

# Table of Contents

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## 16.03.08 - RULES GOVERNING TEMPORARY ASSISTANCE FOR FAMILIES IN IDAHO

000.LEGAL AUTHORITY .....	5
001.TITLE AND SCOPE.....	5
002.WRITTEN INTERPRETATIONS.....	5
003.ADMINISTRATIVE APPEAL.....	5
004.TEMPORARY ASSISTANCE FOR FAMILIES IN IDAHO.....	5
005.RULE AVAILABILITY.....	5
006. -- 009. (RESERVED).....	5
010.DEFINITIONS.....	5
011.ABBREVIATIONS.....	6
012. -- 099. (RESERVED).....	6
100.TAFI ELIGIBILITY.....	6
101.TIME LIMIT.....	7
102.RESIDENCE EXCEPTION TO TIME LIMIT.....	7
103. -- 106. (RESERVED).....	7
107.ALTERNATIVE RESOURCES.....	7
108.APPLICATION FOR ASSISTANCE.....	7
109.SUBSTANCE ABUSE SCREENING.....	7
110.EFFECTIVE DATE.....	7
111.SUBSTANCE ABUSE SCREENING AND TESTING NOTICE AT APPLICATION.....	7
112.FORMS AND SCHEDULED MEETINGS.....	8
113.CONCURRENT BENEFIT PROHIBITION.....	8
114. -- 115. (RESERVED).....	8
116.PERSONAL RESPONSIBILITY CONTRACT (PRC).....	8
117.SUBSTANCE ABUSE INITIAL SCREENING.....	8
118.SUBSTANCE ABUSE ASSESSMENT.....	8
119.REFERRAL FOR SUBSTANCE ABUSE ASSESSMENT.....	8
120.SUBSTANCE ABUSE TESTING.....	8
121.CONSENT AND ACKNOWLEDGMENT REQUIRED BEFORE SUBSTANCE ABUSE TESTING... ..	8
122.ADMINISTRATION OF SUBSTANCE ABUSE TEST.....	9
123.TAFI APPROVAL BEFORE SUBSTANCE ABUSE SCREENING AND TESTING RESULTS KNOWN.....	9
124.SUBSTANCE ABUSE TREATMENT.....	9
125.MANDATORY INDIVIDUALS.....	9
126.OPTIONAL INDIVIDUALS.....	10
127.MARRIED CHILD UNDER AGE EIGHTEEN.....	10
128.UNMARRIED PARENT UNDER THE AGE OF EIGHTEEN.....	10
129.GOOD CAUSE NOT TO LIVE WITH PARENTS.....	10
130.(RESERVED).....	10
131.CITIZENSHIP AND LEGAL NON-CITIZEN CRITERIA.....	10
132.(RESERVED).....	12
133.SOCIAL SECURITY NUMBER (SSN).....	12
134.RESIDENCE IN IDAHO.....	12
135.MULTIPLE TANF BENEFITS.....	12
136. -- 140. (RESERVED).....	12
141.IMMUNIZATION RESPONSIBILITY.....	12
142.SCHOOL ATTENDANCE RESPONSIBILITY.....	12
143. -- 147. (RESERVED).....	12

148.COOPERATION RESPONSIBILITY.....	12
149.GOOD CAUSE FOR NOT COOPERATING.....	12
150.REVIEW OF GOOD CAUSE REQUEST.....	13
151.PATERNITY NOT ESTABLISHED WITHIN TWELVE (12) MONTHS.....	13
152. -- 156. (RESERVED).....	13
157.APPLICANT JOB SEARCH.....	13
158.(RESERVED).....	13
159.APPLICANT VOLUNTARY QUIT.....	13
160.PROHIBITION ON APPLICANT STRIKING.....	13
161. -- 162. (RESERVED).....	13
163.WORK ACTIVITIES RESPONSIBILITY.....	13
164.WORK ACTIVITIES.....	13
165.WORK REQUIREMENTS DURING SUBSTANCE ABUSE TREATMENT.....	13
166.CONSENT TO RELEASE CONFIDENTIAL INFORMATION.....	14
167.FAILURE TO COMPLY WITH SUBSTANCE ABUSE SCREENING AND TESTING REQUIREMENTS.....	14
168.NOT COMPLYING WITH WORK ACTIVITIES.....	14
169.APPLYING PENALTIES FOR NOT COMPLYING WITH WORK ACTIVITIES.....	14
170.SUPPORTIVE SERVICES.....	14
171.SUPPORTIVE SERVICES EXCLUDED.....	14
172. -- 175. (RESERVED).....	14
176.CHILD CARE.....	14
177.TEMPORARY ABSENCE.....	14
178.NOTIFICATION REQUIREMENT.....	15
179. -- 199. (RESERVED).....	15
200.RESOURCE LIMIT.....	15
201.COUNTABLE RESOURCES.....	15
202. -- 206. (RESERVED).....	15
207.COUNTING VEHICLE VALUE.....	15
208.RESOURCE EXCLUSIONS.....	15
209. -- 213. (RESERVED).....	16
215.EXCLUDED INCOME.....	16
216. -- 220. (RESERVED).....	17
221.DETERMINING ELIGIBILITY.....	17
222.CONVERTING INCOME TO A MONTHLY AMOUNT.....	18
223.AVERAGING INCOME.....	18
224. -- 228. (RESERVED).....	18
229.CALCULATION OF SELF-EMPLOYMENT INCOME.....	18
230.SELF-EMPLOYMENT ALLOWABLE EXPENSES.....	18
231.SELF-EMPLOYMENT EXPENSES NOT ALLOWED.....	19
232.RENTAL INCOME FROM REAL PROPERTY.....	19
233. -- 237. (RESERVED).....	19
238.CHILD LIVING WITH PARENT AND STEPPARENT.....	19
239.CARETAKER RELATIVE APPLYING ONLY FOR RELATIVE CHILD.....	19
240.INDIVIDUALS EXCLUDED FROM FAMILY SIZE.....	19
241.SPONSORED NON-CITIZEN.....	20
242.ONE-HALF GRANT CHILD SUPPORT PENALTY AND SCHOOL OR WORK PENALTY.....	20
243. -- 247. (RESERVED).....	20
248.MAXIMUM GRANT AMOUNT.....	20
249.GRANT AMOUNT FOR FAMILIES WITH NO INCOME.....	20
250.GRANT AMOUNT FOR FAMILIES WITH UNEARNED INCOME.....	20
251.WORK INCENTIVE TABLE.....	20

252. GRANT AMOUNT FOR FAMILIES WITH EARNED INCOME .....	21
253. PRORATING BENEFITS FOR THE APPLICATION MONTH .....	21
254. GRANT LESS THAN TEN DOLLARS (\$10) NOT PAID .....	21
255. -- 259. (RESERVED) .....	21
260. APPLICANT ONE-TIME CASH PAYMENT .....	21
261. APPLICANT ONE-TIME CASH PAYMENT ELIGIBILITY CRITERIA .....	21
262. PARTICIPANT ONE-TIME CASH PAYMENT .....	21
263. ONE-TIME CASH PAYMENT AGREEMENT .....	22
264. AMOUNT OF ONE-TIME CASH PAYMENT .....	22
265. INELIGIBILITY PERIOD .....	22
266. LIFETIME ELIGIBILITY .....	22
267. -- 299. (RESERVED) .....	22
300. DEPARTMENT NOTIFICATION RESPONSIBILITY .....	22
301. ADVANCE NOTIFICATION RESPONSIBILITY .....	22
302. ADVANCE NOTIFICATION NOT REQUIRED .....	22
303. -- 307. (RESERVED) .....	23
308. FAMILY REPORTING RESPONSIBILITIES .....	23
309. PENALTY FOR FAILURE TO REPORT .....	23
310. CHANGES AFFECTING ELIGIBILITY OR GRANT AMOUNT .....	23
311. TAFI ELIGIBILITY DURING SUBSTANCE ABUSE TREATMENT .....	23
312. FAILURE TO COMPLY WITH TREATMENT OR ENGAGING IN SUBSTANCE ABUSE AFTER TREATMENT .....	23
313. CONTINUATION OF ELIGIBILITY FOR CHILDREN .....	23
314. PROTECTIVE PAYEE .....	23
315. (RESERVED) .....	23
316. UNDERPAYMENT .....	23
317. FAIR HEARING REQUEST .....	23
318. CONTINUATION PENDING LOCAL HEARING DECISION .....	24
319. -- 323. (RESERVED) .....	24
324. INTENTIONAL PROGRAM VIOLATIONS (IPV) .....	24
325. DEFERRED ADJUDICATION .....	24
326. DISQUALIFICATION FOR IPV .....	24
327. APPLYING PENALTIES FOR IPV .....	24
328. APPLICATION OF AFDC IPV PENALTIES TO TAFI .....	24
329. IPV OVERPAYMENTS .....	25
330. IPV OVERPAYMENT AND EARNED INCOME .....	25
331. IPV OVERPAYMENT COLLECTION .....	25
332. NOTICE OF OVERPAYMENT .....	25
333. -- 334. (RESERVED) .....	25
335. REVIEW OF PERSONAL RESPONSIBILITY CONTRACT AND ELIGIBILITY .....	25
336. PRC MODIFICATIONS .....	25
337. NOT COMPLYING WITH CONDITIONS OF PRC .....	25
338. -- 339. (RESERVED) .....	25
340. EXTENDED CASH ASSISTANCE (ECA) .....	25
341. EXTENDED CASH ASSISTANCE APPLICATION .....	25
342. EXTENDED CASH ASSISTANCE ADDITIONAL ELIGIBILITY CRITERIA .....	25
343. EXTENDED CASH ASSISTANCE APPROVAL .....	26
344. EXTENDED CASH ASSISTANCE TIME LIMITS .....	26
345. -- 349. (RESERVED) .....	26
350. TRANSITIONAL SERVICES .....	26
351. TRANSITIONAL SERVICES CRITERIA .....	26
352. TRANSITIONAL SERVICES PAID .....	26

