's written or verbal statement that the relationship exists is sufficient but must be documented in the case record.
- 3.4. ~~The worker~~ Eligibility staff records details about medical insurance in the TPL tab of the ~~Family Assistance/Client Services (FACS)~~ Interview Notebook and in case notes.
- 4.5. Refer to OAC 340:10-3-58 for income determination procedures.
- 5.6. Refer to OAC 340:10-3-39 for income other than earned income.
- 6.7. Examples include pensions and benefits, such as United Mine Workers' or Veterans benefits.
7. For self-employment income, refer to OAC 10-3-32 ~~Instructions to Staff ITS #2~~.

340:10-3-32. Earned income determination

Revised ~~9-15-22~~ 9-15-25

(a) **Self-employment income determination.** Self-employment income received by an assistance unit member from a self-employment business enterprise he or she owns solely or in part; or from an employer when the assistance unit member is ~~considered~~ self-employed, per Oklahoma Administrative Code (OAC) 340:10-3-31(a), is considered per the procedures listed in (b) of this Section. Other types of self-employment income are listed in (1) through (4) of this subsection.

(1) **Room or board.** When a person: ~~■ 4~~

(A) rents a room in the client's home, ~~the worker subtracts 25 percent of the gross earned income amount received as a business expense; or~~

(B) pays for room and board in the client's home, ~~the worker~~ Adult and Family Services eligibility staff subtracts 50 percent of the gross earned income as a business expense whether the member claims the expense or not.

(2) **Rental property.** Income from rental property is ~~considered~~ earned self-employment income when an outside person or agency does not conduct any of the activities associated with renting the property. When the client does not manage the rental property, it is ~~considered~~ unearned self-employment income. ~~When the client incurs business expenses, such as a mortgage payment, the worker subtracts 50 percent of the client's rental property income as a business expense. ■ 21~~

(3) **Profit sharing.** Households who operate S corporations, general or limited partnerships, or limited liability companies (LLC), may receive profit sharing that is reported on the household's personal income tax return.

(A) S corporation profit sharing is ~~considered~~ unearned profit-sharing income. Refer to (c)(3) of this Section and OAC ~~340:10-3-39(e)~~ 340:10-3-39(a)(13) for information regarding S corporations.

(B) Partnerships are unincorporated businesses with two or more partners. ~~When an assistance unit member is a partner in a business, he or she is considered self-employed and not an employee of the business. Each partner receives~~ may receive a profit share from the business. ~~When a business is considered a:~~ ~~■ 3~~ the partner's Schedule K-1 (Form 1065), Partner's Share of Income, includes self-employment income, eligibility staff considers the partner's profit share as self-employment income.

(i) ~~general partnership or LLC with a member manager, each partner's share of the business income is shown as self-employment income on his or her federal income tax form; or~~ ~~■ 4~~

(ii) ~~limited partnership or other LLC member, each partner's share of the business income is shown as self-employment income or unearned profit-sharing income on his or her federal income tax form.~~ ~~■ 52~~

(4) **Home produce.** Any home produce from garden, livestock, and poultry ~~utilized~~ by the client and his or her household uses for their consumption is not considered in determining the Temporary Assistance for Needy Families (TANF) benefit amount. Any home produce sold to others is ~~considered as~~ self-employment income.

(b) **Self-employment income procedures.** ~~Self-employment income that represents the assistance unit member's annual support is prorated over a 12-month period, even when the income is received in a shorter time period. The worker~~ Eligibility staff uses the gross self-employment shown on the person's most recent federal tax return, when filed, or computes the member's gross self-employment income from the member's business or employer records. ~~When the member claimed business expenses, the worker~~ Eligibility staff subtracts 50 percent of the member's gross self-employment income as business expenses, whether the member claims the expense or not, and divides the remaining income by the number of months to be averaged to arrive at the member's net monthly self-employment income. ~~■ 63~~

(1) **New income source.** When self-employment income is received for less than a year, the income must be averaged over the time period received and the monthly income projected for the coming year. ~~■ 74~~

(2) **Averaged over time period received.** When there is insufficient data to make a reasonable income projection from this income source, ~~the worker~~ eligibility staff does not consider income from this source until the six-month renewal. At renewal, ~~the worker~~ eligibility staff averages the income over the number of months received until a full year's data information is available. ~~■ 85~~

(3) **Annualized self-employment.** Eligibility staff prorates self-employment income based on how frequently income is received and the period it is intended to cover.

(A) When the income is periodic but intended to support the assistance unit member for the entire year, staff averages the income over a 12-month period.

(B) When the income is for a shorter, specific period but is not intended as the member's annual support, staff prorates the income over actual months received.

~~■ 4~~

- (4) Substantial increase or decrease in income.** When the assistance unit member experiences a substantial increase or decrease in income, ~~the worker eligibility staff~~ does not use prior self-employment income, such as income tax returns, to calculate anticipated self-employment income. Instead, ~~the worker eligibility staff~~ only uses the self-employment income that can reasonably be anticipated to project future earnings.
- (c) Earned income from sources other than self-employment.**
- (1) **Earned income from wages, salary, or commission.** When the income is from wages, salary, commission, or contract employment, the earned income is the gross income prior to payroll deductions and withholdings. ■ ~~96 & 107~~ Money from the sale of whole blood or blood plasma is also ~~considered as~~ earned income.
- (2) **Earned income from work and training programs.**
- (A) **Workforce Innovation and Opportunity Act (WIOA) of 2014.** Per Section 181 of WIOA, earned income from WIOA is exempt. ■ ~~118~~
- (B) **On-the-job training (OJT).** Earned income from OJT is considered as any other earned income.
- (3) **S corporations.** When an assistance unit member is a shareholder in an S corporation, he or she may receive profits from the business ~~in three ways~~; as a salary, as a profit share of the business, or as salary and a profit share of the business. Salaries and profit share of the business are reported on the household member's personal income tax return. Salary income is ~~considered as~~ earned income, and profit share income is ~~considered as~~ unearned income. ■ ~~129~~
- (d) Earned income determination.** TANF cash assistance benefit amount is determined based on actual gross income received in the current or past month, when known, and the best estimate of anticipated gross income for future months.
- (1) **Income verification.** When income verification is needed, ~~the worker eligibility staff~~ gives or sends Form 08AD092E, Client Contact and Information Request, to the client specifying the income verification needed and gives the client at least 10-calendar days to provide the verification.
- (A) When an application includes a past month, ~~the worker eligibility staff~~ obtains actual income, when available, to determine income eligibility for the application month.
- (B) ~~Once~~ When the client provides acceptable verification, no further information is required unless a change occurs or the renewal is due.
- (C) When the client reports new employment and has not received representative pay yet, ~~the worker eligibility staff~~ determines the best estimate from information provided by the client and the employer.
- (2) **Varying income.** When the assistance unit member receives income in varying amounts, ~~the worker eligibility staff~~ averages the most recent 30-calendar days of income to anticipate income for future months unless the:
- (A) member starts new employment and paystubs are not available. When pay stubs are not available, ~~the worker eligibility staff~~ contacts the employer to obtain the member's hourly wage, anticipated weekly hours, and pay frequency; ■ ~~1310~~
- (B) hourly wage changes. ~~The worker Eligibility staff~~ obtains a paystub(s) that shows the member's new hourly rate, uses the past 30-calendar days of

paystubs to average the member's weekly hours, and multiplies the hours by the new pay rate to anticipate income. When a paystub showing the new hourly rate is not available, ~~the worker~~ eligibility staff contacts the employer to verify the new hourly rate;

