

CHAPTER 75-02-01.2
TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAM

Section

| | |
|-----------------|---|
| 75-02-01.2-01 | Definitions |
| 75-02-01.2-02 | County Demonstration Projects |
| 75-02-01.2-02.1 | Diversion Assistance |
| 75-02-01.2-02.2 | Kinship Care Assistance |
| 75-02-01.2-02.3 | Transition Assistance |
| 75-02-01.2-03 | Request for Benefits |
| 75-02-01.2-03.1 | Upfront Eligibility |
| 75-02-01.2-04 | Applicant's or Guardian's Duty to Establish Eligibility |
| 75-02-01.2-05 | Verification |
| 75-02-01.2-06 | Selection of Primary Individual |
| 75-02-01.2-07 | Presumptive Eligibility [Repealed] |
| 75-02-01.2-08 | Notification of Program Requirements |
| 75-02-01.2-09 | Decision and Notice |
| 75-02-01.2-10 | Monthly Report - Must Be Complete and Timely |
| 75-02-01.2-11 | Good Cause for Failure to Submit Complete and Timely Monthly Report |
| 75-02-01.2-12 | Determining Claims of Good Cause |
| 75-02-01.2-13 | Residence |
| 75-02-01.2-14 | Deprivation of Parental Support or Care |
| 75-02-01.2-15 | Continued Absence of a Parent |
| 75-02-01.2-16 | Unemployment of the Principal Wage Earner - Pay After Performance [Repealed] |
| 75-02-01.2-17 | Death of a Parent |
| 75-02-01.2-18 | Incapacity of a Parent |
| 75-02-01.2-19 | Legal Custody [Repealed] |
| 75-02-01.2-20 | Eligibility Throughout Month |
| 75-02-01.2-21 | Asset Considerations |
| 75-02-01.2-22 | Asset Limits |
| 75-02-01.2-23 | Exempt Assets |
| 75-02-01.2-24 | Lump Sums Received by a Member of the Household |
| 75-02-01.2-25 | Good-Faith Effort to Sell Real Property |
| 75-02-01.2-26 | Disqualifying Transfers |
| 75-02-01.2-27 | Social Security Numbers |
| 75-02-01.2-28 | Eligibility for Aliens Who Arrived Before August 22, 1996 |
| 75-02-01.2-28.1 | Eligibility for Aliens Who Arrived on or After August 22, 1996 |
| 75-02-01.2-29 | Ineligibility Due to Participation in Strikes |
| 75-02-01.2-30 | Limitation on Benefits to Pregnant Women |
| 75-02-01.2-30.1 | Benefit Cap |
| 75-02-01.2-31 | Age of Parent - Effect on Eligibility |
| 75-02-01.2-32 | Value of Benefit |
| 75-02-01.2-33 | Assignment of Right to Support |

| | |
|-----------------|--|
| 75-02-01.2-34 | Good Cause for Failure or Refusal to Cooperate in Obtaining Support or Establishing Paternity |
| 75-02-01.2-35 | Combined Requirements |
| 75-02-01.2-35.1 | Time Limit on Certain Benefits - Exceptions |
| 75-02-01.2-36 | Determining Membership in Training, Education, Employment, and Management Household [Repealed] |
| 75-02-01.2-37 | Determining Membership of the Household |
| 75-02-01.2-38 | Determining Membership of the Food Stamp Filing Unit [Repealed] |
| 75-02-01.2-39 | Determining Membership of the Low Income Home Energy Assistance Program Filing Unit [Repealed] |
| 75-02-01.2-40 | Combined Supplemental Security Income and Temporary Assistance for Needy Families Households |
| 75-02-01.2-41 | Recipients Living Out of State |
| 75-02-01.2-42 | Grant Amount in Whole Dollars |
| 75-02-01.2-43 | Benefits Less Than Ten Dollars |
| 75-02-01.2-44 | Income Described |
| 75-02-01.2-45 | Excluded Income |
| 75-02-01.2-46 | Gross Income Test [Repealed] |
| 75-02-01.2-47 | Budgeting Process |
| 75-02-01.2-48 | Net Income Test |
| 75-02-01.2-49 | Income Considerations |
| 75-02-01.2-50 | Earned Income Considerations |
| 75-02-01.2-51 | Disregarded Income |
| 75-02-01.2-52 | Voluntary Quit or Refusal of Employment |
| 75-02-01.2-53 | Deduction for Dependent Care |
| 75-02-01.2-54 | Unearned Income Considerations |
| 75-02-01.2-55 | Reinstatement Following Suspension or Case Closing |
| 75-02-01.2-56 | Computing Payment for First and Second Months of Eligibility |
| 75-02-01.2-57 | Computing Payment for Months Following the Second Month of Eligibility |
| 75-02-01.2-58 | Computing Payment Where Individuals Are Added to the Household |
| 75-02-01.2-59 | Computing Payments Where Individuals Leave the Household |
| 75-02-01.2-60 | Computing Payment Where Stepparent or Alien Parent Income Is Deemed |
| 75-02-01.2-61 | Computing Benefits When an Individual's Needs Are Deleted From the Cash Grant |
| 75-02-01.2-62 | Computing Payment for a Child in Boarding School |
| 75-02-01.2-63 | Budgeting in Unusual Circumstances |
| 75-02-01.2-64 | Essential Services |
| 75-02-01.2-65 | Catastrophic Events <u>and Unforeseen Circumstances</u> |
| 75-02-01.2-66 | Medical Insurance Premiums |
| 75-02-01.2-67 | Child Restraint Systems |

| | |
|------------------------|---|
| 75-02-01.2-68 | High School Graduate or General Equivalency Diploma Incentive Payment |
| <u>75-02-01.2-68.1</u> | <u>Housing Allowance</u> |
| 75-02-01.2-69 | Unrestricted Payment of Assistance - Exceptions |
| 75-02-01.2-70 | Payee |
| 75-02-01.2-71 | Making Payment - Correcting Overpayments and Underpayments |
| 75-02-01.2-72 | Intentional Program Violation - Disqualification Penalties |
| 75-02-01.2-72.1 | Denial of Assistance for Fugitive Felons, Probation and Parole Violators, and Certain Convicted Drug Offenders |
| 75-02-01.2-73 | Health Tracks |
| 75-02-01.2-74 | Assessment and Case Plan <u>[Repealed]</u> |
| 75-02-01.2-75 | Temporary Assistance for Needy Families Social Contract |
| 75-02-01.2-76 | Social Contract <u>[Repealed]</u> |
| 75-02-01.2-77 | Annual Reassessment <u>[Repealed]</u> |
| 75-02-01.2-78 | Mandatory Contract Requirements <u>[Repealed]</u> |
| 75-02-01.2-79 | Sanctions for Noncompliance With Temporary Assistance for Needy Families Program Requirements |
| 75-02-01.2-80 | Good Cause Determination <u>[Repealed]</u> |
| 75-02-01.2-81 | Good Cause for Failure to Complete Temporary Assistance for Needy Families Social Contract <u>[Repealed]</u> |
| 75-02-01.2-82 | Job Opportunities and Basic Skills Program - Definitions |
| 75-02-01.2-83 | Job Opportunities and Basic Skills Program – Basic Requirements <u>[Repealed]</u> |
| 75-02-01.2-84 | Job Opportunities and Basic Skills Program – Satisfactory Participation |
| 75-02-01.2-85 | Job Opportunities and Basic Skills Program – Work Requirements |
| 75-02-01.2-86 | Job Opportunities and Basic Skills Program - Tribal Native Employment Works Program |
| 75-02-01.2-87 | Job Opportunities and Basic Skills Program – Exemptions From Participation |
| 75-02-01.2-88 | Job Opportunities and Basic Skills Program - Referral |
| 75-02-01.2-89 | Job Opportunities and Basic Skills Program - Orientation, Assessment, and Employability Planning <u>[Repealed]</u> |
| 75-02-01.2-90 | Job Opportunities and Basic Skills Program – Supportive Services and <u>Transitional Post Temporary Assistance for Needy Families Supportive Services</u> |
| 75-02-01.2-91 | Job Opportunities and Basic Skills Program – Educational Activities Related to Secondary Education, Basic and Remedial Education, or Education in English Proficiency <u>[Repealed]</u> |
| 75-02-01.2-92 | Job Opportunities and Basic Skills Program - Job Skills Training Directly Related to Employment <u>[Repealed]</u> |
| 75-02-01.2-93 | Job Opportunities and Basic Skills Program – Unsubsidized Employment <u>[Repealed]</u> |

| | |
|----------------|--|
| 75-02-01.2-94 | Job Opportunities and Basic Skills Program - Job Search and Job Readiness [Repealed] |
| 75-02-01.2-95 | Job Opportunities and Basic Skills Program – Job Development and Job Placement Activities [Repealed] |
| 75-02-01.2-96 | Job Opportunities and Basic Skills Program – Vocational Education [Repealed] |
| 75-02-01.2-97 | Job Opportunities and Basic Skills Program - Provision of Child Care Services to Another Participant Engaged in a Community Service Program [Repealed] |
| 75-02-01.2-98 | Job Opportunities and Basic Skills Program – Work Experience and Community Service Program [Repealed] |
| 75-02-01.2-99 | Job Opportunities and Basic Skills Program – Work Readiness Activities [Repealed] |
| 75-02-01.2-100 | Job Opportunities and Basic Skills Program - On-the-Job Training [Repealed] |
| 75-02-01.2-101 | Job Opportunities and Basic Skills Program – Subsidized Public or Private Sector Employment [Repealed] |
| 75-02-01.2-102 | Job Opportunities and Basic Skills Program - Failure or Refusal to Participate |
| 75-02-01.2-103 | Job Opportunities and Basic Skills Program - Good Cause for Failure or Refusal to Comply With a Referral to, or Participate in, the Job Opportunities and Basic Skills Program |
| 75-02-01.2-104 | County Administration |

SECTION 1. Section 75-02-01.2-01 is amended as follows:

75-02-01.2-01. Definitions. For the purposes of this chapter:

1. "Aid to families with dependent children" means a program administered under North Dakota Century Code chapter 50-09 and title IV-A of the Social Security Act [42 U.S.C. 601 et seq.] during periods prior to July 1, 1997.
2. "Applicant" means an individual who is seeking a benefit under this chapter.
3. "Asset" means any kind of property or property interest, whether real, personal, or mixed, whether liquid or illiquid, and whether or not presently vested with possessory rights.
4. "Assistance" includes cash, payments, vouchers, and other forms of benefits designed to meet a family's ongoing basic needs, but does not include nonrecurring, short-term benefits, work subsidies, supportive services provided to families who are employed, and refundable earned income tax credits.
5. "Base month" means the month, immediately before the processing month, about which the income and circumstances of the household are