353. TRANSITIONAL SERVICES TIME LIMIT.....	27
354. -- 367. (RESERVED).....	27
368. CAREER ENHANCEMENT SERVICES.....	27
369. CAREER ENHANCEMENT SUPPORTIVE SERVICES.....	27
370. CAREER ENHANCEMENT MENTORING, COUNSELING, AND TRAINING ACTIVITIES.....	27
371. CAREER ENHANCEMENT ELIGIBILITY CRITERIA.....	27
372. (RESERVED).....	28
373. FUNDING RESTRICTIONS.....	28
374. CAREER ENHANCEMENT SERVICES TIME LIMIT.....	28
375. -- 999. (RESERVED).....	28

**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. (7-1-98)

**001. TITLE AND SCOPE.**

These rules are known and will be cited as the Rules of the Idaho Department of Health and Welfare, IDAPA 16.03.08, "Rules Governing the Temporary Assistance for Families in Idaho (TAFI) Program". These rules provide standards for the administration of the TAFI program. (7-1-98)

**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. (7-1-98)

**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. (7-1-98)

**006. -- 009. (RESERVED).**

**010. DEFINITIONS.**

- 01. Applicant.** An individual who applies for Temporary Assistance for Families in Idaho. (7-1-98)
- 02. Assistance.** Cash payments, vouchers, and other benefits designed to meet a family's ongoing basic needs. Assistance includes recurring benefits, such as transportation and child care, conditioned on participation in work activities. (3-30-01)
- 03. Department.** The Idaho Department of Health and Welfare. (7-1-98)
- 04. Dependent Child.** A child under the age of eighteen (18), or under the age of nineteen (19) and attending, full time, a secondary school or the equivalent level of vocational or technical training. (3-30-01)
- 05. 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. (7-1-98)
- 06. 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. Spouses living together in a common residence are considered a family. Unrelated adults who are the parents of a common child are considered a family. Adult relatives who reside together are considered separate families. Unrelated families living in a common residence are considered separate families. (3-30-01)
- 07. Good Cause.** The conduct of a reasonably prudent person in the same or similar circumstances,

unless otherwise defined in these rules. (7-1-98)

**08. Noncustodial Parent.** A parent legally responsible for the support of a dependent minor child, who does not live in the same household as the child. (3-30-01)

**09. Parent.** The mother or father of the dependent child. In Idaho, a man is presumed to be the child's father if he is married to the child's mother at the time of conception or at the time of the child's birth. (7-1-98)

**10. Participant.** An individual who has signed a Personal Responsibility Contract. (7-1-98)

**11. Personal Responsibility Contract (PRC).** An agreement negotiated between a family and the Department that is intended to result in self-reliance. (7-1-98)

**12. Temporary Assistance for Families in Idaho (TAFI).** Idaho's family assistance program. TAFI replaced the Aid to Families With Dependent Children (AFDC) program. (3-30-01)

**13. Temporary Assistance For Needy Families (TANF).** The Federal block grant provided to Idaho and used to fund TAFI. TANF funds other programs and services, including career enhancement and emergency assistance. (3-30-01)

**14. Unearned Income.** Income received from sources other than employment or self-employment, such as Social Security, unemployment insurance, and workers' compensation. (7-1-98)

**011. ABBREVIATIONS.**

**01. AABD.** Aid to the Aged, Blind and Disabled. (7-1-98)

**02. CSS.** Child Support Services. (7-1-98)

**03. ECA.** Extended Cash Assistance. (7-1-98)

**04. EITC.** Earned Income Tax Credit. (7-1-98)

**05. HUD.** The U.S. Department of Housing and Urban Development. (7-1-98)

**06. IPV.** Intentional Program Violation. (7-1-98)

**07. PRC.** Personal Responsibility Contract. (7-1-98)

**08. RSDI.** Retirement, Survivors, and Disability Insurance. (7-1-98)

**09. SSN.** Social Security Number. (7-1-98)

**10. TAFI.** Temporary Assistance for Families in Idaho, which is the TANF program in Idaho. (7-1-98)

**11. TANF.** Temporary Assistance to Needy Families (Federal Program). (7-1-98)

**12. VA.** Veterans Administration. (7-1-98)

**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; cooperate in establishing and obtaining support; complete work activities including job search; and meet all other personal responsibility and financial criteria. (7-1-99)

**101. TIME LIMIT.**

Lifetime eligibility for adults is limited to twenty-four (24) months unless otherwise provided by these rules. When there is more than one (1) adult in the family, the number of months of the adult with the most months of TANF participation must be counted towards the time limit. 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, unless the other state reports it did not count the months toward the federal 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. It is counted toward the federal sixty (60) month time limit. (3-30-01)

**102. RESIDENCE EXCEPTION TO TIME LIMIT.**

In determining the number of months of federal TANF or state TAFI participation, the Department must not count any month the adult meets the conditions in Subsections 102.01 and 102.02. (3-30-01)

**01. Lived In Indian Country Or Alaskan Native Village.** The adult lived in Indian country or an Alaskan Native village during the month. (7-1-99)

**02. Fifty Percent Not Employed.** The most reliable data about the month shows at least one thousand (1,000) individuals lived in the Indian country unit or Alaskan Native Village and fifty percent (50%) or more of the adults were not employed. (3-30-01)

**103. -- 106. (RESERVED).**

**107. ALTERNATIVE RESOURCES.**

The family must apply for any other source of income for which they are potentially eligible. (7-1-98)

**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. (7-1-98)

**109. SUBSTANCE ABUSE SCREENING.**

Idaho law requires substance abuse screening for TAFI cash assistance applicants listed in Subsections 109.01 and 109.02. The Department will conduct screening within ten (10) calendar days of the date of application for TAFI. Screening results determine a participant's need for substance abuse testing and treatment. (7-1-01)T

**01. New Applicants.** New TAFI applicants, if they are otherwise eligible. (7-1-01)T

**02. Persons Reapplying.** Persons reapplying for TAFI, after a period of ineligibility, if they are otherwise eligible. (7-1-01)T

**110. EFFECTIVE DATE.**

The effective date of the TAFI grant is the date income and resource criteria are met, and a PRC is signed, unless the Department causes a delay, or a later date that is negotiated with the Department. (7-1-98)

**111. SUBSTANCE ABUSE SCREENING AND TESTING NOTICE AT APPLICATION.**

The Department must provide notice of substance abuse screening and possible testing to each TAFI applicant. The notice must advise the applicant of the factors listed in Subsections 111.01 through 111.08. (7-1-01)T

**01. Screening Requirement.** The Department conducts substance abuse screening as a condition of receiving TAFI cash assistance. (7-1-01)T

**02. Testing Requirement.** The Department conducts substance abuse testing as a condition for receiving TAFI cash assistance, if screening indicates the applicant is engaged in, or at high risk of, substance abuse. (7-1-01)T

**03. Treatment Requirement.** Participants must to enter a substance abuse treatment program and cooperate with treatment, if screening, assessment or testing shows them in need of substance abuse treatment. (7-1-01)T

**04. Participant Information.** Before screening the Department will provide participants information about the purpose of substance abuse screening, testing and treatment. (7-1-01)T

**05. Confidentiality Of Screening And Testing.** Substance abuse screening and testing results are confidential under Section 9-340C(6), Idaho Code. Results can only be released to an evaluating or treating substance abuse program. Results cannot be released for use in any criminal investigation or proceeding. (7-1-01)T

**06. Right To Withdraw Application.** Substance abuse screening and testing is not required if the person does not apply for, or receive, TAFI. (7-1-01)T

**07. Eligibility Of Children.** If the applicant chooses not to comply with substance abuse screening and testing requirements, the children in the case can still be TAFI eligible. (7-1-01)T

**08. Receipt Of Notice.** Participants must acknowledge in writing the receipt of notice of screening and testing requirements. The Department will provide a copy of the signed acknowledgment to the participant. (7-1-01)T

**112. FORMS AND SCHEDULED MEETINGS.**

The family must complete the application process and forms, and must attend all scheduled meetings unless good cause exists. (7-1-98)

**113. CONCURRENT BENEFIT PROHIBITION.**

If an individual is potentially eligible for either TAFI or AABD, only one (1) program may be chosen. If a child is potentially eligible for either TAFI or foster care, only one (1) program may be chosen. No individual may be eligible for benefits as a member of more than one (1) family in the same month. (3-30-01)

**114. -- 115. (RESERVED).**

**116. PERSONAL RESPONSIBILITY CONTRACT (PRC).**

A personal responsibility contract must be negotiated and signed by the family adults, 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. (7-1-98)

