

COMMENT DUE DATE: February 16, 2021

Date: January 15, 2021

Laura Brown, AFS, TANF 405-521-4396
Nancy Kelly, Policy Specialist, Legal Services – Policy 405-522-6703
Dena Thayer, Programs Administrator, Legal Services - Policy 405-693-6542

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 amendment is **permanent**.

SUBJECT: CHAPTER 10. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF)

Subchapter 1. General Provisions
340:10-1-1 [AMENDED]
340:10-1-2 [REVOKED]
340:10-1-5 [NEW]
Subchapter 2. Temporary Assistance for Needy Families (TANF) Work Program
340:10-2-4 [AMENDED]
340:10-2-8 [AMENDED]
Subchapter 3. Conditions of Eligibility – Need
Part 1. Resources
340:10-3-5 through 340:10-3-6 [AMENDED]
Part 3. Income
340:10-3-30 [AMENDED]
340:10-3-40 [AMENDED]
PART 5. Assistance Payments
Subchapter 5. Conditions of Eligibility - Age
340:10-5-1 [AMENDED]
Subchapter 10. Conditions of Eligibility - Deprivation
340:10-10-3 [AMENDED]
340:10-10-5 through 340:10-10-6 [AMENDED]
Subchapter 13. Conditions of Eligibility - School Attendance
340:10-13-1 [AMENDED]
Subchapter 14. Conditions of Eligibility - Immunizations
340:10-14-1 [AMENDED]
Subchapter 15. Conditions of Eligibility - Citizenship and Alienage
340:10-15-1 [AMENDED]
Subchapter 18. Conditions of Eligibility for Support Service Funds
340:10-18-1 [AMENDED]
Subchapter 20. Diversion Assistance [NEW]
340:10-20-1 [NEW]

Subchapter 23. Temporary Assistance for Needy Families (TANF) National
or State Emergency [NEW]
340:10-23-1 [NEW]
(WF 21-10 and 2-04)

SUMMARY:

The proposed amendments to Chapter 10, Subchapter 1 amend the rules to: (1) add the eligibility requirements for each non-assistance program; (2) add legal base information revoked from another Section; (3) update terminology; (4) add what benefits and services may be included in a non-assistance program; (5) add five programs considered non-assistance programs; and (6) rule and legal citations.

The proposed amendments to Chapter 10, Subchapter 2 amend the rules to: (1) remove the work activity and participant allowance payment amounts and the reasons achievement bonuses are paid; (2) add when a participant allowance is not paid; (3) add an appendix; (4) add rule citations; (5) allow certain non-TANF participants who have a biological child receiving TANF, SNAP, Child Care Subsidy, or SoonerCare (Medicaid) benefits to participate in SEP; (6) clarify that the earned income disregard period available to working TANF clients runs concurrently with SEP disregards; (7) update Work Opportunity Tax Credit criteria; and (8) update terminology.

The proposed amendments to Chapter 10, Subchapter 3 amend the rules to: (1) update information regarding Oklahoma Achieving a Better Life Experience (ABLE) accounts and add what expenses are considered qualified disability expenses; (2) add how to consider economic impact payments; (3) define the terms relative-payee and needy caretaker; (4) rearrange information regarding types of relative-payees and how their income is considered; (5) update list of income disregards; (6) add an appendix and clarifying language; (7) add rule and legal citations; and (8) update terminology.

The proposed amendments to Chapter 10, Subchapter 5 amend the rules to: (1) update terminology; (2) simplify and clarify age requirement and age verification language; and (3) remove outdated information.

The proposed amendments to Chapter 10, Subchapter 10 amend the rules to: (1) update and clarify: (a) earnings documentation; (b) how the principal wage earner is determined; (c) how a parent qualifies as unemployed; (d) the work history requirement; (e) the conditions the parents must meet after certification; (f) good cause information; (g) client and worker responsibilities in gathering good cause evidence, and (h) what is considered acceptable evidence; (2) correct and clarify mandatory drug screening information; (3) update TANF work requirements and when a parent may be exempted from this requirement; (4) clarify that only a parent included in the assistance unit must cooperate in obtaining support; (5) update non-cooperation indicators; (6) add information regarding the good cause decision process; (7) rearrange information and add taglines for greater clarity; (8) add appendices, a form, and rule and legal citations; and (9) update terminology.

The proposed amendments to Chapter 10, Subchapter 13 amends the rules to: (1) update terminology; and (2) add taglines, clarifying language, and a legal citation.

The proposed amendment to Chapter 10, Subchapter 14 amends the rules to change the form and the process used to claim a good cause exemption regarding immunizations when a child does not attend child care or school.

The proposed amendments to Chapter 10, Subchapter 15 amends the rules to: (1) update terminology and legal citations; and (2) clarify language.

The proposed amendment to Chapter 10, Subchapter 18 amends the rule to: (1) expand eligibility for support service funds by removing the requirement that these funds only be used for child only TANF cases; (2) add a rule citation; and (3) update terminology.

The proposed reinstatement of Chapter 10, Subchapter 20 reinstates Diversion Assistance (DA) rules to add: (1) when DA funds may be approved; (2) when DA funds cannot be used; (3) how families apply; (4) what eligibility criteria applies; (5) DA payment amount information; and (6) rule citations.

Chapter 10 Subchapter 23 is issued to initiate rules that may be implemented during a national or state emergency that include: (1) allowing TANF funds to be used to issue one or more non-recurring short term benefits (NRST); (2) allowing waiver of the in-person interview requirement and normal processes regarding substance abuse screening, education assessments, TANF Work hours; and TANF sanctions when warranted; and (3) excluding economic impact payments.

PERMANENT APPROVAL: Permanent rulemaking is requested.

LEGAL AUTHORITY: Director of Human Services; Section 162, 230.50, 230.52, and 230.66 of Title 56 of the Oklahoma Statutes; Section 260.31 of Part 261 and 264.30 of Part 264 of Title 45 of the Code of Federal Regulations, and Sections 601, 604, 608, and 654 of Title 42 of the United States Code.

RULE IMPACT STATEMENT

To: Programs Administrator
Legal Services - Policy

From: Patrick Klein, Director
Adult and Family Services

Date: December 18, 2020

Re: **CHAPTER 10. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF)**
Subchapter 1. General Provisions - [AMENDED]
340:10-1-1 [AMENDED]
340:10-1-2 [REVOKED]
Subchapter 2. Temporary Assistance for Needy Families (TANF) Work Program
340:10-2-8 [AMENDED]
Subchapter 3. Conditions of Eligibility – Need [AMENDED]
Part 1. Resources
340:10-3-5 through 340:10-3-6 [AMENDED]
Part 3. Income
340:10-3-30 [AMENDED]
340:10-3-40 [AMENDED]
PART 5. Assistance Payments
Subchapter 5. Conditions of Eligibility - Age
340:10-5-1 [AMENDED]
Subchapter 10. Conditions of Eligibility - Deprivation
340:10-10-3 [AMENDED]
340:10-10-5 through 340:10-10-6 [AMENDED]
Subchapter 13. Conditions of Eligibility - School Attendance
340:10-10-13-1 [AMENDED]
Subchapter 14. Conditions of Eligibility - Immunizations
340:10-10-14-1 [AMENDED]
Subchapter 15. Conditions of Eligibility - Citizenship and Alienage
340:10-10-15-1 [AMENDED]
Subchapter 18. Conditions of Eligibility for Support Service Funds
340:10-10-18-1 [AMENDED]
Subchapter 20. Diversion Assistance [NEW]
340:10-20-1 [NEW]
(WF 21-10)

Contact: Laura Brown, 405-426-7206

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

The proposed amendments to Chapter 10, Subchapter 1 amend the rules to: (1) add legal base information revoked from another Section; and (2) update terminology.

The proposed amendments to Chapter 10, Subchapter 2 amend the rules to: (1) remove the work activity and participant allowance payment amounts and the reasons achievement bonuses are paid; (2) add when a participant allowance is not paid; (3) add an appendix; (4) add rule citations; and (5) update terminology.

The proposed amendments to Chapter 10, Subchapter 3 amend the rules to: (1) update information regarding Oklahoma Achieving a Better Life Experience (ABLE) accounts and add what expenses are considered qualified disability expenses; (2) add how to consider economic impact payments; (3) define the terms relative-payee and needy caretaker; (4) rearrange information regarding types of relative-payees and how their income is considered; (5) update list of income disregards; (6) add an appendix and clarifying language; (7) add rule and legal citations; and (8) update terminology.

The proposed amendments to Chapter 10, Subchapter 5 amend the rules to: (1) update terminology; (2) simplify and clarify age requirement and age verification language; and (3) remove outdated information.

The proposed amendments to Chapter 10, Subchapter 10 amend the rules to: (1) update and clarify: (a) earnings documentation; (b) how the principal wage earner is determined; (c) how a parent qualifies as unemployed; (d) the work history requirement; (e) the conditions the parents must meet after certification; (f) good cause information; (g) client and worker responsibilities in gathering good cause evidence, and (h) what is considered acceptable evidence; (2) correct and clarify mandatory drug screening information; (3) update TANF work requirements and when a parent may be exempted from this requirement; (4) clarify that only a parent included in the assistance unit must cooperate in obtaining support; (5) update non-cooperation indicators; (6) add information regarding the good cause decision process; (7) rearrange information and add taglines for greater clarity; (8) add appendices, a form, and rule and legal citations; and (9) update terminology.

The proposed amendments to Chapter 10, Subchapter 13 amends the rules to: (1) update terminology; and (2) add taglines, clarifying language, and a legal citation.

The proposed amendment to Chapter 10, Subchapter 14 amends the rules to change the form and the process used to claim a good cause exemption regarding immunizations when a child does not attend child care or school.

The proposed amendments to Chapter 10, Subchapter 15 amends the rules to: (1) update terminology and legal citations; and (2) clarify language.

The proposed amendment to Chapter 10, Subchapter 18 amends the rule to: (1) expand eligibility for support service funds by removing the requirement that these funds only be used for child only TANF cases; (2) add a rule citation; and (3) update terminology.

The proposed reinstatement of Chapter 10, Subchapter 20 reinstates Diversion Assistance (DA) rules to add: (1) when DA funds may be approved; (2) when DA funds cannot be used; (3) how families apply; (4) what eligibility criteria applies; (5) DA payment amount information; and (6) rule citations.

Strategic Plan Impact.

The proposed amendments achieve Oklahoma Human Services (OKDHS) goals to improve the well-being of the people we serve, be engaged with communities to meet the needs of Oklahomans, and have a culture of continuous improvement.

Substantive changes.

Subchapter 1. General Provisions

Oklahoma Administrative Code (OAC) 340:10-1-1 is amended to: (1) add legal base information revoked from OAC 340:10-1-2; and (2) update terminology.

OAC 340:10-1-2 is revoked because the information is moved to OAC 340:10-1-1.

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

OAC 340:10-2-8 is amended to: (1) remove the work activity and participant allowance payment amounts and the reasons achievement bonuses are paid; (2) add when a participant allowance is not paid; (3) add an appendix; (4) add rule citations; and (5) update terminology.

Subchapter 3. Conditions of Eligibility – Need

Part 1. Resources

OAC 340:10-3-5 is amended to: (1) update information regarding ABLE accounts and add what expenses are considered qualified disability expenses; (2) add how to consider economic impact payments; (3) add a legal citation; and (4) update terminology.

OAC 340:10-3-6 is amended to update information regarding ABLE accounts and add what expenses are considered qualified disability expenses.

Part 3. Income

OAC 340:10-3-30 is amended to: (1) define relative-payee and needy caretaker; (2) rearrange information regarding types of relative-payees and how their income is considered for greater clarity; and (3) add an appendix and rule citations.

OAC 340:10-3-40 is amended to: (1) update list of income disregards; and (2) add how to consider economic impact payments, clarifying language and legal citations.

Subchapter 5. Conditions of Eligibility - Age

OAC 340:10-5-1 is amended to: (1) update terminology; (2) simplify and clarify age requirement and age verification information; and (3) remove outdated language.

Subchapter 10. Conditions of Eligibility – Deprivation

OAC 340:10-10-3 is amended to: (1) update and clarify: (a) earnings documentation; (b) how the principal wage earner is determined; (c) how a parent qualifies as unemployed; (d) the work history requirement; and (e) the conditions the parents must meet after certification; (2) correct and clarify mandatory drug screening information; (3) update TANF work requirements and when a parent may be exempted from this requirement; (4) rearrange information for greater clarity; and (5) add an appendix and rule citations.

OAC 340:10-10-5 is amended to: (1) clarify that a parent included in the assistance unit must cooperate in obtaining support; (2) update non-cooperation indicators; (3) add the penalty for failure to cooperate; (4) update terminology; and (5) add rule and legal citations.

OAC 340:10-10-6 is amended to: (1) update and clarify good cause information; client and worker responsibilities in gathering good cause evidence, and what is

considered acceptable evidence; (2) add information regarding the good cause decision process; (3) rearrange information for greater clarity; and (4) add a form.

Subchapter 13. Conditions of Eligibility - School Attendance

OAC 340:10-13-1 is amended to: (1) update terminology; and (2) add taglines, clarifying language, and a legal citation.

Subchapter 14. Conditions of Eligibility - Immunizations

OAC 340:10-14-1 is amended to change the form and the process used to claim a good cause exemption regarding immunizations when a child does not attend child care or school.

Subchapter 15. Conditions of Eligibility - Citizenship and Alienage

OAC 340:10-15-1 is amended to: (1) clarify language; and (2) update terminology and legal citations.

Subchapter 18. Conditions of Eligibility for Support Service Funds

OAC 340:10-18-1 is amended to: (1) expand eligibility for support service funds by removing the requirement that these funds only be used for child only TANF cases; (2) add a rule citation; and (3) update terminology.

Subchapter 20. Diversion Assistance [NEW]

OAC 340:10-20-1 is issued to add diversion assistance (DA) rules regarding: (1) when DA funds may be approved; (2) when DA funds cannot be used; (3) how families apply; (4) what eligibility criteria applies; (5) DA payment amount information; and (6) rule citations.

Reasons.

The proposed **amendments** throughout the Subchapters are amended to: (1) reorganize, clarify, and simplify rules; (2) update rules to reflect current procedures and federal regulations; (3) add rule and legal citations; and (4) remove outdated or incorrect information to reduce confusion for Adult and Family Services (AFS) staff and the public, and make the rules less error prone for staff.

The proposed amendment to remove the work activity and participant allowance payment amounts and the reasons achievement bonuses are paid is made to avoid future rule changes to increase or decrease payment amounts or change why bonus payments are made. They are being added to an appendix instead.

The proposed amendment to expand eligibility for support service funds to TANF families that include a parent in the assistance benefit is made to allow OKDHS the opportunity to offer more services on a multi-generational level and the ability to reduce generational poverty by providing additional activities that will enhance learning opportunities and ultimately promote employment readiness activities to youth receiving TANF benefits. This expansion aligns with TANF purpose 2, which is to end the dependence of needy parents by promoting job preparation, work, and marriage.

The DA program was revoked in 2012 due to budget cuts. It is being reinstated at this time to allow OKDHS the ability to provide immediate services to families who are in danger of losing their employment or hindering their ability to accept employment due to a crisis. DA assists families to avert a crisis, retain or accept employment, promote stability, and prevent the family from accessing long-term public assistance.

Repercussions.

If the proposed amendments are not implemented, staff may not process benefits accurately due to unclear rules and current processes not being reflected in policy. Lack of implementation will also hamper the OKDHS ability to meet families' service needs.

Legal authority.

Director of Human Services; Section 162, 230.50, 230.52, and 230.66 of Title 56 of the Oklahoma Statutes; Section 260.31 of Part 261 and 264.30 of Part 264 of Title 45 of the Code of Federal Regulations, and Sections 601, 604, 608, and 654 of Title 42 of the United States Code.

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 classes of persons most likely to be affected by the proposed amendments are households applying for or receiving TANF cash assistance benefits and OKDHS staff. The affected classes of persons will bear no costs associated with implementation of the rules.
- C. A description of the classes of persons who will benefit from the proposed rule:** The classes of persons who will benefit are households applying for or receiving TANF and OKDHS staff. The affected classes of persons will bear no costs associated with implementation of the rules.
- 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 entities. There are no fee changes associated with the proposed amendments.
- 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 probable cost to OKDHS includes the cost of printing and distributing the rules estimated to be less than \$20. The budget for expanding support service funds to TANF families that include a parent in the assistance benefit and reinstating DA has not yet been determined. There is sufficient TANF funding within the current TANF budget and TANF carryover funds to pay for these initiatives.
- 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 do not have an economic impact on any political subdivision, nor will the cooperation of any political subdivisions be required in implementation or enforcement of the amendments.