- evaluated to determine the amount of any benefits to be paid during the benefit month.
6. "Benefit cap child" means a child born after June 30, 1998, to a household member who was a recipient of assistance under this chapter during the month of probable conception.
 7. "Benefit month" means the calendar month immediately following the processing month.
 8. "Benefits" means the amount of temporary assistance for needy families assistance a family receives including the temporary assistance for needy families amount, essential services, and supportive services, reduced by recoupments.
 9. "Caretaker relative" means the relative so designated by the household who:
 - a. Lives with an eligible dependent child;
 - b. Is a pregnant woman, caretaker relative to no dependent child, in the last trimester of her pregnancy; or
 - c. Lives with a dependent child, under age eighteen and receiving supplemental security income benefits, who is the last child in the home.
 10. "Child only case" means a case in which the only eligible individual is a dependent child and the caretaker relative is ineligible as a non-legally responsible caretaker, or as a legally responsible caretaker due to being an SSI recipient, a disqualified alien, a disqualified fleeing felon, a disqualified parole violator, a disqualified probation violator, or disqualified for committing fraud.
 11. "Child support agency" means any entity created by a county agency or any combination of county agencies, in execution of the county agency's duties under subsection 5 of North Dakota Century Code section 50-09-03.
 - ~~11.~~12. "County agency" means the county social service board.
 - ~~12.~~13. "County demonstration project" means a project operated by a county, with state approval, to conduct a temporary assistance for needy families program with different objective criteria for the delivery of benefits, services, and the determination of eligibility from those provided elsewhere in the state.
 - ~~13.~~14. "Department" means the North Dakota department of human services.
 - ~~14.~~15. "Dependent child" means a needy child:
 - a. Who lives in the home of a relative by birth, marriage, or adoption;
 - b. Who has been deprived of parental support or care by reason of:
 - (1) The continued absence of a parent from the home, other than absence occasioned solely by reason of the performance of active duty in the uniformed services of the United States;
 - (2) The death of a parent; or
 - (3) The physical or mental incapacity of a parent; and
 - c. Who is:

- (1) Under the age of eighteen; or
- (2) Under the age of nineteen and a full-time student in a secondary school or the a vocational or technical school that is equivalent (secondary school) level in a vocational school, or technical to a secondary school, if, before the end of the calendar month in which the student attains age nineteen, the student may reasonably be expected to complete the program of such school.

~~45-16.~~ "Earned income" means income currently received as wages, salaries, commissions, or profits from activities in which a household member is engaged through either employment or self-employment. There must be an appreciable amount of personal involvement and effort, on the part of the household, for income to be considered earned.

~~46-17.~~ "Earned right benefit" means a benefit an individual is entitled to receive as a result of being employed, even after the employment has terminated. These benefits include veterans' compensation and pensions; old age, survivors, and disability insurance benefits; railroad retirement benefits; workforce safety and insurance wage-loss and permanent impairment benefits; and unemployment compensation.

18. "Eligible caretaker relative" means a caretaker relative who:

- a. If, related to an eligible dependent child as a brother or sister, is not under sixteen years of age;
- b. If deprivation of parental support or care is by reason of the incapacity or disability of a parent, is the incapacitated or disabled parent or the eligible dependent child's other parent, but not stepparent;
- c. If deprivation of parental support or care is by reason of the death or continued absence of a parent, is the eligible dependent child's other parent, but not stepparent;
- d. Is not a recipient of supplemental security income benefits; and
- e. Is in financial need; ~~or~~
- f. Is a pregnant woman, in the third trimester of her pregnancy, caretaker relative to no other dependent child, who or whose husband is incapacitated; or
- g. Is related to a dependent child by birth, whether by whole or half blood, by marriage, or by adoption, and who is within the fifth degree of relationship to that child.

~~47-19.~~ "Family" includes an:

- a. An individual or group of related individuals within a household whose needs are recognized in a grant of benefits through temporary assistance for needy families, ~~the~~;
- b. The parents of any dependent child and all brothers and sisters of any dependent child, whether by whole ~~blood~~, or half-blood, marriage, or adoption, any child, parent of an eligible dependent child, or other caretaker relative who receives supplemental security income benefits. ~~Family includes an;~~

- c. An alien who does not meet citizen and alienage requirements, ~~an~~;
- d. An alien who is ineligible for temporary assistance for needy families benefits because of the application of sponsor-to-alien deeming, ~~an~~;
- e. An individual who is ineligible for temporary assistance for needy families benefits as the result of the imposition of a sanction, ~~an individual who was eligible for temporary assistance for needy families benefits, but who became ineligible due to the receipt of lump sum income, or an~~ or disqualification; and
- f. An individual who is a household member who is a legal dependent or a legally-responsible caretaker of a member of the ~~filing unit household~~, but does not include roomers ~~and~~ or boarders.

20. "Financially-responsible person" means a person legally responsible for or with a legal duty to provide for the financial support of another person.

18-21. "Full calendar month" means the period that begins at midnight on the last day of the previous month and ends at midnight on the last day of the month under consideration.

19-22. "Full-time student" means a student who:

- a. If in a secondary school, is enrolled in classes which, if completed, will earn the student four or more units of credit;
- b. If in a vocational or technical school under state operation, a college, or a university, is enrolled in classes that, if completed, will earn the student twelve or more semester hours of credit during a regular term or six or more semester hours of credit during a summer term at an educational facility operating on a semester system, or twelve or more quarter hours of credit during a regular term or six or more quarter hours of credit during a summer term at an educational facility operating on a quarter system;
- c. If in a private vocational or technical school, is enrolled in classes which, according to a written statement from school officials, constitutes full-time enrollment;
- d. Is enrolled in an accredited alternative high school, correspondence courses, or adult basic education, according to a written statement from school officials or who is home schooled; or
- e. Is an individual participating in job corps, whether an adult or a child.

20-23. "Housing costs" means the full amount of rent or, if purchasing a home, the full amount of the mortgage, property insurance, property taxes, special assessments, repairs, and improvements of the home.

24. "Ineligible caretaker relative" means a caretaker relative who is not an eligible caretaker relative.

21-25. "Living in the home of a relative" means a circumstance that arises when a relative assumes and continues responsibility for the day-to-day care

and control of a child in a place of residence maintained by the relative (whether one or more) as the relative's own home. It includes situations in which the child or the relative requires medical treatment that requires a special living arrangement. It also includes situations in which the child is temporarily absent from the home, with a plan to return, when the child:

- a. Physically resides in the home, but is under the jurisdiction of a court and is receiving probation services or protective supervision;
- b. Receives education while in an educational boarding arrangement in another community if needed specialized services or facilities are unavailable in the home community or if transportation problems make school attendance near home difficult or impossible;
- c. Receives services at a summer camp such as Camp Grassick, receives services at an attention deficit hyperactivity disorder summer camp, or receives extended hospital stays during the summer months;
- d. Receives special education at the school for the deaf or school for the blind, whether as a day student or a boarding student, except that a boarding student's needs are limited to those maintenance items that are not provided by the school; or
- e. Receives education at a boarding school in another community, provided that the child was not placed in that setting following removal from the child's home by court order following a determination that the child was abused, neglected, or deprived, except that the child is entitled to a clothing and personal needs allowance only if that allowance is made available for the child's use on a regular basis.

22-26. "Make an assistance payment" means, in the context of two-month retrospective budgeting, an activity that occurs on the date the department deposits an assistance payment check in the United States mail.

23-27. "Monthly income" means income from any source, either earned or unearned, which is computed and reduced to monthly units for the purpose of determining eligibility and benefits. Income may be received weekly, every other week, twice a month, monthly, intermittently, or annually, but is computed and considered monthly.

24-28. "Needy" means:

- a. A a household, otherwise eligible under this chapter, whose countable income, less any applicable disregards, is less than the income identified in the basic requirements table for a family of the size and composition of the household;
- b. ~~An unwed parent or pregnant woman in the third trimester of her pregnancy, with an income of less than forty five dollars per month; or~~
- c. ~~A child resident of a boarding school with an income of less than forty five dollars per month~~ when added to special items of need

and any clothing and personal needs allowances of forty-five dollars for which the household is eligible.

- ~~25-29~~. "Nonlegally responsible relative" means a relative who is not the child's parent.
- ~~26-30~~. "Parent" means the child's mother or father, whether by birth or adoption, but does not mean:
- a. An individual whose parental rights have been terminated with respect to that child; or
 - b. A stepparent.
- ~~27-31~~. "Part-time student" means an individual enrolled in a secondary school, vocational school, correspondence courses, technical school, college, or university, or who is home schooled, who is not a full-time student.
- ~~28-32~~. "Processing month" means the month, immediately after the base month, and immediately before the benefit month, in which the county agency determines eligibility for, and the amount of, any benefit to be paid during the benefit month.
- ~~29-33~~. "Proper individual" means any individual of sufficient maturity and understanding to act responsibly on behalf of the applicant.
- ~~30-34~~. "Prospective budgeting" means the determination, made only with respect to the initial month of eligibility and the month immediately after the initial month of eligibility, based on the county agency's best estimate of the income and circumstances of the household in those months, of the amount of any grant of benefits in those two months.
- ~~31-35~~. "Prudent person concept" means a method or program administration that relies upon individual staff members:
- a. To exercise judgment in requesting, reviewing, and weighing information provided by an applicant, recipient, or any source of verification; and
 - b. To be attentive, vigilant, cautious, perceptive, and governed by reason and common sense.
- ~~32-36~~. "Recipient" means an individual who receives cash assistance under this chapter.
- ~~33-37~~. "Relative by birth, marriage, or adoption" means an individual related to the dependent child by birth, whether by blood or half-blood, by marriage including a marriage that has been terminated by death or divorce, or by adoption, as father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, or first cousin.
- ~~34-38~~. "Retrospective budgeting" means a determination, made by the county agency during the processing month, based on income and circumstances of the household, during the base month, of the amount of any grant of assistance in the benefit month.
- ~~35-39~~. "Sanction penalty month" means the month in which a sanctioned individual's financial needs may be removed from a household's temporary assistance for needy families grant.

- ~~36-40.~~ "Self-sufficient" means having income sufficient to require closure of the temporary assistance for needy families case.
- ~~37.~~ "Social contract" means the application for temporary assistance for needy families that contains the requirements for cooperation with child support enforcement, health tracks, job opportunities and basic skills program, and the goals and tasks identified in the assessment.
- ~~38-41.~~ "Special item of need" means an additional benefit paid to a temporary assistance for needy families household to reimburse certain expenses that are not included in the basic standard of need. These items include health insurance premiums, car seats, essential service, house allowance and catastrophic events.
- ~~42.~~ "Standard employment expense allowance" means twenty-seven percent of earned income, or one hundred eighty dollars, whichever is greater, to be first disregarded from the earned income of any child, or adult relative applying for benefits under this chapter, or any other individual whose needs are taken into account in determining eligibility under this chapter, but whose earned income is not required to be wholly disregarded as the income of a child who is a full-time student or a part-time student who is not a full-time employee.
- ~~39-43.~~ "Stepparent" means an individual married to a parent of a child after the birth or adoption of the child, but who is not also a parent of that child by either birth or adoption.
- ~~40-44.~~ "Supplemental security income" means a program administered under title XVI of the Social Security Act [42 U.S.C. 1381 et seq.].
- ~~41-45.~~ "Supportive services" means services approved by the department and provided to an individual receiving other temporary assistance for needy families benefits, to assist in training for employment, seeking employment or maintaining employment, and to support job opportunities and basic skills program activities.
- ~~42-46.~~ "Temporary assistance for needy families" means a program administered under North Dakota Century Code chapter 50-09 and title IV-A of the Social Security Act [42 U.S.C. 601 et seq.] during periods beginning July 1, 1997.
- ~~43-47.~~ "Temporary assistance for needy families household" means an individual or group of individuals who reside together and includes at least one individual in receipt of temporary assistance for needy families.
- ~~44-48.~~ "The Act" means the Social Security Act [42 U.S.C. 301 et seq.].
- ~~45-49.~~ "Title II" means title II of the Social Security Act [42 U.S.C. 401 et seq.].
- ~~46-50.~~ "Title IV-A" means title IV-A of the Social Security Act [42 U.S.C. 601 et seq.].
- ~~47-51.~~ "Title IV-D" means title IV-D of the Social Security Act [42 U.S.C. 651 et seq.].
- ~~48-52.~~ "Unearned income" means income that is not earned income.

