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**IDAPA 16
TITLE 03
Chapter 08**

16.03.08 - RULES GOVERNING TEMPORARY ASSISTANCE FOR FAMILIES IN IDAHO

000. LEGAL AUTHORITY.

The Idaho Department of Health and Welfare is authorized to adopt rules for the administration of public assistance programs by Section 56-202, Idaho Code. (7-1-97)T

001. TITLE AND SCOPE.

These rules are known and will be cited as the Rules of the Idaho Department of Health and Welfare, IDAPA 16, Title 03, Chapter 08, "Rules Governing the Temporary Assistance for Families in Idaho (TAFI) Program." These rules provide standards for the administration of the TAFI program. (7-1-97)T

002. WRITTEN INTERPRETATIONS.

003. ADMINISTRATIVE APPEAL.

004. TEMPORARY ASSISTANCE FOR FAMILIES IN IDAHO.

The goals of Temporary Assistance for Families in Idaho (TAFI) are jobs for participants and support for both personal and family responsibility. This focus requires more than government alone can or should provide. This program requires relationships where participants, families, local communities and employers work together to help participants obtain employment and achieve self-reliance. Department resources for applicants and participants will be provided in the following priority order, if applicable: Child Support Services (CSS); child care assistance; other Department services such as Medicaid, Food Stamps, Aid to the Aged, Blind and Disabled (AABD); and TAFI. (7-1-97)T

005. RULE AVAILABILITY.

Copies of these rules are available from the Administrative Procedures Section, 10th Floor, Towers Building - 450 West State Street, P.O. Box 83720, Boise, Idaho 83720-0036. (7-1-97)T

006. -- 009. (RESERVED).

010. DEFINITIONS.

01. Applicant. An individual who applies for Temporary Assistance for Families in Idaho. (7-1-97)T
02. Department. The Idaho Department of Health and Welfare. (7-1-97)T
03. Earned Income. Cash or in-kind payment derived from employment or self-employment. Receipt of a service, benefit or durable goods instead of wages is in-kind income. Earned income is gross earnings before deductions for taxes or any other purposes. (7-1-97)T
04. Good Cause. The conduct of a reasonably prudent person in the same or similar circumstances, unless otherwise defined in these rules. (7-1-97)T
05. Parent. The mother or father of the dependent child. In Idaho, a man is presumed to be the child's parent if he is married to the child's mother at the time the child is conceived or born. Common law marriages are not legally recognized after January 1, 1996. (7-1-97)T
06. Participant. An individual who has signed a Personal Responsibility Contract. (7-1-97)T
07. Personal Responsibility Contract (PRC). An agreement negotiated between a family and the Department that is intended to result in self-reliance. (7-1-97)T
08. Unearned Income. Income received from sources other than employment or self-employment, such as Social Security, unemployment insurance, and workers' compensation. (7-1-97)T

011. ABBREVIATIONS.

- | | | |
|-----|---|-----------|
| 01. | AABD. Aid to the Aged, Blind and Disabled. | (7-1-97)T |
| 01. | CSS. Child Support Services. | (7-1-97)T |
| 02. | ECA. Extended Cash Assistance. | (7-1-97)T |
| 03. | EITC. Earned Income Tax Credit. | (7-1-97)T |
| 04. | HUD. The U.S. Department of Housing and Urban Development. | (7-1-97)T |
| 05. | IPV. Intentional Program Violation. | (7-1-97)T |
| 06. | PRC. Personal Responsibility Contract. | (7-1-97)T |
| 07. | RSDI. Retirement, Survivors, and Disability Insurance. | (7-1-97)T |
| 08. | SSN. Social Security Number. | (7-1-97)T |
| 09. | TAFI. Temporary Assistance for Families in Idaho, which is the TANF program in Idaho. | (7-1-97)T |
| 10. | TANF. Temporary Assistance to Needy Families (Federal Program). | (7-1-97)T |
| 11. | VA. Veterans Administration. | (7-1-97)T |

012. -- 099. (RESERVED).

100. TAFI ELIGIBILITY.

To be eligible for TAFI, an individual must sign an application; provide verification requested by the Department; negotiate and sign a PRC; complete work activities including job search; and meet all other personal responsibility and financial criteria. (7-1-97)T

101. TIME LIMIT.

Lifetime eligibility for adults is limited to twenty-four (24) months unless otherwise provided by these rules. Any month that a TANF benefit was received in another state after June 30, 1997, counts toward the twenty-four (24) month Idaho time limit. If during the twenty-four (24) month time limit the Department does not end benefits at the appropriate time and a payment is made in error, the month is not counted towards the twenty-four (24) month time limit. (7-1-97)T

102. -- 106. (RESERVED).

107. ALTERNATIVE RESOURCES.

The family must apply for any other source of income for which they are potentially eligible. (7-1-97)T

108. APPLICATION FOR ASSISTANCE.

The application form must be signed by an adult participant, a legal guardian or a representative, and must be received by the Department. (7-1-97)T

109. EFFECTIVE DATE.

The effective date of the TAFI grant is the date all eligibility criteria are satisfied, or a later date that is negotiated with the Department. (7-1-97)T

110. FORMS AND SCHEDULED MEETINGS.

The family must complete the application process and forms, and must attend all scheduled meetings unless good cause exists. (7-1-97)T

111. -- 115. (RESERVED).