- 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 less costly or non-regulatory methods or less intrusive methods for achieving the purpose of the proposed amendments.
- 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 non-regulatory 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:** The expansion of support services provides opportunities for low income and at risk TANF children to participate in a variety of after school activities that will prevent at risk behavior, and has the potential to prevent child welfare involvement with the family. DA promotes financial stability within the family. Financial instability is often considered directly related to an emotional and physical health risks including domestic violence, illness, risky behavior and often times leading to child welfare involvement.
- J. A determination of any detrimental effect on the public health, safety, and environment if the proposed rule is not implemented:** If the proposed amendment to expand the use of support services funds to children in homes that include a parent is not implemented, these children will not be afforded the same science, technology, engineering, and math educational opportunities and other developmental opportunities as their peers. This may continue the cycle of generational poverty. If the proposed amendment to reinstate DA is not implemented, more Oklahomans have a potential to lose employment during this difficult economic downturn, which may reduce the number of people in the Oklahoma work force, increase unemployment claims, and reduce the amount of taxes paid to the State of Oklahoma.
- K. The date the rule impact statement was prepared and, if modified, the date modified:** Prepared on June 1, 2020; modified December 18, 2020.

SUBCHAPTER 1. GENERAL PROVISIONS

340:10-1-1. Purpose and legal basis

Revised ~~11-1-99~~15-21

(a) **Purpose.** The purpose of this Chapter is to describe the rules related to governing the Department's Oklahoma Human Services (OKDHS) Temporary Assistance for Needy Families (TANF) program Program. ~~It also discusses~~ and how the TANF Program interacts with other ~~DHS~~ OKDHS programs.

(b) **Legal base.** The TANF Program legal basis is vested in Article XXV of the Constitution of the State of Oklahoma, Title IV, Part A of the federal Social Security Act, Sections 261.1 through 261.80 of Title 45 of the Code of Federal Regulations, and Sections 230.50 through 230.78 of Title 56 of the Oklahoma Statutes.

340:10-1-2. Legal base [REVOKED]

Revised ~~11-1-99~~

~~The state legal base for the program of Temporary Assistance for Needy Families (TANF) is vested in Article XXV of the Constitution of the State of Oklahoma and Sections 230.50 through 230.76 of Title 56 of the Oklahoma Statutes. The federal legal base for the program of TANF is vested in Title IV-A of the federal Social Security Act.~~

SUBCHAPTER 2. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) WORK PROGRAM

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

Revised ~~9-15-209~~15-21

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

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

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

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

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

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

(b) **Flexible funds.** The intent of flexible funds is to provide a participant with the necessary support services needed to accomplish his or her employment goals. 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) One-time payments of specific services are not approved for reimbursement of expenses already paid by the participant or others. ■ 5
- (7) Ongoing maintenance payments are not allowed.
- (8) ~~Relatives of the client~~ 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 ~~The~~ Refer to OKDHS Appendix H-4-C, Support Service Payments, for the maximum amount that may be approved cannot exceed \$40 per month.
- (2) **Participant allowances.** ~~Daily cash allowances, up to a \$13 maximum per day,~~ are made to 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 hours and travel time are not included as actual attendance hours.
 - (B) For persons in Job Search, 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) ~~The daily allowance paid is: ■ 9~~
 - (i) ~~\$8 per day when the work activity equals four hours or less; or~~
 - (ii) ~~\$13 per day when the work activity equals more than four hours.~~ 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. ■ 109
- (4) **Child care.** 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 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 and client complete a child care application based on the TANF Work plan, per OAC 340:40-3-1 and 340:40-7-8. ■ 4410

(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. ■ 4211 To initiate a transportation contract, designated county office staff contact the Adult and Family Services (AFS) TANF Unit 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 ~~Oklahoma Department of Human Services (DHS)~~ OKDHS determines has a potentially meritorious claim for such benefits. ■ 4312

(A) The worker makes a referral to the ~~DHS contracted~~ OKDHS-contracted law firm to assist the recipient(s) with the: ■ 4413

- (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. ■ 4514
 - (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. ■ 4615

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

INSTRUCTIONS TO STAFF 340:10-2-8

Revised 2-1-209-15-21

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 regional director or designee approves the authorization for an amount above \$750. Dental may be approved up to \$2500 without regional director or designee approval. For a dental expense above \$2500, the worker contacts Adult and Family Services (AFS) TANF Unit staff for approval.

- (1) Eye examinations. This service is utilized when there is a need for an eye examination.
- (2) Eyeglasses - single vision. This service is utilized 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 utilized when there is a need for eyeglasses.
- (4) Dental. This service is utilized 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 utilized when losing weight would enhance employability for the participant.
- (8) Uniforms or special clothing. This service is utilized when the training facility or employer requires a uniform specifically required for the job or protective items, such as hard hats, goggles, or gloves.
- (9) Clothing ~~and/or~~ or shoes. This service is utilized when there is a need for clothing ~~and/or~~ or shoes.
- (10) Special equipment. This service is utilized when the training facility or employer requires special equipment for the job, such as tools.
- (11) Self-employment. This service is utilized when the participant has a need for items that allow for implementation or continuation of self-employment.
- (12) Licensure fees, certification, or bonding. To be eligible for this service, the participant 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 may issue flex funds for estimates using the automobile inspection fee code, per Oklahoma Department of Human Services (DHS) 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 a 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 utilized for a TANF Work participant who needs a private ~~and/or~~ 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.
- (19) ~~Automobile purchase. This service is authorized when the worker determines it is the only option available to meet the participant's transportation needs. The client must possess a valid driver license.~~
Reserved for future use.
- (20) ~~Automobile down payment. This service is authorized when the worker determines it is the only option available to meet the participant's transportation needs. The client must possess a valid driver license.~~
Reserved for future use.
- (21) Rent and utilities. This service is utilized for an emergency shelter need.
- (22) Reserved for future use.
- (23) Non-contractual transportation. This service is utilized only when a county office is in the process of obtaining a transportation contract or there is no vendor available or interested in contracting with the county office.
- (24) Non-contractual training. This service is utilized when short-term training courses are not covered by existing local contracts. This includes vocational classes and job readiness training.

- (25) Learning disabilities screening. This service is utilized to assess a participant for learning disabilities. Adult learning centers may provide this assessment.
- (26) Child care fees. This service is utilized 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 utilized to prevent repossession when transportation is essential to continue a work activity and the participant is able to make future payments. When the worker determines the participant is unable to make future payment, a different transportation plan must be developed.
- (28) Automobile inspection fee. This service is utilized to have an automobile professionally inspected prior to purchase.
- (29) Tow charge. This service is utilized when it is necessary to tow a vehicle for repair.
- (30) Household items. This service is utilized to purchase or repair essential household items to prevent work activity disruption.
- (31) Personal items, such as hygiene products, necessary to attend work activity, obtain or maintain employment.
- (32) Health related. This service is utilized for health-related expenses not covered by SoonerCare (Medicaid), such as non-compensable prescriptions, medical supplies, psychological evaluations, mandated drug tests, or physical examinations, not paid by an employer or training provider.
- (33) Disability Advocacy Program (DAP) fees. This service is utilized when fees for special testing are not covered under the DAP contract.
3. (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 considered eligible as a participant when:
- (1) he or she signs a new or updated Form 08TW002E, TANF Work/Personal Responsibility Agreement, Section 7;
 - (2) agrees to cooperate with TANF Work within 60-calendar days of the closure; and
 - (3) the worker opens a TANF Work authorization documenting the work activity agreed upon by the client and worker.
4. The worker must:
- (1) determine on a case-by-case basis whether the service is available through any other resource, including other DHS 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 accesses the payment screen through the online Financial Services system or the Finance Applications website on the InfoNet.
 - (1) Data entered on the provider includes the federal employer identification number, address, and phone number.
 - (2) The worker enters on the same screen the:
 - (A) case number;
 - (B) cash amount of the service;
 - (C) the applicable object code, per DHS OKDHS Appendix H-4, Flexible Accounts; 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 enters needed information, prints the completed form, obtains the supervisor's signature on the completed form in red ink, and gives the form to the participant.
 - (b) The county director or designee is responsible for periodically monitoring the flexible fund account expenditures.
6. The worker authorizes the work activity payment through the ETPANEW screen. The worker:
 - (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 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 in order to participate in TANF Work and the cost is \$31. The worker 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 ~~does not pay participant allowances for~~ uses the TANF Work components of working full-time (WF), or working part-time (WP), ~~or on-the-job training (TT)~~. ~~WF or WP is to be used~~ for work study participants. Refer to Oklahoma Administrative Code (OAC) 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 the local county 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.
 9. (b) The worker enters the participation hours per day ~~the participant participates in TANF Work activities~~ in the ETPANEW transaction using information provided by the recipient on Form 08TW013E for that month. The worker rounds down to the next whole hour any portion of an hour equal to, or less than 29

minutes, and rounds up to the next whole hour any portion of an hour equal to, or greater than 30 minutes.

409. (a) The worker only authorizes a 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 accesses the OSBI background request form through a link on the InfoNet AFS Job Functions page for a TANF worker.

(1) The worker completes all applicable fields on the form and clicks the submit information button to send the request for processing.

(2) Adult and Family Services TANF staff sends the OSBI response to the requesting worker as soon as possible.

(3) The worker:

(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.

4410. The worker 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.

4211. TANF clients in a SEP component or in special medical or continuing medical benefit status continue to be eligible to receive transportation services.

4312. The worker refers the participant to DAP when the TANF Work recipient does not have current legal representation through a private attorney.

4413. Refer to the Legal Aid website at <http://www.legalaidok.org/law-offices/> for the listing of contracted Legal Aid offices.

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

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

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

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

4514. Law firm staff is responsible for:

(1) interviewing the referred recipient;

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

(3) obtaining existing medical records;

(4) obtaining non-medical evidence;

(5) arranging medical examinations;

(6) obtaining evaluations of residual functional capacity;

(7) completing and submitting required SSA forms;

(8) submitting evidence to SSA; and

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

- 4615. (a) By contract, law firm staff must inform the worker 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 must provide status updates to the worker 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 1. RESOURCES

340:10-3-5. Personal property

Revised ~~9-15-209~~-15-21

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

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

(2) **Livestock and equipment used in a business enterprise.** A person's equity in livestock, equipment, or merchandise in a business enterprise is considered as a resource only when the person is not actively engaged in the business enterprise. Equity is not counted when the person actively participates in the business or is only temporarily inactive, such as when the person becomes incapacitated and reasonably expects and plans to resume the business enterprise upon recovery. Equity is established based on verbal or written information that the person has or by obtaining information from persons with specialized knowledge about the particular resources.

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

(4) **Cash savings and bank accounts.** Available cash and money in a financial institution is considered as a resource. The person's statement that he or she does not have cash on hand or in a financial institution is sufficient unless there are indications to the contrary. When there is information to the contrary or when the person does not have records to verify the amount on deposit, verification is obtained

from bank records. Section 167.1 of Title 56 of the Oklahoma Statutes (O.S. 56 § 167.1) provides that financial records obtained for the purpose of establishing eligibility for assistance or services must be furnished without cost to the person or the Oklahoma Department of Human Services (DHS) OKDHS.

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

(B) Jointly-owned accounts are considered available to the person unless it can be established what part of the account belongs to each of the owners, the money is separated, and the joint account is dissolved.

(C) Per Section 529A of Title 26 of the United States Code (26 U.S.C. § 529A) and 56 O.S. §§ 4001.1 money and assets through 4001.5, contributions deposited into or distributions withdrawn from an Oklahoma Achieving a Better Life Experience (ABLE) individual savings or trust account or an ABLE account in any other state owned by the designated beneficiary of the account and established to pay qualified disability expenses are (QDE) is excluded under the Oklahoma Achieving a Better Life Experience (ABLE) Program or an ABLE program in any other state for the purpose of from income or resource consideration when determining the person's eligibility to receive, or the amount of, any assistance or benefits from local or state means-tested programs. A person may have only one ABLE account. The client must provide documents to verify that the account meets exemption criteria before the funds are exempted from resource and income consideration excluded. Once the client verifies that the savings or trust account is a valid ABLE account, no further account information is required. ■ 1 When verified, the exclusion applies to money:

(i) deposited in the A contribution to an ABLE account up to by another individual is excluded unless the contribution exceeds the annual federal gift tax exclusion, per Section 26 U.S.C. § 2503(b) of Title 26 of the United States Code. Any money deposited in the account in a calendar year that is in excess of the annual federal gift tax exclusion is considered a countable resource and income in the month deposited; or

(ii) withdrawn to pay qualified disability expenses A distribution from an ABLE account that is retained after the month of receipt is excluded in any month when spent on a QDE. Money withdrawn for reasons other than to pay qualified disability expenses a QDE is considered as income a countable resource for the month of withdrawal.

(iii) A QDE is any expense related to the blindness or disability of the individual and made for the benefit of the individual. QDE's include, but are not limited to:

(I) education;

(II) housing;

(III) transportation;

(IV) employment, training, and support;

(V) assistive technology;

(VI) health;

- (VII) prevention and wellness;
- (VIII) financial management and administrative services;
- (IX) legal fees;
- (X) ABLE account oversight and monitoring;
- (XI) funeral and burial; and
- (XII) basic living.

(D) In certain instances, a client may receive and access funds from a charitable account in a TANF assistance unit member's name or in a third party's name.

(i) Charitable accounts are typically set up for a specific purpose, such as to help pay for medical expenses not covered by SoonerCare (Medicaid) or the person's insurance, funeral expenses, or living expenses while a person is unable to work. Medical expenses may include travel expenses to obtain treatment, such as fuel, meals, lodging, and incidentals.

(ii) The worker must verify:

- (I) the purpose of the account;
- (II) the name(s) on the account;
- (III) the person(s) who is authorized to withdraw funds from the account;
- (IV) the dates and amounts of any deposits into or withdrawals from the account within the most recent 12-month period; and
- (V) any limitations or restrictions placed on the access to account funds.

(iii) When the account is in the name of a TANF assistance unit member and there are no restrictions on accessing funds, the funds in the account are considered as a countable resource. When funds are periodically withdrawn from the account, the amount withdrawn is considered as unearned income in the month withdrawn.

(iv) When the account is in the name of an assistance unit member and funds are restricted for non-elective medical expenses or funeral expenses, the funds in the account are ~~exempt~~ excluded from resource and income consideration. When the restricted funds can be released to the client for other purposes, such as living expenses, the funds are considered as unearned income in the month released.

(v) When the account is held and managed by a third party on the client's behalf and the client does not have direct access to the funds, the account is not considered as an available resource to the client. When the third party disburses funds from the account to:

- (I) vendors on the client's behalf, the released funds are not considered as countable income; or
- (II) the client for purposes other than non-elective medical bills or funeral expenses, the funds are considered as unearned income in the month received.

(vi) When charitable funds are collected and released to the client in a one-time payment for non-elective medical expenses or funeral expenses, the funds are ~~exempt~~ excluded. When released for other purposes, the one-time payment is considered as a nonrecurring lump sum payment, per Oklahoma Administrative Code (OAC) 340:10-3-28.

(D) Economic impact payments received as a result of a national or state emergency are considered as a rebate or advance payment of a credit and are excluded as income; and from resource consideration for a period of 12 months from receipt date for the purpose of determining eligibility for benefits or assistance under any federal, state, or local program financed, in whole or in part, with federal funds, per Section 103(d) of the American Taxpayer Relief Act, as amended, 26 U.S.C. § 6409.

(5) **Insurance policies and prepaid funeral benefits.**

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

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

(C) **Burial funds.** Revocable burial funds not in excess of \$1500 for each person included in the assistance unit are excluded as a resource when the funds are specifically set aside for the burial arrangements of the person, per 56 O.S. § 165. Any amount in excess of \$1500 for each person included in the assistance unit is considered as a resource. Burial policies that require premium payments and do not accumulate cash value are not considered prepaid burial policies.

(i) The term burial funds means a prepaid burial contract or trust with a funeral home or burial association that is set aside to pay for the person's burial expenses.

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

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

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

(v) When the person did not purchase the prepaid burial contract or trust, even when the person's money was used for the purchase, the person is not the owner and the prepaid burial funds are not considered a resource to the person.