History: Effective December 9, 1996; amended effective July 1, 1997; January 1, 2003; June 1, 2005; January 1, 2011.

General Authority: NDCC 50-09-02, 50-09-25

Law Implemented: NDCC 50-09-02

SECTION 2. Section 75-02-01.2-02.1 is amended as follows:

75-02-01.2-02.1. Diversion assistance. Diversion assistance may be provided to a family experiencing a specific crisis situation or episode of need. Diversion assistance is not assistance under title 45, Code of Federal Regulations, part 260.31, and is not a benefit for purposes of North Dakota Century Code section 50-09-06.1. Diversion assistance may be provided to a family that meets all factors of eligibility for assistance under the temporary assistance for needy families program except as provided in this section.

1. A family may not receive diversion assistance and a temporary assistance for needy families grant in the same month. A family may receive diversion assistance for up to four months within a twelve-month period beginning in the month diversion assistance is provided. A family that includes a caretaker who is not a legally responsible relative of a child member of the family may not receive diversion assistance.
2. Diversion assistance may be provided to defray expenses necessary to retain or obtain employment. Within the limits described by the department, ~~supportive services~~ additional funds may be made available to a participant who would be unable to enter into or remain in a work activity without the use of ~~supportive services~~ those funds. Necessary expenses incurred in retaining or obtaining employment must be verified.
3. ~~Household members age sixteen or older, who have completed high school or received a general equivalency diploma, or who have neither completed high school nor received a general equivalency diploma and are not attending school, must participate in the pathways to work program to reduce barriers to employment, or to prepare for and obtain paid employment, thereby enabling participants to become self-sufficient. Pathways to work provides individualized, intensive case management services to all work-ready and non-work-ready adults who are receiving diversion assistance. Participants who fail or refuse to comply with pathways to work requirements may have their diversion assistance case closed. Actions or failures to comply that may result in case closure include:~~
 - a. ~~Failure to complete the goals, tasks, or objectives listed on an action plan or an employability plan; and~~
 - b. ~~Failure to cooperate with an agency providing services to meet goals, tasks, or objectives listed in the action plan or employability plan, including goals identified in the assessment.~~
4. Cooperation in obtaining support or establishing paternity for any child member of the family is permitted but not required.
5. ~~An assessment and social contract are not required.~~

- ~~6.4.~~ An applicant may appeal a denial, limitation, or termination of diversion assistance, and a recipient of diversion assistance may appeal termination or reduction of ~~assistance~~ diversion, by making a written request for a hearing within thirty days from the date of the notice of adverse action. ~~Diversion assistance not already approved~~ If diversion is denied or the case is close, diversion may not be provided pending completion of the fair hearing decision process. If diversion is reduced, benefits may be continued only based on the reduced level, pending completion of the fair hearing process.
- ~~7.5.~~ A month in which diversion assistance is received does not count toward the temporary assistance for needy families sixty-month lifetime limit provided under section 75-02-01.2-35.1.
- ~~8.6.~~ When a diversion ~~assistance~~ household is determined to have a recurrent or ongoing need, the diversion ~~assistance~~ case must be closed and the household may reapply under temporary assistance for needy families to meet the recurrent or ongoing needs.

History: Effective June 1, 2005; amended effective January 1, 2009; January 1, 2011.

General Authority: NDCC 50-09-02, 50-09-25

Law Implemented: NDCC 50-09-02

SECTION 3. Section 75-02-01.2-02.2 is amended as follows:

75-02-01.2-02.2. Kinship care assistance.

1. Kinship care provides a monthly maintenance payment and supportive services to a child residing outside the child's parental home with a caretaker who is related to that child within the fifth degree of kinship. To be eligible:
 - a. A court of competent jurisdiction must have entered an order placing a child's care, custody, and control with a county agency, an official of a county agency, the executive director of the department, or the division of juvenile services; and
 - b. Before placing a child in kinship care for more than thirty days, the child's custodian must have completed a family study, a child abuse and neglect background check, and other investigations, as identified in chapter 75-03-14, as the department may determine necessary to demonstrate that:
 - (1) The home in which care is provided is in fit and sanitary condition and properly equipped to provide good care to the child;
 - (2) The caretaker and other adults residing in the home of the caretaker properly qualify to carry out the duties and responsibilities of a kinship care provider;
 - (3) Kinship care provided in the home is for the public good in accordance with sound social policy and with due regard to the health, morality, and well-being of all children cared for in the home; and

- (4) The home is maintained according to standards prescribed for its conduct by the department.
2. Within the limits established by the department, supportive services may provide reimbursements for child care expenses, transportation, clothing, emergent needs, activity fees, and, as a payer of last resort, reasonable legal fees incurred by or on behalf of a child and approved by the department.
3. For purposes of this section, a relative is within the fifth degree of kinship if the relative by birth, marriage, or adoption, is the child's sibling; niece; nephew; grandniece; grandnephew; grandparent; aunt; uncle; first cousin; first cousin once removed; great-grandparent; great-aunt; great-uncle; parent's first cousin; great, great-grandparent; great, great-aunt; great, great-uncle; or great, great, great-grandparent.
4. Kinship care monthly maintenance payments must be the same as the standard of need amount for a shared living arrangement for a child under the temporary assistance for needy families program.

History: Effective June 1, 2005; amended effective January 1, 2009; January 1, 2011.

General Authority: NDCC 50-09-02, 50-09-25

Law Implemented: NDCC 50-09-02

SECTION 4. Section 75-02-01.2-02.3 is amended as follows:

75-02-01.2-02.3. Transition assistance. Transition assistance promotes job retention by providing an extended period of cash assistance to qualified families under temporary assistance for needy families. Households with earnings from employment exceeding the allowable standard of need for their household size may remain eligible for transition assistance for up to six months. Transition assistance is assistance under title 45, Code of Federal Regulations, part 260.31, and is a benefit for purposes of North Dakota Century Code section 50-09-06.1. Transition assistance may be provided to a family that meets all factors of eligibility for assistance under the temporary assistance for needy families program except as provided in this section. For purposes of this section, "caretaker" means a person who provides support to a minor child and who may or may not receive benefits. All provisions of this chapter apply except:

1. A family may not receive a grant for transition assistance in any month in which that family receives a grant for temporary assistance for needy families or diversion assistance.
2. No one may be provided transition assistance in an application month. Only recipients of temporary assistance for needy families may become eligible for transition assistance.
3. Transition assistance provides a monthly job retention incentive, ~~a one-time only high school graduation or general education diploma incentive, and reimbursement of expenses associated with the cost of child care, health insurance, health tracks, and transportation assistance, and~~ special items of need as allowed under the temporary assistance for needy families program.

4. A family may not receive transition assistance for more than six consecutive months.
5. Transition assistance may not be provided to:
 - a. A caretaker sanctioned due to noncompliance with work requirements;
 - b. A caretaker relative, in a child-only case;
 - c. A minor parent who is not the head of household or spouse of the head of household;
 - d. An alien who is ineligible to receive assistance due to his or her immigration status;
 - e. A caretaker in receipt of supplemental security income benefits; and
 - f. A caretaker with a disqualification penalty applied for a voluntary job quit or voluntary refusal of an offer of employment or training for employment.

History: Effective January 1, 2009; amended effective January 1, 2011.

General Authority: NDCC 50-09-02, 50-09-25

Law Implemented: NDCC 50-09-02

SECTION 5. Section 75-02-01.2-10 is amended as follows:

75-02-01.2-10. Monthly report - Must be complete and timely.

1. When the county agency receives a completed monthly report, it shall process the payment only if all eligibility conditions are met. The county agency shall notify the household of any changes from a payment made in the month immediately past. If payment is being reduced or assistance terminated as a result of information provided in the monthly report, the county agency shall send an adequate notice, ~~mailed to arrive no later than the resulting payment or in lieu of the payment.~~ The household may be reinstated to the payment amount made in the month immediately past if an appeal of the decision described in the notice is made within ten days of the date of the notice.
2. A county agency may terminate assistance if it has received no timely monthly report or has received only an incomplete report. The county agency shall send an adequate notice, mailed to arrive no later than the date it would have made payment if the agency had received a timely and complete monthly report. If the household notifies the county agency and files a complete report within ten days of the date of the notice, the county agency may accept the replacement report and provide for payment based on the report only if the information indicates that the household is still eligible. If, based on the replacement report, the household is found ineligible or eligible for an amount less than the payment amount made in the month immediately past, the county agency shall promptly notify the household of the right to a fair hearing and, if a hearing is requested within ten days from the date of the notice, the right

to have payment reinstated to the payment amount made in the month immediately past.

History: Effective December 9, 1996; amended effective January 1, 2003; June 1, 2005; January 1, 2011.

General Authority: NDCC 50-09-02, 50-09-25

Law Implemented: NDCC 50-09-02

SECTION 6. Section 75-02-01.2-13 is amended as follows:

75-02-01.2-13. Residence.

1. There is no durational state residence required for eligibility for benefits.
2. No individual who is otherwise eligible may be denied assistance under the program if the individual resides in the state.
3. A resident of the state is one who:
 - a. Is living in the state voluntarily with the intention of making the person's home there; or
 - b. At the time of application, is living in the state and is not receiving temporary assistance for needy families from another state.
4. For purposes of establishing the temporary assistance for needy families filing unit, a child is a resident of the state in which the child is living other than for a temporary basis. For all other purposes of this chapter, a child is a resident of the state in which the child is living.
5. Residence may not depend upon the reason for which the individual entered the state, except insofar as it may bear upon whether the individual is there voluntarily.
6. ~~Residence is retained until abandoned. Temporary absence from the state, with subsequent returns or intent to return when the purposes of the absence have been accomplished, must not interrupt continuity of residence.~~

History: Effective December 9, 1996; amended effective July 1, 1997; January 1, 2003; January 1, 2011.

General Authority: NDCC 50-09-02, 50-09-25

Law Implemented: NDCC 50-09-02

SECTION 7. Section 75-02-01.2-15 is amended as follows:

75-02-01.2-15. Continued absence of a parent.