116. PERSONAL RESPONSIBILITY CONTRACT (PRC).

A personal responsibility contract must be negotiated and signed by the family, and all application activities must be completed before eligibility can be approved. The family must continue to comply with ongoing personal responsibility contract requirements to remain eligible. (7-1-97)T

117. -- 121. (RESERVED).

122. ELIGIBLE INDIVIDUALS.

Individuals who may be eligible are listed in Subsections 122.01 through 122.05. (7-1-97)T

01. Children. Children under the age of eighteen (18) or, nineteen (19) if they are attending a secondary school or the equivalent level of vocational or technical training full time. Children must reside with a parent or a caretaker relative who exercises care and control of them. (7-1-97)T

02. Parents. Parents who have an eligible natural or adopted child residing with them. (7-1-97)T

03. Caretaker Relatives. Adult specified relatives other than parents who have an eligible related child residing with them. Only one (1) child in the family must be related to one (1) of the following specified relatives: brother, sister, aunt, uncle, nephew, niece, first cousin, or first cousin once removed; one (1) of these relationships prefixed by "grand" or "great"; one (1) of these relationships by half-blood; a stepparent, step-sibling, or the spouse of a relative by marriage, even if the marriage has ended. (7-1-97)T

04. Optional Individuals. Related dependent children who are not siblings or half siblings of family members and who are living in the home. (7-1-97)T

05. Pregnant Woman. A pregnant woman with no other children who is in her last trimester of pregnancy and is unable to work due to medical reasons. (7-1-97)T

123. FAMILY.

A family is an eligible individual or group of eligible individuals living in a common residence, whose income and resources are considered in determining eligibility and grant amount, and who may be included in the family size. No individual may be eligible for benefits as a member of more than one (1) family in the same month. (7-1-97)T

124. MARRIED CHILD UNDER AGE EIGHTEEN (18).

A married child under age eighteen (18) is no longer considered a dependent child. The child's subsequent separation, divorce or annulment does not change that status. (7-1-97)T

125. UNMARRIED PARENT UNDER THE AGE OF EIGHTEEN (18).

An unmarried parent under age eighteen (18) must live with his or her parents, unless good cause is established. Two (2) unmarried parents under the age of eighteen (18), with a child in common, can choose to live with the parents of the unmarried father or the unmarried mother. (7-1-97)T

126. GOOD CAUSE NOT TO LIVE WITH PARENTS.

Good cause reasons for unmarried parents under age eighteen (18) not to live with their parents are listed in Subsections 126.01 through 126.05. (7-1-97)T

01. Child of Unmarried Parent Under Age Eighteen (18) Conceived by Rape or Incest. (7-1-97)T

a. Proof is provided that the child of the unmarried parent under age eighteen (18) was conceived because of rape or incest, and (7-1-97)T

b. The individual who committed the rape or incest is a parent or other individual living in the household, and (7-1-97)T

- c. The other parent in the home is not taking protective steps established in the child welfare plan. (7-1-97)T

02. Abusive Parents. Proof is provided that the parents of the unmarried parent under age eighteen (18) are abusive and the physical or emotional health of the unmarried parent under age eighteen (18) or his or her child is jeopardized. (7-1-97)T

03. Parents Not Available. The parents are not available due to incarceration, death, or their whereabouts are unknown. (7-1-97)T

04. Home Not Available. The parents refuse to take the child back into the home and no alternative care is available. (7-1-97)T

05. Safety Threatened. Proof is provided that the unmarried parent under age eighteen (18) is dangerous to the parents or other household members. (7-1-97)T

127. -- 131. (RESERVED).

132. CITIZENSHIP AND LEGAL NON-CITIZEN CRITERIA.

Eligible individuals must be citizens of the United States or be legal non-citizens. Nationals of American Samoa or Swain's Island are the equivalent of U.S. citizens. Only the groups of legal non-citizens listed in Subsections 132.01 through 132.07 may be eligible. (7-1-97)T

01. Permanent Residents. Lawful permanent residents with forty (40) quarters of work. (7-1-97)T

02. Veterans. Veterans honorably discharged for a reason other than citizen status. This includes the veteran's spouse and unmarried dependent children. (7-1-97)T

03. Members of the U.S. Armed Forces. Active duty members of the U.S. Armed Forces, who are not on active duty for training only. This includes the active duty member's spouse and unmarried dependent children. (7-1-97)T

04. Refugees. Refugees admitted under Section 207 of the Immigration and Nationality Act, for five (5) years from the date refugee status is assigned. (7-1-97)T

05. Asylees. Asylees admitted under Section 208 of the Immigration and Nationality Act, for five (5) years from the date asylee status is assigned. (7-1-97)T

06. Deportation Withheld. Individuals whose deportation has been withheld under Section 243(h) of the Immigration and Nationality Act, for five (5) years from the date the deportation was withheld. (7-1-97)T

133. SOCIAL SECURITY NUMBER (SSN).

A Social Security Number must be provided unless good cause is established. (7-1-97)T

134. RESIDENCE IN IDAHO.

Individuals must live in the state of Idaho, have no immediate intention of leaving, and must not be a resident of another state. (7-1-97)T

135. MULTIPLE TANF BENEFITS.

Individuals cannot receive TANF benefits from Idaho and another state in the same month. (7-1-97)T

136. -- 140. (RESERVED).