(C) member's work hours change. When paystubs are not available, ~~the worker~~ eligibility staff contacts the employer to verify the increase or decrease in hours. The worker multiplies the new hours by the hourly wage to anticipate the member's new earnings;

(D) member obtains a second job. ~~The worker~~ Eligibility staff averages the client's first 30-calendar days of paystubs from the second job, when available, or contacts the employer to obtain the member's hourly wage, anticipated weekly hours, and frequency of pay. ~~The worker~~ Eligibility staff computes the monthly earnings from each job separately and then adds the earnings together for the total month's gross earnings; or

(E) paystubs are not representative of the normal circumstances. In this instance, ~~the worker~~ eligibility staff only uses the representative paystubs to anticipate future income. ■ 4411

(3) **Income conversion to monthly amount.** When the assistance unit member receives income more often than monthly, ~~the worker~~ eligibility staff converts the income to a monthly amount as described in (A) - (D) of this paragraph. Income received: ■ 4512

(A) on a daily basis is converted to a weekly amount, then multiplied by 4.3;

(B) weekly is multiplied by 4.3;

(C) twice a month is multiplied by 2; or

(D) every two weeks is multiplied by 2.15.

(e) **Benefit changes.** The client is ~~responsible for reporting~~ must report income changes within 10-calendar days of when the change takes place. ~~The worker is responsible for taking timely action~~ Eligibility staff must act within 10-calendar days of the date the client reports the change. ■ 4613 All client notices must include the timely reporting requirement.

(1) The TANF cash assistance benefit may be closed based on actual or anticipated earnings when the assistance unit's net income is over the payment standard, per Oklahoma Human Services Appendix C-1, Schedule IX. To determine net income, ~~the worker~~ eligibility staff subtracts the earned income disregard, when applicable, per OAC 340:10-3-31.1 and the earned income exemptions, per OAC 340:10-3-33, from gross earned income.

(2) The TANF benefit may be reopened due to administrative error, per OAC 340:65-5-6, when the client reports within 30-calendar days of the effective closure date that the anticipated income was not received or was less than expected and did not cause ineligibility.

INSTRUCTIONS TO STAFF 340:10-3-32

Revised ~~9-15-22~~ 9-15-25

1. ~~A person acting in the role of spouse, per Oklahoma Administrative Code (OAC) 340:10-3-57(e)(3), is not considered a roomer or boarder.~~

2. Rental income is considered self-employment income. This means the worker eligibility staff allows a 50 percent business expense when the assistance unit member claims expenses, such as the mortgage for the rental property.
- (1) Example: A client collects rent of \$1000 per month from a rental property and pays an ~~\$850 mortgage payment on the property~~. The client states she does not actively manage the property. ~~Since the client has business expenses, the worker considers~~ eligibility staff calculates 50 percent of the \$1000 as to determine countable unearned income and enters \$500 in the 'other' field and 'R' for rental income in the 'other indicator' field in the Family Assistance/Client Services (FACS) Interview Notebook's Income tab eligibility system. The worker Eligibility staff also enters a FACS case note explaining income calculations.
- (2) Example: A client collects rent of \$900 per month from a rental property and ~~pays a \$650 mortgage payment on the property~~. The client states he does actively manage manages the property. ~~Since the client has business expenses, the worker considered~~ Eligibility staff allows 50 percent of the \$900 as countable self-employment earned income to cover any applicable business expenses (\$900*.50=\$450) and enters \$450 in the 'self-employment' field the FACS Interview Notebook's Income tab eligibility system. The worker Eligibility staff also enters a FACS case note explaining income calculations. The system subtracts the standard work-related expense and one-half of the remaining earned income.
32. ~~The worker looks at line G on Schedule K-1 (Form 1065), Partner's Share of Income, to determine if a partnership is a general partnership/limited liability company (LLC) member-manager or a limited partnership/other LLC member.~~
- (a) Eligibility staff looks at line 14a, 14b, and 14c on Schedule K-1 (Form 1065), Partner's Share of Income, to determine if a partner is self-employed.
- (b) When available, eligibility staff adds line 14b and 14c on Schedule K-1 (Form 1065) as the partner's gross self-employment income.
- (c) When there are amounts on line 14a of the Schedule K-1 (Form 1065) but no amounts for 14b or 14c, eligibility staff:
- (1) looks at line J on Schedule K-1 (Form 1065) to find the partner's ownership percentage;
- (2) uses line 8 Total income (loss) on page 1 of Form 1065. The worker multiplies the sum by the partner's ownership percentage; and
- (3) adds the guaranteed payment amount found on 4c on the Schedule K-1 (Form 1065) to calculate the partner's gross self-employment income.
- (d) Eligibility staff subtracts 50 percent of the income and divides the remaining income by 12 or the number of months the business existed in the tax year to arrive at the household member's monthly self-employment income.
- (e) Eligibility staff codes the income in the eligibility system as self-employment and documents income calculations in case notes.
- (f) When the partner does not have self-employment income, eligibility staff follows the unearned income procedures, per Oklahoma Administrative Code (OAC) 340:10-3-39.

- ~~4. When the assistance unit member is a partner in a general partnership or LLC member-manager, the worker adds together the income shown on lines 1, 4, and 14C of Schedule K-1 (Form 1065) to determine his or her annual gross self-employment income. The worker subtracts 50 percent of the income for business expenses and divides the remaining income by 12, or by the number of months the business existed in the tax year, to arrive at the assistance unit member's gross monthly self-employment income. The worker codes the income in the FACS Income Tab as self-employment and documents income calculations in FACS case notes.~~
- ~~5. (a) When the assistance unit member is a partner in a limited partnership or other LLC member, the worker adds together the income shown on line 4 and line 14C of Schedule K-1 (Form 1065) to determine his or her annual gross self-employment income. The worker subtracts 50 percent of the income for business expenses and divides the remaining income by 12, or by the number of months the business existed in the tax year, to arrive at the household member's gross monthly self-employment income. The worker codes the income in the FACS Income tab as self-employment and documents income calculations in FACS case notes.~~
- ~~(b) The worker uses the 'ordinary business income' shown on line 1 of Schedule K-1 and divides the income by 12, or by the number of months the business existed in the tax year, to arrive at the household member's monthly gross unearned income from profit sharing.~~
- ~~63. (a) The worker Eligibility staff divides the assistance unit member's self-employment income by 12, or by the number of months the business has existed when less than 12 months, to determine monthly self-employment income. When the gross self-employment income shown on the income tax return or business records is not representative of the member's current situation because of a substantial increase or decrease in the member's self-employment income, refer to (b)(3) (b)(4) of this Section.~~
- ~~(b) When the assistance unit member did not incur business expenses, the worker does not subtract 50 percent of the person's gross self-employment income as business expenses.~~
- ~~(c) Income tax documents provide acceptable documentation of self-employment income and expenses. Income tax return forms include, but are not limited to:~~
- ~~(1) Form 1040 with Schedule C, Profit or Loss From Business (Sole Proprietorship), for sole proprietors and some limited liability companies. The worker Eligibility staff uses the gross income shown on line 3 of Schedule C as the household's annual self-employment income. The worker Eligibility staff divides the income by 12, or by the number of months the business existed in the tax year, to arrive at the monthly gross income and subtracts a 50 percent deduction for ~~claimed~~ business expenses;~~
- ~~(2) Form 1065, Partnership Return of Income. Refer to Instructions 3 through 5 of this Section for calculation information; or~~

(3) Form 1040 with Schedule F for farmers. ~~The worker~~ Eligibility staff uses the gross income shown on line 9 of Schedule F to determine farm income and line 34 to determine the net loss or profit of the farm. When line 34 shows a profit, ~~the worker~~ eligibility staff uses line 9 and determines net monthly income the same as all other self-employment income.