**117. SUBSTANCE ABUSE INITIAL SCREENING.**

The Department will use a nationally recognized substance abuse screening instrument. (7-1-01)T

**118. SUBSTANCE ABUSE ASSESSMENT.**

A Department approved substance abuse contractor will conduct screening to evaluate a participant's need for testing. The contractor will use a screening instrument approved by the Department as a valid and reliable indicator of possible substance abuse. The contractor must have adequate training in the recognition of substance abuse, use of the screening instrument, and interpretation of results. When found necessary by the contractor, the assessment process will include substance abuse testing. The contractor will interpret the results. (7-1-01)T

**119. REFERRAL FOR SUBSTANCE ABUSE ASSESSMENT.**

The Department will refer the participant for assessment when screening results indicate a reasonable suspicion the participant is engaged in, or at high risk of, substance abuse. A Department approved substance abuse contractor will conduct the assessment. (7-1-01)T

**120. SUBSTANCE ABUSE TESTING.**

Idaho law requires substance abuse testing of any TAFI applicant or recipient, if the Department has a reasonable suspicion they are engaged in, or at high risk of, substance abuse. Testing will be conducted if screening and assessment give a reasonable suspicion the participant is engaged in substance abuse. TAFI participants must comply with substance abuse testing as a condition of eligibility. (7-1-01)T

**121. CONSENT AND ACKNOWLEDGMENT REQUIRED BEFORE SUBSTANCE ABUSE TESTING.**

Before taking a substance abuse test, the participant must sign a consent for testing. The participant will be asked, but not required, to advise the person administering the test of the use of any over-the-counter or prescription drugs. This



information will be considered in the results of the drug test. The participant must acknowledge, in writing, he received and understands the notice elements listed this Section and Section 111 of these rules. (7-1-01)T

**122. ADMINISTRATION OF SUBSTANCE ABUSE TEST.**

A Department approved contractor will administer the substance abuse test. The contractor must have training, through a licensed laboratory, in correct procedures for specimen collection and chain of custody. Specimen collection shall be documented. This includes labeling containers to prevent erroneous drug test results. The contractor must perform specimen collection, storage, and transportation to the laboratory site in a manner preventing specimen contamination or adulteration. A licensed laboratory will evaluate specimens. The laboratory will analyze specimens for controlled substances and alcohol. (7-1-01)T

**01. Specimen Collection Procedures.** The contractor shall collect the specimen for substance abuse testing with due regard for the privacy of the participant providing the specimen. The contractor shall collect the specimen in a manner preventing substitution or contamination of the specimen. (7-1-01)T

**02. Test Results.** The Department will evaluate the results of the substance abuse test, before notifying the participant of them. The Department will evaluate all positive test results to verify the specimen was collected, transported, and analyzed under proper procedures. The Department will determine if other circumstances caused the positive test result. The Department shall review and confirm medical information provided by the applicant. After this evaluation is complete, the Department will notify the participant of the test results. If the test result is positive, the Department will inform the participant of available substance abuse treatment programs, and of the requirement for treatment to be TAFI eligible. (7-1-01)T

**03. Request For New Test.** Within ten (10) calendar days of notice of a positive test result, the participant can request a new test. The participant must notify the Department in writing of the intent to challenge the test results. For those participants approved for TAFI, benefits will continue during the re-test process. (7-1-01)T

**123. TAFI APPROVAL BEFORE SUBSTANCE ABUSE SCREENING AND TESTING RESULTS KNOWN.**

Applicants may be approved for TAFI, if otherwise eligible, when they agree to substance abuse screening. They must complete the screening instrument. If required, they must participate in a substance abuse assessment. This includes providing a specimen for testing, if needed as part of the assessment process. The applicant should complete these steps within fifteen (15) calendar days of approval. If the process takes longer than fifteen (15) calendar days, through no fault of the applicant, TAFI may be approved if the participant is cooperative in satisfying their substance abuse screening requirements. (7-1-01)T

**124. SUBSTANCE ABUSE TREATMENT.**

If substance abuse screening, assessment or testing shows the participant needs substance abuse treatment, the Department shall require the participant to enter a substance abuse treatment program and cooperate with treatment. Treatment shall be provided at no cost to TAFI participants. Treatment shall be community based and gender specific when available. The Department shall provide for the participant's transportation and child care needs if necessary. (7-1-01)T

**125. MANDATORY INDIVIDUALS.**

Individuals who must be included in the family are listed in Subsections 125.01 through 125.03. (7-1-01)T

**01. Children.** Children under the age of eighteen (18) or, under the age of 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. A dependent child's natural or adoptive brother or sister, including half (1/2) siblings, living in the same home as the dependent child must be included in the family. (4-5-00)

**02. Parents.** Parents who have an eligible natural or adopted child residing with them. (7-1-98)

**03. Pregnant Woman.** A pregnant woman with no other children who is in at least the third calendar month before the baby is due and is unable to work due to medical reasons. (4-5-00)

**126. OPTIONAL INDIVIDUALS.**

Individuals who may be eligible are listed in Subsections 126.01 and 126.02.

(7-1-01)T

**01. Caretaker Relatives.** Adult specified relatives other than parents who have an eligible related child residing with them and who are responsible for the child's care. 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. (7-1-98)

**02. Related Children.** Related dependent children who are not siblings or half (1/2) siblings of family members and who are living in the home. (4-5-00)

**127. MARRIED CHILD UNDER AGE EIGHTEEN.**

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. (7-1-98)

**128. UNMARRIED PARENT UNDER THE AGE OF EIGHTEEN.**

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. (7-1-98)

**129. 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 129.01 through 129.05. (7-1-01)T

**01. Child Of Unmarried Parent Under Age Eighteen Conceived By Rape Or Incest.** (7-1-98)

a. Proof is provided that the child of the unmarried parent under age eighteen (18) was conceived because of rape or incest; and (7-1-98)

b. The individual who committed the rape or incest is a parent or other individual living in the household; and (7-1-98)

c. The other parent in the home is not taking protective steps established in the child welfare plan. (7-1-98)

**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. (7-1-98)

**03. Parents Not Available.** The parents are not available due to incarceration, death, or their whereabouts are unknown. (7-1-98)

**04. Home Not Available.** The parents refuse to take the child back into the home and no alternative care is available. (7-1-98)

**05. Safety Threatened.** Proof is provided that the unmarried parent under age eighteen (18) is dangerous to the parents or other household members. (7-1-98)

**130. (RESERVED).**

**131. CITIZENSHIP AND LEGAL NON-CITIZEN CRITERIA.**

Individuals must be citizens of the United States or be qualified 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 131.01 through 131.09 may be eligible. (7-1-99)

**01. Permanent Residents Admitted Before August 22, 1996.** A non-citizen lawfully admitted to the

United States for permanent residence before August 22, 1996. (7-1-99)

**02. Permanent Residents Admitted On Or After August 22, 1996.** A lawful permanent resident admitted on or after August 22, 1996: (7-1-99)

a. Who is a veteran honorably discharged for a reason other than alienage or on active duty in the U.S. armed forces for other than training, or the spouse or unmarried dependent of the veteran or person on active duty; or (7-1-99)

b. Who has lived in the United States for five (5) years and has forty (40) quarters of work. (7-1-99)

**03. Refugees.** A refugee admitted under Section 207 of the Immigration and Nationality Act, a Cuban/Haitian entrant as defined in Section 501(e) of the Refugee Assistance Act of 1980, or an Amerasian admitted under Section 584 of Public Law 100-202 and amended by Public Law 100-461, is eligible: (7-1-99)

a. For five (5) years from their date of entry; or (7-1-99)

b. With no time limit if the refugee is a veteran honorably discharged for a reason other than alienage or on active duty in the U.S. armed forces for other than training, or the spouse or unmarried dependent of the veteran or person on active duty. (7-1-99)

**04. Asylees.** An asylee admitted under Section 208 of the Immigration and Nationality Act is eligible: (7-1-99)

a. For five (5) years from the date asylee status is assigned; or (7-1-99)

b. With no time limit if the asylee is a veteran honorably discharged for a reason other than alienage or on active duty in the U.S. armed forces, or spouse or unmarried dependent of the veteran or person on active duty. (7-1-99)

**05. Deportation Withheld.** An individual whose deportation has been withheld under Section 241(b)(3) or 243(h) of the Immigration and Nationality Act is eligible: (7-1-99)

a. For five (5) years from the date deportation was withheld; or (7-1-99)

b. With no time limit if the deportee is a veteran honorably discharged for a reason other than alienage or on active duty in the U.S. armed forces for other than training, or the spouse or unmarried dependent of the veteran or person on active duty. (7-1-99)

**06. Conditional Entrants.** A conditional entrant admitted under Section 203(a)(7) of the Immigration and Nationality Act and who is a veteran honorably discharged for a reason other than alienage or on active duty in the U.S. armed forces for other than training, or the spouse or unmarried dependent of the veteran or person on active duty. (7-1-99)

**07. Parolees.** A person paroled into the United States under Section 212(d)(5) of the Immigration and Nationality Act for a period of at least one (1) year and who is a veteran honorably discharged for a reason other than alienage or on active duty in the U.S. armed forces for other than training, or the spouse or unmarried dependent of the veteran or person on active duty. (7-1-99)