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

(i) When the irrevocable election was made prior to July 1, 1986, and the person received assistance on July 1, 1986, the full amount of the irrevocable contract is excluded as a countable resource. This exclusion applies only when the person does not add to the amount of the contract. Interest accrued on the

contract is not considered as adding to the contract. Any break in assistance requires that the contract be reevaluated at reapplication.

(ii) When the effective date for the irrevocable election or application for assistance is July 1, 1986, or later, the amount in any combination of an irrevocable contract, revocable prepaid burial contract or trust, and the cash value of unassigned life insurance policies cannot exceed \$10,000, per 56 O.S. § 165. Any amount in excess of \$10,000 is considered a countable resource. Accrued interest is not counted as a part of the \$10,000 limit, regardless of when it is accrued.

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

(E) **Medical insurance.** When a person has medical insurance, payments made to the medical provider or directly to the person and the payments are applied to the cost of medical services, they are excluded from resource consideration. Any amount remaining after payment for medical services is considered a resource. ■

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(6) **Stocks, bonds, mortgages, and notes.** The person's equity in stocks, bonds, including United States Savings Bonds Series A through EE, mortgages, and notes are considered as resources.

(A) The current market value less encumbrances is the equity of stocks or bonds.

■ 3

(B) The amount that can be realized from notes, mortgages, and similar instruments, when offered for immediate sale, constitutes a resource.

(7) **Non-negotiable resources.** Installment payments received on a note, mortgage, and similar instruments, for which a buyer cannot be found, are considered as monthly income.

(8) **Vehicles.** The market value of each vehicle owned by the person is established based on the average trade-in value listed in the National Automobile Dealers Association (NADA) books, other blue books, or one of the Internet websites that provide data on the market value of used vehicles at no cost to the user. ■ 4 When the person states the vehicle is worth less than the average trade-in value, the person secures written appraisals from two persons familiar with current values. The appraisals must state the appraised value of the vehicle and why it is worth less than the average trade-in value. When there is a substantial unexplained difference between the appraisals or between the blue book value and one or more of the appraisals, the worker and the person jointly arrange for a third party familiar with current values and acceptable to both, to establish the true market value of the vehicle.

(A) **Exempt vehicles.** The equity value of up to \$5,000 in one vehicle is exempt from resource consideration. The amount of the equity in excess of \$5,000 is considered against the resource limit.

(B) **Other vehicles and personal property.** The equity in other vehicles and personal property including boats, travel trailers, motorcycles, motor homes, and campers is considered against the resource limit. The current market value less encumbrances is the equity. Only encumbrances that are verified are considered in computing equity.

(9) **Lump sum payments.** ■ 5 A lump sum settlement that compensates for the loss of a resource, such as an automobile, may be disregarded in the amount used to replace the loss.

(A) The person has up to 30-calendar days to replace the loss. Extension beyond 30-calendar days may be granted when completion of the transaction is beyond the person's control.

(B) Any amount remaining after the replacement of the loss is considered as income.

(C) Income tax refunds, except for the portion representing an earned income tax credit (EITC), must be treated as a resource and considered available to the person upon receipt. Per the Tax Relief, Unemployment Insurance Authorization, and Job Creation Act of 2010 Public Law 111-312, EITC payments received after December 31, 2009, as a result of filing a federal or state tax return are exempt as a resource for 12 months following receipt.

(D) Retirement benefits received as a lump sum payment at employment termination are considered a resource. These benefits are not treated as income because the retirement contribution was regarded as income in the month earned and withheld by the employer.

(10) **Individual Development Accounts (IDA).** IDAs are dedicated savings accounts that are used for a qualified purpose, such as purchasing a first home, education or job training expenses, capitalizing a small business, or other purposes designated by the IDA administrative entity.

(A) IDAs are managed by community organizations and accounts are held at local financial institutions.

(B) Cash deposits and interest accrued from the deposits made by a person in an IDA up to \$2,000 are not considered as income or resources in determining TANF eligibility, per 56 O.S. § 230.54.

(C) The account deposits must be made from earned income, EITCs, or tax refunds.

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

(b) Resources disregarded in determining need include:

(1) income disregarded, per OAC 340:10-3-40;

(2) trusts of a child(ren) included in a TANF benefit when the funds are used for educational purposes for a child(ren). Any court established trust must be examined to determine if the court restricted the trust for other purposes. The client must verify at application and renewal if funds were withdrawn. ■ 6 Withdrawn funds are treated as lump sum unearned income unless documentation shows the funds were used for the child(ren)'s educational purposes; ■ 7

- (3) any accounts, stocks, bonds, or other resources held under the control of a third party when the funds are:
 - (A) designated for educational purposes for a child(ren) receiving TANF, even when a child(ren)'s name is on the account and the third party holder is required to access the funds; or
 - (B) established to pay for non-elective medical expenses or funeral expenses for an assistance unit member;
- (4) a migrant farm worker's out-of-state home property when the farm worker intends to return to the home after the temporary absence;
- (5) a retroactive, nonrecurring lump sum Supplemental Security Income (SSI) payment, made to a TANF recipient, in the month paid and the next month. The amount remaining after the second month is a countable resource;
- (6) funds in education accounts established, per Sections 529 and 530 of the Internal Revenue Code or exempted by O.S. 56 § 4000; and ■ 8
- (7) child support collected from a child support tax intercept for the month received. The amount remaining in the second month after the month of receipt is a countable resource.

INSTRUCTIONS TO STAFF 340:10-3-5

Revised 2-1-209-15-21

1. (a) **The Oklahoma State Treasurer is responsible for certifying an achieving a better life experience (ABLE) account. The program name is Oklahoma STABLE. The program is administered through a partnership with Ohio's STABLE Accounts. ABLE account rules state:**
 - (1) only persons whose disability was established before 26 years of age can set up an ABLE account and one account is allowed per person;**
 - (2) there is no limit to the number of persons who can contribute to the ABLE account; and**
 - (3) upon the death of an ABLE participant, qualified disability expenses (QDE) and funeral expenses may be paid from the account. All remaining funds in the account must be paid to the state Medicaid agency to repay costs of care received by the participant up to the amount of Medicaid paid after establishment of the ABLE account.**
 - ~~(4) QDE means any approved expenses related to the eligible individual's blindness or disability, per Section 529A of the Internal Revenue Code, made for the benefit of an eligible individual who is the designated beneficiary, including but not limited to, expenses for:~~
 - ~~(A) education;~~
 - ~~(B) housing;~~
 - ~~(C) transportation;~~
 - ~~(D) employment, training, and support;~~
 - ~~(E) assistive technology and personal support services;~~
 - ~~(F) health, prevention and wellness, financial management, and administrative expenses;~~
 - ~~(G) legal fees;~~
 - ~~(H) oversight and monitoring; and~~

~~(1) funeral and burial expenses.~~

(b) Since ABLÉ accounts are set up for persons with disabilities, it is more likely that a family member in an Aid to the Disabled companion case may have an ABLÉ account than it is for a Temporary Assistance for Needy Families (TANF) participant to have one.

~~(c) Once the client provides documents that verify the account is a valid ABLÉ account, no further account verification is required.~~ At application and renewal, the worker asks the client if the ABLE account is open and if he or she believes the deposits in, and expenditures from the account, are in compliance with the terms and requirements of that particular 529 account. When the client answers yes, no further inquiry is needed.

2. The type of insurance is documented in Case Notes on Family Assistance/Client Services (FACS).
3. Paper savings bonds were last issued in 2011, at half of the face value on the savings bond. Electronic savings bonds began issuing in 2012, at full face value. Refer to Savings Bond Calculator at savingsbonds.gov to determine the current value of a savings bond.
4. (a) The average trade-in value listed in the National Automobile Dealers Association (NADA) books, other blue books, or one of the Internet websites that provide data on the market value of used vehicles at no cost to the user can be used. Available websites include:
 - (1) CarPrices www.carprices.com;
 - (2) Edmund's www.edmunds.com;
 - (3) Kelley Blue Book www.kbb.com.; and
 - (4) NADA www.nada.com.
- (b) The value of a vehicle cannot be increased by adding the value of low mileage or optional equipment. The Kelley Blue Book requires users to include mileage prior to calculating a vehicle's value. Other online services with a mileage field assume average mileage when the mileage field is left blank. To ensure any vehicles are not assigned a higher value based on unusually low mileage, the worker uses the greater of the vehicle's actual mileage or 12,000 miles per year.
- (c) The case record must include sufficient documentation indicating the website or blue book used to determine the market value of the vehicle.
5. Per Oklahoma Administrative Code (OAC) 340:10-3-28(6)(A), any remaining part of a lump sum payment received by a non-recipient prior to the date of application is considered as a resource.
6. Refer to OAC 340:10-3-6 for information regarding trust accounts.
7. Funds for educational purposes are for any necessary expenses related to school activities, such as fees, books, and clothing.
8. Money withdrawn from an education account is not considered unless withdrawn for use other than education. This exclusion includes:
 - (1) Oklahoma College Savings Plan accounts. Information about these accounts may be found at <http://www.ok4saving.com/>;
 - (2) Coverdell Education Savings, also known as Section 530 accounts; and
 - (3) Qualified Tuition Program, also known as Section 529 accounts.

340:10-3-6. Trust accounts

Revised ~~3-4-179~~-15-21

When a person applying for or receiving Temporary Assistance for Needy Families (TANF) has monies held in trust, a decision regarding the availability of the funds must be made. Funds held in trust are considered available when the applicant or recipient has a legal interest in a liquidated sum and has the legal ability to make such sum available for support and maintenance. ■ 1 Funds may also be held in trust and under the control of someone other than the TANF parent or caretaker relative, such as the courts, agencies, other individuals, or the Bureau of Indian Affairs (BIA). The availability of these funds is determined by using the procedures described in (1) through (3) of this Section.

(1) **Funds held in trust by courts, agencies, or other individuals.** The applicant or recipient must provide trust documents at application or when the worker becomes aware of the existence of a trust. Documents include a copy of the trust instrument, and a copy of all relevant court documents that may include a Journal Entry, Order, Settlement Agreement, and documentation as to date, amount, and purpose of any prior disbursements.

(A) **Release of trust by written petition or written request.** The availability of the trust can only be determined after the TANF payee sends a written petition to the court or a written request to the trustee when the trust is not in a court supervised account for the release of the total funds.

(i) The worker sends a written notice to the TANF payee informing him or her to: ■ 2

(I) file the written petition with the court or submit a written request to the trustee within ~~30-calendar~~ 30-calendar days from the date of the notice;

(II) provide a copy to the worker; and

(III) failure to do so results in case denial or closure as benefit eligibility cannot be determined.

(ii) Upon receipt of a copy of the petition or request, the trust account at issue is considered unavailable. The worker instructs the TANF payee to provide the worker with a copy of the court or trustee's response when received.

(iii) When the TANF payee submits the petition or request timely but does not get a response from the court or trustee, the worker offers with the client's permission, to write a letter to the court or trustee. ■ 23

(iv) When the court or trustee's response to the petition or request is explicit as to the availability of funds, the worker takes appropriate action. When the response is not explicit, the worker asks Adult and Family Services TANF staff to make a decision regarding the availability of funds. When necessary, AFS TANF Unit staff obtains a decision from Legal Services about the availability of the funds held in trust.

(v) A decision regarding trust availability is rendered in one of two ways. The trust monies are considered:

(I) unavailable to the child(ren) and further review is not needed unless the trust instrument is amended; or

(II) available as a resource in determining eligibility.

(B) **Periodic renewal.** Funds determined to be unavailable to the person are excluded until the next renewal or reapplication. At renewal, the worker obtains information from the court or trustee regarding any modification to the trust instrument and any disbursements. ■ 34 Disbursements are considered as income the month received. When modification or disbursements did not occur, the funds continue to be considered as unavailable until the next renewal is due.

(2) **Funds held in trust by BIA.** Interests of individual Indians in trust or restricted lands are not considered a resource in determining eligibility for assistance under the Social Security Act or any other federal or federally-assisted program.

(3) **Funds held in trust in an Achieving a Better Life Experience (ABLE) Program account.** Funds held in a trust account owned by the designated beneficiary of the account and established to pay qualified disability expenses (QDE) under the Oklahoma Achieving a Better Life Experience (ABLE) Program or an ABLE program in any other state are excluded ~~under the Oklahoma ABLE program or an ABLE program in any other state is excluded~~ for the purpose of determining eligibility to receive, or the amount of, any assistance or benefits from local or state means-tested programs, per Sections 4001.1 through 4001.5 of Title 56 of the Oklahoma Statutes ~~or~~ and the Achieving a Better Life Experience Act of 2014, Section 529A of Title 26 of the United States Code (26 U.S.C. § 529A). The applicant or recipient must provide documents to verify that the trust account meets exemption criteria before the funds in the trust account are ~~exempted~~ excluded from resource and income consideration. Once the client verifies that the savings or trust account is a valid ABLE account, no further account information is required. ■ 45 ~~When verified, the exclusion applies to money:~~

(A) ~~deposited in the~~ A contribution to an ABLE account up to by another individual is excluded unless the contribution exceeds the annual federal gift tax exclusion, per 26 U.S.C. § 2503(b). Any money deposited in the account in a calendar year in excess of the annual federal gift tax exclusion is considered a countable resource and income in the month deposited; or

(B) ~~withdrawn to pay qualified disability expenses.~~ A distribution from an ABLE account that is retained after the month of receipt is excluded in any month when spent on a QDE. Money withdrawn for reasons other than to pay qualified disability expenses QDE is considered as income a countable resource for the month of withdrawal.

(C) A QDE is any expense related to the blindness or disability of the individual and made for the benefit of the individual. QDE's include, but are not limited to:

(i) education;

(ii) housing;

(iii) transportation;

(iv) employment, training, and support;

(v) assistive technology;

(vi) health;

(vii) prevention and wellness;

(viii) financial management and administrative services;

(ix) legal fees;

(x) ABLE account oversight and monitoring;

- (xi) funeral and burial; and
- (xii) basic living.

INSTRUCTIONS TO STAFF 340:10-3-6

Revised ~~3-1-179-15-21~~

- 1. Refer to Oklahoma Administrative Code (OAC) 340:10-3-5 (a)(4)(C) and(b)(7) and (8) for trust resource disregards, and OAC 340:10-3-40(7) and (8) for trust income disregards.**
- 2. The worker sends Form 08AD092E, Client Contact and Information Request, to the client to instruct him or her to submit the written petition or request for the release of the total funds in the trust account. When the petition or request is denied, the funds are considered unavailable.**
- 3. When the court or trustee does not respond within 30-calendar days, the worker submits a memo to Adult and Family Services (AFS) Temporary Assistance for Needy Families (TANF) Unit staff explaining the situation, including the efforts made to obtain a response to the petition or request.**
- 4. (a) Refer to OAC 340:65-3-8 for benefit renewal time frames.**
(b) When a modification or a disbursement occurs, the worker sends details to AFS TANF Unit staff to make a decision regarding availability of the resource.
- 5. (a) The Oklahoma State Treasurer is responsible for certifying an achieving a better life experience (ABLE) account. The program name is Oklahoma STABLE. The program is administered through a partnership with Ohio's STABLE Accounts. Rules regarding an ABLE account include rules state:**
 - (1) only persons whose disability was established before 26 years of age can set up an ABLE accounts account and one account is allowed per person;**
 - (2) there is no limit to the number of persons who can contribute to the ABLE account; and**
 - (3) upon the death of an ABLE participant, every dollar remaining in qualified disability expenses and funeral expenses may be paid from the account. All remaining funds in the account must be paid to the state Medicaid agency to repay costs of care received by the participant during life up to the amount of Medicaid paid after establishment of the ABLE account.****(b) Since ABLE accounts are set up for persons with disabilities, it is more likely that a family member in an Aid to the Disabled companion case may have an ABLE account than it is for a TANF participant to have one.**
(c) At application and renewal, the client must provide proof from the financial institution of the dates and amounts of money deposited into and withdrawn from the ABLE account in the last 12 months worker asks the client if the ABLE account is open and if he or she believes the deposits in, and expenditures from the account, are in compliance with the terms and requirements of that particular 529 account. Any amount in excess of the annual federal gift tax exclusion amount is considered a countable resource and income in the month of deposit. The current gift tax exclusion amount is \$14,000 per calendar year. The client must verify, preferably from the financial institution that any funds withdrawn were used for qualified disability expenses. Funds withdrawn and

~~not used for qualified disability expenses are considered as income for the month of withdrawal. When the client answers yes, no further inquiry is needed.~~