~~(d)~~(c) After determining the person's net monthly self-employment income, the ~~worker~~ eligibility staff subtracts applicable earned income deductions, per OAC 340:10-3-33.

74. Examples of self-employment income calculations include, when:

- (1) a crop farmer does not receive income from crops every month, but this income represents the farmer's annual support. Income from this source is averaged over a 12-month period; or
- (2) self-employment income was received from February 18th to the application month of November, the income is averaged for nine months, February through October. It is correct to count the first month of income received through the last complete month when computing an ~~annualized figure for~~ new self-employment income.

85. Example: The client started work as a cosmetologist two months ago and has mainly serviced walk-in clientele and overflow referrals from other cosmetologists. The client earned \$300 the first month and \$400 the second month and pays \$100 booth rent per month plus supplies. The client has had only had one repeat customer. ~~The worker~~ Eligibility staff averages the income for two months. The client must report the self-employment income monthly when he or she turns in Form 08TW013E, Time and Progress Report to report participation hours. ~~The worker~~ Eligibility staff recalculates the income monthly to include all months of earnings until a full year is received.

96. When the employer adds money to the employee's gross income as a benefit allowance to pay for a reimbursable expense, such as insurance, ~~the worker~~ eligibility staff counts the regular gross earnings plus any excess money left after deducting the insurance or other reimbursable expense from the benefit allowance. For example, when a person:

- (1) receives a \$300 benefit allowance to purchase insurance and uses the entire amount to purchase the insurance; ~~1~~ none of the benefit allowance is counted as income;
- (2) receives a \$300 benefit allowance but only purchases \$280 in insurance, the worker counts the remaining \$20 as income; or
- (3) has an option of purchasing insurance with a \$300 benefit allowance when insurance is purchased or \$150 if insurance is not purchased, the worker counts the \$150 as an excess benefit allowance when the person chooses not to purchase insurance.

107. (a) Refer to OAC 340:10-3-31 to determine when contract income is ~~considered~~ self-employment income.

(b) Income from contract employment received by persons, such as school employees is annualized over a 12-month period even when the income is received over a period of time shorter than 12 months.

118. Refer to OAC 340:10-3-40(34).

- 429.** Shareholders of S corporations complete Form 1120-S, U.S. Income Tax Return for an S Corporation with Schedule K-1, Shareholder's Share of Income. When the assistance unit member is a shareholder and receives a salary from the business, the household member must supply a copy of his or her W-2, Wage and Tax Statement. Line 1 on Form W-2 shows the household member's annual wages for the tax year. To calculate the assistance unit member's monthly income, the worker divides the income shown on line 1 by 12 or the number of months the S corporation existed during the tax year.
- 4310.** When the employer's statement lists an approximate number of employment hours, the worker uses the assistance unit member's scheduled employment hours to anticipate income, when possible.
- 4411.** The worker documents in FACS case notes why the current pay stubs are not representative of the normal work week and, therefore, not used in the computation.
- 4512.** ~~The worker~~ Eligibility staff exercises caution when determining if income is received twice a month or every two weeks. In computing monthly income, eligibility staff carries cents are carried at all steps until he or she determines the monthly amount is determined and then rounded rounds to the nearest dollar.
- 4613.** ~~The worker is responsible for explaining~~ Eligibility staff explains timely reporting requirements to the client at initial application and each renewal.

340:10-3-39. Unearned income determination [ITS only change]

(a) **Unearned income.** When the client has income from one or more of the income sources listed in (1) through (14) of this subsection, the income source and amount is verified and considered as unearned income.

(1) **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 after certification constitute unearned income.

(2) **Real property held as a resource.** When the client has income from property held as a resource, the worker deducts actual business expenses before considering the remainder as unearned income.

(3) **Life estate and homestead rights.** When the client receives income from a life estate and homestead rights, it is counted as unearned income, per Oklahoma Administrative Code (OAC) 340:10-3-4(d).

(4) **Minerals.** When the client owns minerals, but not the surface rights, only actual income from minerals, delayed rentals, and production is considered. ■ 1 When the client does not have documentary evidence of the income amount, the worker or client obtains income verification from the firm or person who is making the payment.

(5) **Contributions.** Contributions the client recurrently receives are considered unearned income. Payments made to a vendor on the client's behalf are not considered countable contributions. ■ 2

(6) **Child support.** Child support assigned and retained by Oklahoma Human Services (OKDHS) Child Support Services (CSS) is not considered as income to the client, per OAC 340:10-10-7.

(A) Child support payments an applicant receives prior to certification are considered unearned income for the month received.

(B) When CSS sends the client child support after certification because more is collected than is owed to OKDHS, it is considered as unearned income.

(C) When the Temporary Assistance for Needy Families (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 unearned income for the minor parent as CSS does not assign or retain it. ■ 3

(7) **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 When the client receives retirement income as a lump sum payment upon retirement, it is considered as a resource instead of income, per OAC 340:10-3-5(a)(9)(D). Supplemental Security Income (SSI) is not considered because the SSI recipient is not part of the TANF cash assistance unit, per OAC 340:10-3-57(b).

(8) **Military benefits.** Military benefits such as pensions, compensation, dependents' allowances, and similar benefits are considered as countable unearned income. When the client states that any member of the assistance unit, former spouse, or a non-custodial parent is or was in the military, the worker checks with state and federal veterans' agencies to determine if any benefits are available to the assistance unit. ■ 5

(9) **Financial aid from any agency or organization.** Financial aid provided to students or financial aid provided by agencies or organizations that base their payment on the financial need of the household is only considered as countable unearned income when the purpose of the assistance duplicates the purpose of the TANF cash assistance.

(A) Financial aid given by other agencies or organizations because of a household's financial need does not constitute duplication when the financial aid is given for goods and services that are not included in the TANF need standard.

■ 6

(B) TANF cash assistance's purpose is to provide for the assistance unit's basic needs; such as food, clothing, basic medications, personal items, shelter, utilities, and household equipment, per OAC 340:10-1-3(e).

(C) When educational assistance serves the same purpose as TANF cash assistance, such as when the client receives a stipend for living expenses, the stipend is countable income.

(D) When the assistance an agency or organization provides duplicates the purpose of TANF and:

(i) does not exceed the difference between the TANF payment and need standard by family size, per OKDHS Appendix C-1, Maximum Income, Resource, and Payment Standards, Schedule IX, it is not considered as income; or

(ii) exceeds the difference between the payment and need standard, it is considered as unearned income.

(10) **Casual and inconsequential gifts.** Monetary gifts, such as Christmas, birthday, or graduation gifts are counted as unearned income when the gift amounts per person exceed \$30 per calendar quarter.

(A) When a single gift exceeds \$30, the entire amount is counted as unearned lump sum income, per OAC 340:10-3-28.

(B) When the recipient claims the gift is intended for more than one person in the assistance unit, it can be divided among these persons. Gifts between assistance unit members are not counted. ■ 7

(11) **Grants.** Grants that are not based on financial need are considered income to the extent the grant is available for current maintenance. ■ 8

(A) Any portion of the grant that is expended, designated, or intended for items not included in current maintenance is excluded provided documentation is provided to justify the exclusion.

(B) 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.

