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IDAPA 16
TITLE 03
CHAPTER 08

16.03.08 - RULES GOVERNING THE TEMPORARY ASSISTANCE FOR FAMILIES IN IDAHO (TAFI) PROGRAM

000. LEGAL AUTHORITY.
The Idaho Department of Health and Welfare is authorized to adopt rules for the administration of public assistance programs under Section 56-202, Idaho Code, and 45 CFR Parts 260 - 265. (3-30-07)

001. TITLE, SCOPE, AND PURPOSE.

01. Title. These rules are cited as the IDAPA 16.03.08, "Rules Governing the Temporary Assistance for Families in Idaho (TAFI) Program." (3-30-07)

02. Scope. These rules provide standards for the administration of the TAFI program. (3-30-07)

03. Purpose. The purpose of these rules are to help participants in the Temporary Assistance for Families in Idaho (TAFI) program to obtain jobs by providing assistance and support. 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. (3-30-07)

002. WRITTEN INTERPRETATIONS.
In accordance with Section 67-5201(19)(b)(iv), Idaho Code, this agency may have written statements that pertain to the interpretations of the rules of this chapter. These documents are available for public inspection as described in Sections 005 and 006 of these rules. (3-30-07)

003. ADMINISTRATIVE APPEAL.
Administrative appeals are governed by IDAPA 16.05.03, "Rules Governing Contested Case Proceedings and Declaratory Rulings." (3-30-07)

004. INCORPORATION BY REFERENCE.
No documents have been incorporated by reference in this chapter of rules. (3-30-07)

005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS -- STREET ADDRESS -- TELEPHONE -- INTERNET WEBSITE.

01. Office Hours. Office hours are 8 a.m. to 5 p.m., Mountain Time, Monday through Friday, except holidays designated by the state of Idaho. (3-30-07)

02. Mailing Address. The mailing address for the business office is Idaho Department of Health and Welfare, P.O. Box 83720, Boise, Idaho 83720-0036. (3-30-07)

03. Street Address. The business office of the Idaho Department of Health and Welfare is located at 450 West State Street, Boise, Idaho 83702. (3-30-07)

04. Telephone. (208) 334-5500. (3-30-07)

05. Internet Website Address. The website http://www.healthandwelfare.idaho.gov. (3-30-07)

006. CONFIDENTIALITY OF RECORDS AND PUBLIC RECORDS REQUEST.

01. Confidentiality of Records. Information received by the Department is subject to the provisions of IDAPA 16.05.01, "Use and Disclosure of Department Records." (3-30-07)

02. Public Records. The Department will comply with Title 74, Chapter 1, Idaho Code, when requests for the examination and copying of public records are made. Unless otherwise exempted, all public records in the custody of the Department are subject to disclosure. (3-30-07)

007. (RESERVED)

008. AUDIT, INVESTIGATION AND ENFORCEMENT.
In addition to any actions specified in these rules, the Department may audit, investigate and take enforcement action under the provisions of IDAPA 16.05.07, "Investigation and Enforcement of Fraud, Abuse or Misconduct."(3-30-07)

009. (RESERVED)

010. DEFINITIONS.

01. Agency Error. A benefit error caused by the Department's action or failure to act. (7-1-12)

02. Applicant. An individual who applies for Temporary Assistance for Families in Idaho. (7-1-98)

03. 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)

04. Caretaker Relative. An adult specified relative other than parents who have an eligible related child residing with them and who are responsible for the child's care. (5-8-09)

05. Claim Determination. The action taken by the Department establishing the household's liability for repayment when a TAFI overpayment occurs. (7-1-12)

06. Department. The Idaho Department of Health and Welfare. (7-1-98)

07. 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)

08. 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)

09. 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)

10. Good Cause. The conduct of a reasonably prudent person in the same or similar circumstances, unless otherwise defined in these rules. (7-1-98)

11. Household. A unit of eligible individuals that includes parents and step-parents, or may include caretaker relatives who have an eligible child residing with them. (7-1-12)

12. Inadvertent Household Error (IHE). A benefit error caused unintentionally by the household. (7-1-12)

13. 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)

14. 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)

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

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

17. **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)

18. **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)

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

20. **Step-Parent**. An individual in the TAFI household who is married to the parent of an eligible child when there are no children in common. (7-1-12)

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. -- 105. (RESERVED)