1. For purposes of this chapter:
 - a. "Deprived of parental support or care by reason of the continued absence of a parent" means a situation that occurs when all of the following factors are present:
 - (1) The parent is physically absent from the home;
 - (2) The nature of the parent's absence is such as to interrupt or terminate the parent's functioning as a provider of maintenance, physical care, or guidance for the child; and

- (2) The term served is shortened by order of the court; and
 - (3) Assistance has been issued before information about the shortened term is received by the county agency.
- d. Unmarried parenthood. A child born out of wedlock is deprived of parental support by reason of continued absence of a parent if the child's parents do not reside together.
 - e. Desertion. Desertion is the voluntary and willful abandonment, by a parent, of the parent's child or children without making adequate provision for the care and support of the child or children.

History: Effective December 9, 1996; amended effective July 1, 1997; January 1, 2003; January 1, 2011.

General Authority: NDCC 50-09-02, 50-09-25

Law Implemented: NDCC 50-09-02

SECTION 8. Section 75-02-01.2-24 is amended as follows:

75-02-01.2-24. Lump sums received by a member of the household.

1. All nonrecurring lump sum payments must be considered as an asset beginning the second month following the month of receipt. For that month, the remaining lump sum amount is included with all other nonexempt assets in determining eligibility.
2. Recurring unearned income lump sum payments received after an application has been filed for temporary assistance for needy families must be considered countable income and prorated over the period the payment is intended to cover. The prorated lump sum payment must continue to be counted if the case closes and reopens during the income prorate period in which the payment was received or reopens during the income prorate period immediately succeeding the income prorate period in which the case was closed.
3. For purposes of this section, "lump sum income or payment" includes retroactive monthly benefits provided under title II of the Social Security Act and other retroactive monthly benefits, payments in the nature of windfall, such as lottery or gambling winnings or inheritances, judgments, or settlements for injuries to person or property to the extent that the payment is not earmarked and used for the purpose for which it was paid such as burial costs, and repair or replacement of lost or damaged assets, and workers' compensation awards.

History: Effective December 9, 1996; amended effective July 1, 1997; January 1, 2003; January 1, 2011.

General Authority: NDCC 50-09-02, 50-09-25

Law Implemented: NDCC 50-09-02

SECTION 9. Section 75-02-01.2-27 is amended as follows:

75-02-01.2-27. Social security numbers. Before the needs of an individual may be included in the benefit, the individual shall furnish a social security number or proof that ~~one the individual has been applied for a social security number.~~ An individual may not be initially included in or added to a household, including newborn children, until the individual's social security number or proof of application has been received. An individual who has been included in or added to a household upon providing proof that the individual has applied for a social security number shall provide a social security number within six months of receipt of the number or at the time of the next redetermination of eligibility following receipt of the number, whichever is earlier.

History: Effective December 9, 1996; amended effective January 1, 2003; January 1, 2011.

General Authority: NDCC 50-09-02, 50-09-25

Law Implemented: NDCC 50-09-02

SECTION 10. Section 75-02-01.2-28 is amended as follows:

75-02-01.2-28. Eligibility for aliens who arrived before August 22, 1996.

1. Except as provided in subsection 3, an alien who arrived before August 22, 1996, and who is lawfully admitted for permanent residence under color of law is eligible for benefits if all other requirements for eligibility are met.
2. An alien may be lawfully admitted for a temporary or specific period of time. Such aliens are not eligible for benefits because they do not meet the requirement that residence be permanent. Examples include aliens with student visas, visitors, tourists, some workers, and diplomats.
3.
 - a. ~~A sponsored alien is ineligible for benefits for a three-year period, beginning with the alien's entry into the United States, unless the sponsor:~~
 - (1) ~~No longer exists; or~~
 - (2) ~~Is unable to meet the alien's financial needs.~~
 - b. A sponsored alien who applies for benefits within three years following entry into the United States shall and whose sponsor's income and assets must be deemed available to the alien, as a condition of eligibility, shall provide the county agency with information and verification sufficient to determine the portion of the sponsor's income and assets that may be deemed available to the alien.
 - e.b. The sponsor and the sponsored alien are both liable for the amount of any overpayment of benefits that results from the failure of either to provide information and verification sufficient to allow the county agency to correctly determine the portion of the sponsor's income and assets that may be deemed available to the alien.
 - d.c. For purposes of this section:

- (1) "Sponsor" means an individual including an individual's spouse, public organization, or private organization who executed an affidavit of support or similar agreement on behalf of an alien, who is not the child of the sponsor ~~or the sponsor's spouse~~, as a condition of the alien's entry into the United States.
- (2) "Sponsored alien" means an alien whose entry into the United States was conditioned on the execution of an affidavit of support or similar agreement by a sponsor who is not a parent or the spouse of a parent of the alien.

History: Effective December 9, 1996; amended effective July 1, 1997; January 1, 2003; January 1, 2011.

General Authority: NDCC 50-09-02, 50-09-25

Law Implemented: NDCC 50-09-02

SECTION 11. Section 75-02-01.2-28.1 is amended as follows:

75-02-01.2-28.1. Eligibility for aliens who arrived on or after August 22, 1996.

1. This section applies only to immigrants who arrive in the United States on or after August 22, 1996.
2. Except as provided in subsection 3, no noncitizen immigrant is eligible for benefits for the first five years of that immigrant's residence in the United States.
3. An otherwise eligible noncitizen immigrant may be provided benefits:
 - a. ~~After that immigrant has resided in the United States for five years; provided that the income and assets of the~~ The immigrant's sponsor sponsor's and sponsor's spouse's income and assets must be deemed available to the immigrant, if applicable;
 - b. ~~After that immigrant has established forty quarters of work history for social security benefit purposes, without deeming of the income or assets of the immigrant's sponsor; or~~
 - c. b. If the immigrant is:
 - (1) A refugee, asylee, victim of human trafficking, or has been granted withholding of deportation.
 - (2) A veteran of United States military service, an individual on active military duty, or a spouse or dependent of such a veteran or person on active military duty.
 - (3) An entrant entitled to refugee and entrant assistance.
 - (4) Deportation withheld under section 243(h) of the Immigration and Nationality Act [8 U.S.C. 1101 et seq.] as in effect prior to April 1, 1997, or whose removal is withheld under section 241(b)(3) of the Immigration and Nationality Act [8 U.S.C. 1101 et seq.].
 - (5) Cuban or Haitian entrants as defined in section 501(e) of the Refugee Education Assistance Act of 1980.

- (6) Amerasian entrant.
- (7) Conditional entrant under section 203(a)(7) of the Immigration and Nationality Act [8 U.S.C. 1101 et seq.] prior to April 1, 1980, if a veteran or on active duty in the United States armed forces or spouse or unmarried dependent child of a veteran or person on active duty.
- (8) ~~Hmong or highland Laotian if the individual was a member at the time the tribe rendered assistance to the United States during the Vietnam era from August 5, 1964, through May 7, 1975. A spouse or unmarried dependent child of Hmong or highland Laotian may be eligible if the person meets one of the following:~~
 - ~~(a) Spouse remains married to the tribal member;~~
 - ~~(b) Was married to the member at the time of the member's death and has not remarried;~~
 - ~~(c) An unmarried dependent child (biological or adopted) under the age of eighteen or if the person is a full-time student under the age of twenty-two. This also applies if the parent is deceased, provided that the child was dependent on the parent at the time of death; or~~
 - ~~(d) An unmarried disabled child, biological or adopted, age eighteen or older if the child was disabled and dependent on the parent prior to the child's eighteenth birthday.~~
- (9) Lawfully admitted for residence if lawfully residing in the United States on August 22, 1996, and if receiving benefits for blindness or disability; or was born on or before August 22, 1931; or is now under eighteen years of age; or if elderly, disabled; or child entered after August 22, 1996, and meet other alien eligibility criteria or ineligible.
- (10) ~~Lawfully admitted for permanent residence, if meets forty quarter requirement, or veteran on active duty in United States armed forces or spouse or unmarried dependent child of veteran or person on active duty.~~
- (11) ~~Parolee under section 212(d)(5) of the Immigration and Nationality Act [8 U.S.C. 1101 et seq.] and status is granted for at least one year if veteran or on active duty in United States armed forces or spouse or unmarried dependent child of veteran or person on active duty.~~
- (12) ~~Battered spouse or child if veteran or on active duty in United States armed forces or spouse or unmarried dependent child of veteran or person on active duty and an alien who has been battered or subjected to cruelty in the United States by a spouse or a parent or by a member of the spouse or parents' family residing in the same~~

~~household as the alien at the time of the abuse, an alien whose child has been battered or subjected to battery or cruelty, or an alien child whose parent has been battered. The battered spouse or child cannot be living with the family who battered that person.~~

~~(13) American Indian if born in Canada and who possesses at least fifty percent of blood of the American Indian race to whom the provisions of section 289 of the Immigration and Nationality Act [8 U.S.C. 1101 et seq.] apply or a member of an Indian tribe as defined in section 4(e) of the Indian Self Determination and Education Assistance Act [25 U.S.C. 450b(e)] which is recognized as eligible for the special programs and services provided by the United States Indians because of their status as Indians.~~

~~d. Aliens may meet eligibility criteria if they have~~
(9) An individual that has a past or current involvement with the United States armed forces and are is lawfully admitted to the United States under immigration and naturalization service status. Spouses and unmarried dependent children of an individual with past or current United States military involvement may also meet eligibility criteria.

~~4. An otherwise eligible citizen immigrant may be provided benefits.~~

History: Effective July 1, 1997; amended effective January 1, 2003; July 16, 2003; January 1, 2011.

General Authority: NDCC 50-09-02, 50-09-25

Law Implemented: NDCC 50-09-02

SECTION 12. Section 75-02-01.2-30 is amended as follows:

75-02-01.2-30. Limitation on benefits to pregnant women.

~~1.~~ A pregnant woman, not made ineligible by any other provision of this chapter, who is caretaker relative to no child, may receive temporary assistance for needy families based upon the standard of need for one adult, without consideration of any additional pregnancy-related needs, no earlier than the sixth month of pregnancy. Medical verification of the pregnancy and the approximate date on which the pregnant woman is expected to deliver must be provided.

~~2. The individual shall complete the assessment process of the social contract within four months of the beginning of benefits.~~

History: Effective December 9, 1996; amended effective July 1, 1997; January 1, 2003; January 1, 2011.

General Authority: NDCC 50-09-02, 50-09-25

Law Implemented: NDCC 50-09-02

SECTION 13. Section 75-02-01.2-31 is amended as follows:

75-02-01.2-31. Age of parent - Effect on eligibility.