(12) **Funds held in trust by Bureau of Indian Affairs (BIA).** The BIA frequently puts a person's trust funds in an Individual Indian Money (IIM) account. ■ 9

(A) When the BIA states that the funds are unavailable and are not disbursed, the funds are not considered in determining eligibility. When the BIA disburses any portion of the funds to the client, guardian, or conservator, such funds are considered as available unearned income unless the income is disregarded, per OAC 340:10-3-40. When countable funds are disbursed:

(i) on a monthly basis, the income is treated as unearned income in the month received;

(ii) on a regular basis, less often than monthly, the income is averaged over the number of months it is intended to cover, per OAC 340:10-3-28(1); or

(iii) in a one-time payment, the income is considered a nonrecurring lump sum payment in the month received, per OAC 340:10-3-28(2).

(B) When the BIA states the account is unavailable and does not have a monthly disbursement plan, but an account review reveals a recent disbursement history to the client, guardian, or conservator, this may indicate that all or a portion of the account is available. When this occurs, the funds are considered as unavailable because of a legal impediment until the situation is resolved with the BIA. ■ 10

(C) When the BIA makes disbursements to a third-party vendor in payment for goods or services, the disbursements are not considered as countable income.

(13) **Profit sharing.** When a household member is a shareholder in an S corporation or a partner in a limited partnership or limited liability company, he or she may receive a distribution or profit share of the business. This is considered unearned income. ■ 11

(b) **Unearned income determination.** Unearned income is determined based on actual income received in the current or past month, when known, and the best estimate of anticipated income for future months. When the client receives unearned income in varying amounts, the worker may average the income over a six-month period to determine anticipated income when averaging income over a longer time period is more representative. The worker only uses representative income amounts.

(1) **Income conversion to monthly amount.** When the client receives income more often than monthly, the worker converts the income to a monthly amount as described in (A) - (D) of this paragraph. Income received: ■ 12

(A) on a daily basis is converted to a weekly amount, then multiplied by 4.3;

(B) weekly is multiplied by 4.3;

(C) twice a month is multiplied by 2; or

(D) every two weeks is multiplied by 2.15.

(2) **Benefit changes.** The client is responsible for reporting income changes within 10-calendar days of when the change takes place. The worker is responsible for taking timely action within 10-calendar days of the date the client reports the change.

■ 13

(A) When the anticipated unearned income change is over the payment standard, per OKDHS Appendix C-1, Schedule IX, the worker closes the TANF cash assistance benefit effective the next advanced notice date, per OKDHS Appendix B-2, Deadlines for Case Actions.

(B) The TANF benefit may be reopened due to administrative error, per OAC 340:65-5-6, when the client reports within 30-calendar days of the effective closure date that the anticipated income was not received or was less than expected and did not cause ineligibility.

INSTRUCTIONS TO STAFF 340:10-3-39

Revised ~~9-15-22~~ 9-15-25

1. Refer to Oklahoma Administrative Code (OAC) 340:10-3-4(b) for information regarding the resource value of minerals.
2. Refer to OAC 340:10-3-39 (a)(10) and 340:10-3-40(39) for information concerning casual and inconsequential gifts. Refer to OAC 340:10-3-5(a)(4)(D) when donations are placed in a charitable account.
3. (a) Payments made to Child Support Services may be verified by viewing the child support payment screen using the transaction CFRRPA. To view instructions for the CFRRPA transaction, enter M space CFRRPA.
(b) When the minor parent lives with his or her parent, ~~the worker~~ **Adult and Family Services eligibility staff** codes the child support as a contribution, and it continues to count as income after certification. Refer to OAC ~~340:10-3-57(e)(5)~~ **340:10-3-57(e)(3)** when the minor parent lives with his or her parent.
4. (a) To verify income, ~~the worker~~ **eligibility staff** obtains a copy of the person's award letter or benefit verification statement or uses data exchange files, ~~per OAC 340:65-3-4(4)~~.
(b) Exclude 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. The list of excluded retirement savings and pension plans are:
 - (1) 457 of the Internal Revenue Code (IRC) plans, which are plans for state and local governments and other tax-exempt organizations;
 - (2) Section 401(a) of the IRC plans including:
 - (A) 401(k) plans, which are generally a cash or deferred arrangement limited to profit-making firms;
 - (B) SIMPLE 401(k) plans 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 IRC 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 IRC plans, which are retirement plans for union members consisting of employee contributions to certain trusts that must have been established before June, 1959; and
- (6) Section 408 and 408(A) of the IRC plans including:
 - (A) Individual Retirement Accounts (IRAs);
 - (B) SIMPLE IRAs;
 - (C) Roth IRAs; and
 - (D) Simplified Employer Plans (SEPs).
- 5. To verify receipt of military benefits, ~~the worker obtains the information from the client's award letter or from the specified agency. The worker eligibility staff calls the Department of Veterans Affairs at 1-800-827-1000 or sends Form 08MP095E, Request For Information Regarding Veterans Benefits, to the Oklahoma Department of Veterans Affairs to request information from state and federal veterans' agencies.~~
- 6. Expenses that are not considered in the Temporary Assistance for Needy Families (TANF) need standard may include when a private agency provides money for special training for a child or when Housing and Urban Development provides money to cover moving expenses. Examples of assistance or services that may be provided by the Department of Rehabilitation Services that are not considered in the TANF need standard are:
 - (1) car fare to a rehabilitation center;
 - (2) extra clothing;
 - (3) lunches;
 - (4) grooming needed for a training program; and
 - (5) any other such ~~complementary~~ complimentary payments.
- 7. Refer to OAC 340:10-3-56 for information regarding persons who must be included in the cash assistance unit.
- 8. Refer to OAC ~~340:10-1-3 (e)~~ 340:10-1-3(e) for information about the basic needs covered by the TANF grant.
- 9. (a) At application, ~~the worker~~ eligibility staff contacts the Bureau of Indian Affairs (BIA) in writing to determine the availability of a person's trust funds. At each reapplication or renewal, ~~the worker~~ eligibility staff contacts the BIA to obtain information regarding any:
 - (1) changes in fund availability;
 - (2) modifications to the Individual Indian Money (IIM) account; and
 - (3) prior disbursements.
- (b) ~~The worker~~ Eligibility staff records documentation regarding availability of funds, all disbursements since the most recent application or renewal, and

why disbursed funds are countable or disregarded in the Family Assistance/Client Services (FACS) case notes.

10. ~~When the worker eligibility staff is unable to resolve the situation with the BIA, the worker emails the Adult and Family Services (AFS) eligibility staff asks a supervisor to email TANF Unit program staff for assistance.~~

(1) The email must include specific details of the situation, including the worker's any efforts to resolve the situation with the BIA. When AFS TANF Unit program staff is unable to make a determination, TANF staff requests a legal decision from Legal Services regarding availability. ~~Once AFS When TANF Unit program staff obtains the legal decision, he or she forwards the legal decision to the worker.~~

(2) The funds are ~~considered~~ unavailable because of a legal impediment unless AFS TANF Unit program staff notifies the worker eligibility staff to count the funds.