106. SIGNATURES.
An individual who is applying for benefits, receiving benefits, or providing additional information as required by this chapter, may do so with the depiction of the individual's name either handwritten, electronic, or recorded telephonically. Such signature serves as intention to execute or adopt the sound, symbol, or process for the purpose of signing the related record. (3-29-12)

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. A new TAFI application is required if the application was denied for failure to provide required verification and more than thirty (30) days have elapsed since the household applied. (7-1-12)

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 prior to TAFI benefit approval. (3-15-02)

01. New Applicants. New TAFI applicants, if they are otherwise eligible. (3-15-02)

02. Persons Reapplying. Persons reapplying for TAFI, if they are otherwise eligible. (3-15-02)

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. (3-15-02)

01. Screening Requirement. The Department conducts substance abuse screening as a condition of receiving TAFI cash assistance. (3-15-02)

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. (3-15-02)

03. Treatment Requirement. Participants must enter a substance abuse treatment program and cooperate with treatment, if screening, assessment or testing shows them in need of substance abuse treatment.

(3-15-02)

04. Participant Information. Before screening the Department will provide participants information about the purpose of substance abuse screening, testing and treatment. (3-15-02)

05. Confidentiality of Screening and Testing. Substance abuse screening and testing results are confidential under Section 74-106(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. (3-15-02)

06. Right to Withdraw Application. Substance abuse screening and testing is not required if the person does not apply for, or receive, TAFI. (3-15-02)

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. (3-15-02)

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.(3-15-02)

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 MULTIPLE BENEFIT PROHIBITION.

01. Multiple TAFI Benefits. If individuals in a family unit are potentially eligible for TAFI benefits, only one (1) TAFI cash benefit is allowed in the same month for the family unit. (5-8-09)

02. Multiple Program Benefits. 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. (5-8-09)

114. -- 115. (RESERVED)

116. PERSONAL RESPONSIBILITY CONTRACT (PRC).
A personal responsibility contract must be negotiated and signed by the mandatory adult household members defined under Section 125 of these rules, 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. (7-1-12)

117. SUBSTANCE ABUSE INITIAL SCREENING.
The Department will use a nationally recognized substance abuse screening instrument. (3-15-02)

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. (3-15-02)

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. (3-15-02)

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. (3-15-02)

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. (3-15-02)

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. (3-15-02)

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. (3-15-02)

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. (3-15-02)

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. (3-15-02)

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. (3-15-02)

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. The Department shall provide for the participant's transportation and child care needs if necessary. (3-15-02)

125. MANDATORY TAFI HOUSEHOLD MEMBERS.
Individuals who must be included in the family are listed in Subsections 125.01 through 125.04 of this rule. (7-1-12)

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 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. (5-8-09)

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)

04. **Step-Parents**. Individuals who are married to the parent of a dependant child. (7-1-12)

05. **Spouses**. Anyone related by marriage to another mandatory household member. (7-1-12)

126. BUDGETING FOR CARETAKER RELATIVES.
Individuals who may be eligible are listed in Subsections 126.01 and 126.02 of this rule. (5-8-09)

01. **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. (5-8-09)

02. **Multiple Children**. When multiple children are included in the family unit and any child receives Social Security Income, that income is not counted in the determination of the grant amount. (5-8-09)

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. (3-15-02)

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 QUALIFIED NON-CITIZEN CRITERIA.
To be eligible, an individual must be a member of one (1) of the groups listed in Subsections 131.01 through 131.10 of this rule. (5-8-09)

01. U.S. Citizen. A U.S. Citizen; or (3-20-04)

02. U.S. National, National of American Samoa or Swains Island. A U. S. National, National of American Samoa or Swains Island; or (3-20-04)

03. Full-Time Active Duty U.S. Armed Forces Member. A qualified non-citizen as defined in 8 U.S.C. 1641(b) or (c) currently on full-time active duty with the U.S. Army, U.S. Air Force, U.S. Marine Corps, U.S. Navy or U.S. Coast Guard, or a spouse or unmarried dependent child of the U.S. Armed Forces member; or (3-20-04)

04. Veteran of the U.S. Armed Forces. A qualified non-citizen as defined in 8 U.S.C. 1641(b) or (c) honorably discharged from the U.S. Army, U.S. Air Force, U.S. Marine Corps, U.S. Navy or U.S. Coast Guard for a reason other than their citizenship status or a spouse, including a surviving spouse who has not remarried, or an unmarried dependent child of the veteran; or (3-20-04)