**08. Battered Non-Citizen Admitted Before August 22, 1996.** A legal non-citizen admitted to the United States before August 22, 1996, as a battered non-citizen under Section 204(a)(1)(A), 204(a)(1)(B), as a non-citizen whose deportation is suspended under Section 244(a)(3) of the Immigration and Nationality Act and is a veteran honorably discharged for a reason other than alienage or on active duty in the U.S. armed forces for other than training, or the spouse or unmarried dependent of the veteran or person on active duty. (7-1-99)

**09. Battered Non-Citizen Admitted On Or After August 22, 1996.** A legal non-citizen admitted to the United States on or after August 22, 1996, as a battered non-citizen under Section 204(a)(1)(A), 204(a)(1)(B), or

as a non-citizen whose deportation is suspended under Section 244(a)(3) of the Immigration and Nationality Act:  
(7-1-99)

a. Who is a veteran honorably discharged for a reason other than alienage or on active duty in the U.S. armed forces for other than training, or the spouse or unmarried dependent of the veteran or person on active duty; or  
(7-1-99)

b. Who has lived in the United States for five (5) years. (7-1-99)

**132. (RESERVED).**

**133. SOCIAL SECURITY NUMBER (SSN).**  
A Social Security Number, or proof of an application for an SSN, must be provided. (3-30-01)

**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. (7-1-98)

**135. MULTIPLE TANF BENEFITS.**  
Individuals cannot receive TAFI benefits from Idaho and TANF benefits from another state in the same month. (3-30-01)

**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. (7-1-98)

**142. SCHOOL ATTENDANCE RESPONSIBILITY.**  
School age 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. (7-1-99)

**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, establish paternity, and establish, modify and enforce the child support order, unless good cause exists. The parent, or caretaker relative included in the grant, must provide at a minimum, unless good cause exists, the first and last name of the non-custodial parent and two (2) of the following pieces of information: birth date; SSN; current address; current phone number; current employer; make, model and license number of any motor vehicle owned by the absent parent; and names, phone numbers and addresses of the parents of the non-custodial parent. (7-1-99)

**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 through 149.02. (7-1-98)

**01. Rape Or Incest.** Proof is provided that the child was conceived as a result of incest or rape. (7-1-98)

**02. Physical Or Emotional Harm.** Proof is provided that the non-custodial parent may inflict physical or emotional harm to the children, the custodial parent or the caretaker relative. (7-1-98)

**03. Minimum Information Cannot Be Provided.** Substantial and credible proof is provided

indicating the participant cannot provide the minimum information regarding the non-custodial parent. (7-1-99)

**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. (7-1-98)

**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 or a third party. When determining the twelve (12) months, the Department must count only months the family received TAFI. (7-1-99)

**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 good cause is established. (7-1-98)

**158. (RESERVED).**

**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. (7-1-98)

**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. (7-1-98)

**161. -- 162. (RESERVED).**

**163. 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 163.01 through 163.03 occurs. (7-1-01)T

**01. Reasonable Distance.** Appropriate child care is not available within a reasonable distance from the participant's home or work site. (7-1-98)

**02. Relative Child Care.** Informal child care by relatives or others is not available or is unsuitable. (7-1-98)

**03. Child Care Not Available.** Appropriate and affordable child care is not available. (7-1-98)

**164. WORK ACTIVITIES.**

Work activities include paid work, including self-employment that produces earnings of at least the federal minimum wage; unpaid work; community service; work search activities; education leading to high school diploma or equivalency; work preparation education; vocational or job skills training; and other activities that improve the ability to obtain and maintain employment or support self-reliance. (7-1-98)

**165. WORK REQUIREMENTS DURING SUBSTANCE ABUSE TREATMENT.**

The Department may require participants to engage in appropriate work activities during substance abuse treatment. The treatment program must judge the work activities to be appropriate to the participant's treatment plan. Negotiation of the Personal Responsibility Contract between the participant, the Department and the Treatment program will include the work activities. (7-1-01)T

**166. CONSENT TO RELEASE CONFIDENTIAL INFORMATION.**

Participants entering a substance abuse treatment program must sign a consent to release program information to the Department. The treatment program shall only release substance abuse treatment information to report participant progress. (7-1-01)T

**167. FAILURE TO COMPLY WITH SUBSTANCE ABUSE SCREENING AND TESTING REQUIREMENTS.**

TAFI applicants or participants refusing to cooperate with substance abuse screening, assessment, testing or treatment are ineligible. (7-1-01)T

**168. 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 168.01 through 168.03. (7-1-98)

**01. First Occurrence.** The family is ineligible for one (1) month or until compliance, whichever is longer. (7-1-98)

**02. Second Occurrence.** The family is ineligible for three (3) months or until compliance, whichever is longer. (7-1-98)

**03. Third Occurrence.** The family is ineligible for lifetime. (7-1-98)

**169. APPLYING PENALTIES FOR NOT COMPLYING WITH WORK ACTIVITIES.**

Work activity penalties are applied as listed in Subsections 169.01 through 169.02. (7-1-98)

**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. (7-1-98)

**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. (7-1-98)

**170. SUPPORTIVE SERVICES.**

Supportive services may be provided to eligible family members if needed to comply with PRC assignments. (7-1-98)

**171. SUPPORTIVE SERVICES EXCLUDED.**

TANF funds must not be used for: (3-30-01)

**01. Child Care Of Any Type;** (3-30-01)

**02. Medical Services, Including Medical Exams; or** (3-30-01)

**03. Purchase Or Down Payment For Motor Vehicle.** (3-30-01)

**172. -- 175. (RESERVED).**

**176. CHILD CARE.**

Families are eligible for the Idaho Child Care Program, IDAPA 16, Title 06, Chapter 12, if child care is needed for a parent or caretaker relative to participate in Personal Responsibility Contract activities. (7-1-98)

**177. TEMPORARY ABSENCE.**

Eligible individuals may be temporarily absent from the home for a reasonable period not to exceed one hundred eighty (180) days. (7-1-98)

**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. (7-1-98)

**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. (7-1-98)

**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. (7-1-98)

**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. (7-1-98)

**208. RESOURCE EXCLUSIONS.**

The resources listed in Subsections 208.01 through 208.10 are excluded. (7-1-98)

**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. (7-1-98)

**02. Household Goods.** Household goods are items of personal property normally found in the home. The items must be used for maintenance, use, and occupancy of the home. Household goods include furniture, appliances, television sets, carpets, and utensils for cooking and eating. (3-30-01)

**03. Personal Effects.** Personal effects are items worn or carried by a participant, or items having an intimate relation to the participant. Personal effects include clothing, jewelry, personal care items, and prosthetic devices. Personal effects also include items for education or recreation, such as books, musical instruments, or hobby materials. (3-30-01)

**04. Building Lot.** One (1) unoccupied lot and one (1) partially built home. Only one (1) home and one (1) lot can be excluded. (7-1-98)

**05. Unoccupied Home.** A home temporarily unoccupied due to employment, training, medical care or treatment and natural disasters. (7-1-98)

**06. 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. (7-1-98)

**07. Income Producing Property.** Real property that annually produces income consistent with its fair market value. (7-1-98)

**08. 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. (7-1-98)

**09. 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. (7-1-98)

**10. Life Insurance.** The cash surrender value of a life insurance policy. (7-1-98)

**11. Native American Payments.** To the extent authorized, payments or purchases made with payments authorized by law based on Native American ancestry. (7-1-98)

**12. Funeral Agreements.** The cash value of an irrevocable funeral agreement. (7-1-98)

**209. -- 213. (RESERVED).**

**214. COUNTABLE INCOME.**

All earned and unearned income is counted in determining eligibility and grant amount, unless specifically excluded by rule. (7-1-98)

**215. EXCLUDED INCOME.**

The types of income listed in Subsections 215.01 through 215.36 are excluded. (3-30-01)

**01. Supportive Services.** Supportive services payments. (7-1-98)

**02. Work Reimbursements.** Work-related reimbursements. (7-1-98)

**03. Child's Earned Income.** Earned income of a dependent child, who is attending school. (7-1-98)

**04. Child Support.** Child support payments assigned to the State and non-recurring child support payments received in excess of that amount. (7-1-98)

**05. Loans.** Loans with a signed, written repayment agreement. (7-1-98)

**06. Third Party Payments.** Payments made by a person directly to a third party on behalf of the family. (7-1-98)

**07. Money Gifts.** Money gifts, up to one hundred dollars (\$100), per person per event, for celebrations typically recognized with an exchange of gifts. (7-1-98)

**08. TAFI.** Retroactive TAFI grant corrections. (7-1-98)

**09. Social Security Overpayment.** The amount withheld for a Social Security overpayment. Money withheld voluntarily or involuntarily to repay an overpayment from any other source is counted as income. (7-1-99)

**10. Interest Income.** Interest posted to a bank account. (7-1-98)

**11. Tax Refunds.** State and federal income tax refunds. (7-1-98)

**12. EITC Payments.** EITC payments. (7-1-98)

**13. Disability Insurance Payments.** Taxes withheld and attorney's fees paid to secure disability insurance payments. (7-1-98)