11.(a) To calculate the household's profit sharing income from an S corporation, ~~the worker eligibility staff uses the 'ordinary business income' shown on line 1 of the Schedule K-1, Shareholder's Share of Income, and divides the income by 12 or by the number of months the business existed in the tax year to arrive at the monthly gross unearned income.~~

(b) ~~When a household member is a partner, the worker looks at line G on Schedule K-1, Partner's Share of Income that accompanies Form 1065, Partnership Return of Income, to determine the type of partnership. When it shows the business is a limited partnership or limited liability company, the worker uses the 'ordinary business income' shown on line 1 of Schedule K-1 and divides the income by 12 or the number of months the business existed in the tax year to arrive at the monthly gross unearned income. When line G shows the business is a general partnership, refer to OAC 340:10-3-32(a)(3) to calculate the income as self-employment income. When the partner has filed a tax return, eligibility staff reviews lines 14a, 14b, and 14c on Schedule K-1 (Form 1065), Partner's Share of Income, to determine if a household member has received self-employment income from a partnership. When there is self-employment income on these lines, eligibility staff follows the instructions per Instruction to Staff 2 on OAC 340:10-3-32 to calculate the partner's monthly countable self-employment income. When there is no self-employment income on these lines, eligibility staff follows the unearned income procedures in OAC 340:10-3-39.~~

(c) ~~The worker Eligibility staff codes the profit-sharing income in the FACS Income tab eligibility system and enters a FACS case note to document income calculations.~~

12. ~~The worker Eligibility staff exercises caution when determining if income is received twice a month or every two weeks. In computing monthly income, staff carries cents are carried at all steps until he or she determines the monthly amount is determined and then rounded rounds to the nearest dollar.~~

13. ~~The worker is responsible for explaining Eligibility staff explains timely reporting requirements to the client at initial application and each renewal.~~

PART 5. ASSISTANCE PAYMENTS

340:10-3-57. Special considerations

Revised ~~11-1-23~~ 9-15-25

(a) **Parent receiving or applying for State Supplemental Payment (SSP) for the aged, blind, or disabled.** A Oklahoma Human Services (OKDHS) Adult and Family Services (AFS) staff must not concurrently include a person must not concurrently be included in a Temporary Assistance for Needy Families (TANF) assistance unit and SSP for the same month. ■ 1 The person may be included in the TANF assistance unit while an application is pending for SSP or Supplemental Security Income (SSI) when all eligibility requirements are met. ■ 2

(1) When a parent lives in the home, receives SSP, and is not included in the TANF benefit, ~~the worker~~ eligibility staff does not consider the parent's income or resources as available to the TANF assistance unit.

(2) When a parent becomes ineligible for SSP and does not receive SSI, ~~the worker~~ eligibility staff considers the parent's income, resources, and deprivation status in determining TANF eligibility for the assistance unit and the parent.

(A) When adding the parent and his or her income causes the TANF assistance unit to be over income per ~~Oklahoma Human Services (OKDHS)~~ OKDHS Appendix C-1, Maximum Income, Resource, and Payment Standards, Schedule IX, ~~the worker~~ eligibility staff closes the TANF and medical benefit. ■ 3

(B) When the parent's SSP benefit closed because of an overall Social Security increase, ~~and staff may not add~~ the parent ~~cannot be added~~ to the TANF benefit, ~~the worker~~ Eligibility staff places the SSP benefit in Special Medical Status.

(3) When a parent becomes ineligible to receive SSP but continues to receive SSI, ~~the worker~~ eligibility staff does not consider the parent's income or resources as available to the TANF assistance unit. The parent must complete a separate SoonerCare (Medicaid) application to continue receiving medical benefits. ■ 4

(b) **Concurrent receipt of TANF and SSI.** A Eligibility staff must not concurrently include a person must not concurrently be included in a TANF benefit and receive who receives an SSI payment for the same month. When a person included in a TANF application or an active TANF benefit meets the eligibility conditions for TANF and SSI, the person may choose to have eligibility determined for TANF or SSI benefits. The payee must inform ~~OKDHS Adult and Family Services (AFS) worker~~ AFS eligibility staff when any member of the assistance unit makes application for, or becomes eligible to receive, SSI. When the payee or a member of the assistance unit makes an application for SSI, the payee must inform the Social Security Administration (SSA) of TANF receipt.

(1) When the only dependent child(ren) receives SSI, the natural or adoptive parent(s) or needy caretaker relative may receive an adult-only TANF benefit when all other eligibility factors are met.

(2) When a TANF applicant is also an SSI applicant, he or she may be included in the TANF benefit, when eligible, until notified of SSI eligibility. ■ 5

(3) When a TANF recipient is an SSI applicant, SSA notifies OKDHS of SSI eligibility to coordinate closure of the person's TANF benefit and approval of SSI and requests the amount of TANF benefits paid for each month of SSI eligibility. ■ 6 When the

actual closure date is later than the date given orally to SSA, TANF payments to SSI recipients are TANF overpayments and that must be recouped, per Oklahoma Administrative Code (OAC) 340:65-9.

(4) When a TANF recipient is determined ineligible for SSI, the person may continue ~~to be included~~ in the TANF assistance unit when 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 a SSP cash assistance benefit instead of TANF, when determined disabled by the Oklahoma Health Care Authority (OHCA) Level of Care Evaluation Unit (~~LOCEU~~), per OAC 317:35-5-4(1)(D).

(c) **Concurrent receipt of state and tribal TANF.** A Eligibility staff must not concurrently include a person ~~must not be concurrently included~~ in a tribal TANF payment and a state approved TANF benefit in the same month. When the person meets the criteria of a tribal TANF service area and population, the entire assistance unit must be served by tribal TANF. When the household moves out of the tribe's service area, ~~the worker~~ eligibility staff coordinates certification of state TANF benefits.

■ 7

(d) **Concurrent receipt of TANF in more than one state.** A person must not ~~be included in~~ receive a TANF benefit in from Oklahoma and another state for the same month. ■ 8

(e) ~~**Stepparent, needy caretaker's spouse, person acting in the role of a spouse, or parent(s) of a minor parent.**~~ ~~The natural or adoptive parent's income is available to the TANF assistance unit, and the worker does not divert income to meet the needs of the stepparent or other dependents in the home. The worker does not count any income when the stepparent, needy caretaker's spouse, person acting in the role of a spouse, parent(s) of a minor parent, or his or her dependent is an SSI recipient.~~

(1) **Stepparent or spouse of needy caretaker income.** When a stepparent or the needy caretaker's spouse lives in the home with the child(ren) applying for or receiving TANF, ~~the worker~~ eligibility staff counts a portion of his or her verified gross earned and unearned income, after all applicable TANF income disregards and work-related expenses are subtracted, as income available to the assistance unit. To determine the amount to consider, ~~the worker~~ eligibility staff:

(A)(1) subtracts the work-related expense, one-half of the remaining gross earned income, and any dependent care expense from the stepparent's or spouse of a needy caretaker's earned income per OAC 340:10-3-33;

(B)(2) adds the net earned income to the gross unearned income of the stepparent or the spouse of a needy caretaker;

(C)(3) subtracts the need standard for the appropriate number of persons per OKDHS Appendix C-1, Maximum Income, Resource, and Payment Standards, Schedule IX.A. The need standard includes:

(i)(A) the stepparent or needy caretaker's spouse; and

(ii)(B) any dependents not included in the assistance unit but who:

(i)(i) live in the home; and

(ii)(ii) can be claimed on the personal income taxes of the stepparent or needy caretaker's spouse; and

~~(D)(4)~~ subtracts the verified alimony and child support payments to persons outside of the household to arrive at the stepparent's contribution to the assistance unit; ■ 9 and

~~(E)(5)~~ adds the contribution of the stepparent or spouse of a needy caretaker's to all other gross income of persons included in the TANF assistance unit to determine eligibility. ■ 10

~~(2)(f)~~ **Stepparent or spouse of a needy caretaker resources.** The worker Eligibility staff 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 who does not receive a TANF benefit on another case.

~~(A)~~ For the purpose of this rule, a person is acting in the role of a spouse when one or both of these factors exist: ■ 11

~~(i)~~ the parent and the person represent themselves to be a couple; or

~~(ii)~~ have a physical relationship with each other.