141. IMMUNIZATION RESPONSIBILITY.

Eligible children must obtain immunizations according to the Department's schedule for immunizations, unless there is a religious or other objection, or immunization would endanger the life or health of a child. (7-1-97)T

142. SCHOOL ATTENDANCE RESPONSIBILITY.

Children included in the family must attend school until they reach age eighteen (18) or they graduate from a secondary school or the equivalent level of vocational or technical training, Job Corps, alternative or home school. A fifty dollar (\$50) penalty per month, per child, will be subtracted from the grant if a dependent child does not attend school. This penalty does not apply if the child is participating in work activities outlined in the PRC. (7-1-97)T

143. -- 147. (RESERVED).

148. COOPERATION RESPONSIBILITY.

For the family to be eligible, a parent, or a caretaker relative included in the grant, must cooperate with the Department to identify and locate the non-custodial parent, unless good cause exists. (7-1-97)T

149. GOOD CAUSE FOR NOT COOPERATING.

Good cause for not cooperating with Child Support Services (CSS) is limited to the reasons listed in Subsections 149.01 and 149.02. (7-1-97)T

01. Rape or Incest. The child was conceived as a result of incest or forcible rape. (7-1-97)T

02. Physical or Emotional Harm. The non-custodial parent may inflict physical or emotional harm to the children, the custodial parent or the caretaker relative. (7-1-97)T

150. REVIEW OF GOOD CAUSE REQUEST.

If good cause for not cooperating with CSS is claimed but the Department determines there is not good cause, the participant must be given the opportunity to withdraw the application or have the case closed. (7-1-97)T

151. PATERNITY NOT ESTABLISHED WITHIN TWELVE (12) MONTHS.

If information is provided but paternity is not established within twelve (12) months from the effective date of the application or the birth of a child, whichever is later, the grant is reduced by fifty percent (50%), unless the delay is caused by the Department. (7-1-97)T

152. -- 156. (RESERVED).

157. APPLICANT JOB SEARCH.

Before the application can be approved, adult applicants will be required to engage in job search activities, unless they are exempt. (7-1-97)T

158. APPLICANT JOB SEARCH EXEMPTION.

The individuals listed in Subsections 158.01 through 158.04 are exempt from the applicant job search requirements. (7-1-97)T

01. Caretaker. The applicant is the primary caretaker of a child under age twelve (12) weeks. (7-1-97)T

02. Employed. The applicant is working over thirty (30) hours per week and earning at least the federal minimum wage. (7-1-97)T

03. Ill or Incapacitated. The applicant is physically or mentally unable to work. (7-1-97)T

04. Caretaker for Ill or Incapacitated. The applicant is needed in the home to care for an ill or incapacitated family member. (7-1-97)T

159. APPLICANT VOLUNTARY QUIT.

The family is not eligible for ninety (90) days from the date any adult family member has voluntarily quit the most recent job of twenty (20) or more hours per week without good cause, within sixty (60) days of the application date. (7-1-97)T

160. PROHIBITION ON APPLICANT STRIKING.

When any applicant adult family member is on strike, the entire family is not eligible. A strike is a concerted stoppage or slowdown of work by employees. (7-1-97)T

161. -- 165. (RESERVED).

166. WORK ACTIVITIES RESPONSIBILITY.

All adults are required to participate in work activities, up to forty (40) hours per week. A child between the ages of sixteen (16) and eighteen (18), who is not attending school, must participate up to forty (40) hours per week in assigned work activities. A single custodial parent of a child less than six (6) years of age is not required to participate in a work activity if one of the reasons listed in Subsections 166.01 through 166.03 occurs. (7-1-97)T

01. Reasonable Distance. Appropriate child care is not available within a reasonable distance from the participant's home or work site. (7-1-97)T

02. Relative Child Care. Informal child care by relatives or others is not available or is unsuitable. (7-1-97)T

03. Child Care Not Available. Appropriate and affordable child care is not available. (7-1-97)T

167. WORK ACTIVITIES.

Work activities include paid work including self-employment of thirty (30) hours per week and earning at least the federal minimum wage; unpaid work; community service; work search activities; education leading to high school diploma or equivalency; work preparation education; and vocational or job skills training. The Department may negotiate other activities that improve the ability to obtain and maintain employment or support self-reliance. (7-1-97)T

168. WORK ACTIVITY SUPPORTIVE SERVICES.

Supportive services may be provided to eligible family members if needed to comply with PRC assignments. (7-1-97)T

169. NOT COMPLYING WITH WORK ACTIVITIES.

Each time an adult does not comply with work activity requirements in the PRC, without good cause, it is counted as an occurrence. The family is subject to the penalties, based on the number of occurrences, as listed in Subsections 169.01 through 169.03. (7-1-97)T

01. First Occurrence. The family is ineligible for one (1) month or until compliance, whichever is longer. (7-1-97)T

02. Second Occurrence. The family is ineligible for three (3) months or until compliance, whichever is longer. (7-1-97)T

03. Third Occurrence. The family is ineligible for lifetime. (7-1-97)T

170. APPLYING PENALTIES FOR NOT COMPLYING WITH WORK ACTIVITIES.

Work activity penalties are applied as listed in Subsections 170.01 and 170.02. (7-1-97)T

01. Family Penalty. Penalties apply to the entire family, but the number of individual occurrences follows the individual. The penalty period for the family is the greatest number of any individual's occurrences. If the individual leaves the family, any period of ineligibility caused by that individual ends. If an adult who does not comply returns or joins another family, any remaining period of ineligibility resumes. (7-1-97)T

02. Work Activity Penalty. A fifty dollar (\$50) penalty per month, per child, will be subtracted from the family grant when a child sixteen (16) years of age or older does not comply with work activities, as long as the child resides with the family. (7-1-97)T

171. -- 175. (RESERVED).