1. For purposes of this section:
 - a. "Adult caretaker" means a caretaker who is not a minor caretaker.
 - b. "Minor caretaker" means an individual, under the age of eighteen years, who has never been married and who:
 - (1) Is the parent of a dependent child living in the same household; or
 - (2) Is eligible as a pregnant woman in the third trimester of her pregnancy who is a caretaker relative to no child.
2. A minor caretaker who lives with the minor caretaker's own parents is eligible only if eligibility may be established after consideration of the income, but not the assets, of the parents with whom the minor caretaker lives, applying the following disregards:
 - a. The greater of one hundred eighty dollars or twenty-seven percent of earned income of each employed parent of the minor caretaker, for work expenses.
 - b. An amount equal to the standard of need, not including special allowances or special items of need, applicable to a household consisting of the minor caretaker's parents and any other individuals living in the home, who are or could be claimed as dependents of the minor caretaker's parents for federal income tax purposes, but who are not members of the household.
 - c. Amounts paid by the minor caretaker's parents, to support individuals who are not members of the household, who are or could be claimed as dependents of the minor caretaker's parents for federal income tax purposes.
 - d. Amounts paid by the minor caretaker's parents, for child support or spousal support, health insurance premiums, or child or adult dependent care costs related to employment or employment and education or training, to individuals who are not members of the household.
3. An adult caretaker, who lives with the adult caretaker's own parent or legal guardian, if eligible, is eligible without consideration of the income or assets of any adult caretaker's parents with whom the adult caretaker lives, except that regular contributions of money made by such adult caretaker's parent to any member of the household must be considered.
4. For purposes of this section, a minor caretaker who becomes an adult while living with the minor caretaker's own parents or legal guardian is treated as an adult caretaker, effective the first day of the month in which the caretaker reaches age eighteen.
5. For purposes of this section, a minor caretaker who ends residency with the minor caretaker's own parent is treated as having ended residency on the first day of the month in which the minor caretaker left the minor caretaker's parent's home.

6. For purposes of this section, a minor caretaker who resumes residency with the minor caretaker's own parent is treated as having resumed that residency on the first day of the month after the month in which the minor caretaker resumed residency with the minor caretaker's parent.
7. A minor caretaker who does not live with either of the minor caretaker's own parents, if eligible, is eligible without consideration of the income or assets of the minor caretaker's parent except that regular contributions of money made by a minor caretaker's parent to any member of the household must be considered. The minor caretaker's parents remain legally responsible for the minor caretaker's support. The matter must be referred to the child support agency for the purpose of securing support from the minor caretaker's parents as well as for the purpose of securing support for the minor caretaker's child from the child's absent parent.
8. No household may include the child of a minor caretaker, living with that minor caretaker, during any time when the minor caretaker is living in a foster home or child care institution and receiving a foster care maintenance benefit. Any amount reasonably necessary to the maintenance of such a child of the minor caretaker is included in the minor caretaker's foster care maintenance benefit.
9. Except as provided in subsection 10, a minor caretaker must live in the home of the minor caretaker's own parent, legal guardian, or other adult relative, or in a state-approved adult supervised supported living arrangement.
10. A minor caretaker may show there is good cause to live in a place other than required in subsection 9. Good cause exists if, based on evidence provided to the county agency:
 - a. The minor caretaker has no living parent or legal guardian;
 - b. No parent or legal guardian of the minor caretaker will allow the minor caretaker to live in the home of the parent or legal guardian;
 - c. The physical or emotional health or safety of the minor caretaker or the minor caretaker's child would be jeopardized if they lived with the minor caretaker's parent or legal guardian; or
 - d. ~~The minor caretaker lived apart from the minor caretaker's parent or legal guardian for at least one year before the earlier of the birth of the dependent child or the minor caretaker's application for temporary assistance for needy families;~~
 - e. ~~The minor caretaker has earned a high school diploma or general equivalency diploma and is participating in postsecondary education under an approved job opportunities and basic skills program employability plan; or~~
 - f. After reasonable search, the whereabouts of the minor caretaker's parents or legal guardian are unknown.
11. A household consisting of two natural or adoptive parents may be eligible for benefits when at least one parent is age sixty-five or older, if all factors of eligibility are met and the household's countable income is less than the temporary assistance for needy families standard of need.

History: Effective December 9, 1996; amended effective July 1, 1997; January 1, 2003; January 1, 2011.

General Authority: NDCC 50-09-02, 50-09-25

Law Implemented: NDCC 50-09-02

SECTION 14. Section 75-02-01.2-32 is amended as follows:

75-02-01.2-32. Value of benefit.

1. The reasonable value of the physical and custodial care or support that has been furnished to the child or children of a noncustodial parent by the program is, for each month such child or children are eligible, the amount of the assistance received multiplied by the number of children of the noncustodial parent in the household and divided by the total number of children in the household.
2. ~~Stepparents cannot be legally required to support their stepchildren.~~
3. If a stepparent is eligible to receive assistance, the reasonable value of the physical and custodial care or support which has been furnished to the child or children of a noncustodial parent by the program is, for each month such child or children are eligible, the amount of assistance received multiplied by the number of children of the noncustodial parent in the household and divided by one plus the total number of children in the household.

History: Effective December 9, 1996; amended effective July 1, 1997; January 1, 2003; January 1, 2011.

General Authority: NDCC 50-09-02, 50-09-25

Law Implemented: NDCC 50-09-02

SECTION 15. Section 75-02-01.2-33 is amended as follows:

75-02-01.2-33. Assignment of right to support.

1. The child support agency must be notified of any child, except a benefit cap child or a child in receipt of supplemental security income, who is a member of the household and whose eligibility for assistance is based on the continued absence of the child's parent from the home.
2. The applicant and, upon request, any member of the household for whom temporary assistance for needy families is requested, as a condition of eligibility shall:
 - a. Execute all necessary documents to protect the right of any member of the household, and the agency, to child support from the absent parent of such member; and
 - b. Cooperate in obtaining support and in establishing paternity of any child in the household with respect to whom paternity has not been established.

3. The requirement for the assignment of rights to support from absent parents continues through the month in which the latest of the following occurs:
 - a. The child reaches age eighteen.
 - b. The child graduates from high school, provided that graduation does not occur after the month of the child's nineteenth birthday.
 - c. Child support obligations, imposed by a court for periods after the child reaches age eighteen, are terminated.
4. For purposes of this section:
 - a. "Cooperate in obtaining support and in establishing paternity" includes:
 - (1) Appearing at a state or local office designated by the department or county agency to provide information or evidence relevant to the case;
 - (2) Appearing as a witness at a court or other proceeding;
 - (3) Providing credible information, or credibly attesting to lack of information;
 - (4) Paying to the department any support funds received that are covered by the assignment of rights; and
 - (5) Taking any other reasonable steps to assist in establishing paternity and securing child support.
 - b. A child support agency shall determine if the applicant, recipient, or any member of the household, who is required to cooperate in obtaining support and establishing paternity, has done so. In making that determination, the child support agency shall consider if any information provided, or attestation to lack of information, is corroborated by relevant circumstances and is credible. Information provided, or an attestation to lack of information, is not presumed correct.
5. An individual shall cooperate in establishing paternity of a child born out of wedlock for whom the individual can legally assign rights, and obtaining child support and payments for the individual and any other individual for whom the individual can legally assign rights, unless cooperation is waived by the county agency for good cause.
6. The custodian who refuses to cooperate in obtaining support, including establishing paternity, is ineligible to receive assistance. If the custodian continues to refuse to cooperate, the entire household shall become ineligible for assistance and may not reapply for one full benefit month following case closure.

History: Effective December 9, 1996; amended effective July 1, 1997; January 1, 2003; January 1, 2011.

General Authority: NDCC 50-09-02, 50-09-25

Law Implemented: NDCC 50-09-02

SECTION 16. Section 75-02-01.2-35 is amended as follows:

75-02-01.2-35. Combined requirements.

1. The department shall establish combined requirements for the temporary assistance for needy families standards of need that represent amounts of income, by household size and living arrangement, necessary for a standard of living compatible with decency and health.
2. The six basic items of need considered in the temporary assistance for needy families cash grant are:
 - a. Shelter;
 - b. Food;
 - c. Clothing;
 - d. Personal needs such as combs, toothbrushes, toothpaste, razor blades, sanitary supplies, and haircuts;
 - e. Household supplies such as cooking utensils, laundry detergent, bedding, and towels; and
 - f. Fuel and utilities.
- ~~3. The applicable standard of need determination must be based on whether the family has an independent living arrangement or a shared living arrangement. A family has an independent living arrangement if the members of the family have sole responsibility for all shelter costs. A family has a shared living arrangement if:
 - a. The household includes an individual who is at least eighteen years of age and not a member of the family;
 - b. The family receives a subsidy for shelter expenses, resides in public housing, or is not solely responsible for the assistance unit's shelter costs; or
 - c. Any member of the family receives assistance for the payment of shelter costs from someone not residing in the family's home.~~

History: Effective December 9, 1996; amended effective January 1, 2003; June 1, 2005; January 1, 2011.

General Authority: NDCC 50-09-02, 50-09-25

Law Implemented: NDCC 50-09-02

SECTION 17. Section 75-02-01.2-37 is amended as follows:

75-02-01.2-37. Determining membership of the household.

1. The household must include at least one eligible child unless:
 - a. The only child receives supplemental security income benefits; or
 - b. The household includes a pregnant woman in the last trimester of her pregnancy.
2. Any parent and spouse of the parent of a dependent child who resides reside in the home must be included in the household.
3. If the household includes a parent and a needy dependent child, any other child who resides in the home, for whom assistance is sought, and

to whom the parent is a relative by birth, marriage, or adoption, must be included in the household.

4. If the household includes a parent and the parent's nonneedy dependent child or children, any other needy dependent child or children to whom the parent is a relative by birth, marriage, or adoption, must be included in a household which consists only of the needy dependent child or children.
5. If the household includes a parent, the parent's needy dependent child or children, and other dependent children to whom the parent is a relative by birth, marriage, or adoption, the household must include the parent and the parent's needy dependent child or children, and may include any needy dependent child or children to whom the parent is a relative by birth, marriage, or adoption, but exclude any nonneedy dependent child or children who is not the parent's child but to whom the parent is a relative by birth, marriage, or adoption, and who is not a brother or sister, whether by the whole or half-blood or by adoption, to a needy dependent child.
6. If the household includes a stepparent but does not include a natural or adoptive parent, the household must include the stepparent of the natural or adoptive parent's needy dependent child or children and any brothers and sisters of the needy dependent child, whether by whole or half blood or by adoption, and any natural or adoptive children of the stepparent.
7. A minor parent who lives in the home of a parent of the minor parent is treated as a dependent child in a household that includes a parent of the minor parent unless:
 - a. The minor parent is married or formerly married and divorced, but not formerly married in an annulled marriage;
 - b. The minor parent has resided with the other parent of the minor parent's child; or
 - c. The minor parent has lived separately and apart from the minor parent's parent or lawful guardian, with the consent or acquiescence of the minor parent's parent or lawful guardian, while managing the minor's own financial affairs regardless of the source of income, so long as it is not from any activity declared to be a crime by the laws of North Dakota or the United States.
- ~~7-8.~~ Household members who are receiving supplemental security income benefits may not be included in the household.
- ~~8-9.~~ Household members who are ineligible for assistance because of a sanction or disqualification imposed under this chapter must be included in the household for the purpose of consideration of income and assets of the sanctioned household member.
- ~~9-10.~~ Household members who are ineligible for assistance because they do not meet citizenship or alienage requirements imposed under this chapter must be included in the household for the purpose of consideration of income and assets of those household members.

History: Effective December 9, 1996; amended effective July 1, 1997; January 1, 2003; January 1, 2011.