~~(B)~~ When the client states the conditions in (A) of this paragraph do not exist, factors that may indicate the person is acting in the role of a spouse include, when he or she:

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

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

~~(iii)~~ shares joint bank accounts or real property ownership with the parent; or

~~(iv)~~ files a joint tax return with the parent.

~~(C)~~ The worker computes the income of this person the same as stepparent income, per (1) of this Subsection. 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.

~~(D)~~ When the parent or the person acting in the role of a spouse fails to provide information necessary to determine income eligibility, the worker denies the application or closes the cash assistance. The income of non-relative adults may be excluded when the adults have separate living quarters and demonstrate no characteristics of a person acting in the role of spouse.

~~(4)(g)~~ **Parent(s) of a minor parent.** When a minor parent lives with his or her natural or adoptive parent(s) and the needs of the parent(s) are not included in the assistance unit, the:

~~(A)(1)~~ parent's income is available to the assistance unit and computed the same as stepparent income, per ~~(1)(e)~~ of this Subsection Section. The parent of the minor parent may or may not be designated as the substitute payee for the assistance unit; ■ ~~12~~ 11 and

~~(B)(2)~~ income of a minor parent's stepparent is not considered.

~~(f)~~**(h) Allocating or diverting income.** When family members are not included in the assistance unit, ~~the worker~~ eligibility staff follows these rules to determine 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 Eligibility staff includes 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, per ~~(e)(1)~~ (e) of this Section. ~~The Eligibility staff does not include the~~ income of disqualified alien siblings ~~is not considered~~ when determining eligibility of an otherwise eligible child(ren). ■ ~~43~~ 12

(3) ~~The Eligibility staff includes the~~ net income of a fugitive felon who has been excluded from the benefit is considered and uses the same as the stepparent income procedures, per ~~(e)(1)~~ (e) of this Section, to determine the countable amount.

~~(g)~~**(i) Benefit reduction as a result of program violation.** The TANF benefit is reduced by 25 percent of the payment standard when a determination of program violation is made. The 25 percent penalty is removed the next effective date when compliance is documented or the penalty time period ends. ■ ~~44~~ 13 When multiple types of program violations occur, a 25 percent penalty of the payment standard is imposed for each type of violation. When the benefit reduction causes existing income to ~~be in excess of~~ exceed the benefit amount, the case is closed using the reason for the benefit reduction. ■ ~~45~~ 14 The amount of the payment standard reduction applies as Food Stamp Penalty Income (FSPI) in the Supplemental Nutrition Assistance Program (SNAP) per OAC 340:50-7-29(c)(1)(A). Reasons for benefit reduction are: ■ ~~46~~ 15

(1) refusal to cooperate in an effort to obtain child support per OAC 340:10-10-5(c); ■ ~~47~~ 16

(2) failure to apply for or provide a Social Security number per OAC 340:10-12-1; ■ ~~48~~ 17

(3) failure of a child(ren) in 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 340:65-9-2(d) and 340:65-9-4.

~~(h)~~**(j) Benefit reduction penalty resulting from use of the TANF benefit in a prohibited business.** Per Section 608(a)(12) of Title 42 of the United States Code and Section 241.4 of Title 56 of Oklahoma Statutes, TANF recipients must not use a debit or electronic benefit transfer (EBT) card containing TANF cash assistance in prohibited businesses. Refer to OAC 340:10-1-3(13) for a list of prohibited businesses and the definition of an EBT transaction.

(1) When the parent or caretaker has violated provisions per OAC ~~340:10-1-3(13)~~ 340:10-1-3(h), ~~the worker~~ eligibility staff reduces the TANF cash assistance payment standard by:

- (A) 25 percent for three months for the first violation;
- (B) 35 percent for six months for the second violation;
- (C) 50 percent for 12 months for the third violation; and
- (D) permanently by deeming the parent or needy caretaker ineligible for TANF benefits for subsequent violations.

(2) When the parent or needy caretaker is permanently ~~deemed~~ ineligible to receive TANF cash assistance for this reason and all other factors of eligibility are met, he or she may receive child-only benefits. The ineligible parent's earned and unearned income ~~is considered~~ counts in its entirety.

(3) The amount of the penalty reduction applies as FSPI for SNAP per OAC 340:50-7-29(c)(1)(A).

~~(j)~~**(k) TANF eligibility when the child(ren) is placed in out-of-home care.** When Child Welfare Services (CWS) staff removes the child(ren) from the home and reasonably anticipates the child(ren) will return home within four months, the natural or adoptive parent or needy caretaker relative may continue ~~to be eligible~~ to receive an adult-only TANF benefit per OAC 340:10-3-56(a)(2)(B)(ii). The adult remains eligible when all other conditions of eligibility are met unless the child(ren) is placed with a relative requesting needy caretaker benefits. The child(ren) must be removed from the TANF benefit effective the next advance notice deadline date per Appendix B-2, Deadlines for Case Actions. ■ ~~19~~ 18

(1) A team consisting of ~~the worker~~ eligibility staff, CWS specialist, natural or adoptive parent or needy caretaker relative, and any other appropriate partner must meet to develop a mutually agreed upon plan of action. ■ ~~20~~ 19 The plan must include the parent or needy caretaker's employability plan and strategies to correct the conditions that caused the child(ren) to be removed from the home. ■ ~~24~~ 20

(2) At the end of the four-month period when the child(ren) ~~is not returned~~ does not return to the home, the adult-only TANF benefit ~~is closed~~ must close. ■ ~~22~~ 21

~~(j)~~**(l) Strikers.** The assistance unit is not eligible for TANF for any month the natural or adoptive parent living in the home participates in a strike on the last day of that month. A Staff does not include a caretaker relative ~~is not included~~ in the benefit ~~for any month~~ when that person is participating in a strike on the last day of the month.

INSTRUCTIONS TO STAFF 340:10-3-57

Revised ~~11-1-23~~ 9-15-25

1. **The Adult and Family Services (AFS) ~~worker is responsible for explaining Eligibility staff must explain~~ the benefits of both programs to the applicant. The applicant ~~is responsible for choosing~~ may choose the program that is most beneficial in meeting his or her needs.**
2. **(a) When transferring a Temporary Assistance for Needy Families (TANF) recipient to State Supplemental Payment (SSP), ~~the worker eligibility staff~~ opens the SSP benefit effective the same date the TANF benefit closes.**
(b) Refer to Oklahoma Administrative Code (OAC) 340:10-2-8(c)(6) for information regarding the Disability Advocacy Program.
3. **The assistance unit may apply for medical benefits by accessing the Oklahoma Health Care Authority's (OHCA) online enrollment system at www.mysooner.org or ~~the worker~~ eligibility staff can complete and send**

the application to OHCA. When requested, the ~~worker~~ eligibility staff completes the medical application using the agency view version of online enrollment.