~~(c) Qualified disability expenses means expenses related to the eligible individual's blindness or disability and approved per Section 529A of the Internal Revenue Code that are made for the benefit of an eligible individual who is the designated beneficiary including, but not limited to, expenses for:~~

~~(1) education;~~

~~(2) housing;~~

~~(3) transportation;~~

~~(4) employment, training, and support;~~

~~(5) assistive technology and personal support services;~~

~~(6) health, prevention and wellness, financial management, and administrative expenses;~~

~~(7) legal fees;~~

~~(8) oversight and monitoring; and~~

~~(9) funeral and burial expenses.~~

PART 3. INCOME

340:10-3-30. Consideration of When to consider the income of a relative-payee other than a natural or adoptive parent

~~Revised 5-1-009-15-21~~

~~(a) **Relative-payee definition.** A relative-payee is a relative who lives with the child(ren) and takes responsibility for their needs. A relative-payee can relative may only be included in considered the payee for the assistance unit when the: ■ 1~~

~~(1) natural or adoptive parent or stepparent is not in the home; and the relative meets the definition of a needy caretaker~~

~~(2) relative meets the specified degree of relationship, per Oklahoma Administrative Code (OAC) 340:10-9-1.~~

~~(b) **Stepparent inclusion.** A stepparent may only be considered as the payee for the assistance unit when the natural or adoptive parent is not in the home. A When the natural or adoptive parent is in the home, the stepparent can may only be included in the Temporary Assistance for Needy Families (TANF) assistance unit payment when the natural or adoptive parent is considered incapacitated, or not in the home per OAC 340:10-10-2. ■-4~~

~~(1) If a relative-payee is not eligible to be included in the Temporary Assistance for Needy Families (TANF) assistance unit or is eligible but does not request to be included, consideration is not given to the income of this relative-payee or the income of his or her spouse in determining the eligibility of the child(ren). However, if that person is the stepparent, the policy on stepparent income is applicable. ■-2~~

~~(c) **Needy caretaker definition.** If the When a relative-payee requests to be included in the TANF assistance unit, the relative he or she must meet the needy caretaker definition of needy caretaker. Only one needy caretaker is eligible to be included in the TANF assistance unit.~~

~~(1) A relative-payee without a spouse is eligible as a meets the needy caretaker definition when, the gross monthly income of per Oklahoma Human Services Appendix C-1, Schedule IX the assistance unit unit's:~~

~~(A) gross monthly income does not exceed the monthly maximum gross income; and~~

~~(B) If the income does not exceed the monthly maximum gross income, the net income must does not exceed the payment standard. ■-3~~

~~(2) Only one needy caretaker is eligible to be included in the TANF assistance unit. If a When the relative payee is married and living with the spouse who is:~~

~~(A) an Supplemental Security Income (SSI) or State Supplemental Payment (SSP) recipient, the spouse's income is not considered in determining if the eligibility of relative-payee meets the needy caretaker definition; or~~

~~(B) The relative payee who is married and living with the spouse who is not an SSI or SSP recipient, the relative-payee meets the definition of needy caretaker if definition when the gross monthly income of the couple does not exceed the monthly maximum gross income for two persons. Any income of the spouse is computed the same as stepparent income to determine the amount available to the needy caretaker and used in determining the TANF benefit. ■-4~~

~~(d) **Income consideration.** When the:~~

~~(1) stepparent is included in the TANF cash assistance benefit because the natural or adoptive parent is not in the home, his or her income is considered the same way as the natural or adoptive parent's income is considered. When the stepparent is not included in the TANF cash assistance benefit because the natural or adoptive parent is in the home, his or her income is considered, per OAC 340:10-3-57(e).~~

~~(2) relative-payee is not included in assistance payment, neither the relative-payee or his or her spouse's income is considered in determining the child(ren)'s TANF eligibility;~~

~~(3) relative-payee without a spouse meets the needy caretaker definition, per (c)(1) of this Section, he or she may be included in the assistance unit benefit. The relative-payee's income is considered the same way as a natural or adoptive parent. When the relative-payee has income, the relative-payee and the worker determine if including the relative-payee increases or decreases the TANF assistance benefit for the child(ren); or~~

~~(4) relative-payee with a spouse meets the needy caretaker definition, per (c)(2) of this Section and the spouse does not receive SSI or SSP, the spouse's income is computed the same as stepparent income, per OAC 340:10-3-57(e). The needy caretaker and the worker determine if including the needy caretaker and the spouse's income increases or decreases the TANF assistance benefit for the child(ren).~~

1INSTRUCTIONS TO STAFF 340:10-3-30

Revised 5-1-009-15-21

1. See Refer to Oklahoma Administrative Code (OAC) 340:10-3-56 for information regarding when a household member must, may, and must not be included in the Temporary Assistance for Needy Families (TANF) assistance unit.

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

~~3. See DHS Appendix C-1, Schedule of Maximum Income, Resource and Payment Standards, Schedule IX.~~

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

340:10-3-40. Income disregards

Revised ~~9-15-209-15-21~~

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

- (1) the food benefit allotment under the Food and Nutrition Act of 2008;
- (2) any payment received under Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970;
- (3) educational assistance, such as grants, work study, scholarships, fellowships, educational loans on which payment is deferred, and veterans education benefits. When the educational assistance is serving the same purpose as TANF cash assistance, such as when the client receives a stipend for living expenses, the stipend is countable income. The student's classification as a graduate or undergraduate is not a factor;
- (4) loans, regardless of use, when a bona fide debt or obligation to pay can be established.
 - (A) Criteria to establish a loan as bona fide includes an acknowledgment of obligation to repay or evidence that the loan was from a person or financial institution in the loan business.
 - (B) When the loan was from a person(s) not in the loan business, the client's acknowledgment of obligation to repay, with or without interest, is required to indicate that the loan is bona fide.
 - (C) When the loan agreement is not written, the client and lender must complete and sign Form 08AD103E, Loan Verification, or a written statement, attesting that the loan is bona fide and verifying the date and amount of loan.
 - (D) When the client receives loans on a recurrent or regular basis from the same source to meet expenses, the client and lender must sign an affidavit that states the payments are loans that must be repaid or that payments will be made in accordance with an established repayment schedule;
- (5) Indian payments, including judgment funds or funds held in trust, distributed per capita by the Secretary of the Interior, Bureau of Indian Affairs (BIA) or distributed by the tribe subject to approval by the Secretary of the Interior. For purposes of this paragraph, per capita is defined as each tribal member receiving an equal amount.
 - (A) Any interest or investment income accrued on such funds while held in trust or any purchases made with judgment funds, trust funds, interest, or investment income accrued on such funds is disregarded.
 - (B) Any income from mineral leases or from tribal business investments is disregarded as long as the payments are paid per capita.
 - (C) Any interest or income derived from the principal or produced by purchases made with the funds after distribution is considered as any other income;
- (6) special allowance(s) for school expenses made available upon petition in writing from trust funds of the student;

(7) income from trusts of a child(ren) included in a TANF benefit when the worker determines that funds are to be used for educational purposes for a child (ren). Any court established trust must be examined to determine if the court restricted the trust for other purposes. The worker must verify at application and renewal if funds were withdrawn. ■ 1 Any funds withdrawn are treated as lump sum unearned income unless it is documented the funds were used for a child(ren)'s educational purposes;

■ 2

(8) income from accounts, stocks, and bonds held under the control of a third party when the funds are:

(A) designated for educational purposes for a child(ren) in a TANF benefit even when a child(ren)'s name is on the account and the third-party holder is required to access the funds; or

(B) established to pay for non-elective medical expenses or funeral expenses for an assistance unit member, per OAC 340:10-3-5(a)(4)(D);

(9) benefits from state and community programs on aging, per Title III and Title V of the Older Americans Act of 1965 as amended by Public Law (P.L.) 100-175, Older Americans Act Amendments of 1987, and P.L. 114-144, Older Americans Reauthorization Act of 2016. ■ 3 Each state and various organizations receive Title V funds. These organizations include:

(A) Experience Works;

(B) National Council on Aging;

(C) National Council of Senior Citizens;

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

(E) United States (U.S.) Forest Service;

(F) National Association for Spanish Speaking Elderly;

(G) National Urban League;

(H) National Council on Black Aging;

(I) National Council on Indian Aging;

(J) Asociacio'n Nacional Pro Personas Mayores;

(K) Associates for Training and Development, Inc.;

(L) American Samoa;

(M) Easter Seals Inc.;

(N) Goodwill Industries International, Inc.;

(O) Institute for Indian Development;

(P) National Able Network;

(Q) National Asian Pacific Center on Aging;

(R) National Caucus and Center on Black Aged, Inc.;

(S) National Older Worker Career Center;

(T) Operation A.B.L.E. of Greater Boston, Inc.;

(U) Senior Service America, Inc.;

(V) SER-Jobs for Progress National, Inc.;

(W) Workplace, Inc.; and

(X) VANTAGE Aging;

(10) unearned income received by a child(ren) in a TANF benefit, such as a needs based payment, cash assistance, compensation in lieu of wages, or allowance from a

program funded by the Workforce Innovation and Opportunity Act (WIOA) of 2014, including Job Corps income and earned income received as wages;

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

(12) payments, allowances, or earnings to persons participating in the AmeriCorps State and National program or the AmeriCorps National Civilian Community Corps authorized by the National and Community Service Act of 1990, 42 U.S.C. § 12637(d); and other payments to volunteers under authorized by the National and Community Service Trust Act of 1993 (NCSTA), such as AmeriCorps VISTA P. L. 103-82, 42 U.S.C. §§ 12571, et seq. and administered by the Corporation for National and Community Service; ■ 4

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

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

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

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

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

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

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

(20) Low Income Home Energy Assistance Program (LIHEAP) payments for energy assistance and payments for emergency situations under Emergency Assistance to Needy Families with Children;

(21) refunds of federal or state Earned Income Tax Credit (EITC) received after December 31, 2009, as a result of filing a federal or state tax return are exempt as income for 12 months following receipt, per the Tax Relief, Unemployment Insurance Authorization, and Job Creation Act of 2010, P.L. 111-312;

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

- (23) payments made from the Radiation Exposure Compensation Trust Fund as compensation for injuries or deaths resulting from the exposure to radiation from nuclear testing and uranium mining;
- (24) federal major disaster and emergency assistance provided, ~~by Section 5515 (d) of Title 42 of the United States Code (per the Robert T. Stafford Disaster Relief and Emergency Assistance Act, P.L. 93-288 as amended, 42 U.S.C. § 5515 5155(d))~~ and comparable disaster assistance provided by states, local governments, and disaster assistance organizations;
- (25) interests of individual Indians in trust or restricted lands;
- (26) income up to \$2,000 per calendar year received by individual Indians derived from leases or other uses of individually-owned trust or restricted lands. Any remaining disbursements from the trust or the restricted lands are considered unearned income; ■ 5
- (27) payments received under the Civil Liberties Act of 1988. These payments are made to persons of Japanese ancestry who were detained in internment camps during World War II;
- (28) payments made to persons because of their status as victims of Nazi persecution;
- (29) interest accrued from deposits made by a person into an Individual Development Account (IDA) up to \$2,000; ■ 6
- (30) stipends paid to students participating in the Indian Vocational Education Program (IVEP) through the Carl D. Perkins Vocational and Applied Technology Education Act;
- (31) payments made from the crime victims compensation program as amended in Section 1403 of the Victims of Crime Act of 1984, 42 U.S.C. § 10602;
- (32) reimbursements made to a foster care parent(s) or a potential foster care parent(s); ■ 7
- (33) payments as described in 38 U.S.C. § 1823(c) provided to certain persons who are children of Vietnam War veterans;
- (34) allowances, stipends, earnings, compensation in lieu of wages, or other payments made for participation in WIOA or other federally-funded grants and workforce training programs paid to persons of all ages and student status; ■ 8
- (35) child support judgments or arrearage payments received for a child no longer age-eligible for the TANF cash benefit;
- (36) money deposited into or withdrawn from a qualified Oklahoma Achieving a Better Life Experience (ABLE) Program account or an ABLE account in any other state owned by the designated beneficiary of the account and established to pay for qualified disability expenses (QDE) is excluded from income or resource consideration, per Sections 4001.1 through 4001.5 of Title 56 of the Oklahoma Statutes ~~or a qualified ABLE Program account set up in any other state per and the ABLE Act of 2014, 26 U.S.C. § 529A is excluded as income or a resource when the client.~~ A person may have only one ABLE account. ■ 9
- (A) ~~provides~~ The client must provide documents to verify the account meets exemption criteria before the funds are excluded. Once the client verifies that the savings or trust account is a valid ABLE account, no further account information is required.

~~(B) verifies money deposited in the A contribution to an ABLE account does not exceed by another individual is excluded unless the contribution exceeds the annual federal gift tax exclusion amount, per 26 U.S.C. § 2503(b). Any money deposited in the account in the calendar year that is in excess of the annual federal gift tax exclusion amount is considered as a countable income resource in the amount deposited; and~~

~~(C)(B) verifies withdrawals from the account were used to pay qualified disability expenses~~ A distribution from an ABLE account that is retained after the month of receipt is excluded in any month when spent on a QDE. Money withdrawn for reasons other than to pay qualified disability expenses a QDE is considered as income a countable resource for the month of withdrawal.

(C) A QDE is any expense related to the blindness or disability of the individual and made for the benefit of the individual. QDE's include, but are not limited to:

(i) education;

(ii) housing;

(iii) transportation;

(iv) employment, training, and support;

(v) assistive technology;

(vi) health;

(vii) prevention and wellness;

(viii) financial management and administrative services;

(ix) legal fees;

(x) ABL account oversight and monitoring;

(xi) funeral and burial; and

(xii) basic living;

(37) income received by a member of the United States U.S. Armed Forces, per 37 U.S.C. Chapter 5 and Section 273.9(c)(20) of Title 7 of the Code of Federal Regulations that is:

(A) received in addition to the service member's basic pay during combat deployment;

(B) received as a result of the service member's deployment or service in an area designated as a combat zone as determined, per Executive Order or P.L.; and

(C) not received by the service member prior to the service member's deployment to or service in a federally designated combat zone; and

(38) economic impact payments received as a result of a national or state emergency are considered as a rebate or advance payment of a credit and are excluded as income and from resource consideration for a period of 12 months from receipt date for the purpose of determining eligibility for benefits or assistance under any federal program or under any state or local program financed in whole or in part with federal funds, per Section 103(d) of the American Taxpayer Relief Act, as amended, 26 U.S.C. § 6409.

INSTRUCTIONS TO STAFF 340:10-3-40

Revised ~~9-15-209-15-21~~

- 1. Refer to Oklahoma Administrative Code (OAC) 340:10-3-6 for trust account rules.**

2. Refer to OAC 340:10-3-28 for lump sum payments rules.
3. In Oklahoma, Title V funds for older Americans are administered by:
 - (1) the Oklahoma Department of Human Services Aging Services through the Senior Community Service Employment Program (SCSEP). SCSEP is a community service and work-based job training program for older Americans. Services are provided by:
 - (A) the Association of South Central Oklahoma Governments;
 - (B) the Oklahoma Economic Development Authority; and
 - (C) Grand Gateway Economic Development Association; and
 - (2) National Grantee Easter Seals. Services are provided by the American Association of Retired Persons project sites in Oklahoma City, Tulsa, and McAlester.
4. Refer to OAC 340:10-2-4(c)(2) for on-the-job training.
5. (a) The client must provide proof of total disbursements received for the previous calendar year to determine how much, if any, of the income counts. When the client received more than \$2000, the amount over \$2000 is divided by 12 to determine monthly countable income. For example, when total disbursements equaled \$2100, the calculation \$2100 minus \$2000 equals \$100. The \$100 is divided by 12 to determine monthly countable income.
(b) When other household members receive disbursements, the first \$2000 is disregarded for each household member before any income is counted.
6. Refer to OAC 340:10-3-5(a)(10) for Individual Development Accounts.
7. An example of a reimbursement is a pre-service training stipend or Kinship Start Up Stipend (KSUS) payment. Refer to OAC 340:75-7-24.
8. There are numerous programs that exclude income. Some common examples include income received from Youthbuild, Summer Youth, Job Corps, paid classroom training, and a paid internship through the Public Strategies Temporary Assistance for Needy Families Work Orientation Pilot program in Oklahoma county. A less common example is the Health Profession Opportunity Grant (HPOG), per Section 2008 of Title XX of the Social Security Act. For less common examples, the worker must determine if the program is a federally-funded workforce training program.
9. (a) The Oklahoma State Treasurer is responsible for certifying an achieving a better life experience (ABLE) account. The program name is Oklahoma STABLE. The program is administered through a partnership with Ohio's STABLE Accounts. ABLE account rules state:
 - (1) only persons whose disability was established before 26 years of age can set up an ABLE account and only one account is allowed per person;
 - (2) there is no limit to the number of persons who can contribute to the ABLE account; and
 - (3) upon the death of an ABLE participant, qualified disability expenses (QDE) and funeral expenses may be paid from the account. All remaining funds in the account must be paid to the state Medicaid agency to repay costs of care received by the participant up to the amount of Medicaid paid after establishment of the ABLE account.