**14. Sales Contract Income.** Taxes and insurance costs related to sales contracts. (7-1-98)

**15. Foster Care.** Foster care payments. (7-1-98)

**16. Adoption Assistance.** Adoption assistance payments. (7-1-98)

**17. Food Programs.** Commodities and food stamps. (7-1-98)



18. **Child Nutrition.** Child nutrition benefits. (7-1-98)
19. **Elderly Nutrition.** Elderly nutrition benefits received under Title VII, Nutrition Program for the Elderly, of the Older Americans Act of 1965. (7-1-98)
1981. 20. **Low Income Energy Assistance.** Benefits paid under the Low Income Energy Assistance Act of 1981. (7-1-98)
9101. 21. **Home Energy Assistance.** Home energy assistance payments under Public Law 100-203, Section 9101. (7-1-98)
22. **Utility Reimbursement Payment.** Utility reimbursement payments. (7-1-98)
23. **Housing Subsidies.** Housing subsidies. (7-1-98)
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. (7-1-98)
25. **Native American Payments.** Payments authorized by law made to people of Native American ancestry. (7-1-98)
26. **Educational Income.** Educational income, except that AmeriCorps living allowances, stipends, and AmeriCorps Education Award minus attendance costs are earned income. (7-1-98)
27. **Work Study Income Of Student.** College work study income. (7-1-98)
28. **VA Educational Assistance.** VA Educational Assistance. (7-1-98)
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. (7-1-98)
30. **Relocation Assistance.** Relocation assistance payments received under Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. (7-1-98)
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. (7-1-98)
32. **Radiation Exposure Payments.** Payments made to persons under the Radiation Exposure Compensation Act. (7-1-98)
33. **Agent Orange.** Agent Orange settlement payments. (7-1-98)
34. **Spina Bifida.** Spina bifida allowances paid to children of Vietnam veterans. (7-1-99)
35. **Japanese-American Restitution Payments.** Payments by the U.S. Government to Japanese-Americans, their spouses, or parents (or if deceased to their survivors) interned or relocated during World War II. (3-30-01)
36. **Vista Payments.** Volunteers in Service to America (VISTA) payments. (3-30-01)
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. (7-1-98)

**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. (7-1-98)

- 01. Weekly Payments.** The projected weekly payment is multiplied by four point three (4.3). (7-1-98)
- 02. Biweekly Payments.** The projected bi-weekly amount is multiplied by two point one five (2.15). (7-1-98)
- 03. Semi-Monthly Payments.** The projected semi-monthly amount is multiplied by two (2). (7-1-98)

**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. (7-1-98)

**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. (7-1-98)

- 01. Self-Employed At Least One Year.** For individuals who are self-employed for at least one (1) year, income and expenses are averaged over the past twelve (12) months. (7-1-98)
- 02. Self-Employed Less Than One 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. (7-1-98)

**230. SELF-EMPLOYMENT ALLOWABLE EXPENSES.**

Operating expenses deducted from self-employment income are listed in Subsections 230.01 through 230.16. (7-1-98)

- 01. Labor.** Labor paid to individuals not in the family. (7-1-98)
- 02. Materials.** Materials such as stock, seed and fertilizer. (7-1-98)
- 03. Rent.** Rent on business property. (7-1-98)
- 04. Interest.** Interest paid to purchase income producing property. (7-1-98)
- 05. Insurance.** Insurance paid for business property. (7-1-98)
- 06. Taxes.** Taxes on income producing property. (7-1-98)
- 07. Business Transportation.** Business transportation as defined by the IRS. (7-1-98)
- 08. Maintenance.** Landscape and grounds maintenance. (7-1-98)
- 09. Lodging.** Lodging for business related travel. (7-1-98)
- 10. Meals.** Meals for business related travel. (7-1-98)
- 11. Use Of Home.** Costs of partial use of home for business. (7-1-98)
- 12. Legal.** Legal fees for business related issues. (7-1-98)

- 13. Shipping.** Shipping for business related costs. (7-1-98)
- 14. Uniforms.** Business related uniforms. (7-1-98)
- 15. Utilities.** Utilities for business property. (7-1-98)
- 16. Advertising.** Business related advertising. (7-1-98)
- 231. SELF-EMPLOYMENT EXPENSES NOT ALLOWED.**  
Self-employment expenses not allowed are listed in Subsections 231.01 through 231.09. (7-1-98)
- 01. Payments On The Principal Of Real Estate.** Payments on the principal of real estate mortgages on income-producing property. (7-1-98)
- 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. (7-1-98)
- 03. Taxes.** Federal, state, and local income tax. (7-1-98)
- 04. Savings.** Monies set aside for future use such as retirement or work related expenses. (7-1-98)
- 05. Depreciation.** Depreciation for equipment, machinery, or other capital investments. (7-1-98)
- 06. Labor Paid To Family Member.** Labor paid to a family member. (7-1-98)
- 07. Loss Of Farm Income.** Loss of farm income deducted from other income. (7-1-98)
- 08. Personal Transportation.** Personal transportation. (7-1-98)
- 09. Net Losses.** Net losses from previous periods. (7-1-98)
- 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. (7-1-98)
- 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. (7-1-98)
- 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. (7-1-98)
- 240. INDIVIDUALS EXCLUDED FROM FAMILY SIZE.**  
Individuals listed in Subsections 240.01 through 240.05 are excluded from the family size in determining eligibility and grant amount. Income and resources of these ineligible family members are counted. (7-1-99)
- 01. Ineligible Non-Citizens.** Individuals who are non-citizens and are not listed in Section 131. (7-1-98)

**02. Drug Related Conviction.** Individuals convicted under federal or state law of any offense classified as a felony involving the possession, use or distribution of a controlled substance, when they do not comply with the terms of a withheld judgment, probation or parole. The felony must have occurred after August 22, 1996. (3-30-01)

**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. (7-1-98)

**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. (7-1-98)

**05. Fraudulent Misrepresentation Of Residency.** Individuals convicted in a federal or state court of fraudulently misrepresenting residence to get TANF, AABD, Food Stamps, Medicaid or SSI from two (2) or more states at the same time are ineligible for ten (10) years from the date of conviction. (7-1-99)

**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. (7-1-98)

**242. ONE-HALF 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. (7-1-98)

**243. -- 247. (RESERVED).**

**248. MAXIMUM GRANT AMOUNT.**  
The maximum grant is two hundred ninety-three dollars (\$293). (3-30-01)

**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. (7-1-98)

**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. (7-1-98)

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

<b>WORK INCENTIVE TABLE 251</b>	
<b>Number Of Family Members</b>	<b>Monthly Amount</b>
1	\$304
2	\$304
3	\$382
4	\$459
5	\$537
6	\$614
7	\$692
8	\$769

9	\$847
10	\$925
Over 10 Persons	Add \$78 Each

(4-5-00)

**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. (7-1-98)

**253. PRORATING BENEFITS FOR THE APPLICATION MONTH.**

The grant amount is prorated from the effective date. (7-1-98)

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

A payment is not made when the grant amount is less than ten dollars (\$10). (7-1-98)

**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 in the first month of the one-time cash payment, 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. (7-1-98)

**261. APPLICANT ONE-TIME CASH PAYMENT ELIGIBILITY CRITERIA.**

The applicant family must meet the criteria listed in Subsections 261.01 through 261.08. (7-1-99)

**01. SSN.** An SSN, or proof of application for an SSN, must be provided for each adult family member. (3-30-01)

**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. (7-1-98)

**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. (7-1-98)

**04. Voluntary Quit.** An adult family member must not have voluntarily quit their most recent employment within sixty (60) days or be on strike. (7-1-98)

**05. Income And Resources.** The family must be income eligible for TAFI and have no resources to meet the need. (7-1-98)

**06. Period Of Ineligibility.** The family must not be in a period of TAFI ineligibility. (7-1-98)

**07. Agreement.** The family must complete a one-time cash agreement. (7-1-98)

**08. Episode Of Need Restriction.** If a family received Career Enhancement services or Emergency Assistance, the family cannot receive a one-time cash payment for the same episode of need. (3-30-01)

**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. (7-1-98)

**263. ONE-TIME CASH PAYMENT AGREEMENT.**

The one-time cash agreement must include the information listed in Subsections 263.01 through 263.05. (7-1-98)

- 01. Reason.** The reason for the one-time cash payment. (7-1-98)
- 02. Number Of Months.** The number of months included in the one-time cash payment. (7-1-98)
- 03. Penalty Months.** The number of penalty months subtracted from the family's twenty-four (24) month time limit. (7-1-98)
- 04. Remaining Months.** The number of months remaining in the twenty-four (24) month time limit. (7-1-98)
- 05. Ineligibility Period.** The months the family will not be eligible for TAFI. (7-1-98)

**264. AMOUNT OF ONE-TIME CASH PAYMENT.**

The amount of the one-time cash payment is the amount of need or up to three (3) times the maximum monthly grant amount. (7-1-98)

**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. (7-1-98)

**266. LIFETIME ELIGIBILITY.**

A family can be eligible for a one-time cash payment only once in a lifetime in Idaho. (7-1-98)

**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. (7-1-98)

**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. (7-1-98)

**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. (7-1-98)

- 01. Family Request.** The family requests closure of the grant in writing. (7-1-98)
- 02. Family Member In Institution.** A family member is admitted or committed to an institution. (7-1-98)
- 03. Family's Address Unknown.** The family's whereabouts are unknown and Department mail is returned showing no known forwarding address. (7-1-98)
- 04. TANF Received In Another State.** A family member is receiving TANF in another state. (7-1-98)