General Authority: NDCC 50-09-02, 50-09-25

Law Implemented: NDCC 50-09-02

SECTION 18. Section 75-02-01.2-40 is amended as follows:

75-02-01.2-40. Combined supplemental security income and temporary assistance for needy families households.

1. With respect to the same month, no individual may receive assistance through both the supplemental security income program and the temporary assistance for needy families program.
2. An individual who is receiving supplemental security income benefits may be a member of a household as an ineligible caretaker relative for a child in the household.
3. Assets or income owned solely or jointly by the recipient of supplemental security income benefits, including that portion of income disregarded in determining eligibility for supplemental security income benefits, may not be considered available to the members of the household.

History: Effective December 9, 1996; amended effective July 1, 1997; January 1, 2003; January 1, 2011.

General Authority: NDCC 50-09-02, 50-09-25

Law Implemented: NDCC 50-09-02

SECTION 19. Section 75-02-01.2-41 is amended as follows:

75-02-01.2-41. Recipients living out of state. An individual who receives assistance is free to travel without a loss of eligibility so long as the individual remains a resident of the state. An individual remains a resident of the state when absent from the state for brief periods provided the individual returns to the state by the last day of the month following the month the individual left. An individual temporarily living out of state who remains a resident of North Dakota is subject to the same standards and procedures for eligibility determinations and budgeting as a similarly situated individual present in the state.

History: Effective December 9, 1996; amended effective January 1, 2003; January 1, 2011.

General Authority: NDCC 50-09-02, 50-09-25

Law Implemented: NDCC 50-09-02

SECTION 20. Section 75-02-01.2-44 is amended as follows:

75-02-01.2-44. Income described.

1. All income that is actually available must be considered. Income is actually available when it is at the disposal of an applicant or recipient; when the applicant or recipient has a legal interest in a liquidated sum and has the legal ability to make the sum available for support or

maintenance; or when the applicant or recipient has the lawful power to make the income available or to cause the income to be made available. In specific circumstances, income available to persons other than the applicant or recipient is deemed available. This subsection does not supersede other provisions of this chapter which describe or require specific treatment of income, or which describe specific circumstances that require a particular treatment of income.

2. Income may be earned, unearned, or deemed. It may be received regularly, irregularly, or in lump sums. Income may be counted or excluded. It may be disregarded for some purposes, but not for others. Other sections of this chapter explain those treatments.
3. Each household member must accept any unemployment compensation earned rights benefits to which entitled. Each household member must provide verification, ~~from job service North Dakota,~~ as to whether the household member is qualified for unemployment compensation earned rights benefits; and, if qualified, must make application for unemployment compensation those benefits and secure such those benefits if qualified.
4. Earned income includes:
 - a. Wages, salaries, commissions, bonuses, or profits received as a result of holding a job or being self-employed;
 - b. Earnings from on-the-job training ~~provided by the Job Training Partnership Act or the~~ including the Workforce Investment Act of 1998 and job opportunities and basic skills program;
 - c. Wages received as the result of participation in the mainstream and green thumb programs;
 - d. Earnings of recipients employed by schools under title I of the Elementary and Secondary Schools Act [20 U.S.C. 236 et seq.];
 - e. Wages received from sheltered workshop employment;
 - f. Sick leave pay or loss-of-time private insurance paid for the loss of employment due to illness or injury;
 - g. Compensation for jury duty;
 - h. Tips;
 - i. Income from boarders;
 - j. Income from room rentals;
 - k. Income from participation in job corps; and
 - l. Income from internship or stipends.
5. Unearned income includes:
 - a. Social security, veterans benefits of any kind, private pensions, pensions provided to former employees of public entities, workers' compensation, unemployment benefits, union compensation during strikes, and military allotments;
 - b. Rents paid without an appreciable amount of personal involvement and effort provided as a service to the tenant, mineral lease rentals, bonus payments and royalties, dividends, and interest paid;

- c. Cash contributions from relatives provided to the household for living expenses;
 - d. Cash gifts;
 - e. Poor relief or general assistance payments made to any member of the household by a county agency or the bureau of Indian affairs; and
 - f. Any other form of income that is not earned income.
6. Deemed income includes:
- a. In the case of income deemed from a stepparent or alien parent, that stepparent's or alien parent's entire gross income less:
 - (1) The greater of one hundred eighty dollars or the twenty-seven percent standard employment expense allowance;
 - (2) An additional amount for the support of the stepparent or alien parent and any other individuals living in the home whose needs are not taken into account in making the eligibility determination and who are or could be claimed by the stepparent or alien parent as dependents for federal income tax purposes, but not including any sanctioned individuals or individuals who are required to be included in the household, but have failed to cooperate, equal to the standard of need amount for a family group of the same composition and size as the stepparent or alien parent and those other individuals described in this paragraph;
 - (3) Spousal support child support payments, health insurance premiums, and child or adult dependent care costs related to employment or employment and education or training actually being made to or on behalf of persons not living in the home; and
 - (4) Amounts actually being paid to individuals not living in the home who are or could be claimed by the stepparent or alien parent as dependents for federal income tax purposes.
 - b. In the case of income deemed from the sponsor of a sponsored alien, the entire gross income of the sponsor and the sponsor's spouse, less:
 - (1) ~~The greater of one hundred eighty dollars or twenty-seven percent of the total monthly earned income of the sponsor and the sponsor's spouse;~~
 - (2) ~~An amount equal to the standard of need amount for a family group of the same composition and size as the sponsor and those other individuals living in the sponsor's household who are or could be claimed by the sponsor as dependents for federal income tax purposes, but whose needs are not taken into account in making an eligibility determination under this chapter;~~

- (3) ~~Spousal support and child support payments actually being made by the sponsor to or on behalf of individuals not living in the sponsor's household; and~~
- (4) ~~Amounts actually being paid by the sponsor to individuals not living in the sponsor's household who are or could be claimed by the sponsor as a dependent for federal income tax purposes~~ in excess of one hundred twenty-five percent of the federal poverty level equal to the household size of the sponsor.

History: Effective December 9, 1996; amended effective July 1, 1997; January 1, 2003; January 1, 2011.

General Authority: NDCC 50-09-02, 50-09-25

Law Implemented: NDCC 50-09-02

SECTION 21. Section 75-02-01.2-47 is amended as follows:

75-02-01.2-47. Budgeting process.

1. Budgeting is the process by which a household's need is determined. Through the process available, income is matched against the standard of need.
2. If nonexcluded income equals or exceeds the standard of need, the household is not needy, and the household is ineligible for assistance.

History: Effective December 9, 1996; amended effective January 1, 2003; January 1, 2011.

General Authority: NDCC 50-09-02, 50-09-25

Law Implemented: NDCC 50-09-02

SECTION 22. Section 75-02-01.2-51 is amended as follows:

75-02-01.2-51. Disregarded income.

1. The department shall establish an employment incentive, and an employment incentive limit, to reasonably encourage household members to earn income.
2. If permitted under subsection 3, income must be disregarded, as an employment incentive, in determining the cash grant amount.
 - a. The greater of one hundred eighty dollars or twenty-seven percent of the household's monthly gross earned income, except earnings of any child who is a full-time elementary or high school student, is disregarded as a standard employment expense allowance. The amount remaining is net earned income.
 - b. Any net earned income that exceeds the income incentive limit is treated as countable earned income.
 - c. A portion of net earned income that is equal to or less than the income incentive limit may be disregarded, under this subdivision, in determining countable earned income.

- (1) If an applicant has earned income in the month of application or the month after the month of application, at least fifty percent of the net earned income may be disregarded for six months beginning the month in which the earned income is first budgeted.
 - (2) If a recipient has earned income, at least thirty-five percent of the net earned income may be disregarded for months seven through nine beginning the month earned income is first budgeted.
 - (3) If a recipient has earned income, at least twenty-five percent of the net earned income may be disregarded for months ten through thirteen after the month earned income is first budgeted.
 - (4) If a recipient has earned income, no net earned income may be disregarded under this subdivision after the thirteenth month after the month earned income is first budgeted.
 - (5) Individuals that have received a full thirteen months of the incentive known as the time-limited percentage will not be eligible for this incentive again.
- d. An employed household member who receives an employment incentive disregard for a period of at least ~~four~~ six consecutive months is provided employment incentive disregards of at least fifty percent for the first six months after beginning the month in which the income is first budgeted, at least thirty-five percent for months seven through nine, at least twenty-five percent for months ten through thirteen, and none thereafter.
- e. An employed household member who receives an employment incentive disregard for a period of less than ~~four~~ six consecutive months is, upon reemployment, provided the employment incentive disregards the member would have received if the first month of reemployment was the first month income is budgeted retrospectively.
- f. If an employed household member, who is receiving the employment incentive disregard, voluntarily terminates employment and is unable to show good cause for failure or refusal to participate, the employment incentive disregard cycle continues as if the household member was employed.
- g. If any nondisregarded income remains, a health insurance premium, or paid child or spousal support ~~or alimony~~, if applicable, may be disregarded.
- h. If any nondisregarded income remains, child and dependent care costs that are employment-related or a combination of employment-related and education or training-related may be disregarded.

3. An income disregard is available only if the eligible employed individual previously received assistance, but has not completed the twelve-month earned income employment incentive disregard cycle, including months in which the earned income disregard was unavailable because:
 - a. No payment was made because the calculated cash grant was less than ten dollars;
 - b. The household voluntarily requested termination of assistance for the primary purpose of avoiding completion of the earned income employment incentive disregard cycle or any part of that cycle; or
 - c. The household failed, without good cause, to file a signed and completed monthly report form by the fifteenth day of the month in which the report was due;
 - d. ~~A member of the household terminated or reduced employment, without good cause, in the thirty days preceding the month in which the earned income employment incentive disregard was unavailable; or~~
 - e. ~~A member of the household refused a bona fide job offer, or voluntarily quit a job, without good cause, in the thirty days preceding the month in which the earned income employment incentive disregard was unavailable.~~
4. If, in any month, additional income received from a recurring source causes the household to be suspended as ineligible for one month, the month of suspension does not count as a month for purposes of this section.
5. Nonhousehold member deduction for stepparent and minor parent budgeting, if applicable, may be made.

History: Effective December 9, 1996; amended effective July 1, 1997; January 1, 2003; January 1, 2009; January 1, 2011.

General Authority: NDCC 50-09-02, 50-09-25

Law Implemented: NDCC 50-09-02

SECTION 23. Section 75-02-01.2-52 is amended as follows:

75-02-01.2-52. Voluntary quit or refusal of employment. No household member, except a dependent child, may refuse a bona fide offer of employment or training for employment, or terminate employment, without good cause, within thirty days before the date of application.