176. CHILD CARE.

Families are eligible for the Idaho Child Care Program, IDAPA 16.06.12, if child care is needed for an adult to participate in Personal Responsibility Contract activities. (7-1-97)T

177. TEMPORARY ABSENCE.

Eligible individuals may be temporarily absent from the home for a reasonable period not to exceed one hundred eighty (180) days. (7-1-97)T

178. NOTIFICATION REQUIREMENT.

The Department will notify the family, in writing, of the approval or denial of the application and the right of appeal, if applicable. (7-1-97)T

179. -- 199. (RESERVED).

200. RESOURCE LIMIT.

The total of the entire family's countable resources must not be greater than two thousand dollars (\$2,000) in any month. Resources are money, financial instruments, vehicles, and real property. (7-1-97)T

201. COUNTABLE RESOURCES.

Resources are countable when the family has a legal interest in the resource and can take action to obtain or dispose of the resource. Except for vehicles, the fair market value of the resource less all liens, mortgages, or other encumbrances, is the countable amount of the resource. (7-1-97)T

202. -- 206. (RESERVED).

207. COUNTING VEHICLE VALUE.

The fair market value above four thousand six hundred fifty dollars (\$4,650) of one (1) vehicle is counted towards the resource limit. If no vehicle is worth more than four thousand six hundred fifty dollars (\$4,650) the fair market value of one (1) vehicle, minus encumbrances, is not counted. The fair market value, minus encumbrances, of additional vehicles, snowmobiles, boats, aircraft or other recreational vehicles is counted. The value of one specially equipped vehicle used to transport a disabled family member is not counted in determining resources. (7-1-97)T

208. RESOURCE EXCLUSIONS.

The resources listed in Subsections 208.01 through 208.10 are excluded. (7-1-97)T

01. Home and Lot. The family's home, surrounding land and buildings not separated by property owned by others. A public road or right of way that separates any plot from the home does not affect the exclusion. (7-1-97)T

02. Building Lot. One (1) unoccupied lot and one (1) partially built home. Only one (1) home and one (1) lot can be excluded. (7-1-97)T

03. Unoccupied Home. A home temporarily unoccupied due to employment, training, medical care or treatment and natural disasters. (7-1-97)T

04. Home Loss or Damage Insurance Settlements. An insurance settlement awarded to a family for home loss or damage, for twelve (12) months from the date of receipt. (7-1-97)T

05. Income Producing Property. Real property that annually produces income consistent with its fair market value. (7-1-97)T

06. Equipment Used in a Trade or Business. Equipment used in a trade or business or reasonably expected to be used within one (1) year from their most recent use. (7-1-97)T

07. Contracts. A mortgage, deed of trust, promissory note, or any other form of sales contract if the

purchase price and income produced are consistent with the property's fair market value. (7-1-97)T

08. Life Insurance. The cash surrender value of a life insurance policy. (7-1-97)T

09. Native American Payments. To the extent authorized, payments or purchases made with payments authorized by law based on Native American ancestry. (7-1-97)T

10. Funeral Agreements. The cash value of an irrevocable funeral agreement. (7-1-97)T

209. -- 213. (RESERVED).

214. COUNTABLE INCOME.

All earned and unearned income is counted in determining eligibility and grant amount, unless specifically excluded by rule. (7-1-97)T

215. EXCLUDED INCOME.

The types of income listed in Subsections 215.01 through 215.33 are excluded. (7-1-97)T

01. Supportive Services. Supportive services payments. (7-1-97)T

02. Work Reimbursements. Work-related reimbursements. (7-1-97)T

03. Child's Earned Income. Earned income of a dependent child, who is attending school. (7-1-97)T

04. Child Support. Child support payments assigned to the State and non-recurring child support payments received in excess of that amount. (7-1-97)T

05. Loans. Loans with a signed, written repayment agreement. (7-1-97)T

06. Third Party Payments. Payments made by a person directly to a third party on behalf of the family. (7-1-97)T

07. Money Gifts. Money gifts, up to one hundred dollars (\$100), per person per event, for celebrations typically recognized with an exchange of gifts. (7-1-97)T

08. TAFI. Retroactive TAFI grant corrections. (7-1-97)T

09. Social Security Overpayment. The amount withheld for a Social Security overpayment. (7-1-97)T

10. Interest Income. Interest posted to a bank account. (7-1-97)T

11. Tax Refunds. State and federal income tax refunds. (7-1-97)T

12. EITC Payments. EITC payments. (7-1-97)T

13. Disability Insurance Payments. Taxes withheld and attorney's fees paid to secure disability insurance payments. (7-1-97)T