- 05. Child Removed.** A child family member is removed from the home due to a judicial determination. (7-1-98)
- 06. Intentional Program Violation (IPV).** An IPV disqualification begins the first month after the month the member receives written notice of disqualification. (7-1-98)
- 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. (7-1-98)
- 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. (7-1-98)
- 01. First Occurrence.** The family is ineligible for one (1) month. (7-1-98)
- 02. Additional Occurrence.** The family is ineligible for three (3) months. (7-1-98)
- 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. (7-1-98)
- 311. TAFI ELIGIBILITY DURING SUBSTANCE ABUSE TREATMENT.**  
A participant may receive TAFI after showing a positive test result. They must agree to enter treatment and meet all other eligibility factors. Participants continuing to meet TAFI eligibility factors will remain eligible during substance abuse treatment. A participant absent from the home, due to residential treatment, continues to be a member of the TAFI assistance unit. (7-1-01)T
- 312. FAILURE TO COMPLY WITH TREATMENT OR ENGAGING IN SUBSTANCE ABUSE AFTER TREATMENT.**  
The Department will deny TAFI benefits to any participant who leaves treatment before being released, or engages in substance abuse following treatment. (7-1-01)T
- 313. CONTINUATION OF ELIGIBILITY FOR CHILDREN.**  
A dependent child's eligibility for TAFI is not affected if an adult in the assistance unit is ineligible for refusal to comply with the substance abuse screening, testing or treatment. (7-1-01)T
- 314. PROTECTIVE PAYEE.**  
If an adult in the assistance unit is ineligible for TAFI for failure to comply with substance abuse screening, testing or treatment requirements, the Department may establish a protective payee for the benefit of the child. If the adult refuses to cooperate in establishing an appropriate protective payee for the child, the Department may appoint one. (7-1-01)T
- 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 benefit for the difference. (7-1-99)
- 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. (7-1-98)

**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. (7-1-98)

**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. (7-1-98)

**01. Admission.** When a family member admits the IPV in writing and waives the right to an administrative hearing. (7-1-98)

**02. Hearing.** By an administrative hearing. (7-1-98)

**03. Court Decision.** By a court decision. (7-1-98)

**04. Deferred Adjudication.** By deferred adjudication. (7-1-98)

**325. DEFERRED ADJUDICATION.**

Deferred adjudication exists when one (1) of the conditions listed in Subsections 325.01 and 325.02 is met. (7-1-98)

**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. (7-1-98)

**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. (7-1-98)

**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. (7-1-98)

**01. First Offense.** Twelve (12) months for the first IPV or fraud offense, or the length of time specified by the court. (7-1-98)

**02. Second Offense.** Twenty-four (24) months for the second IPV or fraud offense, or the length of time specified by the court. (7-1-98)

**03. Third Offense.** Permanent disqualification when a third or subsequent offense is committed, or for the length of time specified by the court. (7-1-98)

**327. APPLYING PENALTIES FOR IPV.**

IPV 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 individual serving an IPV penalty returns to the family or joins another family, the remaining period of ineligibility is applied to the family. (7-1-98)

**328. APPLICATION OF AFDC IPV PENALTIES TO TAFI.**

An individual serving an AFDC IPV disqualification period will not qualify for TAFI until the disqualification period ends. The disqualified member's income and resources count toward TAFI eligibility and grant amount. When counting the number of IPV occurrences, an individual's AFDC IPV's are added to any new TAFI IPV occurrences. (7-1-98)



**329. IPV OVERPAYMENTS.**

An IPV overpayment is the portion of a monthly TAFI payment issued to a family that exceeds the amount for which the family is eligible. The overpayment must result from an IPV established as described in Section 324. (7-1-99)

**330. IPV OVERPAYMENT AND EARNED INCOME.**

If the IPV is the result of the family's failure to report earned income, the Department must use one hundred percent (100%) of the family's earned income to calculate the IPV overpayment. (7-1-99)

**331. IPV OVERPAYMENT COLLECTION.**

The Department must take all reasonable steps to collect an IPV overpayment. The remaining adult family members are responsible for an IPV overpayment resulting from one (1) member's IPV, regardless of the family's current TAFI eligibility. (7-1-99)

**332. NOTICE OF OVERPAYMENT.**

The Department must notify the participant when an IPV overpayment exists. The notice must inform the participant of mandatory recovery, the right to a hearing, the method for repayment and the need to arrange a repayment interview. (7-1-99)

**333. -- 334. (RESERVED).**

**335. 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. (7-1-98)

**336. 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. (7-1-98)

**337. 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. (7-1-98)

**338. -- 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. (7-1-98)

**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. (7-1-98)

**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 342.02. (7-1-98)

**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. (7-1-98)

**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. (7-1-98)

**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. (7-1-98)

- 01. Approval.** The length of time of ECA approval; and (7-1-98)
- 02. Amount.** The ECA amount; and (7-1-98)
- 03. Review.** The next ECA review date; and (7-1-98)
- 04. Review Information.** Advise the family of any information that may be required at the next review. (7-1-98)

**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. (7-1-98)

**345. -- 349. (RESERVED).**

**350. TRANSITIONAL SERVICES.**

Transitional services may be provided to an individual whose family is no longer eligible for TAFI due to employment or who requested TAFI closure because of employment. At the time of closure the family's income must be below two hundred percent (200%) of the federal poverty guidelines. (3-30-01)

**351. TRANSITIONAL SERVICES CRITERIA.**

The individual must meet the criteria in Subsections 351.01 through 351.07. (4-5-00)

**01. TAFI Family.** The family must have received TAFI for one (1) partial month or one (1) full month within the past twelve (12) months. (4-5-00)

**02. Need For Work-Related Services.** The individual must be in need of work-related services to maintain employment. (4-5-00)

**03. Residence.** The individual must live in the state of Idaho and must not be a resident of another state. (4-5-00)

**04. Controlled Substance Felon.** Individuals convicted under federal or state law of any offense classified as a felony involving the possession, use or distribution of a controlled substance, can receive transitional services when they comply with the terms of a withheld judgment, probation or parole. The felony must have occurred after August 22, 1996. (3-30-01)

**05. Fleeing Felons.** Felons who are fleeing to avoid prosecution, custody or confinement after conviction of a felony or an attempt to commit a felony cannot receive transitional services. (4-5-00)

**06. Parole Violation.** Felons who are violating a condition of probation or parole imposed for a federal or state felony cannot receive transitional services. (4-5-00)

**07. Fraud.** Individuals convicted in a federal or state court of fraudulently misrepresenting residence to get TANF, AABD, Food Stamps, Medicaid, or SSI, from two (2) or more states at the same time, cannot receive transitional services for ten (10) years from the date of conviction. (4-5-00)

**352. TRANSITIONAL SERVICES PAID.**

Transitional services will be paid only for work-related services to assist the individual to maintain employment. Transitional services include counseling, mentoring, and training. Payment for transitional services will be made to the provider of the services. (4-5-00)

**353. TRANSITIONAL SERVICES TIME LIMIT.**

Transitional Services may be provided up to twelve (12) months after TAFI ends due to employment. Transitional services do not count toward the TAFI twenty-four (24) month time limit. If the Department pays transitional services in error, the month does not count towards the twenty-four (24) month TAFI time limit. (4-5-00)

**354. -- 367. (RESERVED).**

**368. CAREER ENHANCEMENT SERVICES.**

Career Enhancement services may be provided to an individual with dependent children. The individual must have a work-related need, that if unmet, would prevent them from maintaining employment or participate in work programs. Career Enhancement services are non-recurrent, short-term, and designed to deal with a specific crisis situation or episode of need. Career Enhancement payments do not count towards the TAFI twenty-four (24) month time limit. (11-1-00)T

**369. CAREER ENHANCEMENT SUPPORTIVE SERVICES.**

Career Enhancement supportive services are provided to help individuals participate in career enhancement activities, including employment. Career Enhancement supportive services must not extend beyond four (4) months per episode of need. The individual may only receive one (1) Career Enhancement payment or Emergency Assistance payment in a twelve (12) month period. (11-1-00)T

**370. CAREER ENHANCEMENT MENTORING, COUNSELING, AND TRAINING ACTIVITIES.**

Career Enhancement mentoring, counseling, and training activities are provided to help individuals obtain or maintain employment. Mentoring, counseling and training activities can be provided for up to twelve (12) months. (3-30-01)

**371. CAREER ENHANCEMENT ELIGIBILITY CRITERIA.**

The individual must meet the criteria in Subsections 371.01 through 371.14. (3-30-01)

**01. Application For Career Enhancement Services.** An application form must be completed for Career Enhancement services, unless the family already receives services from the Food Stamp Medicaid, Idaho Child Care or Child Support Services programs. A Career Enhancement service plan must be completed for all eligible individuals. (3-30-01)

**02. Verification Of Career Enhancement Eligibility.** SSN must be verified. Other eligibility criteria are verified at the discretion of the Department. (3-30-01)

**03. Eligible Individual.** The individual must not have failed, without good cause, to comply with a previous Career Enhancement service plan. The individual must be a parent or a caretaker relative with a dependant child in the home, a pregnant woman; or a non-custodial parent legally responsible to provide support for a dependent child who does not reside in the same home. (3-30-01)