4. This may occur when a parent begins working or starts receiving Social Security Administration (SSA) income over the Supplemental Security Income (SSI) standard. Because SSA uses retrospective budgeting for SSI, the parent's new income does not close the SSI for two months. ~~Once~~ When the SSI income stops, the parent's income and resources are considered available to the TANF assistance unit.
5. The AFS ~~worker~~ eligibility staff notifies the SSA District Office when the ~~worker~~ eligibility staff closes the TANF benefit for a recipient with a pending SSI application.
6. (a) ~~The AFS worker is responsible for providing~~ eligibility staff provides 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.
(b) The person may be eligible for a partial SSI payment for each month the SSI application pended. Per OAC 340:10-3-28(1), the non-recurring lump sum SSI retroactive payment is not counted as income or a resource for TANF in the month paid or the following month.
7. Tribal TANF serves only enrolled members of a tribe. To qualify for tribal TANF, the assistance unit must contain at least one enrolled member of a tribe. The tribal office determines if person is eligible for the tribal TANF assistance unit.
8. Per OAC 340:10-3-56(a)(3)(M), a person convicted of fraudulently misrepresenting his or her residence ~~in order to obtain assistance in more than one state may not receive TANF for 10 years beginning on the conviction date. Refer to Instructions to Staff # 47 16 of this Section for information on how to verify and document whether this occurred.~~
9. The stepparent's or spouse of a needy caretaker's most recent income tax return may be used as documentation of the names of claimed tax dependents.
10. ~~(a) When the stepparent or spouse of a needy caretaker has income, the AFS worker enters on the FACS Income tab of the Interview Notebook:~~
 - ~~(1) the total gross earned income amount in the designated earned income field and the computer calculates the work-related expense and income disregards;~~
 - ~~(2) any unearned income in the designated unearned income field;~~
 - ~~(3) the need standard, per Oklahoma Human Services (OKDHS) Appendix C-1, Schedule IX, Maximum Income, Resource, and Payment Standards, for the appropriate number of persons and, when applicable, any exemptions in the diverted income field; and~~
 - ~~(4) any remaining income in the contribution field, when it is less than the need standard.~~

(b) Form 08TA008E, Stepparent TANF Income Computation, may be used to calculate countable income.

- ~~11. (a) When the client lives with a non-relative adult, the client's statement regarding the relationship is sufficient unless 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 per (e)(3)(A) of this Section.~~
- ~~(b) The worker codes the person acting in the role of a spouse as an "other adult residing in the household" in the Rel to Payee field, "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 on the FACS Household tab. When the person has income, the AFS worker enters:~~
- ~~(1) the person's total gross earnings in the designated earned income field on the FACS Income tab and the computer automatically calculates the work-related expense;~~
 - ~~(2) any unearned income in the designated unearned field;~~
 - ~~(3) the need standard as indicated on DHS Appendix C-1, Schedule IX, for the appropriate number of persons and when applicable, any exemptions in the diverted income field; and~~
 - ~~(4) any remaining income in the contribution field.~~
- ~~12. Refer to OAC 340:10-3-56(a)(3)(O), 340:10-3-39(a)(6)(C), and 340:10-10-7 when the payee is an unmarried minor.~~
- ~~13~~12. To determine the need standard for the alien parent ~~and/or~~ and any disqualified siblings who do not meet the citizenship and alienage requirement, refer to Oklahoma Human Services (OKDHS) Appendix C-1, Schedule IX.
- ~~14~~13. The worker Eligibility staff issues a supplement for the next month when compliance occurs after deadline.
- ~~15~~14. The AFS worker Eligibility staff enters closure code, "penalty and other income" (14A) on the FACS Financial Assistance tab in the eligibility system.
- ~~16~~15. (a) The AFS worker eligibility staff initiates the 25 percent benefit reduction for a school attendance, immunization, or Social Security number (SSN) penalty, by entering a 'Y' in the appropriate "program violation indicator" field on the FACS Household tab and entering a change action on the Financial Assistance tab to recalculate the cash benefit amount.
- ~~(b) Adult and Family Services AFS Benefit Integrity and Recovery are responsible for coding staff codes the benefit reduction penalty for fraud, and Child Support Services (CSS) staff is responsible for determining determines~~ child support non-cooperation and administering the penalty per OAC 340:10-10-5. The computer updates the Food Stamp Penalty Income (FSPI) screen.
- ~~(b)(c) When the program violation ends, the AFS worker eligibility staff must update the FACS Household tab to remove the school attendance, immunization, or SSN penalty and make a change to the FACS Financial Assistance tab to recalculate the cash benefit amount.~~
- ~~(2)~~(1) The AFS worker eligibility staff must also enter an end date on the Food Stamp Penalty Update (FSPU) screen.

~~(3)~~(2) When the TANF benefit closes and there is a program violation coded, the AFS worker eligibility staff must update the FACS case notes, Household tab, to remove the penalty and update the FSPU screen with an end date.

~~17~~16. The 25 percent penalty only applies when the applicant or recipient is the natural or adoptive parent of the child(ren).

(1) The 25 percent penalty applies to adult-only cases when the child(ren) receives ~~State Supplemental Payment (SSP) and/or, SSI, or both.~~

(2) When the adult receives SSP and/or, SSI, or both, and fails to cooperate with OKDHS CSS, CCS staff codes the 25 percent penalty on the TANF benefit.

~~18~~17. Refer to OAC 340:10-12-1, 340:65-3-1(f), ~~340:65-3-4~~, 340:50-5-68, and 317:35-5-27 for information about SSN requirements.

~~19~~18. (a) The Child Welfare (CW) specialist must notify the AFS worker eligibility staff within five-business days from filing the petition to remove the child(ren) from the home.

(1) The AFS worker eligibility staff determines if the adult(s) meets continuing eligibility requirements. Effective the next advanced notice deadline date per Appendix B-2, Deadlines for Case Actions, when the adult(s):

(A) remains eligible, ~~the worker~~ eligibility staff removes the child(ren) from the TANF benefit; or

(B) is no longer eligible, ~~the worker~~ eligibility staff closes the TANF benefit.

(2) When the CW specialist informs the AFS worker eligibility staff the child(ren) was placed in another relative's home and the relative requests TANF benefits for the child(ren), the needy caretaker relative or the natural or adoptive parent, when eligible, may continue to receive adult-only TANF benefits. The relative must complete a TANF application to receive child-only TANF benefits for the ~~child(ren)~~ child(ren).

(3) When the CW specialist informs the AFS worker eligibility staff the child(ren) was placed in a relative's home and the relative wants to be included in the TANF benefit as a needy caretaker, ~~the worker~~ eligibility staff closes the adult-only TANF benefit. The relative must complete a TANF application that includes the relative and the child(ren).

(b) When the adult(s) continues to be eligible for TANF, the:

(1) ~~worker~~ staff person:

(A) updates the ~~FACS TANF Work tab~~ eligibility system to reflect "TANF pending reunification" in the ~~Payee/Spouse Grant Indicator~~ field; and

(B) uses the FF transaction to enter the expected date of return in PS2 block B80;

(2) computer recalculates the food benefits based on the adult-only benefit amount; and

(3) adult(s) continues eligible for medical benefits.

(c) When the child(ren) returns home and the family remains eligible for TANF, ~~the worker~~ eligibility staff:

- (1) deletes the date entered in PS2 block B80;
- (2) updates the ~~Payee/Spouse Grant Indicator field on the FACS TANF Work tab~~ eligibility system to "Parent or Caretaker relative included in benefit" ~~and is a required TANF Work participant~~; and
- (3) adds the child(ren) back to the TANF benefit.

2019. The team must meet within 15-business days of filing the petition. At a minimum, the team consists of the AFS worker eligibility staff, CW specialist, and the natural or adoptive parent or needy caretaker relative. The AFS worker eligibility staff must document the agreed upon plan of action in FACS case notes.

2120. (a) At any time during the four-month period the AFS worker eligibility staff determines the natural or adoptive parent or needy caretaker relative is not complying with the action plan, the AFS worker eligibility staff closes the TANF adult-only benefits and notifies the CW specialist of the non-compliance.

(b) The CW specialist ~~is responsible for notifying~~ notifies the AFS worker eligibility staff if the CW reunification plan changes during the four-month period to something other than reunification. When this occurs, the AFS worker eligibility staff closes the TANF adult-only benefits per Appendix B-2 advance notice time frames.