14. Sales Contract Income. Taxes and insurance costs related to sales contracts. (7-1-97)T

15. Foster Care. Foster care payments. (7-1-97)T

16. Adoption Assistance. Adoption assistance payments. (7-1-97)T

17. Food Programs. Commodities and food stamps. (7-1-97)T

18. Child Nutrition. Child nutrition benefits. (7-1-97)T

19. Elderly Nutrition. Elderly nutrition benefits received under Title VII, Nutrition Program for the Elderly, of the Older Americans Act of 1965. (7-1-97)T
1981. 20. Low Income Energy Assistance. Benefits paid under the Low Income Energy Assistance Act of 1981. (7-1-97)T
9101. 21. Home Energy Assistance. Home energy assistance payments under Public Law 100-203, Section 2101. (7-1-97)T
22. Utility Reimbursement Payment. Utility reimbursement payments. (7-1-97)T
23. Housing Subsidies. Housing subsidies. (7-1-97)T
24. Housing And Urban Development (HUD) Interest. Interest earned on HUD family self-sufficiency escrow accounts established by Section 544 of the National Affordable Housing Act. (7-1-97)T
25. Native American Payments. Payments authorized by law made to people of Native American ancestry. (7-1-97)T
26. Educational Income. Educational income, except that AmeriCorps living allowances, stipends, and AmeriCorps Education Award minus attendance costs are earned income. (7-1-97)T
27. Work Study Income of Student. College work study income. (7-1-97)T
28. VA Educational Assistance. VA Educational Assistance. (7-1-97)T
29. Senior Volunteers. Senior volunteer program payments to individual volunteers under the Domestic Volunteer Services Act of 1979, 42 U.S.C. Sections 4950 through 5085. (7-1-97)T
30. Relocation Assistance. Relocation assistance payments received under Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. (7-1-97)T
31. Disaster Relief. Disaster relief assistance paid under the Disaster Relief Act of 1974 and aid provided under any federal statute for a President-declared disaster. Comparable disaster assistance provided by states, local governments, and disaster assistance organizations. (7-1-97)T
32. Radiation Exposure Payments. Payments made to persons under the Radiation Exposure Compensation Act. (7-1-97)T
33. Agent Orange. Agent Orange settlement payments. (7-1-97)T

216. -- 220. (RESERVED).

221. DETERMINING ELIGIBILITY.

To determine initial and continuing eligibility, the countable monthly income that is or will be available to the family is used in the calculation of the grant. (7-1-97)T

222. CONVERTING INCOME TO A MONTHLY AMOUNT.

Income received more often than once a month is converted to a monthly amount as listed in Subsections 222.01 through 222.03, if a full month's income is anticipated. Figures are not rounded when income is converted to a monthly amount. (7-1-97)T

01. Weekly Payments. The projected weekly payment is multiplied by four point three (4.3). (7-1-97)T
02. Biweekly Payments. The projected bi-weekly amount is multiplied by two point one five (2.15).

(7-1-97)T

03. Semi-Monthly Payments. The projected semi-monthly amount is multiplied by two (2). (7-1-97)T

223. AVERAGING INCOME.

Income may be averaged for participants who receive income from a contract, from self-employment, or any other income that is intended to cover more than one (1) month, if it is expected to continue. The income is averaged over the number of months it is intended to cover. (7-1-97)T

224. -- 228. (RESERVED).

229. CALCULATION OF SELF-EMPLOYMENT INCOME.

Countable self-employment income is the difference between the gross receipts and the allowable costs of producing the income, if the amount is expected to continue. Self-employment income must be calculated by one (1) of the methods listed in Subsections 229.01 and 229.02. (7-1-97)T

01. Self-Employed At Least One (1) Year. For individuals who are self-employed for at least one (1) year, income and expenses are averaged over the past twelve (12) months. (7-1-97)T

02. Self-Employed Less Than One (1) Year. For individuals who are self-employed for less than one (1) year, income and expenses are averaged over the period of time the business has been in operation. (7-1-97)T

230. SELF-EMPLOYMENT ALLOWABLE EXPENSES.

Operating expenses deducted from self-employment income are listed in Subsections 230.01 through 230.16.

(7-1-97)T

01. Labor. Labor paid to individuals not in the family. (7-1-97)T
02. Materials. Materials such as stock, seed and fertilizer. (7-1-97)T
03. Rent. Rent on business property. (7-1-97)T
04. Interest. Interest paid to purchase income producing property. (7-1-97)T
05. Insurance. Insurance paid for business property. (7-1-97)T
06. Taxes. Taxes on income producing property. (7-1-97)T
07. Business Transportation. Business transportation as defined by the IRS. (7-1-97)T
08. Maintenance. Landscape and grounds maintenance. (7-1-97)T
09. Lodging. Lodging for business related travel. (7-1-97)T
10. Meals. Meals for business related travel. (7-1-97)T
11. Use of Home. Costs of partial use of home for business. (7-1-97)T
12. Legal. Legal fees for business related issues. (7-1-97)T
13. Shipping. Shipping for business related costs. (7-1-97)T
14. Uniforms. Business related uniforms. (7-1-97)T
15. Utilities. Utilities for business property. (7-1-97)T
16. Advertising. Business related advertising. (7-1-97)T