05. Non-Citizen Entering the U.S. Before August 22, 1996. A non-citizen who entered the U.S. before August 22, 1996, and is currently a qualified non-citizen as defined in 8 U.S.C. 1641(b) or (c); or (3-20-04)

06. Non-Citizen Entering on or After August 22, 1996. A non-citizen who entered on or after August 22, 1996, and (3-20-04)

a. Is a refugee admitted into the U.S. under 8 U.S.C. 1157, and can be eligible for seven (7) years from their date of entry; or (3-20-04)

b. Is an asylee granted asylum into the U.S. under 8 U.S.C. 1158, and can be eligible for seven (7) years from the date their asylee status is assigned; or (3-20-04)

c. Is an individual whose deportation or removal from the U.S. has been withheld under 8 U.S.C. 1253 or 1231(b)(3) as amended by Section 305(a) of Division C of Public Law 104-208, and can be eligible for seven (7) years from the date their deportation or removal was withheld; or (3-20-04)

d. Is an Amerasian immigrant admitted into the U.S. under 8 U.S.C. 1612(b)(2)(A)(i)(V), and can be eligible for seven (7) years from the date of entry; or (3-20-04)

e. Is a Cuban or Haitian entrant to the U.S. under Section 501(e) of the Refugee Assistance Act, and can be eligible for seven (7) years from their date of entry; or (3-20-04)

07. Qualified Non-Citizen Entering on or After August 22, 1996. A qualified non-citizen under 8 U.S.C. 1641(b) or (c), entering the U.S. on or after August 22, 1996, and who has had a qualified non-citizen status for at least five (5) years; or (3-20-04)

08. Victim of Severe Form of Trafficking. A victim of a severe form of trafficking in persons, as defined in 22 U.S.C. 7102(13); who meets one (1) of the following: (3-20-04)

a. Is under the age of eighteen (18) years; or (3-20-04)

b. Is certified by the U.S. Department of Health and Human Services as willing to assist in the investigation and prosecution of a severe form of trafficking in persons; and (3-20-04)

i. Has made a bona fide application for a temporary visa under 8 U.S.C. 1104(a)(15)(T), which has

not been denied; or (3-20-04)

ii. Is remaining in the U.S. to assist the U.S. Attorney General in the prosecution of traffickers in persons. (3-20-04)

09. Afghan Special Immigrants. An Afghan special immigrant, as defined in Public Law 111-118, who has special immigration status after December 26, 2007, is eligible from the date they enter into the U.S. as a special immigrant or the date they convert to the special immigrant status. (4-7-11)

10. Iraqi Special Immigrants. An Iraqi special immigrant, as defined in Public Law 111-118, who has special immigration status after January 28, 2008, is eligible from the date they enter the U.S. as a special immigrant or the date they convert to the special immigrant status. (4-7-11)

132. (RESERVED)

133. SOCIAL SECURITY NUMBER (SSN) REQUIREMENT.
An applicant must provide his Social Security Number (SSN), or proof he has applied for an SSN, to the Department before approval of eligibility. If the applicant has more than one (1) SSN, all numbers must be provided. The SSN must be verified by the Social Security Administration (SSA) electronically. When an SSN is unverified, the applicant is not eligible for TAFI benefits. The Department must notify the applicant in writing if eligibility is being denied or lost for failure to meet the SSN requirement. (5-8-09)

01. Application for SSN. The applicant must apply for an SSN, or a duplicate SSN when he cannot provide his SSN to the Department. If the SSN has been applied for but not issued by the SSA, the Department can not deny, delay or stop benefits. The Department will help an applicant with required documentation when the applicant applies for an SSN. (3-20-04)

02. Failure to Apply for SSN. The applicant may be granted good cause for failure to apply for an SSN if they have a well-established religious objection to applying for an SSN. A well-established religious objection means the applicant: (3-20-04)

a. Is a member of a recognized religious sect or division of the sect; and (3-20-04)

b. Adheres to the tenets or teachings of the sect or division of the sect and for that reason is conscientiously opposed to applying for or using a national identification number. (3-20-04)

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, unless there is a religious or other objection, or immunization would endanger the life or health of a child. (5-8-09)

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. (7-1-98)

143. -- 146. (RESERVED)