~~(4) QDE means any approved expenses related to the eligible individual's blindness or disability, per Section 529A of the Internal Revenue Code that are made for the benefit of an eligible individual who is the designated beneficiary including, but not limited to, expenses for:~~

~~(A) education;~~

~~(B) housing;~~

~~(C) transportation;~~

~~(D) employment, training, and support;~~

~~(E) assistive technology and personal support services;~~

~~(F) health, prevention and wellness, financial management, and administrative expenses;~~

~~(G) legal fees;~~

~~(H) oversight and monitoring; and~~

~~(I) funeral and burial expenses.~~

(b) Once the client provides documents that verify the account is a valid ABLE account, no further account verification is required. At application and renewal, the worker asks the client if the account is still open and if he or she believes the deposits in and expenditures from the account are in compliance with the terms and requirements of that particular 529 account. When the client answers yes, no further inquiry is needed.

SUBCHAPTER 5. CONDITIONS OF ELIGIBILITY - AGE

340:10-5-1. Age

Revised ~~6-1-14~~ 9-15-21

(a) Age requirement. ~~To be eligible for A child meets the age requirement to receive Temporary Assistance for Needy Families (TANF), a child must be under 19 through the month he or she turns:~~

(1) 18 years of age; ~~■ 1 If a child is removed from the benefit because he or she has reached the maximum age for eligibility under the TANF program, he or she is eligible for the month in which his or her birthday occurs. or~~

(2) 19 years of age when he or she attends school full time, per Oklahoma Administrative Code (OAC) 340:10-13-1 and expects to graduate during or before the month he or she turns 19 years of age.

(b) Age verification. The worker accepts the parent or guardian's statement to establish the child's age, unless the information is inconsistent ~~or there are~~ with other facts or observations ~~which that~~ cause the worker to question the parent or guardian's statement. When such questions exist, ~~verification the parent or guardian must be obtained to verify the information. Acceptable sources of verification documents are listed in (1) - (2) of this section subsection.~~

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

(A) child's name and birthdate;

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

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

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

(2) If When the parent or guardian provides other birth information is from hospital records other than an acceptable hospital birth certificate, birth scrolls, and similar records, he or she must provide two other pieces of evidence which reflect documents that show the same birthdate for the child, with no evidence to the contrary, are acceptable as conclusive evidence and constitute a source of age verification. Evidence includes Documents include: ■ 1

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

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

(C) court records;

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

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

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

(G) family records, such as an entry of a child's birthdate in a family Bible or on some other similar document if when no changes were made to the entry is unchanged, either by erasure or overwriting;

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

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

INSTRUCTIONS TO STAFF 340:10-5-1

Revised ~~6-1-119-15-21~~

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

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

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

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

~~(d) The nature and location of each document, pertinent content, including the date of birth of the child, the name and address of the person or office with whom or in which the document is lodged, and the date on which each record was made, must be recorded in the case record. When the original or certified birth certificate, acceptable hospital birth certificate, or Form 08MA015E, Reporting of Newborn Child of SoonerCare Member, is not provided, the worker must carefully evaluate the secondary documents provided to determine if they contain consistent information or appear to be altered in any way. When there are inconsistencies or alterations, the worker must reconcile the differences. The worker's analysis and evaluation of various pieces of evidence, with the documents and his or her conclusion as to birthdate, must be recorded in FACS case notes. Final determination as to birthdate is made on the basis of accumulated information, all of which must be shown in the case record.~~

SUBCHAPTER 10. CONDITIONS OF ELIGIBILITY - DEPRIVATION

340:10-10-3. Unemployed parent

Revised ~~12-5-129-15-21~~

(a) **Applicability.** Deprivation for the child(ren) may be established when both ~~the~~ natural or adoptive parents are ~~residing~~ reside with the child(ren) and the parent determined to be the principal wage earner (PWE), per (b) of this Section, meets the conditions to qualify as unemployed, per (c) of this Section. ~~If one of the parents is an ineligible alien, unemployment as the reason for deprivation is not ruled out.~~

(b) **PWE designation.** The PWE is defined as the parent who earned the ~~greater amount of~~ most gross income during the 24-month period ending with the month prior to the Temporary Assistance for Needy Families (TANF) application. ~~This determination~~ The PWE designation is made regardless of when the parent's relationship began or when the parent(s) began residing with the child(ren). The employment or receipt of unemployment insurance benefits (UIB) of the parent ~~not determined to be~~ designated as the PWE is not a factor in determining deprivation. ■ 1

(1) **Earnings documentation.** The assistance unit is responsible for verifying the source and gross amount, of each parent's earnings and dates, and sources of earnings used in determining which parent is the PWE must be documented. It is the assistance unit's responsibility to provide the documentation received for the prior 24-month period to the best of the assistance unit's its ability. Acceptable documentation includes:

- (A) previously verified earnings documented in Oklahoma Department of Human Services (OKDHS) case records;
- (B) employer(s) contact employer verbal or written statements;
- (C) wage pay stubs for the 24-month period;

(D) Income Eligibility Verification System (IEVS), also referred to as data exchange information, Oklahoma Wage Link (OWL); or Oklahoma Wage (OWG); and, if
(E) federal or state tax returns;
(F) employee W-2 forms; or
(G) when self-employed, gross and net earnings from tax returns or business records. The assistance unit must be involved in determining which parent is the PWE. ■ 4

(2) PWE designation when earnings are equal. If When both parents earned an identical amount of income parents' earnings are equal in the 24-month period, the PWE is the parent who earned the greater amount of most income in the last six months of the 24-month period.

(2) If the income When both parents' earnings are equal in the six-month period is identical, either parent the parents may be designated choose which parent to designate as the PWE. The designation must be the one most advantageous to the assistance unit.

(3) Permanent PWE designation. The Once the PWE is determined, the PWE designation of the PWE is permanent and remains effective as long as the deprivation remains is based on unemployment and the assistance unit remains eligible for and continues to receive TANF benefits. If When the TANF case is closed benefit closes and a new application is filed at a later date, the PWE designation must be redetermined re-determined, per (b) of this Section.

(c) Conditions the PWE must meet prior to certification. The PWE must meet the conditions described in (1) - (3)(6) of this subsection for deprivation to be established based on unemployment.

(1) Mandatory drug screening. Mandatory drug screening is required for both Both parents are required to be screened for illegal use of a controlled substance or substances, per OAC 340:10-4-1. When one or both parents refuse to comply or fails to follow through with the screening, the worker denies the TANF application.

(A) When one parent screens positive for the use of a controlled substance or substances, and is ineligible to be included in the TANF benefit, the other parent must participate 35 hours per week in TANF Work activities per OAC 340:10-2-1(2)(A)(iii).

(B) When both parents screen positive for the illegal use of a controlled substance or substances and are ineligible to be included in the TANF benefit, they may choose to receive child only benefits if all other factors of eligibility are deprivation cannot be based on unemployment because the TANF work requirement, per (2) of this subsection cannot be met.

(2) TANF Work requirements. Both parents are required to participate in TANF Work activities unless one of the parents is not eligible to be included in the TANF benefit because he or she is an ineligible alien or screens positive for the illegal use of a controlled substance or substances. When both parents are ineligible to be included in the TANF cash assistance unit, deprivation cannot be based on unemployment because the work requirement cannot be met. ■ 2

(A) One parent is required to participate in TANF Work activities an average of 35 hours per week and the other parent an average of 30 hours per week. When one parent is not eligible to be included in the TANF benefit, the other parent must

participate in TANF Work activities an average of 35 hours per week, per OAC 340:10-2-1(2)(A)(iii). ■ 3

~~(B) The PWE's activities and responsibilities must allow the PWE to be available for to participate in and comply with TANF Work activities and the PWE must comply with these requirements. Refer to OAC 340:10-2-1(2)(A)(iii) for the minimum TANF Work requirements for two-parent families.~~ ■ 2 If When the worker determines the PWE is determined to be unavailable to participate or if the PWE does is not comply complying with TANF Work requirements, the application is denied. ■ 3

(C) The parent who is not determined to be the PWE may be exempted from the TANF Work requirement when he or she provides care for a child with disabilities who does not attend school on a full-time basis and requires 24/7 care or another relative who lives in the home and requires 24/7 care. The parent must provide a statement from a doctor or other health professional stating the person needs 24/7 care and the type of care needed before a good cause exemption is approved.

(3) **Qualifications Qualifies as unemployed.** ~~For the PWE to be considered To qualify as unemployed, the PWE must not be employed, or if the PWE is when employed, the countable net earnings plus any other countable income must be less than the payment standard for the family size, per OKDHS Appendix C-1, Maximum Income, Resources, and Payment Standards, Schedule IX.~~ ■ 3 The PWE's gross earnings are calculated and the applicable earned income exemptions are subtracted, per OAC 340:10-3-31 through 340:10-3-33. The PWE must meet the definition of qualify as unemployed during the application process and prior to the certification date of certification.

(A) **Specific period of unemployment.** ~~To qualify as not employed, the PWE must be unemployed for at least 30-calendar days prior to the receipt of TANF benefits certification date. The assistance unit is eligible for assistance may be certified beginning the 31st day if after employment ends when all other eligibility requirements are met.~~

(B) **Refusal of employment.** ~~The PWE cannot have refused does not qualify as unemployed when he or she refuses a bona fide employment offer of employment or terminated employment quits a job, without good cause, within the 30 30-calendar days prior to the receipt of the date TANF benefits can be certified.~~

~~(i) Before it is determined that the PWE has refused a bona fide offer without good cause, a determination is made that such an offer was actually made. For the offers made through public employment agencies, the determination is made by that agency. The PWE is given the opportunity to explain why the offer was not accepted. A bona fide offer is an employment offer of employment made directly by an employer or through a public or private employment agency to the PWE. An The employment offer of employment by the employer must be substantiated in by a written or oral verbal statement to OKDHS from the potential employer or public employment agency that on a specified time and specifies the date the offer was made, the PWE was offered a job of a specified nature duties, and at a the specified wage.~~

(ii) The worker must give the PWE the opportunity to explain why he or she did not accept a job or quit a job in order to determine if good cause exists. Acceptable good cause reasons for good cause are include when the:

- (i)(I) wages were offered or received are less than the minimum wage requirement or less than customary for the community;
- (ii)(II) employment was is available because of a strike, lockout, or other labor dispute;
- (iii)(III) the PWE was is unqualified or physically unable to perform such the work;
- (iv)(IV) the work involved risk to involves health or safety risks; or
- (v)(V) lack of job lacks worker's compensation protection.

(4) Work history requirement. The PWE must have a verified work history. Undocumented employment cannot be used to establish quarters of work. The PWE meets the work history exists requirement when the PWE he or she meets one of the conditions in (A) through (C) of this paragraph. ■ 4

(A) The PWE was employed for six or more calendar-quarters within a 13 consecutive calendar-quarter period. The 13 consecutive calendar-quarter period must end within 12 months prior to the TANF application date.

(i) Calendar-quarter means a period of three consecutive calendar months ending on March 31, June 30, September 30, or December 31.

(ii) To be considered employed, the PWE must have received gross earnings of at least \$50 in a each calendar-quarter or. When the PWE did not earn at least \$50 in each calendar-quarter, but earned the minimum amount required enough in another quarter of the same year to qualify for a more than one covered quarter as defined by the Social Security Administration (SSA), he or she may be considered employed for the quarter he or she did not earn \$50.

■-5

(I) The SSA states an individual a person qualifies for a quarter of coverage for any quarter that the individual person earns a the designated amount for that calendar year, per OKDHS Appendix C-1, Schedule XII.B. ■-6

(II) An individual can have When the PWE has enough earnings in one quarter to qualify for equal or exceed a full year's coverage, he or she is credited with four quarters of coverage for the year. Earnings received in the quarter the application is made are not considered. ■ 75

(B) The PWE is ~~receiving~~ receives or has received ~~Unemployment Insurance Benefits (UIB)~~ UIB within the ~~42-calendar~~ 12-calendar months prior to the TANF application date. If When the PWE has a pending UIB application, the work history determination is delayed requirement is not met until the worker verifies the PWE meets the work history requirement, per (A) or (C) of this paragraph or the PWE is approved for UIB determination is made.

(C) The PWE would have qualified for UIB for one week or more during the ~~42 calendar~~ 12-calendar month period prior to the TANF application date had the PWE made a UIB application for ~~UIB~~ based on earned wages, both covered and uncovered. Covered employment generally includes employment in construction, plants, stores, restaurants, offices, or other places of business which that employ

one or more persons. Uncovered employment generally includes employment from farm labor, odd jobs, and non-profit organizations.

(i) A PWE who had sufficient earnings to meet the UIB earnings requirement is deemed eligible for UIB even though all or a portion of the PWE's earnings were from uncovered employment. To be eligible or deemed eligible for UIB, the PWE must have earned at least the qualifying wages during the base period, per OKDHS Appendix C-1, Schedule XII.A. ■ 86 The base period consists of the first four of the last five completed quarters immediately preceding the quarter of the UIB application quarter.

(ii) The PWE must have earnings must be in more than one quarter or earn an amount equal to the total taxable wage in one quarter.

(I) The When more than one quarter of earnings is required; the quarter with the highest earnings is the high quarter. The total gross earnings of the remaining three quarters must equal at least one-half of the high quarter earnings. If When the earnings do not meet this test, the PWE is ineligible for UIB.

(iii)(II) If When the PWE earned an amount equal to the total taxable wage base in one quarter of the base period, the PWE is deemed eligible for UIB based on that quarter alone. ■-8

~~(d)(5) **UIB eligibility.** The PWE is required to apply for and accept UIB which when the PWE is eligible or potentially eligible to receive the benefits unless he or she is an ineligible alien. Thirty days are allowed for verification of After certification, the worker gives the PWE 30-calendar days to provide proof he or she made a UIB application to be furnished. Ineligible aliens are not required to apply for UIB.~~

~~(e) **Ineligible alien status.** If the PWE is an ineligible alien, the PWE's needs are not included in the assistance unit. ■-9 The PWE is not required to participate in TANF Work activities but the PWE's spouse or other parent included in the assistance unit is required to participate in TANF Work activities unless otherwise exempt. If both parents are ineligible aliens, the family does not qualify as a two-parent family as the work requirement cannot be met.~~

~~(f)(6) **Striker status.** The assistance unit is not eligible for TANF for any month in which the natural or adoptive parent is participating in a strike on the last day of the month. ■ 407~~

~~(g)(d) **Changes after certification.** After initial eligibility is determined, the two-parent family must continue to meet the conditions listed in (1) and (2) through (3) of this subsection to remain eligible as unemployed.~~

(1) **Drug screening.** The parents must not engage in the illegal use of a controlled substance or substances. When OKDHS has reasonable cause to believe either parent is engaged in the illegal use of a controlled substance or substances, the parent may be required to be screened, per OAC 340:10-4-1. When this occurs and the parent refuses to comply or fails to follow through with the screening or screens positive for the illegal use of a controlled substance or substances, the worker closes the TANF benefit.