1. If an offer of employment or training was made through job service North Dakota, job service North Dakota shall determine if a bona fide offer was made and if there was good cause for refusing it.
2. If an offer of employment or training was made other than through job service North Dakota, the county agency shall determine if a bona fide offer was made and if there was good cause for refusing it, considering the following factors:

- a. Whether there was a definite offer of employment at wages meeting any applicable minimum wage requirements and that are customary for such work in the community;
 - b. Whether there were any questions as to the physical or mental ability of the household member to engage in the offered employment or training for employment;
 - c. Whether there were any questions of the working conditions such as risks to health, safety, or lack of workers' compensation protection;
 - d. Whether the household member had a way to get to or from the particular job, including evidence the household member reasonably attempted to arrange for transportation;
 - e. Whether, as a condition of being employed, the household member would be required to join a company union, or to resign or refrain from any bona fide labor organization, or would be denied the right to retain membership in and observe the lawful rules of any such organization;
 - f. Whether the position offered is vacant directly due to a strike, lockout, or other labor dispute;
 - g. Whether the work is at an unreasonable distance from the household member's residence, provided one-way traveltime travel time of one hour or less may not be treated as an unreasonable distance;
 - h. Whether gross wages are less than the allowable employment expense and child care or adult dependent care;
 - i. Whether an individual's substantially continuous presence in the household is necessary to care for another individual in the household to whom the individual owes a legal duty to provide care, who has a condition, verified by reliable medical evidence, which does not permit self-care or care by another household member; and
 - j. Whether the individual is a victim of domestic violence.
3. If it is determined that a household member voluntarily quit employment or a bona fide offer of employment or training was refused by a household member, without good cause:
 - a. In the case of a recipient household, the member who voluntarily quits a job or refuses a bona fide offer of employment or training for employment is ineligible for the benefit month in which the refusal occurred subject to sanction through the job opportunity and basic skills program, if the individual is required to participate in the program; and
 - b. In the case of an applicant household, the entire household is ineligible for the thirty days following the actual date of refusal or termination of employment.
 4. ~~If it is determined that a recipient household member voluntarily quits employment without good cause, without prior approval from the~~

~~household member's job opportunities and basic skills employment contractor, that household member is ineligible in the benefit month in which the job quit occurred, and may not receive the standard employment expense allowance described in section 75-02-01.2-51, any employment incentive disregard, or any child or adult dependent care deduction, in the month the job quit occurred, and in the month the income is budgeted.~~

History: Effective December 9, 1996; amended effective July 1, 1997; January 1, 2003; January 1, 2009; January 1, 2011.

General Authority: NDCC 50-09-02, 50-09-25

Law Implemented: NDCC 50-09-02

SECTION 24. Section 75-02-01.2-53 is amended as follows:

75-02-01.2-53. Deduction for dependent care.

- 1 A deduction for a member of a household who is an employed caretaker relative ~~or attending school or training~~ may be made for the cost of necessary care of a child or incapacitated adult who is a member of the household, living in the home, and receiving assistance.
2. The deduction may not be made for the cost of dependent care provided by the caretaker relative's child or stepchild who is under twenty-one years of age, unless:
 - a. The provider of dependent care does not live in the home occupied by the household;
 - b. The provider of dependent care is at least eighteen years of age;
 - c. The provider of dependent care was not claimed as a dependent on the most recent federal income tax return filed by the caretaker relative;
 - d. A bona fide relationship of employer and employee exists between the caretaker relative and the provider of dependent care; and
 - e. The provider of dependent care is not a member of the caretaker relative's household.
3. The deduction may not be made for the cost of dependent care provided to a child by that child's stepparent ~~or parent~~ who lives in the home occupied by the household or by the child natural or adoptive parent.
4. The deduction is for the lesser of the actual cost of care or limits established under the child care assistance program based on the age of the child.

History: Effective December 9, 1996; amended effective July 1, 1997; January 1, 2003; January 1, 2011.

General Authority: NDCC 50-09-02, 50-09-25

Law Implemented: NDCC 50-09-02

SECTION 25. Section 75-02-01.2-62 is amended as follows:

75-02-01.2-62. Computing payment for a child in boarding school.

1. If a child leaves the residence occupied by the household to attend boarding school, the child is treated as having left on the first day of the month following the month in which the child actually left.
2. If a child returns from boarding school to the residence occupied by the household for reasons other than home visits, and the caretaker relative notifies the county agency of the return or anticipated return by the fifth day of the month of actual return, the child is treated as having returned on the first day of the month of actual return, but is otherwise treated as having returned on the first day of the month following the month of actual return.
3. Payment for any month in which a child who is a member of the household is in boarding school, or is treated as in boarding school, is, with respect to that child, limited to an allowance for clothing and personal needs.

History: Effective December 9, 1996; amended effective July 1, 1997; January 1, 2003; January 1, 2011.

General Authority: NDCC 50-09-02, 50-09-25

Law Implemented: NDCC 50-09-02

SECTION 26. Section 75-02-01.2-63 is amended as follows:

75-02-01.2-63. Budgeting in unusual circumstances.

1. Except as provided in subsection 3, if an eligible child lives in the home of a relative who is not the child's parent, the relative is ineligible if the relative's spouse also lives in the home.
2. If an eligible child lives in the home of a relative who is not the child's parent, and the spouse of that relative does not also live in the home, the relative:
 - a. Must be excluded from the household if the relative's income and assets would cause the household to be ineligible; and
 - b. May be included in the household if the relative requests inclusion and the relative's income and assets do not cause the household to be ineligible.
3. Except as provided in subsection 5, if an eligible child lives in the home of a relative who is not the child's parent, but who is, and could in the absence of that child be, a member of a household which includes the spouse of the relative, the eligible child must be added as a member of the household of the relative.
4. Except as provided in subsection 5, if two or more eligible children are living in the home of an ineligible relative who is not a parent of either child, all eligible children must be included in a single household.
5. An individual who is a caretaker relative in a household may act as a temporary payee for a child who is a member of another household and with respect to whom the individual is a relative, while that child lives

temporarily with the individual, to preserve the child's usual living arrangement with that child's caretaker relative who is:

- a. Hospitalized; or
 - b. Incarcerated for ninety days or less.
6. If two or more relatives, who are each eligible caretakers for one or more children but who are not married to each other and who have no children in common living in the household, live together, each caretaker and the child or children with respect to whom that caretaker is a relative must be budgeted as a household.
 7. If a child lives with a relative who receives supplemental security income benefits, budgeting is based on the number of eligible individuals in the household.
 8. If a child lives with a parent whose needs are deleted from the benefit due to the parent's failure to cooperate in obtaining support and in establishing paternity or in the job opportunities and basic skills program, the parent's income and assets must be considered in determining eligibility for the remaining members of the household. The income of the parent is subject to any applicable income disregards.
 9. If an eligible caretaker leaves a child in the care of another individual while the caretaker pursues an educational program in another community, budgeting for the household must be done as if the unit resided together.
 10.
 - a. If a member of a household is hospitalized or residing in a halfway house, a drug and alcohol treatment facility, the North Dakota state hospital, a nursing home, or a swing bed facility, and there is a medical plan that the individual may return to the household:
 - (1) No reduction in assistance may be made for the first three full months if the individual receives a cash grant, but the needs of the individual must be reduced thereafter to a forty-five dollar clothing and personal needs allowance; and
 - (2) Effective the first day of the month following the date of admittance to the institution, the needs of a household member admitted to a veterans administration hospital or any state institution other than the North Dakota state hospital must be deleted.
 - b. For periods when the needs of an individual must be reduced, the individual's share of assistance is limited to the amount of the clothing and personal needs allowance, effective with the first month the reduction may be made. This budgeting arrangement must continue as long as the medical plan calls for the individual to return to the household, but may not exceed nine months.

History: Effective December 9, 1996; amended effective July 1, 1997; January 1, 2003; June 1, 2005; January 1, 2011.

General Authority: NDCC 50-09-02, 50-09-25

Law Implemented: NDCC 50-09-02

SECTION 27. Section 75-02-01.2-64 is amended as follows:

75-02-01.2-64. Essential services.

1. The county agency may determine that a service, which the family cannot perform independently because of infirmity or illness, is essential to the well-being of the household.
2. "Essential service" includes housekeeping services and child care during a caregiver's illness or hospitalization, attendant services, and extraordinary costs of accompanying a member of the family to a distant medical or rehabilitation facility, arising out of a special need or condition of a member of the household or an ineligible caretaker who is not a parent of a child in the household ~~and who is not receiving supplemental security income benefits~~ and may include other expenses and services, provided:
 - a. The need is unforeseen and due to no fault of the household;
 - b. The department is the payer of last resort; and
 - c. The household receives prior approval from the department.
3. The cost of essential services, which is a special item of need:
 - a. May be provided for in the cash grant only if the cost has been established through negotiations with the provider of the services; and
 - b. Must be budgeted and paid retrospectively or by supplemental payments.

History: Effective December 9, 1996; amended effective July 1, 1997; January 1, 2003; January 1, 2011.

General Authority: NDCC 50-09-02, 50-09-25

Law Implemented: NDCC 50-09-02

SECTION 28. Section 75-02-01.2-65 is amended as follows:

75-02-01.2-65. Catastrophic events and unforeseen circumstances.

1. The county agency may authorize vendor payments for the replacement of food, clothing, furniture, household equipment, and supplies, as a special item of need, at a level comparable to that maintained by the household prior to a flood, fire, storm, or other disaster, if:
 - ~~1-a.~~ The availability of replacements, at no or nominal cost to the household, from sources such as the American red cross, has been determined and assistance with replacements coordinated; and
 - ~~2-b.~~ The loss of items for which replacement is sought has been determined.
2. The county agency may authorize reimbursement for an unforeseen expense incurred by a recipient for a payment made in a situation that was beyond the individual's control.

History: Effective December 9, 1996; amended effective July 1, 1997; January 1, 2003; January 1, 2011.

General Authority: NDCC 50-09-02, 50-09-25

Law Implemented: NDCC 50-09-02

SECTION 29. Section 75-02-01.2-66 is amended as follows:

75-02-01.2-66. Medical insurance premiums.

1. The county agency may authorize payment for the cost of premiums for health insurance carried by the household, as a special item of need. Payment may be made for only one policy of health insurance. If the policy covers individuals who are not members of the household, payment is limited to:
 - a. If the household or insurer provides information that describes the manner in which the insurance company allocates premium charges between the insureds, the allocation attributable to the members of the household; or, if that allocation is unavailable; and
 - b. The total premium amount, divided by the number of individuals covered, and then multiplied by the number of covered members of the household.
2. For purposes of this section, "premiums for health insurance" includes payments made for insurance, health care plans, or nonprofit health service plan contracts that provide benefits for hospital, surgical, medical care and dental or vision insurance, but do not include payments made for coverage that is:
 - a. Limited to disability or income protection coverage;
 - b. Automobile medical payment coverage;
 - c. Supplemental to liability insurance;
 - d. Designed solely to provide payments on a per diem basis, daily indemnity, or nonexpense-incurred basis; or
 - e. Credit accident and health insurance.
3. Payment for the cost of premiums for health insurance:
 - a. May be provided in the cash grant only if the cost or pro rata cost has been established; and
 - b. Must be budgeted and paid in the month in which the county agency is informed of the insurance and receives verification of the cost.

History: Effective December 9, 1996; amended effective July 1, 1997; January 1, 2003; January 1, 2011.