147. ASSIGNMENT OF SUPPORT RIGHTS.
The parent, or the caretaker relative included in the grant, is required by law to assign to the State their rights to child support payments for the family to be eligible for TAFI. The State will retain all child support collections up to the amount of assistance that the family receives. This assignment only applies to the period of time the family is receiving TAFI. (5-3-03)

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 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 adult mandatory household members 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. (7-1-12)

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. (3-15-02)

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. (3-15-02)

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. (3-15-02)

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. -- 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 five thousand dollars ($5,000) in any month. Resources are money, financial instruments, vehicles, and real property. (7-1-12)

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. VEHICLES.
The Department counts the resource value of a vehicle as described in Subsections 207.01 and 207.02 of these rules as long as the vehicle is used primarily for transportation and not for recreational use. The value of any vehicle that is primarily for recreational use counts toward the household's resource limit. (7-1-07)

01. Exclude One Vehicle Per Adult. The value of one (1) vehicle per adult in the TAFI household is excluded beginning with the highest valued vehicle. (7-1-07)

02. All Other Vehicles Subject to Federal Regulations. All other vehicles in the household will have their values counted as provided in the Federal Food Stamp Program under 7 CFR 273.8. (7-1-07)

208. RESOURCE EXCLUSIONS.
The resources listed in Subsections 208.01 through 208.14 of this rule, are excluded. (5-8-09)

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)

13. **Education Accounts**. Account with funds legally identified as monies to pay for educational expenses. (5-8-09)

14. **Retirement and Tax Preferred Accounts**. Accounts legally identified as monies for retirement. (5-8-09)

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 215.38 of this rule, are excluded. (4-7-11)

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)

20. **Low Income Energy Assistance**. Benefits paid under the Low Income Energy Assistance Act of 1981. (7-1-98)

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**. An agency or housing authority pays a portion of or all of the housing costs for a participant. (5-8-09)

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 includes deferred repayment education loans, grants, scholarships, fellowships, and veterans' educational benefits. The school attended must be a recognized institution of post secondary education, a school for the handicapped, a vocational education program, or a program providing completion of a secondary school diploma, or equivalent. (7-1-12)

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)

37. Subsidized Employment. Employment for which the employer receives a subsidy from public funds to offset a portion or all of the wages and costs of employing an individual. This type of employment is a short-term placement, pays prevailing wage, and a specific skill is acquired. The employment is prescribed through a memorandum of agreement with no guarantee of permanent employment for the participant. (5-8-09)

38. Temporary Census Income. All wages paid by the Census Bureau for temporary employment related to U.S. Census activities are excluded for a time period not to exceed six (6) months during the regularly scheduled ten (10) year U.S. Census. (4-7-11)

39. Income Excluded By Federal Law. Income excluded by federal law is not counted in determining income available to the participant. (7-1-12)

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. SELF-EMPLOYMENT INCOME.
For the purposes of these rules, self-employment income is from a business that is a sole proprietorship. A sole proprietorship is a business owned by one (1) person. (5-8-09)

230. AVERAGING SELF-EMPLOYMENT INCOME.

01. Annual Self-Employment Income. When self-employment income is considered annual support by the household, the Department averages the self-employment income over a twelve (12) month period, even if: (5-8-09)

a. The income is received over a shorter period of time than twelve (12) months; and (5-8-09)

b. The household receives income from other sources in addition to self-employment. (5-8-09)

02. Seasonal Self-Employment Income. A seasonally self-employed individual receives income from self-employment during part of the year. When self-employment income is considered seasonal, the Department averages self-employment income for only the part of the year the income is intended to cover. (5-8-09)

231. CALCULATION OF SELF-EMPLOYMENT INCOME.
The Department calculates self-employment income by adding monthly income to capital gains and subtracting a deduction for expenses as determined in Subsection 231.03 of this rule. (5-8-09)

01. How Monthly Income is Determined. If no income fluctuations are expected, the average monthly income amount is projected for the certification period. If past income does not reflect expected future income, a proportionate adjustment is made to the expected monthly income. (5-8-09)

02. Capital Gains Income. Capital gains include profit from the sale or transfer of capital assets used in self-employment. The Department calculates capital gains using the federal income tax method. If the household expects to receive any capital gains income from self-employment assets during the certification period, this amount is added to the monthly income, as determined in Subsection 231.01 of this rule, to determine the gross monthly income. (5-8-09)