(1)(2) **TANF Work requirements.** Both parents must participate in TANF Work related activities, per (c)(2) of this Section. Failure of When either parent, unless

~~exempt, fails to participate without good cause for the required number of hours, will result in closure of case the worker closes the TANF benefit. ■ 413~~

~~(A) If When the PWE becomes unavailable for TANF Work due to illness or injury, good cause may be granted if the condition is expected to last less than 30 calendar 30-calendar days. ■ 428~~

~~(B) If When the PWE's condition is expected to last more than 30 calendar 30-calendar days, deprivation based on incapacity must be pursued and established, per OAC 340:10-10-2. ■ 43~~

~~(2)(3) **Income.** The assistance unit must continue to meet income standards, per OKDHS Appendix C-1. If When the household's assistance unit's countable earned income plus any other income exceeds the payment standard for the family size, the ~~case is closed~~ worker closes the TANF benefit. Continued medical benefits are authorized for the assistance unit if when all other factors of eligibility are met, per OAC 340:10-3-75.~~

INSTRUCTIONS TO STAFF 340:10-10-3

Revised ~~2-1-209-15-21~~

1. The worker must verify each parent's earnings during the 24-month period and image the verification to the case record. The worker may use Form 08TA002E, Worksheet to Determine Principal Wage Earner, to document how the principal wage earner (PWE) was determined and/or record the documentation in the Family Assistance/Client Services (FACS) case notes.
2. (a) Before denying a Temporary Assistance for Needy Families (TANF) application when the applicant ~~states he or she~~ or the spouse cannot participate in TANF Work activities due to health issues, the worker must first pursue an incapacity decision, per Oklahoma Administration Code (OAC) 340:10-10-2.
(b) The net income of an alien parent who is excluded from the benefit because the citizenship or alienage requirement is not met is considered the same as stepparent income, per OAC 340:10-3-57(e) and (f)(2). The income of disqualified alien siblings is not considered when determining eligibility of an otherwise eligible child(ren).
3. ~~Refer to Oklahoma Department of Human Services (OKDHS) Appendix C-1, Maximum Income, Resource, and Payment Standards, Schedule IX, TANF, Emergency Assistance, and OAC 340:10-3-31 through 340:10-3-33 for information concerning earned income. Refer to OAC 340:10-2-2 for information concerning the sanction process when parents refuse or fail to participate in assigned work activities.~~
4. (a) The worker may use Form 08TA003E, Worksheet for Determining Work History, to document the PWE's work history and/or record the documentation in FACS case notes.
5. (b) The PWE's Federal Income Tax Schedule C ~~can~~ may be used to determine earnings when determining for the work history requirement when accompanied by a record showing how much he or she earned each month.
6. ~~Refer to OKDHS Appendix C-1, Schedule XII B, TANF, Deprivation Based on Unemployed Parent.~~

- ~~75. For example, the required minimum earnings per quarter for 2019 2020 is \$1,360 per quarter \$1,410. The PWE qualifies for four quarters when he or she earned \$5,440 \$5,640 in the first quarter of 2019 2020, since \$1,360 \$1,410 multiplied by four equals \$5,440 \$5,460. When the PWE earned less than the amount for four quarters of coverage, divide the earnings by the Social Security minimum earnings for a quarter of coverage for the correct year, per Appendix C-1, Maximum Income, Resource, and Payment Standards, Schedule XII.B, to determine the number of quarters that can be credited.~~
- ~~86. Refer to DHS Oklahoma Human Services Appendix C-1, Schedule XII A, TANF, Deprivation Based on Unemployed Parent. The worker may use Form 08TA004E, Worksheet to Determine Deemed Unemployment Insurance Benefit (UIB) Eligibility, to determine deemed unemployment insurance benefit eligibility.~~
- ~~9. Refer to OAC 340:10-3-57(f)(2) for information concerning income of an alien parent.~~
- ~~107. Refer to OAC 340:10-3-57(j) for additional information concerning strikers.~~
- ~~11. Refer to OAC 340:10-2-2 for information concerning penalties for individuals who refuse or fail to participate in assigned work activities.~~
- ~~128. Refer to OAC 340:10-2-2(d) for rules regarding good cause.~~
- ~~13. Refer to OAC 340:10-10-2 for rules to establish incapacity.~~

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

Revised 7-4-109-15-21

- (a) **Assignment of support rights.** ~~As a condition of eligibility, when~~ When the reason for deprivation is absence, each applicant or recipient of Temporary Assistance for Needy Families (TANF) must assign to the Oklahoma Department of Human Services (OKDHS) any support rights, including cash medical, that is pending or continuing for any family member included in the assistance unit as a condition of eligibility. This assignment **excludes** amounts ordered for past due or judgment amounts for persons who ~~have~~ never received TANF prior to this application. For persons who ~~have~~ previously received TANF, the assignment **includes** past due or judgment amounts previously assigned to OKDHS for the time period of time the applicant received TANF. Failure to assign support rights makes the assistance unit ineligible for TANF.
- (b) **Cooperation in obtaining support.** As a condition of TANF eligibility for TANF, each applicant or recipient, who is the natural or adoptive parent of the child(ren) included in the assistance unit, must cooperate with OKDHS in obtaining support for each child, of the individual per Section 608 of Title 42 of the United States Code (42 U.S.C. § 608). Failure of the applicant or recipient to cooperate without good cause may be indicated ~~either~~ during the intake application interview or at any time further action by the recipient is necessary. ■ 1
- (c) ~~If the applicant or recipient refuses to cooperate with OKDHS without good cause, the cash assistance must be reduced by 25% of the TANF payment standard the next effective date. ■-2~~
- (d) **Non-cooperation indicators.** ~~The Oklahoma Child Support Services (OCSS) district office makes the determination that an individual (CSS) determines when an applicant or recipient~~ is not cooperating in establishing paternity or in establishing, modifying, or

enforcing a support order, as required by Section 454(29) of the Social Security Act per 42 U.S.C. § 654 and Section 264.30 of Title 45 of the Code of Federal Regulations. ■-3
Non-cooperation Per Oklahoma Administrative Code 340:25-5-114, non-cooperation is indicated by when the applicant or recipient:

- (1) failure fails to appear at a ~~OCSS~~ district office to provide information or evidence relevant to the case participate in a scheduled CSS conference or meeting;
- (2) refusal refuses to complete and sign documents necessary to take legal action against the ~~absent~~ non-custodial parent(s) when requested to do so by the ~~OCSS~~ district office CSS;
- (3) failure fails to comply with an order for to submit oneself or the child(ren) to genetic testing for the individual and the appropriate child to determine paternity;
- (4) failure fails to appear as a witness at an administrative or district court hearing or other proceeding when cooperation is essential for the next step in providing child support services;
- (5) failure fails to provide information, or attest to lack of information, under penalty of perjury;
- (6) failure fails to forward to ~~OCSS~~ CSS all child support payments received from the ~~absent~~ non-custodial parent(s) or other entities other than the Centralized Support Registry after receiving the initial TANF benefit;
- (7) refusal to make a repayment agreement or to comply with a repayment plan when child support payments are retained; and
- (8) failure to notify ~~OCSS~~ of the pursuit of pursues private legal action affecting the status or amount of a support obligation paternity, child support, medical support, or child care or authorizes payments made other than through the Centralized Support Registry without giving CSS notice, and fails to keep CSS informed of the case status; and
- (8) engages in ongoing conduct detrimental to CSS enforcement efforts.

(d) **Penalty for failure to cooperate.** When the applicant or recipient is the natural or adoptive parent and fails or refuses to cooperate with OKDHS without good cause, the TANF benefit is reduced by 25 percent of the payment standard shown on OKDHS Appendix C-1, Maximum Income, Resource and Payment Standards, Schedule IX, per 42 U.S.C. § 608(a)(2), for the next advance notice effective date, per OKDHS Appendix B-2, Deadlines for Case Actions. ■ 2

(e) **Penalty removal.** When ~~OCSS~~ CSS determines the individual recipient is cooperating, the worker Adult and Family Services is notified and the ~~25%~~ 25 percent penalty is removed for the next effective date. ■ 43

INSTRUCTIONS TO STAFF 340:10-10-5

Revised 2-1-149-15-21

1. Refer to Oklahoma Administrative Code (OAC) 340:10-10-6 for good cause information.
2. (a) ~~Child Support Services (CSS) makes the determination of non-cooperation and whether to apply the 25% penalty, not the worker.~~
 - (1) When Child Support Services (CSS) staff makes the determination of non-cooperation, CSS staff updates the child support computer system to show an "O" in the "cooperation" field, the reason code in the "reason code" field,

and the date non-cooperation is determined in the "non-cooperation date" field. The worker views cooperation status by entering CCPI space and the client's family group number (FGN).

~~(2) When the CCPI screen shows non-cooperation, the system:~~

~~(A)(1) automatically applies the 25% percent penalty;~~

~~(B)(2) removes the adult's needs from the medical benefit unless, per OAC 317:35-5-7 the applicant or recipient is less than 19 years of age;~~

~~(C) closes child care subsidy benefits when approved; and~~

~~(D)(3) sends a notice to the client.~~

~~(b) The 25% penalty only applies when the applicant or recipient is the natural or adoptive parent of the child(ren). Caretaker relatives are not assessed a 25 percent penalty for failure to cooperate with CSS.~~

~~(c) Per OAC 317:35-5-7, the mother remains eligible for medical benefits if when she is pregnant. When the automatic process removes a pregnant mother from medical benefits in error, the worker must add the mother back to the medical benefits.~~

~~(d) When the parent and the child(ren)'s needs are not included in the same case, the 25% 25 percent penalty applies to the individuals persons included in the TANF benefit: This means when:~~

~~(1) the child(ren) receive a State Supplemental Payment (SSP) or Supplemental Security Income (SSI), the 25% 25 percent penalty applies to the adult only TANF benefit; and~~

~~(2) the adult receives SSP and/or SSI, the 25% 25 percent penalty applies to is coded on the oldest child's TANF benefit.~~

~~3. Refer to OAC 340:25-5-114 for CSS rules regarding cooperation.~~

~~4. (a) CSS makes the determination of cooperation and whether to apply the 25% penalty, not the worker.~~

~~(1) When CSS staff determine cooperation, he or she updates the client's CCPI screen to show cooperation by entering a "Y" in the "cooperation" field and the date cooperation is determined in the "non-cooperation date" field.~~

~~(2) When the CCPI screen shows cooperation, the system:~~

~~(A)(1) automatically removes the 25% 25 percent penalty;~~

~~(B)(2) recalculates the TANF benefits benefit;~~

~~(C)(3) adds the adult's needs to the medical benefit; and~~

~~(D)(4) sends a notice to the client.~~

~~(3) The worker must re-evaluate child care eligibility and re-open the child care authorization when applicable.~~

~~(b) Per OAC 340:10-3-57(g) Instructions to staff # 4715, the worker issues a supplement for the next month when compliance occurs after deadline.~~

340:10-10-6. Good cause

Revised 6-1-079-15-21

(a) Cooperation. When deprivation is based on absence, the custodial parent is required to cooperate in pursuing child support, per Oklahoma Administrative Code (OAC) 340:10-10-5, unless there is a good cause reason not to cooperate. When the client claims good cause, it is expected that a good cause determination be made with the same degree of

promptness as the determination of Temporary Assistance for Needy Families (TANF) eligibility unless there are difficulties in gathering needed information.

~~(a)(b) **Basis for client to claim good cause.** Although cooperation is required as a condition of eligibility for Temporary Assistance for Needy Families (TANF), federal regulations provide for waiver of that condition when such cooperation To claim good cause for not cooperating with child support, the client must provide or Oklahoma Human Services (OKDHS) must obtain documentary evidence when available, per (d) of this Section that shows it is not in the best interest of the child or the applicant or recipient to pursue support. However, the Oklahoma Department of Human Services (OKDHS) may determine that child support enforcement activities can be safely conducted without the cooperation of the client.~~

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

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

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

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

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

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

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

~~(b) **Cooperation.** The cooperation requirement per OAC 340:10-10-5 is a TANF eligibility condition ~~when there is an absent parent(s), unless the applicant has good cause for refusing to cooperate. In all but exceptional cases, such as when it is very difficult to gather information, the good cause determination must be made with the same degree of promptness as the determination of TANF eligibility.~~~~

~~(c) **Assignment and degree of promptness.** The good cause exception applies only to excuse the cooperation requirement. The requirement that the applicant or recipient per OAC 340:10-10-5 assign support rights to OKDHS as a condition for TANF eligibility:~~

~~(A) is independent from the cooperation requirement and cannot be waived or excused based on a good cause determination;~~

~~(B) is independent from the cooperation requirement; and~~

~~(C) is not affected by a good cause determination per OAC 340:10-10-5.~~

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

~~(1) When deprivation is based on absence, the applicant for or recipient of TANF must sign Form 08TA012E, Cooperation Agreement and Request for Good Cause, to~~

acknowledge he or she understands the good cause information on the form and indicate his or her cooperation decision: ■ 1

(A) ~~at the time of original application;~~

(B) at each benefit renewal;

(C) when a ~~an additional~~ child ~~request~~ is added to the grant ~~made~~; or

~~(C)(D) when circumstances result in an applicant's or recipient's~~ the recipient wants to request for good cause after certification.

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

(e) ~~**Responsibility of applicant or recipient**~~ **Client responsibility.** ~~It is the responsibility of the applicant or recipient who~~ When the client makes a good cause claim, for good cause to he or she must complete and sign Form 08TA009E, Good Cause Report, indicating the basis for the good cause claim and supply documentary evidence to establish the claim; or to furnish sufficient information to permit OKDHS to investigate the good cause circumstances of good cause for refusing to cooperate. Uncorroborated statements of the applicant or recipient do not constitute verifying information as required by this regulation. ■-2

(1) ~~The evidence must be of probative value and must be supported by written statements to the extent possible. Examples of acceptable written statements are~~ When available, acceptable documentary evidence may include:

(A) birth certificate or medical or law enforcement records which that indicate the child was conceived as a result of incest or forcible rape;

(B) court documents or other records which that indicate that legal adoption proceedings ~~for adoption~~ are pending before a court of competent jurisdiction;

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

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

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

~~(F)(E)~~ sworn statements from ~~individuals~~ persons other than the client with knowledge of the circumstances which that provide the basis for the good cause claim, except in the case of adoption.

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

(f) **Good cause decision.** Based on the documentary evidence and information provided, Adult and Family Services (AFS) TANF Unit staff makes the good cause decision. ■ 3

(1) When AFS approves good cause, the applicant or recipient is not required to cooperate in pursuing child support unless circumstances change.

(2) When all other eligibility requirements are met at application, but the applicant fails to provide information to support his or her good cause claim, the worker informs the client that he or she must sign a new Form 08TA012E agreeing to cooperate in pursuing child support or the application will be denied. ■ 4

(3) When the client provides good cause information and AFS TANF Unit staff determines good cause does not exist after certification, the worker informs the client that good cause was not approved and he or she is expected to cooperate in pursuing child support unless more documentary evidence can be provided. When the client:

(A) agrees to cooperate, he or she signs a new Form 08TA012E agreeing to cooperate and provides all known information about the non-custodial parent; or ■ 5

(B) continues to refuse to cooperate after certification, the non-cooperation penalty is applied. ■ 6

INSTRUCTIONS TO STAFF 340:10-10-6

Revised 2-1-149-15-21

1. (a) When the client requests good cause, the worker:

- (1) clicks on the "absent parent information" button within the Family Assistance/Client Services (FACS) Deprivation tab and updates the "cooperation" field to indicate "P" for "pending good cause" is pending;**
- (2) documents the circumstances in the case notes; and**
- (3) requests proof of good cause.**

(b) At each eligibility renewal and when circumstances change between renewals, the worker and client complete and sign a new Form 08TA012E, Cooperation Agreement and Request for Good Cause. When the client makes a different decision regarding good cause or gives new information during the interview, the worker evaluates whether a new good cause decision must be made.

(1) When it appears circumstances have not changed at renewal, no action is required concerning good cause.