231. SELF-EMPLOYMENT EXPENSES NOT ALLOWED.

Self-employment expenses not allowed are listed in Subsections 231.01 through 231.09. (7-1-97)T

01. Payments on the Principal of Real Estate. Payments on the principal of real estate mortgages on income-producing property. (7-1-97)T
02. Purchase of Capital Assets or Durable Goods. Purchases of capital assets, equipment, machinery, and other durable goods. Payments on the principal of loans for these items. (7-1-97)T
03. Taxes. Federal, state, and local income taxes. (7-1-97)T
04. Savings. Monies set aside for future use such as retirement or work related expenses. (7-1-97)T
05. Depreciation. Depreciation for equipment, machinery, or other capital investments. (7-1-97)T
06. Labor Paid to Family Member. Labor paid to a family member. (7-1-97)T
07. Loss of Farm Income. Loss of farm income deducted from other income. (7-1-97)T
08. Personal Transportation. Personal transportation. (7-1-97)T
09. Net Losses. Net losses from previous periods. (7-1-97)T

232. RENTAL INCOME FROM REAL PROPERTY.

If a family member is managing the property twenty (20) hours or more per week, the rental income minus rental costs is earned income. If a family member is managing the property less than twenty (20) hours per week, the rental income minus rental costs is unearned income. Rental costs do not include the principal portion of the mortgage payment, depreciation or depletion, capital payments, and personal expenses not related to the rental income. (7-1-97)T

233. -- 237. (RESERVED).

238. CHILD LIVING WITH PARENT AND STEPPARENT.

When a child lives with a parent and a stepparent, fifty percent (50%) of the stepparent's earned and unearned income, minus child support paid is unearned income to the family. This calculation does not apply to families consisting of two (2) stepparents who have no children in common. Ineligibility due to citizenship or felony status of the stepparent does not affect this calculation. (7-1-97)T

239. CARETAKER RELATIVE APPLYING ONLY FOR RELATIVE CHILD.

When a caretaker relative applies only for a relative child, only the child's income and resources are counted. (7-1-97)T

240. INDIVIDUALS EXCLUDED FROM FAMILY SIZE.

Individuals listed in Subsections 240.01 through 240.04 are excluded from the family size in determining eligibility and grant amount. Income and resources of these ineligible family members are counted. (7-1-97)T

01. Ineligible Non-Citizens. Individuals who are non-citizens and are not listed in Section 132. (7-1-97)T
02. Drug Related Conviction. Felons convicted after August 22, 1996, under federal or state law of any offense classified as a felony that involves the possession, use or distribution of a controlled substance. (7-1-97)T
03. Fleeing Felons. Felons who are fleeing to avoid prosecution, custody or confinement after conviction of a felony or an attempt to commit a felony. (7-1-97)T
04. Felons Violating a Condition of Probation or Parole. Felons who are violating a condition of

probation or parole imposed for a federal or state felony.

(7-1-97)T

241. SPONSORED NON-CITIZEN.

The income and resources of a legal non-citizen's sponsor and the sponsor's spouse are counted in determining eligibility and grant amount in accordance with applicable federal law.

(7-1-97)T

242. ONE HALF (1/2) GRANT CHILD SUPPORT PENALTY AND SCHOOL OR WORK PENALTY.

If the grant amount is reduced by fifty percent (50%) for not establishing paternity within twelve (12) months and there are one (1) or more penalties for not attending school or work, the child support penalty is calculated first.

(7-1-97)T

243. -- 247. (RESERVED).

248. MAXIMUM GRANT AMOUNT.

The maximum grant is two hundred seventy six dollars (\$276).

(7-1-97)T

249. GRANT AMOUNT FOR FAMILIES WITH NO INCOME.

The grant amount for eligible families with no income is the maximum grant minus penalties, if applicable.

(7-1-97)T

250. GRANT AMOUNT FOR FAMILIES WITH UNEARNED INCOME.

The grant amount for eligible families with unearned income only is the maximum grant minus the unearned income, and penalties if applicable.

(7-1-97)T

251. WORK INCENTIVE TABLE.

Work Incentive Table 251 is used in the calculation of the grant amount for families with earned income.

WORK INCENTIVE TABLE 251	
NUMBER OF FAMILY MEMBERS	MONTHLY AMOUNT
1	\$276
2	\$276
3	\$346
4	\$417
5	\$487
6	\$557
7	\$628
8	\$698
9	\$769
10	\$839
OVER 10 PERSONS	ADD \$70 EACH

(7-1-97)T

252. GRANT AMOUNT FOR FAMILIES WITH EARNED INCOME.

For eligible families with earned income, an amount is calculated by subtracting sixty percent (60%) of gross earned income, one hundred percent (100%) of any unearned income, and applicable penalties from the figure in the Work Incentive Table based on the family size. The grant amount is the result of this calculation rounded to the next lowest dollar or the maximum grant, whichever is less.

(7-1-97)T

253. PRORATING BENEFITS FOR THE APPLICATION MONTH.

The grant amount is prorated from the effective date.

(7-1-97)T

254. GRANT LESS THAN TEN DOLLARS (\$10) NOT PAID.

A payment is not made when the grant amount is less than ten dollars (\$10).

(7-1-97)T

255. -- 259. (RESERVED).