**04. Need For Work-Related Services.** The individual must be in need of work-related services to maintain employment or participate in work programs. The individual must participate in meeting the need to the extent possible. This requires the individual to meet a portion of the need if possible, and to explore other resources available to meet the need. (11-1-00)T

**05. Income Limit.** The family must meet the income limit for only the first month of the service to receive Career Enhancement services. The family's income must be below two hundred percent (200%) of the federal poverty guidelines, or the family must be eligible for Food Stamps, Medicaid or ICCP. For non-custodial parents, the family's income must be below four hundred percent (400%) of the federal poverty guidelines, or the family must be eligible for Food Stamps or Medicaid. (3-30-01)

**06. Citizenship And Legal Non-Citizen.** The individual must be a citizen or must meet the legal non-citizenship requirements of Section 131. (7-1-99)

**07. SSN.** An SSN, or proof of application for an SSN, must be provided for the individual. (3-30-01)

**08. Residence.** The individual must live in the state of Idaho and must not be a resident of another state. (7-1-99)

**09. Duplication of Services.** Career Enhancement services must not be provided for a need already met by Emergency Assistance under IDAPA 16.06.01, "Rules Governing Family and Children's Services," or by a one-time TAFI cash payment. (3-30-01)

**10. TANF Restrictions.** The family must not be receiving TANF or TAFI benefits or be serving a TAFI sanction. The individual must not receive Career Enhancement services if he has received five (5) years of TANF benefits. The family must not be receiving TANF Extended Cash Assistance. If the individual received an Emergency Assistance to Needy Families with children payment within the past twelve (12) months the individual cannot receive Career Enhancement. If the individual has received Career Enhancement within the past twelve (12) months the individual cannot receive Career Enhancement. (11-1-00)T

**11. Controlled Substance Felons.** Individuals convicted under federal or state law of any offense classified as a felony involving the possession, use or distribution of a controlled substance can receive Career Enhancement services when they comply with the terms of a withheld judgment, probation or parole. The felony must have occurred after August 22, 1996. (3-30-01)

**12. Fleeing Felons.** Felons who are fleeing to avoid prosecution, custody or confinement after conviction of a felony or an attempt to commit a felony cannot receive Career Enhancement services. (3-30-01)

**13. Probation Or Parole Violation.** Felons who are violating a condition of probation or parole imposed for a federal or state felony cannot receive Career Enhancement services. (3-30-01)

**14. Fraud.** Individuals convicted in a federal or state court of fraudulently misrepresenting residence to get TANF, AABD, Food Stamps, Medicaid, or SSI, from two (2) or more states at the same time, cannot receive Career Enhancement services for ten (10) years from the date of conviction. (3-30-01)

**372. (RESERVED).**

**373. FUNDING RESTRICTIONS.**

If a funding shortfall is projected, the Department shall take action to reduce Career Enhancement Services payments. (3-30-01)

**374. CAREER ENHANCEMENT SERVICES TIME LIMIT.**

Career Enhancement Services payments do not count towards the TAFI twenty-four (24) month time limit or the sixty (60) month TANF time limit. If the Department pays Career Enhancement services in error, the month does not count towards the twenty-four (24) month TAFI time limit. (3-30-01)

**375. -- 999. (RESERVED).**

# Subject Index

## A

AABD 6  
Abbreviations 6  
Abusive Parents 10  
Additional Occurrence, Failure To Report 23  
Administration Of Substance Abuse Test, TAFI Applicant Or Recipient 9  
Admission, IPV 24  
Adoption Assistance 16  
Advance Notification Not Required 22  
Advance Notification Responsibility 22  
Advertising, Business 19  
Agent Orange 17  
Agreement With Prosecutor, Deferred Adjudication 24  
Agreement, One-Time Cash Payment Eligibility Criteria 21  
Alternative Resources 7  
Amount Of One-Time Cash Payment 22  
Amount, ECA 26  
Applicant 5  
Applicant Job Search 13  
Applicant One-Time Cash Payment 21  
Applicant One-Time Cash Payment Eligibility Criteria 21  
Applicant Voluntary Quit 13  
Application For Assistance 7  
Application For Career Enhancement Services 27  
Application Of AFDC IPV Penalties To TAFI 24  
Applying Penalties For IPV 24  
Applying Penalties For Not Complying With Work Activities 14  
Approval, ECA 26  
Asylees, Citizenship/Legal Non-Citizen Criteria 11  
Averaging Income 18

## B

Battered Non-Citizen Admitted Before August 22, 1996 11  
Battered Non-Citizen Admitted On Or After August 22, 1996 11  
Biweekly Payments 18  
Building Lot, Resource Exclusion 15

Business Transportation 18

## C

CSS 6  
Calculation Of Self-Employment Income 18  
Care Of Ill Or Incapacitated Family Member 25  
Career Enhancement Eligibility Criteria 27  
Career Enhancement Mentoring, Counseling, And Training Activities 27  
Career Enhancement Services Time Limit 28  
Career Enhancement Services, TAFI 27  
Career Enhancement Supportive Services 27  
Caretaker Relative Applying Only For Relative Child 19  
Caretaker Relatives 10  
Changes Affecting Eligibility Or Grant Amount 23  
Child Care Not Available 13  
Child Care, Eligible Families 14  
Child Living With Parent And Stepparent 19  
Child Nutrition 17  
Child Of Unmarried Parent Under Age Eighteen Conceived By Rape Or Incest 10  
Child Removed, Judicial Determination 23  
Child Support 16  
Children, Eligible Individuals 9  
Child's Earned Income 16  
Citizenship And Legal Non-Citizen Criteria 10  
Citizenship And Legal Non-Citizen, At-Risk Eligibility Criteria 27  
Concurrent Benefit Prohibition 8  
Conditional Entrants 11  
Confidentiality Of Screening And Testing, Substance Abuse Screening And Testing Notice At Application, TAFI Applicant 8  
Consent And Acknowledgment Required Before Substance Abuse Testing, TAFI Applicant Or Recipient 8  
Consent To Release Confidential Information, TAFI Participants

Entering Substance Abuse Treatment 14

Continuation Of Eligibility For Children, Refusal To Comply With The TAFI Substance Abuse Screening/Testing/Treatment 23  
Continuation Pending Local Hearing Decision 24  
Contracts, Resource Exclusions 15  
Controlled Substance Felon, Convicted 26  
Controlled Substance Felons 28  
Converting Income To A Monthly Amount 18  
Cooperation Responsibility, For The Family To Be Eligible 12  
Countable Income 16  
Countable Resources 15  
Counting Vehicle Value 15  
Court Decision, IPV 24

## D

Deferred Adjudication 24  
Deferred Adjudication, IPV 24  
Definitions, IDAPA 16.03.08 5  
Department Notification Responsibility 22  
Dependent Child 5, 21  
Deportation Withheld 11  
Depreciation, Self-Employment 19  
Determining Eligibility 17  
Disability Insurance Payments 16  
Disaster Relief 17  
Disqualification For IPV 24  
Drug Related Conviction, Excluded From Family Size 20

## E

ECA 6  
EITC 6  
EITC Payments 16  
Earned Income 5  
Educational Income 17  
Effective Date, TAFI Grant 7  
Elderly Nutrition 17  
Eligibility Of Children, Substance Abuse Screening And Testing Notice At Application, TAFI Applicant 8  
Eligible Individual, At-Risk Eligibility Criteria 27  
Episode Of Need Restriction, Career Enhancement/Emergency Assistance Services 21

Equipment Used In A Trade Or  
Business 15  
Excluded Income 16  
Extended Cash Assistance (ECA) 25  
Extended Cash Assistance Additional  
Eligibility Criteria 25  
Extended Cash Assistance  
Application 25  
Extended Cash Assistance  
Approval 26  
Extended Cash Assistance Time  
Limits 26

**F**

Failure To Comply With Substance  
Abuse Screening And Testing  
Requirements, TAFI Applicants 14  
Failure To Comply With Treatment Or  
Engaging In Substance Abuse After  
Treatment, TAFI Participants 23  
Fair Hearing Request, A Family May  
Request A Hearing Within Thirty  
Days 23  
Family Member In Institution 22  
Family Penalty, For Not Complying  
With Work Activities 14  
Family Reporting Responsibilities 23  
Family Request, Closure Of The Grant  
In Writing 22  
Family's Address Unknown 22  
Felons Violating A Condition Of  
Probation Or Parole, Excluded From  
Family Size 20  
Fifty Percent Not Employed, Adults  
Living In Indian Country 7  
First Occurrence, Failure To  
Report 23  
First Occurrence, Not Complying With  
Work Activities 14  
First Offense 24  
Fleeing Felons, Cannot Receive At-Risk  
Services 28  
Fleeing Felons, Excluded From Family  
Size 20  
Fleeing Felons, To Avoid Prosecution,  
Custody Or Confinement 26  
Food Programs 16  
Forms And Scheduled Meetings 8  
Foster Care, Excluded Income 16  
Fraud, Convicted In Federal Or State  
Court 26  
Fraud, Misrepresenting Residence 28  
Fraudulent Misrepresentation Of

Residency 20  
Funding Restrictions, Career  
Enhancement 28  
Funeral Agreements 16

**G**

Good Cause 5  
Good Cause For Not Cooperating 12  
Good Cause Not To Live With  
Parents 10  
Grant Amount For Families With  
Earned Income 21  
Grant Amount For Families With No  
Income 20  
Grant Amount For Families With  
Unearned Income 20  
Grant Less Than Ten Dollars Not  
Paid 21