2221. (a) The system notifies ~~the worker~~ eligibility staff about the adult-only TANF case during the third month of the reunification plan, so ~~the worker~~ eligibility staff may close the adult-only benefit or add the child(ren) back to the TANF benefit.

(b) The AFS worker eligibility staff must document the action taken in case notes and, when applicable, the reason reunification did not occur.

(c) The AFS worker eligibility staff explains other available support services and OKDHS programs to the natural or adoptive parent or the needy caretaker relative and documents any referrals in case notes.

SUBCHAPTER 15. CONDITIONS OF ELIGIBILITY – CITIZENSHIP AND ALIENAGE

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

Revised ~~02-07-23~~ 9-1-24

(a) A person eligible to be included in a Temporary Assistance for Needy Families (TANF) benefit, must be:

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

(2) a qualified alien described as:

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

- (B) an alien who is paroled into the U.S., per Section 212(d)(5) of INA for a period of at least one year;
- (C) an alien who is granted conditional entry, per Section 203(a)(7) of INA as in effect prior to April 1, 1980;
- (D) an alien who is granted asylum, per Section 208 of INA;
- (E) a refugee who is admitted to the U.S., per Section 207 of INA;
- (F) an alien whose deportation is withheld, per Section 241(b)(3) of INA;
- (G) an alien who is a Cuban or Haitian entrant as defined, per Section 501(e) of the Refugee Education Assistance Act of 1980;
- (H) battered aliens and their children or parents as defined, per Section 431(c) of the Personal Responsibility and Work Opportunity Reconciliation Act as amended, Section 1641(c) of Title 8 of the United States Code (8 U.S.C. § 1641(c));
- (I) an alien and his or her eligible relatives who are victims of a severe form of trafficking, per Section 107(b) of the Trafficking Victims Protection Act of 2000 that was reauthorized and amended by the Trafficking Victims Protection Reauthorization Act of 2013; ■ 1
- (J) an Iraqi admitted in special immigrant status as defined in Section 101(a)(27) of the INA, 8 U.S.C. § 1101(a)(27), and Section 1059, Public Law (P.L.) 109-163, the National Defense Authorization Act for Fiscal Year 2006, and Section 1244 of P.L. 110-181, the National Defense Authorization Act for Fiscal Year 2008, per Section 525 of Division G of P.L. 110-161, the Consolidated Appropriations Act of 2008, Section 1244 of P.L. 110-181, the National Defense Authorization Act for Fiscal Year 2008, and Section 8120 of P.L. 111-118. The person must be treated as a refugee;
- (K) an Afghan admitted in special immigrant status as defined, per Section 101(a)(27) of the INA, 8 U.S.C. § 1101(a)(27) and Section 1059, P.L. 109-163, the National Defense Authorization Act for Fiscal Year 2006, Section 602, Division F, P.L. 111-08, the Omnibus Appropriations Act, 2009, pursuant to Section 525 of Division G of P.L. 110-161 of the Consolidated Appropriations Act, 2009, and Section 8120 of P.L. 111-118. The person must be treated as a refugee;
- (L) an Afghan non-special immigrant parolee, known as a humanitarian parolee, per the Afghanistan Supplemental Appropriations Act 2022 enacted on September 30, 2021, Section 2502 of P.L. 117-43, as modified by the Section 106(3) and 149(a) of the Continuing Appropriations and Ukraine Supplemental Appropriations Act, 2023, P. L. 117-180, paroled into the U.S. between July 31, 2021 and December 16, 2022, who meets all other factors of eligibility from October 1, 2021 until March 31, 2023, or the term of parole, whichever is longer; or ■ 2
- (M) a Ukrainian citizen or national or person who last habitually resided in Ukraine and received parole per Section 401 of the Additional Ukraine Supplemental Appropriations Act of 2022, P.L. 117-128. The parole must occur between February 24, 2022, and September 30, ~~2023~~ 2024; if after September 30, ~~2023~~ 2024, the parolee must be the child, spouse, parent, legal guardian, or

primary caretaker of a Ukrainian parolee who was paroled between February 24, 2022 and September 30, ~~2023~~ 2024; or ■ 3

(N) a lawful resident in the U.S. per a Compact of Free Association, including citizens of the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau, per 8 U.S.C. §§ 1612(b)(2)(G) and 1641(b)(8).

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

(1) admitted to the U.S. as a refugee, per (a)(2)(E) of this Section;

(2) granted asylum, per (a)(2)(D) of this Section;

(3) one whose deportation is being withheld, per (a)(2)(F) of this Section;

(4) a Cuban or Haitian entrant, per (a)(2)(G) of this Section;

(5) admitted to the U.S. as an Amerasian immigrant;

(6) lawfully residing in the state and is a veteran of the U.S. armed forces, on active duty, or is that person's spouse or unmarried dependent child;

(7) a victim of a severe form of trafficking, per (a)(2)(I) of this Section;

(8) an Afghan citizen or national paroled into the U.S. as a humanitarian parolee between July 31, 2021 and September 30, 2022; or ■ 2

(9) a Ukrainian citizen, national, or person who last habitually resided in Ukraine paroled, per (a)(2)(M) of this Section; or ■ 3

(10) a lawful resident in the U.S. per a Compact of Free Association, including citizens of the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau, per 8 U.S.C. §§ 1612(b)(2)(G) and 1641(b)(8).

(c) The applicant or recipient must declare the citizenship or alien status for all adults and children included in the TANF assistance unit when completing and signing the application or renewal. Refer to Oklahoma Administrative Code 340:65-3-1(g) for additional citizenship requirements for persons 14 years of age and older, per Section 71 of Title 56 and Section 20j of Title 74 of the Oklahoma Statutes.

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

(e) Persons declaring qualified alien status must provide documentation of their alien status and have their status verified through the Systematic Alien Verification for Entitlements (SAVE) program's Alien Status Verification Index. When secondary verification must be pursued through USCIS, the worker must not delay, deny, close, or reduce benefits to an alien pending a response from USCIS. ■ 4

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

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INSTRUCTIONS TO STAFF 340:10-15-1

Revised ~~02-07-23~~ 9-12-24

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

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

2. Documents verifying the Afghan humanitarian parolee's eligibility for TANF include but is not limited to:
 - (1) I-94, Arrival/Departure Record, noting humanitarian parolee, per Section 212(d)(5) of the Immigration Nationality Act (INA); or
 - (2) foreign passport with Department of Homeland Security/ Customs and Border Protection admission stamp noting:
 - (A) Operation Allies Refugee or "OAR";
 - (B) Operations Allies Welcome or "OAW"; or
 - (C) "DT".
3. Acceptable verification includes but is not limited to:
 - (1) I-94, noting humanitarian parole per Section 212(d)(5) of INA or Section 8(d)(5) of Title 8 of the United States Code;
 - (2) a foreign passport noting "Uniting for Ukraine" or "U4U," "Ukrainian Humanitarian Parolee" or "UHP," or "DT;" or;
 - (3) I-766, Employment Authorization Document, with code "C11;"
 - (4) I-765, Employment Authorization Document, with code "C11"; or
 - (5) any other notation of parole under INA § 212(d)(5).
4. Refer to Oklahoma Administrative Code 340:65-3-4(5) and 340:65-3-4, Instructions to Staff #19, for information regarding the Systematic Alien Verification for Entitlements , Alien Status Verification Index, and secondary verification protocol.
5. The worker refers any questions regarding whether any other official document provides reliable evidence of citizenship or national status to Adult and Family Services Temporary Assistance for Needy Families Unit.