(2) When good cause is currently approved for the non-custodial parent (NCP) and the client states it is now safe to pursue child support, the client completes and signs Form 08TA001E, Non-Custodial Parent (NCP) Information Sheet. This form is not sent to CSS. The worker:

(A) enters appropriate information in the FACS Deprivation tab and within the "absent parent information" button of the FACS Deprivation tab based on information provided on Form 08TA001E. This includes changing the "cooperation" field to "Y" for "agrees to cooperate";

(B) completes the Good Cause Decision Change portion of Form 08TA009E, Good Cause Report, explaining the current circumstances and emails it to TANF@okdhs.org for a final decision; and

- (C) documents the circumstances in FACS case notes.
- (3) When it appears to the worker that circumstances changed and good cause no longer exists but the client does not agree, the worker:
- (A) completes the Good Cause Decision Change portion of the original Form 08TA009E or a new Form 08TA009E when the original is not in the case record;
- (B) emails Form 08TA009E and documentation of the change(s) to TANF@okdhs.org for approval; and
- (C) images any documents to the case record and enters a FACS case note regarding the change.
- (4) When AFS determines that good cause no longer exists, refer to (f)(3) of this Section and Instructions to staff (ITS) # 3 of this Instruction.
- (5) When the client agreed to cooperate in pursuing child support at application or the last renewal and requests good cause at the current renewal or between renewals, the worker and client complete and sign a new Form 08TA012E. The worker follows appropriate procedures, per (d) and (e) of this Section.
- (c) When the client requests TANF benefits for an additional child, the worker and client complete and sign a new Form 08TA012E for that child. When the client:
- (1) requests good cause and it is already approved for the NCP, the worker does not need to submit Form 08TA009E to the AFS TANF Unit unless circumstances changed. The worker updates the FACS Deprivation tab to add the additional child;
- (2) does not request good cause, but it was previously approved for this NCP, the worker follows appropriate procedures, per (b)(2) of this Instruction; or
- (3) requests good cause and it was not previously requested for the NCP, the worker follows procedures, per (d) and (e) of this Section.
23. (a) After the client provides proof or the worker obtains documentation to support the good cause request, the worker and supervisor evaluate all evidence to determine whether good cause is justified explains to the client that the documentation will be submitted for approval, but it may or may not be approved. The worker:
- (1) certifies the application and enters a "P" for "pending good cause" within the "absent parent information" button of the FACS Deprivation tab;
- (2) completes Sections I, II, and III the County Good Cause Decision portion of Form 08TA009E, Good Cause Report, checks whether the good cause claim is valid, and forwards emails Form 08TA009E and a copy of the corroborative evidence to the CSS district office TANF@okdhs.org to obtain a final decision; and
- (3) records the action in FACS case notes.
- (b) When the client does not return proof of good cause, the worker:
- (1) completes Sections I, II, and III of Form 08TA009E and states in Section III that good cause is not found to be valid because the client failed to provide proof;

- (2) sends the form to CSS; and
- (3) documents case notes.
- (c) CSS Within 10-calendar days of certification, AFS TANF Unit staff:
 - (1) reviews the evidence and the worker's recommendation;
 - (2) completes Section IV giving his or her recommendation the AFS TANF Final Good Cause Decision portion of Form 08TA009E, and returns the form images the completed form to the case record;
 - ~~(1) When the worker and CSS district office staff concur with the client's claim for good cause, the worker updates the appropriate entries in the "absent parent information" button within the FACS Deprivation tab to indicate good cause approval.~~
 - ~~(2) When the worker and CSS district office staff concur that good cause does not exist, the worker informs the client good cause is not approved and if he or she continues to refuse to cooperate, the Temporary Assistance for Needy Families (TANF) cash assistance will be reduced by 25% of the TANF payment standard per OAC 340:10-10-5.~~
 - (3) updates the "pending good cause" field within the "absent parent information" button of the FACS Deprivation tab to "G, good cause for not cooperating has been determined" or "O, refusal to cooperate determined by AFS TANF";
 - (4) enters a FACS case note regarding the decision; and
 - (5) emails the decision to the county office worker.
- (c) When pending good cause is not changed to a "G" for "good cause for not cooperating has been determined" or an "N" for "refusal to cooperate determined by AFS TANF" with 10-calendar days of certification, CSS staff contacts AFS TANF Unit staff to determine good cause status.
- 4. When the client agrees to cooperate and signs Form 08TA012E, the worker certifies the application.
 - (1) The worker enters a "Y" in the "cooperation" field and completes the FACS Deprivation tab.
 - (2) When the client does not provide good cause information or does not agree to cooperate, the worker denies the application.
- 5. (A) When the client agrees to cooperate, the worker:
 - ~~(i)(1) and client sign a new Form 08TA012E, Cooperation Agreement and Request for Good Cause update Form 08TA001E, when needed; and~~
 - ~~(ii)(2) enters appropriate information in the FACS Deprivation tab and updates the "cooperation" field within the "absent parent information" button of the FACS Deprivation tab, on FACS including the "cooperation" field to indicate the client agrees to cooperate; and~~
 - (3) documents the information in FACS case notes.
- 6. (B) When the client continues to refuse to cooperate, the worker notifies CSS AFS TANF Unit staff of the client's decision. AFS TANF staff updates the "cooperation" field to show an "N" for "refusal to cooperate determined by AFS TANF" which notifies CSS of the non-cooperation decision.
 - ~~(i)(1) When CSS AFS TANF Unit staff makes the determination of non-cooperation, CSS staff updates the child support computer system to show~~

an "O" in the "cooperation" field, the reason code in the "reason code" field, and the date non-cooperation is determined in the "non-cooperation date" field. The worker views cooperation status by entering CCPI space and the client's family group number (FGN).

~~(ii)(2) When the CCPI screen shows non-cooperation, the system:~~

~~(I)(A) automatically applies the 25% 25 percent penalty;~~

~~(II)(B) removes the adult's needs from the medical benefit unless, per OAC 317:35-5-7, the applicant or recipient client is less than 19 years of age;~~

~~(III) closes child care subsidy benefits when approved; and~~

~~(IV)(C) sends a notice to the client.~~

~~(iii) The worker updates the "cooperation" field within the "absent parent information" button of the Deprivation tab on FACS to indicate the client refuses to cooperate.~~

~~(iv)(3) Per OAC 317:35-5-7, the mother remains eligible for medical benefits when she is pregnant. When the automatic process removes a pregnant mother from medical benefits, the worker must add the mother back to the medical benefits.~~

~~(3) When the worker and CSS district office staff do not concur in a determination of good cause, CSS submits all pertinent information, including Form 08TA009E, to the Adult and Family Services (AFS) TANF Section, where the final determination regarding good cause is made. AFS TANF Section staff returns Form 08TA009E with Section V completed to the worker for appropriate action and sends a copy to the CSS district office.~~

~~(d) At each renewal of eligibility, the worker and client complete and sign a new Form 08TA012E. When the client makes a different decision regarding good cause or gives new information during the interview, the worker evaluates whether a new good cause decision must be made.~~

~~(1) When it appears circumstances have not changed, action concerning good cause is not required.~~

~~(2) When it appears circumstances changed and good cause does not continue to exist, the worker:~~

~~(A) completes the AFS portion of Section VI of the original Form 08TA009E or Sections I and VI of a new Form 08TA009E when the original is not in the case record;~~

~~(B) attaches documentation of the change(s) to Form 08TA009E; and~~

~~(C) sends the information to the CSS district office for concurrence of the good cause reconsideration. The CSS district office completes the CSS portion of Section VI and returns the form to the worker.~~

~~(3) When the joint decision is that good cause no longer exists, refer to procedures at (c)(2) of this instruction. When the worker and CSS do not agree, refer to procedures per (c)(3) of this instruction.~~

~~(e) When a change in circumstances occurs between renewals, the worker and client complete and sign a new Form 08TA012E.~~

~~(1) When good cause is currently approved and the client states it is safe to pursue child support, the worker:~~

- ~~(A) completes Form 08TA001E, Absent Parent (AP) Information Sheet, with the client and the client signs the form;~~
- ~~(B) enters appropriate information in the FACS Deprivation tab, including the information within the "absent parent information" button, based on information provided on Form 08TA001E, and updates the "cooperation" field to indicate the client agrees to cooperate;~~
- ~~(C) completes Section VI of Form 08TA009E explaining the current circumstances and sends it to CSS. The worker DOES NOT send Form 08TA001E to CSS; and~~
- ~~(D) documents the circumstances in the case notes.~~
- ~~(2) When the client agreed to cooperate in pursuing child support and asks to request good cause at a later date, the worker and client complete and sign a new Form 08TA012E. The worker follows appropriate procedures per Instruction to staff (ITS) #1 and (a) through (c) of this instruction.~~
- ~~(f) When the client requests TANF benefits for an additional child, the worker and client complete and sign a new Form 08TA012E for that child.~~
 - ~~(1) When the client requests good cause and it is already approved for the absent parent, the worker does not need to submit Form 08TA009E to CSS unless circumstances changed. The worker updates the FACS Deprivation tab to add the additional child.~~
 - ~~(2) When the client does not request good cause, but it has previously been approved for this absent parent, the worker follows appropriate procedures per (e)(1) of this instruction.~~
 - ~~(3) When the client requests good cause and it has not previously been requested for the absent parent, the worker follows procedures per ITS # 1 of this section.~~

SUBCHAPTER 13. CONDITIONS OF ELIGIBILITY - SCHOOL ATTENDANCE

340:10-13-1. School attendance

Revised 6-1-149-15-21

(a) **Applicability School attendance requirement.** ~~School Regular school attendance is a condition of Temporary Assistance for Needy Families (TANF) eligibility. It is required for each Temporary Assistance for Needy Families (TANF) condition for each child from the age the child is eligible for kindergarten through 18 years of age unless the child is home educated, according to per the Oklahoma constitution and statutes Section 230.66 of Title 56 of the Oklahoma State Statutes (56 O.S. § 230.66). General Education Development (GED) High school equivalency (HSE), alternative high schools, or virtual schools meet this requirement. ■ 1~~

~~(1) If it is determined the When the worker determines that a school age child receiving TANF is not attending school regularly, the TANF cash assistance must be reduced by 25% 25 percent of the payment standard, per Section 604(i) of Title 42 of the United States Code, 56 O.S. § 230.52(c)(3), and Oklahoma Administrative Code 340:10-3-57(g). [OAC 340:10-3-57(h)]~~

~~(2) The 25% 25 percent penalty is removed the next effective date after the parent or caretaker relative provides verification the child is attending school. ■ 2 At application~~

and at each review renewal, the worker verifies regular school attendance is verified for each child in the family. ■ 3

(b) **Ages Requirement for children who are 18 years and under 19 years of age.** ■

4

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

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

INSTRUCTIONS TO STAFF 340:10-13-1

Revised ~~6-1-119-15-21~~

1. A virtual school describes an institution that teaches courses entirely or primarily through online methods.
2. If When compliance occurs after deadline, the worker issues a supplement for the next month. Refer to ~~OAC~~ Oklahoma Administrative Code 340:10-3-57(g) for more information regarding benefit reductions due to program violations.
3. The worker completes Form 08AD010E, School Attendance Verification, and sends it to the school to verify attendance. When the child attends a virtual school, acceptable verification are documents showing proof of enrollment and attendance reports.
4. ~~Refer to OAC 340:10-5-1.~~
5. (a) County Worker Activity (CWA) Report 13 indicates children turning 18 years of age. CWA Report 14 indicates children turning 19 years of age runs at the first of each month, and lists all cases where a child's age at his or her next birthday may affect eligibility for benefits. The case number and name of the child appears on the report two months before he or she turns 18 or 19 years of age and remains on report until the month following the child's birthday.
(b) When the child's name appears on the report, the worker determines when the child is expected to graduate. The When the child already graduated, will graduate the month he or she turns 18 years of age, or is not expected to graduate before or during the month he or she turns 19, the worker removes the child's needs from the cash assistance benefit the month following the month after the child reaches 18 years of age is reached. When the child is expected to graduate before or during the month he or she turns 19 years of age, the worker waits to remove the child from the cash assistance benefit until the month after he or she turns 19 years of age.

SUBCHAPTER 14. CONDITIONS OF ELIGIBILITY - IMMUNIZATIONS

340:10-14-1. Immunizations

Revised ~~9-16-199-15-21~~

(a) **Scope.** Sections 230.52, 230.56, and 230.65 of Title 56 of the Oklahoma Statutes and Section 608 of Title 42 of the United States Code address Temporary Assistance for Needy Families (TANF) recipients' responsibility to immunize their children. Immunization of minor children two months of age and older is a variable condition of eligibility that must be addressed before certification and, at renewal. The parent or caretaker relative must provide proof that each child is current on age-appropriate immunizations within 90-calendar days of certification and when additional immunizations become due in the future unless he or she requests and, is approved for a good cause exemption, per (b) of this Section. Refer to the Oklahoma State Department of Health (OSDH) website at www.ok.gov/health/ for current immunization schedules and vaccination information. ■ 1 Proof of immunization includes providing a copy of the vaccination record issued by the local health official or a licensed physician. ■ 2

(1) When the minor child attends a licensed child care center or home or a parochial, private, or public school, proof of current immunization is not required as each of these entities require proof of immunization or a signed OSDH Form 216-A, Certificate of Exemption, on file with OSDH as a condition of attendance.

(2) When the child does not attend a facility, per (a)(1) of this Section and the client fails to provide proof of current immunization within 90-calendar days without good cause, the worker reduces the TANF cash assistance by 25 percent of the payment standard, per Oklahoma Administrative Code 340:10-3-57(g). ■ 3 The worker removes the 25 percent penalty the next effective date after the client provides proof of current immunization. ■ 4

(b) **Good cause.** The client may ~~request~~ claim a good cause exemption because of the child's medical condition, the immunizations are contrary to the child's religion, or the client's personal objection.

~~(1) Before good cause may be approved~~ To claim a good cause exemption, the client must return a completed Form ~~216-A~~ 08TA017E, Immunization Certificate of Exemption, signed by: ■ 5

~~(A)(1)~~ (1) a physician, certifying that there is a medical contraindication;

~~(B)(2)~~ (2) a religious leader, parent, or caretaker relative, certifying that immunizations are contrary to the teachings of the child's religion; or

~~(C)(3)~~ (3) the parent or caretaker relative, certifying that immunizations are contrary to the parent's or care relative's beliefs.

~~(2) When the worker receives a completed Form 216-A, he or she sends the form to the OSDH address on the form for a good cause determination. Good cause is not approved until OSDH returns an approved Form 216-A to the worker. ■ 6~~

INSTRUCTIONS TO STAFF 340:10-14-1

Revised 2-1-20

- 1. A hyperlink is available to the Oklahoma State Department of Health (OSDH) "Information about Vaccines for Children, Adolescents, and Adults" page under Temporary Assistance for Needy Families (TANF)/Immunization Schedule on the Adult and Family Services Job Function page. Included on the page is the current Childhood Immunization Schedule showing at what ages vaccinations are due, the Recommended Immunizations for Children 7-18 Years Old, information about vaccines, and the laws regarding vaccination.**

2. When the worker determines that a child does not have the required immunizations or is not current, he or she refers the parent or caretaker relative to the child's primary care provider or to the local county health department. OSDH has outreach workers to assist families and can provide immunizations without charge.
3. Upon certification, the worker enters a "Y" for "immunizations current," an "N" for "immunizations not current," or a "P" for "immunizations pending," in the immunizations field of the Household tab in the Family Assistance/Client Services (FACS) and documents each child's status in FACS case notes.
 - (1) The worker uses the "P" code, when the:
 - (A) child is scheduled or will be scheduled to have his or her immunizations updated within the next 90-calendar days;
 - (B) client is staggering the child's immunizations over a longer period of time to prevent the possibility of a vaccine injury. In this instance, the client must provide documentation from the child's doctor verifying this plan and a schedule detailing when the child's immunizations are expected to be current;
 - (C) client is delaying the child's immunizations because another household member has a serious illness and immunizing the child could compromise the household member's health. In this instance, the client must provide documentation from the household member's doctor verifying this situation and when it might be safe to immunize the child; or
 - (D) client requests good cause and is in the process of getting a physician or religious leader's signature on Form 08TA017E, Immunization Certificate of Exemption.
 - (2) The worker uses the "N" code when:
 - (A) the child's immunizations are not up-to-date;
 - (B) an appointment is not set to update immunizations; and
 - (C) criteria per (1)(A) of this instruction does not apply.
 - (3) All children coded "P" for immunization or good cause pending or "N" for immunizations not current are shown on the worker's County Worker Activity (CWA) report 62 until the worker changes the immunization code to "Y" for immunization current or "G" for good cause exemption paperwork received. The worker must complete a renewal at six-month intervals when required immunizations are pending or are not current, per Oklahoma Administrative Code (OAC) 340:65-3-8.
4. When compliance occurs after deadline, the worker issues a supplement for the next month. Refer to OAC 340:10-3-57(g) for more information regarding benefit reduction penalties due to program violations.
5. OSDH only processes good cause exemption requests for schools and child care facilities. To claim a good cause exemption when the child does not attend one of these facilities, the client must return a completed Form 08TA017E, signed by a:
 - (1) physician certifying that there is a medical contraindication;

- (2) religious leader, parent, or caretaker relative certifying that immunizations are contrary to the teachings of the child's religion; or
 - (3) parent or caretaker relative certifying that immunizations are contrary to the parent or caretaker's beliefs.
6. Once the worker receives a completed and signed Form 08TA017E, the worker:
- (1) updates the immunization field to "G" for good cause exemption paperwork received;
 - (2) images a copy to the case record; and
 - (3) enters a Family Assistance/Client Services (FACS) case note.