03. Self-Employment Expense Deduction. The Department uses the standard self-employment deduction in Subsection 231.03.a. of this rule, unless the applicant claims that his actual allowable expenses exceed the standard deduction and provides proof of the expenses described in Subsection 231.03.b. of this rule. (5-8-09)

a. The self-employment standard deduction is determined by subtracting fifty percent (50%) of the gross monthly self-employment income as determined in Subsections 231.01 and 231.02 of this rule; or (5-8-09)

b. The self-employment actual expense deduction is determined by subtracting the actual allowable expenses from the gross monthly self-employment income. The following items are not allowable expenses and may not be subtracted from the gross monthly self-employment income: (5-8-09)

i. Net losses from previous tax years; (5-8-09)

ii. Federal, state, and local income taxes; (5-8-09)

iii. Money set aside for retirement; (5-8-09)

iv. Work-related personal expenses such as transportation to and from work; and (5-8-09)

v. Depreciation. (5-8-09)

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 is counted. (5-8-09)

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 three hundred nine dollars ($309). (5-3-03)

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.

WORK INCENTIVE TABLE 251	
Number of Family Members	**Monthly Amount**
1	$309
2	$309
3	$389
4	$469
5	$547
6	$628
7	$708
8	$787
9	$867
10	$947
Over 10 Persons	Add $80 Each

(3-30-07)

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 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. Notification may be delivered to the customer by hand, U.S. Mail, professional delivery service, or by any electronic means. (7-1-12)

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 302.07 exists. (3-30-07)

01. Family Request. The family requests closure of the grant. (7-1-12)

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)

07. Failure to Comply with Personal Responsibility Contract. A participant fails to comply with activities agreed to in the participant's Personal Responsibility Contract. (3-30-07)

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. (3-15-02)

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. (3-15-02)

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. (3-15-02)

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. (3-15-02)

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, including failure to cooperate with requirements of the Personal Responsibility Contract while waiting for the Fair Hearing decision. (7-1-12)

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 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. (7-1-12)

333. INADVERTENT HOUSEHOLD ERROR AND AGENCY ERROR TAFI OVERPAYMENTS.
An overpayment exists when a household receives a TAFI payment that exceeds the amount they were eligible to receive. The Department must establish a claim against the household, to recover the value of the overpaid TAFI benefit. (7-1-12)

01. Inadvertent Household Error (IHE). An IHE is an error caused by an adult household member, without intent to cause an overpayment, which results in an overpayment. Examples of IHE claims are: (7-1-12)

a. Failure to Give Information. A household, without intent to cause an overpayment, fails to give correct or complete information. (7-1-12)

b. Failure to Report a Change that was required to be reported. A household, without intent to cause an overpayment, fails to report changes or to report at all. (7-1-12)

c. Failure to Comply. A household, without intent to cause an overpayment, fails to comply due to a language barrier, educational level, or not understanding written or verbal instructions. (7-1-12)

d. Benefits Paid Pending a Hearing. A household gets continued TAFI pending a fair hearing decision and the hearing decision, when made, is against the household. (7-1-12)

02. Agency Error (AE). An agency error overpayment claim results from an overpayment caused by a Department action, or failure to act. (7-1-12)

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 ASSISTANCE.
Transitional Assistance may be provided to an individual whose family is no longer eligible for TAFI cash assistance 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. (5-3-03)

351. TRANSITIONAL ASSISTANCE ELIGIBILITY CRITERIA.
The individual must meet the criteria in Subsections 351.01 through 351.07. (5-3-03)

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 Assistance when they comply with the terms of a withheld judgment, probation or parole. The felony must have occurred after August 22, 1996. (5-3-03)

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 Assistance. (5-3-03)

06. Parole Violation. Felons who are violating a condition of probation or parole imposed for a federal or state felony cannot receive Transitional Assistance. (5-3-03)

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 Assistance for ten (10) years from the date of conviction. (5-3-03)

352. (RESERVED)

353. TRANSITIONAL ASSISTANCE TIME LIMIT.
Transitional Assistance may be provided up to twelve (12) months after TAFI ends due to employment. Transitional Assistance does not count toward the TAFI twenty-four (24) month time limit. If the Department pays Transitional Assistance in error, the month does not count towards the twenty-four (24) month TAFI time limit. (5-3-03)

354. -- 367. (RESERVED)