260. APPLICANT ONE-TIME CASH PAYMENT.

An applicant family may be eligible for a one-time cash assistance payment for any emergency need. The family must meet the income criteria, but all income is excluded in calculating the monthly one-time cash payment amount. Eligibility criteria, except SSN, are verified at the discretion of the Department.

(7-1-97)T

261. APPLICANT ONE-TIME CASH PAYMENT ELIGIBILITY CRITERIA.

The applicant family must meet the criteria listed in Subsections 261.01 through 261.07.

(7-1-97)T

01. SSN. An SSN must be provided for each adult family member.

(7-1-97)T

02. Dependent Child. The family must have a dependent child or a pregnant woman must be in her last trimester and be medically unable to work.

(7-1-97)T

03. Residence. The family must live in Idaho and adults in the household must not have received a TANF payment in the same month from another state.

(7-1-97)T

04. Voluntary Quit. An adult family member must not have voluntarily quit their most recent employment within sixty (60) days or be on strike.

(7-1-97)T

05. Income and Resources. The family must be income eligible for TAFI and have no resources to meet the need.

(7-1-97)T

06. Period of Ineligibility. The family must not be in a period of TAFI ineligibility.

(7-1-97)T

07. Agreement. The family must complete a one-time cash agreement.

(7-1-97)T

262. PARTICIPANT ONE-TIME CASH PAYMENT.

A participant family may be eligible for a one-time cash assistance payment to obtain or maintain employment. A participant family must have at least two (2) months of the twenty-four (24) month TAFI time limit remaining for each month of the one-time cash payment. The participant family's income is excluded in calculating the monthly one-time cash payment amount. The participant family's PRC must be modified to include the one-time cash payment agreement.

(7-1-97)T

263. ONE-TIME CASH PAYMENT AGREEMENT.

The one-time cash agreement must include the information listed in Subsections 263.01 through 263.05.

(7-1-97)T

01. Reason. The reason for the one-time cash payment.

(7-1-97)T

02. Number of Months. The number of months included in the one-time cash payment.

(7-1-97)T

03. Penalty Months. The number of penalty months subtracted from the family's twenty-four (24) month time limit.

(7-1-97)T

04. Remaining Months. The number of months remaining in the twenty-four (24) month time limit.

(7-1-97)T

05. Ineligibility Period. The months the family will not be eligible for TAFI.

(7-1-97)T

264. AMOUNT OF ONE-TIME CASH PAYMENT.

The amount of the one-time cash payment is the amount of need or three (3) times the maximum monthly grant amount. (7-1-97)T

265. INELIGIBILITY PERIOD.

A family who receives a one-time cash payment is ineligible for the number of full or partial months for which the one-time cash payment is made and one (1) additional month for each month included in the one-time cash payment. An applicant family who receives a one-time cash payment is ineligible for TAFI beginning the month of the one-time cash payment. A participant family who receives a one-time cash payment is ineligible for TAFI beginning the month after TAFI ends due to the one-time cash payment. The ineligibility period counts toward the twenty-four (24) month time limit. (7-1-97)T

266. LIFETIME ELIGIBILITY.

A family can be eligible for a one-time cash payment only once in a lifetime in Idaho. (7-1-97)T

267. -- 299. (RESERVED).

300. DEPARTMENT NOTIFICATION RESPONSIBILITY.

Notification must be provided to a family whenever eligibility or the grant amount changes. The notification must state the effective date and the reason for the action, the rule that supports the action, and the family's appeal rights. (7-1-97)T

301. ADVANCE NOTIFICATION RESPONSIBILITY.

Whenever a reported change results in a grant closure or decrease, the Department must provide notification at least ten (10) calendar days before the effective date of the action. (7-1-97)T

302. ADVANCE NOTIFICATION NOT REQUIRED.

Notification must be provided by the date of the action, but advance notification is not required when a condition listed in Subsections 302.01 through 302.06 exists. (7-1-97)T

01. Family Request. The family requests closure of the grant in writing. (7-1-97)T
02. Family Member in Institution. A family member is admitted or committed to an institution. (7-1-97)T
03. Family's Address Unknown. The family's whereabouts are unknown and Department mail is returned showing no known forwarding address. (7-1-97)T
04. TANF Received in Another State. A family member is receiving TANF in another state. (7-1-97)T
05. Child Removed. A child family member is removed from the home due to a judicial determination. (7-1-97)T
06. Intentional Program Violation (IPV). An IPV disqualification begins the first month after the month the member receives written notice of disqualification. (7-1-97)T

303. -- 307. (RESERVED).

308. FAMILY REPORTING RESPONSIBILITIES.

The family must report changes in circumstances to the Department, either verbally or in writing, within ten (10) calendar days from the date the change becomes known, unless good cause is established. (7-1-97)T

309. PENALTY FOR FAILURE TO REPORT.

When a family member does not report a change in income, resources or family composition, without good cause, the family is ineligible for the periods listed in Subsections 309.01 through 309.02. (7-1-97)T

01. First Occurrence. The family is ineligible for one (1) month. (7-1-97)T

02. Additional Occurrence. The family is ineligible for three (3) months. (7-1-97)T

310. CHANGES AFFECTING ELIGIBILITY OR GRANT AMOUNT.

If a family reports a change that results in an increase, the grant will be increased effective the month after the month of report. If a family reports a change that results in a decrease, the grant is decreased or ended effective the first month after advance notice to the family, unless the change does not require advance notice. (7-1-97)T

311. -- 315. (RESERVED).