SUBCHAPTER 15. CONDITIONS OF ELIGIBILITY - CITIZENSHIP AND ALIENAGE

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

Revised ~~7-1-10~~ 9-15-21

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

- (1) a citizen or a national of the United States (U.S.), including the 50 states, District of Columbia, commonwealth of Puerto Rico, Virgin Islands, Guam, American Samoa and Northern Mariana Islands. 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., ~~under~~ per Section 212(d)(5) of INA for a period of at least one year;
 - (C) an alien who is granted conditional entry, ~~pursuant to~~ per Section 203(a)(7) of INA as in effect prior to April 1, 1980;
 - (D) an alien who is granted asylum, ~~under~~ per Section 208 of INA;
 - (E) a refugee who is admitted to the U.S., ~~under~~ per Section 207 of INA;
 - (F) an alien whose deportation is withheld, ~~under~~ per Section 241(b)(3) of INA;
 - (G) an alien who is a Cuban or Haitian entrant as defined, ~~in~~ per Section 501(e) of the Refugee Education Assistance Act of 1980;
 - (H) battered aliens and their children or parents as defined, ~~in~~ 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); {8 U.S.C. 1641(c)}
 - (I) an alien and his or her eligible relatives who are victims of a severe form of trafficking, ~~pursuant to~~ per Section 107(b) of the Trafficking Victims Protection Act of 2000 ~~which that~~ was reauthorized and amended by the Trafficking Victims Protection Reauthorization Act of ~~2003~~ 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 ~~per~~ 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,

pursuant to ~~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; or

(K) an Afghan admitted in special immigrant status as defined, ~~in~~ per Section 101(a)(27) of the INA, {8 U.S.C. § 1101(a)(27)} and ~~per~~ 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.

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

(1) admitted to the U.S. as a refugee;

(2) granted asylum;

(3) one whose deportation is being withheld;

(4) a Cuban or Haitian entrant;

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

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

(7) is a victim of a severe form of trafficking, per (a)(2)(I) of this Section. ■-2

~~(c) A declaration of~~ The applicant or recipient is required to declare the citizenship and or alien status is required for all adults and children included in the TANF benefit. This requirement is met when an adult member in the assistance unit when he or she completes and signs the application or review form attesting to the citizenship and alien status for all members of the assistance unit renewal. Refer to OAG Oklahoma Administrative Code 340:65-3-1(g) for additional citizenship requirements for persons 14 years of age and older, ~~pursuant to~~ 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 ~~redetermination~~ renewal.

(e) ~~Persons determined as having satisfactory~~ declaring qualified alien status must ~~have~~ 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 . In situations which require a written inquiry to the When secondary verification must be pursued through USCIS, the worker must not delay, deny, ~~terminate~~ close, or reduce benefits to an alien pending a response from USCIS ~~verification of submitted documentation.~~ ■ 32

(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 can usually be determined by a birth certificate, passport, or other official document. ■ 43

INSTRUCTIONS TO STAFF 340:10-15-1
Revised 7-1-109-15-21

1. The Office of Refugee Resettlement (ORR) provides a certification letter to a person 18 years of age ~~or~~ and older and an eligibility letter to a person who has not attained 18 years of age. These persons are also provided T Visas which ~~indicates~~ 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. ~~Refer to OAC 340:10-15-1(a)(2)(I).~~
3. Refer to OAC Oklahoma Administrative Code 340:65-3-4(5) and 340:65-3-4, Instructions to Staff #1519, for information regarding the Systematic Alien Verification for Entitlements (SAVE), Alien Status Verification Index, and secondary verification protocol.
43. ~~Any~~ The worker refers any questions regarding whether any other official document provides reliable evidence of citizenship or national status are referred to Adult and Family Support Services Division Temporary Assistance for Needy Families Section Unit.

SUBCHAPTER 18. CONDITIONS OF ELIGIBILITY FOR SUPPORT SERVICE FUNDS FOR CHILD ONLY CASES

340:10-18-1. Conditions of eligibility for support service funds for ~~child only cases~~ Revised ~~9-15-17~~ 9-15-21

(a) **Scope.** ~~In an effort~~ Support service funds may be provided to families receiving Temporary Assistance for Needy Families (TANF) to promote family stability and assist in the prevention of Child Welfare (CW) Services (CWS) involvement, the when funds are not available through other sources. Refer to Oklahoma Department of Human Services (DHS) provides support service funds to child only cases when there is no natural or adoptive parent(s) in the home and a caretaker relative has assumed responsibility for rearing the child(ren) (OKDHS) Appendix H-4-A, Support Services Funds, for a list of services and the maximum amount that may be spent per service. ~~■ 1 The worker provides or arranges payment(s) of the approved support service fund(s) determined appropriate to maintain the child(ren) in the home.~~

(b) **Support service funds.** ~~■ 21~~ Payments for the services through support service funds are not an automatic entitlement to the child(ren). The worker determines on a case-by-case basis, whether to authorize payments and services. The county director or designee is responsible for periodically monitoring expenditures from the support service account.

(1) The worker does not approve support service funds for:

- (A) fines, including traffic fines or any cost related to a criminal offense, such as legal fees or court costs;
- (B) items and services covered by SoonerCare (Medicaid);
- (C) ongoing household expenses, such as, but not limited to, rent, utilities, and car payments; or
- (D) payments to reimburse the client or another person for the cost of services already paid.

- (2) Before authorizing payment for support service funds, the worker:
- (A) determines if the service is available through any other resource. Resources may include other DHS OKDHS programs, local churches, and civic groups; and
 - (B) negotiates for goods and services for the child(ren) for the least possible cost. The negotiated amounts must not include state or local sales taxes.
- (3) Payments of specific services are allowed only after the service is rendered. To authorize payment, the:
- (A) worker signs an Authorization to Purchase form and gives it to the ~~caretaker relative~~ TANF payee; ■ 32
 - (B) ~~caretaker relative~~ TANF payee takes the Authorization to Purchase form to the provider;
 - (C) provider renders the service and the ~~caretaker relative~~ TANF payee signs the Authorization to Purchase form confirming the service was provided; and
 - (D) provider sends the Authorization to Purchase form to ~~DHS Finance and Administration~~ OKDHS Financial Services for payment.

INSTRUCTIONS TO STAFF 340:10-18-1

Revised ~~2-1-209-15-21~~

- ~~1. The needs of the caretaker relative(s) are not included in the Temporary Assistance for Needy Families (TANF) benefit.~~**
- 2. The worker provides or arranges payment(s) of the approved support service fund(s) determined appropriate to maintain the child(ren) in the home. Support service fund guidelines funds are available for;**
 - (1) parents or caretaker relatives to pay for:**
 - ~~(1)(A) School school supplies. This service is utilized for supplies when they are not provided by the school and required for the classroom.;~~
 - ~~(2)(B) School school activities. This service is utilized for school for fees that include, but are not limited to:~~
 - ~~(A)(i) laboratory fees;~~
 - ~~(B)(ii) art class fees;~~
 - ~~(C)(iii) driver education fees;~~
 - ~~(D)(iv) sports class fees;~~
 - ~~(E)(v) a one-time rental payment for band and orchestra instruments;~~
 - ~~or~~
 - ~~(F)(vi) specialized equipment or clothing for sports or school-related clubs, such as footwear for sports or club uniforms.;~~
 - ~~(3)(C) Clothing. This service is utilized clothing when clothing is determined necessary for the child(ren). Examples are diapers, school clothing or uniforms, or shoes.;~~
 - ~~(4)(D) Youth activities. This service is utilized for costs for after school activities related to youth organizations as well as and summer youth activities. Costs may also include, but are not limited to, ~~costs for~~ specialized equipment, shoes, or clothing; and~~
 - ~~(E) driver education fees.;~~ **or**
 - (2) caretaker relatives only whose needs are not included in Temporary Assistance for Needy Families benefit to pay for:**

~~(5)(A) Legal legal issues.~~ This service is only utilized for the cost of obtaining legal services to obtain guardianship or legal custody of the child(ren).;

~~(6)(B) Counseling counseling.~~ This service is utilized for counseling services for the child(ren) as well as for parenting classes for the caretaker.;

~~(7)(C) Shelter shelter-related expense.~~ This service is utilized for an emergency shelter need; and

~~(8)(D) Transportation transportation-related expense.~~ This service is utilized for an emergency transportation need.

32.(a) To issue an Authorization to Purchase form, the worker accesses the payment screen through the online Finance System or Finance Applications website on the InfoNet. On the payment screen, the worker enters:

- (1) the provider's federal identification number, address, and phone number;
- (2) the case number;
- (3) the cash amount of the service;
- (4) the appropriate object code found on the Oklahoma Department of Human Services (DHS) Appendix H-4-A, Support Services Funds; and
- (5) a description of the service to be provided. This description must be as detailed as possible to prevent any misunderstanding as to what the payment of the authorization covers.

(b) After entering the information and hitting 'Enter,' the worker prints the completed Authorization to Purchase form, obtains the supervisor's signature on the completed form in red ink, and gives it to the caretaker relative to take to the provider.

SUBCHAPTER 20. DIVERSION ASSISTANCE

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

Issued 9-15-21

(a) Scope. Families with a minor child(ren) may apply for a one-time DA payment instead of Temporary Assistance for Needy Families (TANF) when there is an immediate need to retain or obtain employment. The option of applying for DA instead of TANF is based on funding availability. ■ 1

(1) DA is not approved to pay fines, including traffic fines, or any cost related to a criminal offense, such as legal fees or court costs.

(2) DA is not approved to reimburse expenses already paid by the family or others.

(3) An applicant may only be approved for DA once in his or her lifetime and once approved, the family is not eligible to receive a TANF cash assistance payment for 12 calendar months. Therefore, it is vital that financial planning be initiated to determine if a DA payment will allow the family to be self-sufficient for the next 12 months. ■ 2

(A) A DA payment does not count toward the family's 60-month life time limit for receiving a TANF cash assistance benefit.

(B) Any family that includes an adult who already reached the 60-month life time limit is not eligible for DA.

(4) Families approved for DA are not included in the count of persons reported for TANF federal participation rates. DA payment does not count against the person's 60-month lifetime limit for TANF receipt.

(b) **Application filing.** Applicants must sign and submit an application and be interviewed, per Oklahoma Administrative Code (OAC) 340:65-3-1(b) and (c) to apply for DA. They cannot apply online for a DA benefit. ■ 3

(1) In signing the application, an applicant agrees to not apply for TANF for at least one year from the DA application date. In two-parent families both parents must sign the application.

(2) A stepparent may be included in the benefit when the couple is legally married.

(3) To be considered timely, a DA application must be processed within seven-business days.

(c) **Eligibility criteria.** The family must meet the eligibility criteria described in (1) through (7) of this subsection to qualify for DA. ■ 4

(1) The applicant must verify that he or she is employed or has a bona fide offer of employment. ■ 5

(2) There must be a financial need that, if not met, could cause the applicant to lose employment or not be able to accept an employment offer. ■ 6

(3) An adult(s) must be included in the DA application and must meet the specified degree of relationship to the minor child(ren) included in the application, per OAC 340:10-9-1. ■ 7

(4) The family's monthly gross income cannot exceed the gross income maximum, per Oklahoma Human Services (OKDHS) Appendix C-1, Maximum Income, Resource, and Payments Standards, Schedule XVI, for the appropriate family size. ■ 8

(5) The family's resources cannot exceed the resource limits, per OKDHS Appendix C-1, Schedule XVI. ■ 9

(6) The applicant must furnish or apply for a Social Security number (SSN), per OAC 340:65-3-1(f).

(7) The family must meet citizenship and alienage requirements, per OAC 340:10-15 and OAC 340:65-3-1(g).

(d) **DA payment amount.** The maximum DA payment is equal to four months of the payment standard, per OKDHS Appendix C-1, Schedule XVI, for the appropriate family size based on the family's financial need. DA payments may be issued in more than one authorization to purchase or other approved method when the request for additional funds is made within 120-calendar days of the initial application date, and the total payments do not exceed four times the monthly payment standard for the family size. ■ 10

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Issued 9-15-21

1. The Diversion Assistance (DA) program only operates when funding is available. Oklahoma Human Services (OKDHS) county office staff is notified when funds are available.
2. The lifetime limit applies to the adult(s) and child(ren) included in the DA payment. As long as the child(ren) remains a minor, this restriction applies.
3. (a) During the application interview, the worker informs DA applicants of other social services available to them and their family members, such as:

- (1) 211 to connect with community resources;
- (2) financial or consumer credit counseling;
- (3) substance abuse treatment;
- (4) domestic violence services;
- (5) Prevention and Relationship Education Program (PREP) workshops; and
- (6) marriage counseling services.

(b) When appropriate, the worker makes a referral to Child Welfare Services and documents the reason for the referral in Family Assistance/Client Services (FACS) case notes.

- 4. DA does not have a Temporary Assistance for Needy Families Work or deprivation of parental support requirement.
- 5. The worker must verify the adult is currently employed or has a valid employment offer. In two parent families, both parents do not have to be employed; however, one must be at risk of losing his or her employment or have an employment offer. The worker documents how employment was verified in FACS case notes.
- 6. The worker is required to verify the financial need and the cost of meeting the need and to document this information in FACS Case Notes. A budget sheet may be used to determine income and expenses.
- 7. Refer to Oklahoma Administrative Code (OAC) 340:10-3-56(a)(3) for persons whose needs must not be included in the DA payment.
- 8. (a) Family gross income includes income from all household members included in the DA payment. When present in the home, it also includes the income of a person acting in the role of spouse and the income of parents of a minor parent, per OAC 340:10-3-57(e).
(b) Refer to OAC 340:10-3-26 through 340:10-3-40 for countable and excluded income and income exemptions and OAC 340:10-3-56 and 340:10-3-57 for information regarding whose income must be considered.
- 9. Refer to OAC 340:10-3-5 for consideration of resources.
- 10. (a) Prior to completing an authorization to purchase, the worker must:
 - (1) approve DA by certifying the FACS Financial Assistance tab with reason code 24D and entering four times the TANF payment standard for the number of eligible persons in the assistance unit in the payment amount field;
 - (2) determine on a case-by-case basis whether the applicant's financial need can be met through any other resource. This may include other OKDHS programs, service agencies, local churches, or civic groups; and
 - (3) negotiate with vendors to get the goods and services needed by the client at the least possible cost, determine if any labor cost can be reduced or donated, and inform the vendor to not include state or local taxes in the negotiated amount.
- (b) DA may be used to pay for one or more of the financial needs, per OKDHS Appendix H-4-B, Diversion Assistance Goods, Services, and Object Codes.
 - (1) To be eligible for an automobile repair or expenses related to tag, title, tax, or insurance, the automobile must be owned or co-owned by the payee or his or her spouse. The payee or spouse must have a valid driver license.

When the payee or spouse is younger than 21, the payee's parent or the spouse's parent can own the automobile.

(2) Payment is not made until the vendor provides the goods or services and completes the vendor portion of the form.

(c) The client's relatives are not eligible for payment.

(d) The worker must inform the vendor about the voucher process by explaining:

(1) payment can only be made to vendors who have a federal employer identification number (EIN);

(2) no state or local taxes included in the negotiated cost of the goods or service;

(3) an Authorization to Purchase form is used to authorize payment and that a description of the agreed upon service is detailed on the form; and

(4) payment is not made until the vendor provides the goods or services and completes the vendor portion of the form.

(e) To complete an Authorization to Purchase form, the worker accesses the payment screen on the Finance Applications web page and enters required information on the payment screen for DA. This includes entering:

(1) the provider's EIN, address, and phone number;

(2) the case number;

(3) the negotiated amount of the service;

(4) the appropriate object code, per OKDHS Appendix H-4-B; and

(5) a description of the goods or services. The description must be as detailed as possible to prevent any misunderstanding as to what the payment of the authorization covers.

(f) The worker prints the completed form generated from the information entered on the payment screen, obtains the supervisor's signature in red ink, and gives the form to the client to take to the vendor. The worker advises the client to wait to sign the form until after the goods or services are provided to ensure the agreed upon goods or services are provided. To receive payment after the goods are provided or the services are completed, the vendor follows instructions on the form.

(g) The worker enters a FACS case note that includes:

(1) what circumstances caused the applicant to apply for assistance;

(2) how the applicant and the worker agreed that approving DA instead of TANF is expected to allow the applicant to be self-sufficient for at least 12-calendar months;

(3) what resources were explored to try to meet the applicant's needs before approving DA;

(4) what goods or services were approved and why; and

(5) the cost of the goods or services and how prices were negotiated.

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