368. CAREER ENHANCEMENT ASSISTANCE.
Career Enhancement Assistance 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 participating in work programs. Career Enhancement Assistance is non-recurrent, short-term, and designed to deal with a specific crisis situation or episode of need. (5-3-03)

369. CAREER ENHANCEMENT SERVICE PLAN.
All individuals receiving Career Enhancement Assistance must have a written Career Enhancement Service Plan. (4-7-11)

370. CAREER ENHANCEMENT ASSISTANCE ELIGIBILITY CRITERIA.
The individual must meet the criteria in Subsections 370.01 through 370.14. (5-3-03)

01. Application and Service Plan. An application form must be completed for Career Enhancement Assistance, 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. (5-3-03)

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. (5-3-03)

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. (3-15-02)

05. Income Limit. The family must meet the income limit for only the first month of the service to receive Career Enhancement Assistance. 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. (5-3-03)

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 Assistance 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. (5-3-03)

10. TANF Restrictions. The family must not be receiving TANF or TAFI benefits or be serving a TAFI sanction. Participants must not receive Career Enhancement Assistance if they have received five (5) years of TANF benefits. The family must not be receiving TANF Extended Cash Assistance. The participant cannot receive Career Enhancement Assistance if they have received it within the past twelve (12) months. (4-7-11)

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 Assistance when they comply with the terms of a withheld judgment, probation or parole. The felony must have occurred after August 22, 1996. (5-3-03)

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 Assistance. (5-3-03)

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 Assistance. (5-3-03)

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 Assistance for ten (10) years from the date of conviction. (5-3-03)

371. -- 372. (RESERVED)

373. FUNDING RESTRICTIONS.
If a funding shortfall is projected, the Department shall take action to reduce Career Enhancement Assistance payments. (5-3-03)

374. CAREER ENHANCEMENT ASSISTANCE TIME LIMIT.
An individual may only receive one (1) Career Enhancement Assistance payment in a twelve (12) month period. Career Enhancement Assistance 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 Assistance in error, the month does not count towards the twenty-four (24) month TAFI time limit. (5-3-03)

375. SUPPORTIVE SERVICE EXPENDITURES.
Supportive Service expenditures may be provided to family members who receive TAFI Cash Assistance, Extended Cash Assistance, Transitional Assistance, or Career Enhancement Assistance. (5-3-03)

01. **TAFI Cash Assistance or Extended Cash Assistance Expenditure Requirement**. The Supportive Service expenditure must be needed to support an element of the Personal Responsibility Contract (PRC). (5-3-03)

02. **Transitional Assistance Expenditure Requirement**. The Supportive Service expenditure must be directly related to maintaining employment. (5-3-03)

03. **Career Enhancement Assistance Expenditure Requirements**. The Supportive Service expenditure must be directly related to maintaining employment or participating in a training program. Career Enhancement Assistance Supportive Services must be identified and authorized in a thirty (30) day period to meet needs that do not extend beyond a ninety (90) day period. All Supportive Services provided through Career Enhancement Assistance do not have to be identified at the same time, as long as the need is identified and authorized within thirty (30) days of the Service Plan. (5-3-03)

376. PROHIBITED SUPPORTIVE SERVICE EXPENDITURES.
Supportive Service expenditures must not be authorized for the following types of expenses: (5-3-03)

01. **Child Care**. Child care of any type. (5-3-03)

02. **Medical Services**. Medical services, including medical exams. (5-3-03)

03. **Vehicles**. Motorized vehicle purchases, and down payments. (4-7-11)

04. **Services for Children**. Services or payments for a child, such as counseling, clothing, and school supplies. (5-3-03)

05. **Credit Card Accounts**. Payments on charge cards. (5-3-03)

06. **Household Items**. Furniture and major home appliances. (5-3-03)

07. **Fines**. Any type. (5-3-03)

08. **Professional Union or Trade Dues**. Any type. (5-3-03)

09. **Any Service**. Available through another resource. (5-3-03)

377. ENHANCED WORK SERVICES.

01. Time Period. Enhanced Work Services may be provided for up to twelve (12) months to family members who receive Transitional Assistance or Career Enhancement Assistance. (5-3-03)

02. Purpose. Enhanced Work Services are to help individuals maintain employment and include the following: (5-3-03)

a. Screening; (5-3-03)

b. Job Placement Assessment; (5-3-03)

c. Case Management; and (5-3-03)

d. Job Readiness Services. (5-3-03)

378. -- 999. (RESERVED)

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