**H**

HUD 6  
Hearing, Administrative 24  
Home And Lot, Resource  
Exclusion 15  
Home Energy Assistance 17  
Home Loss Or Damage Insurance  
Settlements 15  
Home Not Available 10  
Household Goods, Resource  
Exclusions 15  
Housing And Urban Development  
(HUD) Interest 17  
Housing Subsidies 17

**I**

IPV 6  
IPV Overpayment And Earned  
Income 25  
IPV Overpayment Collection 25  
IPV Overpayments 25  
Immunization Responsibility 12  
Income And Resources 21  
Income Limit, At-Risk Eligibility  
Criteria 27  
Income Producing Property 15  
Individuals Excluded From Family  
Size 19  
Ineligibility Period, Not Eligible For  
TAFI 22  
Ineligibility Period, Twenty-Four  
Months Time Limit 22  
Ineligible Non-Citizens, Excluded From  
Family Size 19

Insurance, Business 18  
Intentional Program Violation (IPV),  
Notice Of Disqualification 23  
Intentional Program Violations (IPV),  
Intentionally False Or Misleading  
Action/Statement 24  
Interest Income 16  
Interest, Income Producing  
Property 18

**J**

Japanese-American Restitution  
Payments, Excluded Income 17

**L**

Labor Paid To Family Member 19  
Labor, Paid to Non-Family  
Individuals 18  
Legal, Business Fees 18  
Life Insurance 16  
Lifetime Eligibility, One-Time Cash  
Payment 22  
Lived In Indian Country Or Alaskan  
Native Village 7  
Loans 16  
Lodging, Business Travel 18  
Loss Of Farm Income 19  
Low Income Energy Assistance 17

**M**

Maintenance, Landscape 18  
Mandatory Individuals, Must Be  
Included In TAFI Family 9  
Married Child Under Age Eighteen 10  
Materials, Business 18  
Maximum Grant Amount 20  
Meals, Business Travel 18  
Meets Terms Of Court Order 24  
Minimum Information Cannot Be  
Provided 12  
Money Gifts 16  
Multiple TANF Benefits 12

**N**

Native American Payments, Excluded  
Income 17  
Native American Payments, Resource  
Exclusions 16  
Need For Work-Related Services 26  
Need For Work-Related Services, At-  
Risk Eligibility Criteria 27  
Net Losses, Self-Employment 19  
New Applicants, Substance Abuse  
Screening, TAFI Cash Assistance

Applicants 7  
Noncustodial Parent 6  
Not Complying With Conditions Of  
PRC 25  
Not Complying With Work  
Activities 14  
Notice Of Overpayment 25  
Notification Requirement, Approval/  
Denial Of The Application 15  
Number Of Months 22

**O**

One-Half Grant Child Support Penalty  
And School Or Work Penalty 20  
One-Time Cash Payment  
Agreement 22  
Optional Individuals 10

**P**

PRC 6  
PRC Modifications 25  
Parent 6  
Parents 9  
Parents Not Available 10  
Parole Violation 26  
Parolees 11  
Participant 6  
Participant Information, Substance  
Abuse Screening And Testing Notice  
At Application, TAFI Applicant 8  
Participant One-Time Cash  
Payment 21  
Paternity Not Established Within  
Twelve Months 13  
Payments On The Principal Of Real  
Estate 19  
Penalty For Failure To Report 23  
Penalty Months 22  
Period Of Ineligibility 21  
Permanent Residents Admitted Before  
August 22, 1996 10  
Permanent Residents Admitted On Or  
After August 22, 1996 11  
Personal Effects, Resource  
Exclusions 15  
Personal Responsibility Contract  
(PRC) 6  
Personal Responsibility Contract  
(PRC), Must Be Negotiated/Signed  
By The Family Adults 8  
Personal Transportation 19  
Persons Reapplying, Substance Abuse  
Screening, TAFI Cash Assistance

Applicants 7  
Physical Condition, Additional  
Eligibility Criteria 25  
Physical Or Emotional Harm 12  
Pregnant Woman 9  
Probation Or Parole Violation, Cannot  
Receive Career Enhancement  
Services 28  
Prohibition On Applicant Striking 13  
Prorating Benefits For The Application  
Month 21  
Protective Payee, For Benefit Of The  
Child On TAFI 23  
Purchase Of Capital Assets Or Durable  
Goods 19

**R**

RSDI 6  
Radiation Exposure Payments 17  
Rape Or Incest 12  
Reason, One-Time Cash Payment 22  
Reasonable Distance, Work Activities  
Responsibility 13  
Receipt Of Notice, Substance Abuse  
Screening And Testing Notice At  
Application, TAFI Applicant 8  
Referral For Substance Abuse  
Assessment, TAFI Applicant Or  
Recipient 8  
Refugees 11  
Related Children 10  
Relative Child Care, Work Activities  
Responsibility 13  
Relocation Assistance 17  
Remaining Months 22  
Rent, business 18  
Rental Income From Real Property 19  
Request For New Test, Administration  
Of Substance Abuse Test 9  
Residence 26  
Residence Exception To Time Limit 7  
Residence In Idaho 12  
Residence, Individual 28  
Residence, One-Time Cash Payment  
Eligibility Criteria 21  
Resource Exclusions 15  
Resource Limit 15  
Review Information, Advise The  
Family Of Information Needed 26  
Review Of Good Cause Request 13  
Review Of Personal Responsibility  
Contract And Eligibility 25  
Review, ECA 26

Right To Withdraw  
Application, Substance Abuse  
Screening And Testing Notice At  
Application, TAFI Applicant 8

**S**

SSN 6  
SSN, At-Risk Eligibility Criteria 27  
SSN, Each Adult Family Member 21  
Safety Threatened 10  
Sales Contract Income 16  
Savings, Set Aside Retirement/Work  
Related Expenses 19  
School Attendance Responsibility 12  
Screening Requirement, Substance  
Abuse Screening And Testing Notice  
At Application, TAFI Applicant 7  
Second Occurrence, Not Complying  
With Work Activities 14  
Second Offense, IPV 24  
Self-Employed At Least One Year 18  
Self-Employed Less Than One  
Year 18  
Self-Employment Allowable  
Expenses 18  
Self-Employment Expenses Not  
Allowed 19  
Semi-Monthly Payments 18  
Senior Volunteers 17  
Shipping, Business 19  
Social Security Number (SSN) 12  
Social Security Overpayment 16  
Specimen Collection Procedures,  
Administration Of Substance Abuse  
Test 9  
Spina Bifida 17  
Sponsored Non-Citizen 20  
Substance Abuse Assessment, TAFI  
Applicant Or Recipient 8  
Substance Abuse Initial Screening,  
TAFI Applicant Or Recipient 8  
Substance Abuse Screening And  
Testing Notice At Application, TAFI  
Applicant 7  
Substance Abuse Screening, TAFI Cash  
Assistance Applicants 7  
Substance Abuse Testing, TAFI  
Applicant Or Recipient 8  
Substance Abuse Treatment, TAFI  
Applicant Or Recipient 9  
Supportive Services 16  
Supportive Services Excluded,  
TANF 14

Supportive Services, To Comply With  
PRC Assignments 14

**T**

TAFI 6  
TAFI Approval Before Substance  
Abuse Screening And Testing Results  
Known, TAFI Applicant Or  
Recipient 9  
TAFI Eligibility 6  
TAFI Eligibility During Substance  
Abuse Treatment 23  
TAFI Family 26  
TAFI, Excluded Income 16  
TANF 6  
TANF Funds Must Not Be Used  
For 14  
TANF Received In Another State 22  
TANF Restrictions 28  
Tax Refunds 16  
Taxes, Income Producing Property 18  
Taxes, Self-Employment Expenses Not  
Allowed 19  
Temporary Absence 14  
Temporary Assistance For Families In  
Idaho 5  
Test Results, Administration Of  
Substance Abuse Test 9  
Testing Requirement, Substance Abuse  
Screening And Testing Notice At  
Application, TAFI Applicant 7  
Third Occurrence, Not Complying With  
Work Activities 14  
Third Offense, IPV 24  
Third Party Payments 16  
Time Limit, Eligibility For Adults Is  
Limited 7  
Transitional Services 26  
Transitional Services Criteria 26  
Transitional Services Paid 26  
Transitional Services Time Limit 27  
Treatment Requirement, Substance  
Abuse Screening And Testing Notice  
At Application, TAFI Applicant 7

**U**

Underpayment, Department At  
Fault 23  
Unearned Income 6  
Uniforms, Business 19  
Unmarried Parent Under The Age Of  
Eighteen 10  
Unoccupied Home, Resource

Exclusion 15  
Use Of Home, Business 18  
Utilities, Business 19  
Utility Reimbursement Payment 17

**V**

VA 6  
VA Educational Assistance 17  
Verification Of Career Enhancement  
Eligibility 27  
Vista Payments, Excluded Income 17  
Voluntary Quit 21

**W**

Weekly Payments 18  
Work Activities 13  
Work Activities Responsibility 13  
Work Activity Penalty 14  
Work Incentive Table 20  
Work Reimbursements 16  
Work Requirements During Substance  
Abuse Treatment, TAFI  
Participants 13  
Work Study Income Of Student 17