316. UNDERPAYMENT.

If the Department is at fault for issuing a payment less than the family should have received, the Department issues a supplemental check for the difference. (7-1-97)T

317. FAIR HEARING REQUEST.

A family may request a fair hearing to contest a Department decision. The family must make the request for a fair hearing within thirty (30) days from the date the notification was mailed by the Department. (7-1-97)T

318. CONTINUATION PENDING LOCAL HEARING DECISION.

The family may continue to receive assistance during the hearing process if the Department receives the request for continued benefits within ten (10) days from the date the notification was mailed. Assistance will be continued at the current month's level while the hearing decision is pending, unless the twenty-four (24) month limit is reached or another change affecting the family's eligibility occurs. (7-1-97)T

319. -- 323. (RESERVED).

324. INTENTIONAL PROGRAM VIOLATIONS (IPV).

An IPV is an intentionally false or misleading action or statement made to establish or maintain eligibility. The Department investigates and refers appropriate cases for IPV determination, which may include a referral for the prosecution of fraud. An IPV will be established as listed in Subsections 324.01 through 324.04. (7-1-97)T

01. Admission. When a family member admits the IPV in writing and waives the right to an administrative hearing. (7-1-97)T

02. Hearing. By an administrative hearing. (7-1-97)T

03. Court Decision. By a court decision. (7-1-97)T

04. Deferred Adjudication. By deferred adjudication. (7-1-97)T

325. DEFERRED ADJUDICATION.

Deferred adjudication exists when one (1) of the conditions listed in Subsections 325.01 and 325.02 is met. (7-1-97)T

01. Meets Terms of Court Order. The court does not issue a determination of guilt because the accused family member meets the terms of a court order. (7-1-97)T

02. Agreement With Prosecutor. The court does not issue a determination of guilt because the accused family member meets the terms of an agreement with the prosecutor. (7-1-97)T

326. DISQUALIFICATION FOR IPV.

If an IPV determination is made, the entire family is not eligible for the periods of time listed in Subsections 326.01 through 326.03. (7-1-97)T

01. First Offense. Twelve (12) months for the first IPV or fraud offense, or the length of time specified by the court. (7-1-97)T

02. Second Offense. Twenty-four (24) months for the second IPV or fraud offense, or the length of time

specified by the court. (7-1-97)T

03. Third Offense. Permanent disqualification when a third or subsequent offense is committed, or for the length of time specified by the court. (7-1-97)T

327. -- 331. (RESERVED).

332. REVIEW OF PERSONAL RESPONSIBILITY CONTRACT AND ELIGIBILITY.

The PRC and eligibility are reviewed on an ongoing basis and when a change occurs that may affect eligibility. (7-1-97)T

333. PRC MODIFICATIONS.

If the participant cannot meet a PRC condition, the participant must notify the Department. Either the participant or the Department may initiate renegotiation or modification of the PRC when conditions change. (7-1-97)T

334. NOT COMPLYING WITH CONDITIONS OF PRC.

If the participant does not comply with a requirement of the PRC, without good cause, the penalty specified in the rules addressing the activity is imposed. The Department's non-compliance with a PRC requirement is good cause. (7-1-97)T

335. -- 339. (RESERVED).

340. EXTENDED CASH ASSISTANCE (ECA).

Extended Cash Assistance (ECA) may be provided to families who have received twenty-four (24) months of assistance. All eligibility criteria apply to ECA. (7-1-97)T

341. EXTENDED CASH ASSISTANCE APPLICATION.

No application is required for ECA for families receiving temporary cash assistance. For all other families an application is required. (7-1-97)T

342. EXTENDED CASH ASSISTANCE ADDITIONAL ELIGIBILITY CRITERIA.

In addition to all the eligibility requirements for TAFI, all adults in the family must meet one (1) of the conditions listed in Subsections 342.01 through 342.03. (7-1-97)T

01. Physical Condition. A physical or mental condition expected to last at least three (3) months. The condition must prevent any employment that would generate earnings of at least one hundred sixty-seven percent (167%) of the maximum grant, per month. (7-1-97)T

02. Care of Ill or Incapacitated Family Member. Care of an ill or incapacitated child or spouse in the home. The in-home care must be provided for a minimum of one (1) month. The care must prevent any employment that would generate earnings of at least one hundred sixty-seven percent (167%) of the maximum grant, per month. (7-1-97)T

343. EXTENDED CASH ASSISTANCE APPROVAL.

If ECA is approved, the Notice of Decision must provide the family the information listed in Subsections 343.01 through 343.04. (7-1-97)T

01. Approval. The length of time of ECA approval, (7-1-97)T

02. Amount. The ECA amount, (7-1-97)T

03. Review. The next ECA review date, (7-1-97)T

04. Review Information. Advise the family of any information that may be required at the next review. (7-1-97)T

344. EXTENDED CASH ASSISTANCE TIME LIMITS.

There are no time limits for ECA, but all adults in the family must continue to meet both ECA and temporary cash assistance eligibility criteria. (7-1-97)T

345. -- 999. (RESERVED).