

TANF Checklist for Agencies

1. Assistance or non-assistance?

Federal law differentiates between “assistance” and “non-assistance” programs under TANF. “Non-assistance” includes benefits and services for non-recurrent, short-term needs, work subsidies, supportive services to employed individuals (e.g. transportation), incentives, counseling, case management, peer support, child care information and referral, transitional services, job retention, job advancement, and other employment-related services that do not provide basic income support. Many other things could qualify as “non-assistance.” Generally, as long as the benefits or services are not designed to meet a family's ongoing basic need, it is considered “nonassistance.”

Note: transportation and child care for unemployed families is considered “assistance,” unless it is provided as a non-recurring short-term service not extending beyond four months.

2. Which purpose? 42 U.S.C. §601

An agency must demonstrate how services meet one or more TANF purposes:

1. **“to provide assistance to needy families so that children may be cared for in their own homes or in the homes of relatives.”**

Includes “non-assistance”

Need minor child or could be pregnant

Must be needy (e.g. 200% FPL)

Noncustodial parent – ok for nonassistance if minor child in the state

SSN requirement

2. **“to end the dependence of needy parents on government benefits by promoting job preparation, work and marriage”**

Need minor child or could be pregnant

Must be needy (e.g. 200% FPL)

Noncustodial parent – ok for nonassistance if minor child in the state

SSN requirement

3. **“To prevent and reduce the incidence of out-of-wedlock pregnancies and establish annual numerical goals for preventing and reducing the incidence of these pregnancies.”**

Need minor child or could be pregnant

Must be needy (e.g. 200% FPL)

Noncustodial parent – ok for nonassistance if minor child in the state

4. "To encourage the formation and maintenance of two parent families"

Need minor child or could be pregnant

Must be needy (e.g. 200% FPL)

Noncustodial parent – ok for nonassistance if minor child in the state

3. Minor child

For purposes 1 and 2, federal regulation defines a minor child for purposes of considering what a "needy family" is:

Minor child means an individual who:

(1) Has not attained 18 years of age; or

(2) Has not attained 19 years of age and is a full-time student in a secondary school (or in the equivalent level of vocational or technical training)

Families are defined by federal regulation and state law as follows:

⌚ A minor child who resides with a parent, specified relative, legal guardian or legal custodian (a child may be temporarily absent from the home provided certain requirements are met);

⌚ A pregnant individual with no other children; or

⌚ A non-custodial parent who lives in the state, but does not reside with his/her minor child(ren).

4. TANF Non-Citizen Eligibility Requirements

Lawful permanent resident (LPR) aliens who were living in the U.S. prior to 08/22/96 continue to meet the citizenship requirement indefinitely.

Immigrants entering the U.S. on or after 8/22/96 and who have not obtained U.S. citizenship do not pass the citizenship requirement unless they meet one of the following exceptions:

A. LPR alien with 40 qualifying work quarters

B. U.S. military connection. Includes active duty personnel and honorably discharged veterans & their families

-Does not include National Guard unless "federalized".

-Check discharge papers (DD-214) for discharge reason(s).

C. Persons who fall within one of the following five categories of "qualified alien" have the citizenship requirement waived for five years from their date of entry. After five years, they are required to have become U.S. citizens or meet one of the other listed exceptions.

5. Prohibitions:

Pursuant to federal TANF law and federal procurement laws, TANF cannot be used for:

- Medical services
- Juvenile justice services
- Regular IV-D child support services
- Regular IV-E services
- Foster care maintenance payments
- Constructing or purchasing buildings or facilities or purchasing real property
- Public education
- Satisfying a cost sharing or matching requirement of another federal program unless specifically authorized by federal law

<u>Category</u>	<u>Immigration and Nationality Act</u>
1. Refugee	INA Sec 207
2. Granted Asylum	INA Sec 208
3. Deportation Withheld	INA Sec 243 (h) or 241 (b)(3)
4. Cuban or Haitian entrant	Refugee Education Assistance Act of 1980 Section 501 (e)
5. Amerasian	Foreign Operations, Export Financing & Related Programs Appropriations Act of 1988

Immigration documents will usually contain the immigration category (e.g. RE for Refugee, AS for asylum, etc.) or the corresponding INA Section listed above.

D. Victims of Severe Forms of Trafficking (forced labor) OAC Rule 5101:1-2-30.1

-verify via notarized letter from the Office of Refugee Resettlement or call (866) 401-5510.

E. Persons who fall within one of the following four categories of “qualified alien” do not have the citizenship requirement temporarily waived. They are considered ineligible aliens until they either become U.S. citizens or meet one of the other previously listed exceptions.

<u>Category</u>	<u>Immigration and Nationality Act (INA)</u>
1. Lawful Permanent Resident (LPR)	INA Sec 101 (a) (2), (I-151 or I-551)
2. Conditional Entrant	INA Sec 203 (a)(7)
3. Parolee	INA Sec 212 (d)(5)
4. Battered parent, spouse or child	INA Sec 204 (a)(1)(A) or (B)241 (a)(3)

6. Eligibility Determination and Verification

Identify the TANF eligible services Identify population

eligible for the service Identify the personal information to be collected

Identify the process by which eligibility will be determined, including the method that will assure only low-income families up to 200% of poverty are served Identify the files that will be maintained to document eligibility and ongoing services

Identify process to ensure that applicants have appeal rights to eligibility decisions

Verification:

Agencies should keep records to document claims, and should, therefore, have and keep adequate records on eligibility. The state has an inherent interest in ensuring the integrity of its expenditures. Agencies should ensure that funds for services are properly benefiting eligible participants.

If accepting self-declaration, it is the responsibility of the agency to ensure that the client statement is documented in the case record. Therefore, an agency that chooses to accept self-declarations must include this as part of its eligibility process and document such case activity.

7. Social Security Numbers

If the eligibility for the program(s) offered is limited by income or citizenship, then each person applying for TANF services must provide the agency with a social security number, or apply for a social security number. Providing a number is a condition of receipt of assistance. The collection of this information, including the social security number of each household member applying for assistance, is authorized under Section 1137(a) of the Social Security Act. The social security number will be used when contacting appropriate persons or agencies to determine eligibility and verify information that has been provided for the program.

When collecting the social security number of an applicant for TANF services, the agency is required to provide the following notice:

INFORMATION REGARDING YOUR SOCIAL SECURITY NUMBER Generally, if you are applying for TANF services, you must provide the social security number of only those persons you are seeking the benefits for. However, there may be instances where we need the social security numbers of members of the household to verify income or other eligibility criteria to determine eligibility even though they are not seeking TANF services themselves. We may decide that certain members of your family are not eligible for TANF services because, for example, they do not have the right immigration status. If that happens, other family members may still be able to get TANF services if they are otherwise eligible.

Social security numbers may be used when contacting appropriate persons or agencies to determine your eligibility and verify information you have given for TANF services; for example, income, disability benefits or other similar benefits and programs. Such information may affect your household eligibility for TANF services. Your social security number may be used for a felony warrant match; a match of persons in violation of probation or parole by law enforcement agencies; or for purposes of investigations, prosecutions, and criminal or civil proceedings that are within the scope of law enforcement agencies' official duties.