General Authority: NDCC 50-09-02, 50-09-25

Law Implemented: NDCC 50-09-02

SECTION 30. Section 75-02-01.2-67 is amended as follows:

75-02-01.2-67. Child restraint systems. The county agency may authorize payment for, as a special item of need, to members of the household for the verified

cost of an approved child restraint system designed to secure a child while riding in a passenger vehicle.

History: Effective December 9, 1996; amended effective July 1, 1997; January 1, 2003; January 1, 2011.

General Authority: NDCC 50-09-02, 50-09-25

Law Implemented: NDCC 50-09-02

SECTION 31. Section 75-02-01.2-68 is amended as follows:

75-02-01.2-68. High school graduate or general equivalency diploma incentive payment. The county agency may authorize a one-time payment of two hundred fifty dollars, as a special item of need, to each individual in the household upon completion of high school or receipt of general ~~education development~~ equivalency diploma.

History: Effective December 9, 1996; amended effective July 1, 1997; January 1, 2003; June 1, 2005; January 1, 2011.

General Authority: NDCC 50-09-02, 50-09-25

Law Implemented: NDCC 50-09-02

SECTION 32. Section 75-02-01.2-68.1 is created as follows:

75-02-01.2-68.1. Housing allowance. The county agency may authorize, as a special item of need, an additional fifty dollars per month when a family has an independent living arrangement and the members of the family have sole responsibility for all housing costs.

History: Effective January 1, 2011.

General Authority: NDCC 50-09-02, 50-09-25

Law Implemented: NDCC 50-09-02

SECTION 33. Section 75-02-01.2-71 is amended as follows:

75-02-01.2-71. Making payment - Correcting overpayments and underpayments.

1. A payment of a cash grant is deemed to be complete as of 12:01 a.m. on the first day of the month for which it is issued.
2. Except as provided in subsection 3, a payment check must be endorsed by the payee, or an attorney-in-fact for the payee, with a signature, written in ink, in the same form as the indicated payee.
 - a. If the payee is a guardian, the endorsement must so indicate and must name the ward.
 - b. If the endorsement is by an attorney-in-fact of the payee, the endorsement must so indicate and must name the attorney-in-fact.
3. If the payee dies or becomes absent before a properly issued check has been endorsed, an endorsement may be made:

- a. By the payee's spouse or surviving spouse, if that spouse has been living with the payee, and, if there is no such spouse;
 - b. By a temporary payee, and, if there is no such spouse or temporary payee; or
 - c. By the director of the county agency.
4. A payment check endorsed under subsection 3 must include, immediately below the endorsement, a statement of approval dated and signed by the director of the county agency.
 5. A payment check may be issued to replace a lost, stolen, or destroyed payment check only if:
 - a. An indemnity bond is executed by the payee and delivered to the department's finance office; and
 - b. A stop-payment order is placed against the payment check alleged to be lost or destroyed.
 6. Any overpayment, whether resulting from recipient or administrative error, or from assistance granted pending a decision on an appeal adverse to the appellant, and whenever made, is subject to recovery. Except as provided in subsection 7, an overpayment must be collected from any household that includes a member who benefited from, or who was responsible for, the overpayment, by reducing the cash grant, to that household, by an amount equal to ten percent of the standard of need.
 7. If a court order, entered in a matter that considered the circumstances leading to the overpayment, requires restitution of an amount less than the amount of the overpayment, or requires periodic payments of restitution greater or less than the monthly amount determined under subsection 6, the amount of restitution and periodic payments so ordered must be used to calculate reduction, in the cash grant amount, used to recover an overpayment.
 8. Unless the overpayment was the result of fraud, including fraud involving the crimes of theft and making false statements in a governmental matter, or an intentional program violation, the county agency may suspend efforts to collect overpayments when no individual who benefited from, or was responsible for, the overpayment is a member of a household:
 - a. If the amount of the overpayment is less than thirty-five dollars; or
 - b. When recovery is determined not to be cost effective after an effort to recover has failed, including, at a minimum, a written communication describing the amount and basis for the overpayment, and requesting repayment.
 9. The county agency shall promptly correct any underpayment for a current member of a household, or to an individual who would be a current member of a household but for the error that led to the underpayment.

History: Effective December 9, 1996; amended effective January 1, 2003; January 1, 2011.

General Authority: NDCC 50-09-02, 50-09-25

Law Implemented: NDCC 50-09-02

SECTION 34. Section 75-02-01.2-72 is amended as follows:

75-02-01.2-72. Intentional program violation - Disqualification penalties.

1. For purposes of this section:
 - a. "Intentional program violation" means an individual's intentional action or failure to act which consists of:
 - (1) Making a false or misleading statement or misrepresenting, concealing, or withholding facts;
 - (2) Violating provisions of North Dakota Century Code chapter 50-09, this chapter, or any state statute relating to the acquisition or use of assistance provided under North Dakota Century Code chapter 50-09 or this chapter; or
 - (3) Being convicted in federal or state court of having made a fraudulent statement or representation with respect to the place of residence of the individual ~~in order to receive~~ temporary assistance for needy families, medicaid, supplemental nutrition assistance program benefits, or supplemental security income simultaneously from two or more states; and
 - b. An individual intends all results reasonably foreseeable from the actions the individual takes or fails to take.
2. An individual who, on any basis, is found to have committed an intentional program violation by a state administrative disqualification proceeding or by a federal or state court must be subject to the penalties provided in this section.
3. An individual who waives the individual's right to appear at an intentional program violation hearing must be subject to the penalties provided in this section.
4. During any period of disqualification:
 - a. The individual's needs may not be taken into account when determining the household's need and amount of assistance;
 - b. All assets and income of the disqualified individual, including gross earned income, must be considered available to the household;
 - c. Income disregards may be provided for the disqualified individual when determining if the remaining household members are eligible; and
 - d. The overpayment is recovered through a reduction, at the rate of twenty percent of the standard of need, excluding special items of need.
5. The duration of the penalty described in this section must be:
 - a. One year for the first offense;
 - b. Two years for the second offense;
 - c. Permanent for the third and any subsequent offense; and
 - d. Ten years for individuals who were convicted in federal or state court of fraudulently misrepresented misrepresenting residence.

6. Any period of disqualification must remain in effect, without possibility of an administrative stay, unless and until the finding upon which the penalty was based is subsequently reversed by a court of appropriate jurisdiction, but in no event may the duration of the period for which the penalty was imposed be subject to review.
7. In cases when a disqualification penalty and other sanctions or penalties apply:
 - a. The disqualification penalties in this section must be in addition to, and may not be substituted for, any other sanctions or penalties that may be imposed for the same offense; and
 - b. The disqualification penalties imposed under this section affect only the individual concerned and cannot substitute for other sanctions imposed under this chapter.
8. A disqualification penalty imposed on an individual by another state may be continued in this state and may be used to determine the appropriate duration of a disqualification penalty imposed under this section.
9. A disqualification penalty period must begin no later than the first day of the second month that follows the date of notice of imposition of the penalty.
10. The department shall issue a written notice informing the individual of the period of disqualification and the amount of assistance the household may receive during the disqualification period.
11. Overpayments must be recovered from the assistance unit which was overpaid, any assistance unit of which a member of the overpaid assistance unit has subsequently become a member, or any individual members of the overpaid assistance unit whether or not currently a recipient.

History: Effective December 9, 1996; amended effective July 1, 1997; January 1, 2003; January 1, 2011.

General Authority: NDCC 50-09-02, 50-09-25

Law Implemented: NDCC 50-09-02

SECTION 35. Section 75-02-01.2-73 is amended as follows:

75-02-01.2-73. Health tracks. All members of a household, under age twenty-one, who complete a health tracks screening are eligible for a minimum twenty-five dollar payment, as a special item of need.

History: Effective December 9, 1996; amended effective July 1, 1997; January 1, 2003; January 1, 2009; January 1, 2011.

General Authority: NDCC 50-09-02, 50-09-25

Law Implemented: NDCC 50-09-02

SECTION 36. Section 75-02-01.2-74 is repealed.

~~**75-02-01.2-74. Assessment and case plan.** Assessment is an ongoing process in the program. The assessment may result in goals for the household. The eligibility worker and household prioritize the goals to develop a case plan. This case plan identifies issues to be resolved, tasks for completing the goals, and times to complete the tasks. Agencies or services that can assist in reaching goals are identified and referrals to agencies are made when the case plan is formalized.~~

History: Effective December 9, 1996; amended effective January 1, 2003; June 1, 2005; repealed effective January 1, 2011.

General Authority: NDCC 50-09-02, 50-09-25

Law Implemented: NDCC 50-09-02

SECTION 37. Section 75-02-01.2-75 is repealed.

~~**75-02-01.2-75. Temporary assistance for needy families social contract.** The temporary assistance for needy families social contract is an agreement, signed by the household, that documents the goals and tasks identified in the assessment, the mandatory requirements on the application for benefits, and records times for the completion of those tasks. The social contract is negotiated between the eligibility worker and the household. Each household must develop and sign a contract, by the end of the fourth benefit month, as a condition of continued eligibility. The household must comply with the terms of the social contract. The social contract is subject to change as conditions warrant. It must be reviewed and updated with the household on at least an annual basis. A temporary assistance for needy families social contract must:~~

- ~~1. Address immediate health and safety needs that are mutually identified by the household and eligibility worker;~~
- ~~2. Specify what the responsibilities of the household and the eligibility worker may be;~~
- ~~3. Establish realistic goals, reflective of the household's capabilities and the resources available to assist in meeting goals;~~
- ~~4. Clearly identify tasks required for continued participation;~~
- ~~5. Establish specific times for the accomplishment of tasks;~~
- ~~6. Provide a means to evaluate progress toward meeting identified goals and tasks; and~~
- ~~7. Unless an exemption or good cause is determined, require compliance with the mandatory requirements, which include:
 - ~~a. Child support enforcement when appropriate deprivation reasons exist;~~
 - ~~b. Health tracks program; and~~
 - ~~c. Job opportunities and basic skills program.~~~~

History: Effective December 9, 1996; amended effective January 1, 2003; June 1, 2005; repealed effective January 1, 2011.

General Authority: NDCC 50-09-02, 50-09-25

Law Implemented: NDCC 50-09-02

SECTION 38. Section 75-02-01.2-76 is repealed.

~~75-02-01.2-76. Social contract.~~

- ~~1. The assessment must be completed and social contract signed by the end of the fourth benefit month. The social contract must be signed by the primary individual in the household and the eligibility worker. Ten days before the end of the fourth benefit month, a written statement must be sent reminding the household that the household is ineligible for a fifth month's assistance if the social contract is not signed.~~
- ~~2. If a household becomes ineligible under subsection 1 because the assessment is not completed and the social contract is not signed, and the household reapplies within a one-year period from its original application date, a cash grant may not be issued until the household completes an assessment and signs a social contract.~~
- ~~3. For purposes of this section:
 - a. If a household becomes ineligible under subsection 1 because the contract is not signed and reapplies more than one-year after the household's last application date, the reapplication may be treated as a new application; and
 - b. If a household becomes ineligible for a reason other than failure to sign a social contract as required under subsection 1, the reapplication may be treated as a new application.~~

History: Effective December 9, 1996; amended effective July 1, 1997; January 1, 2003; June 1, 2005; repealed effective January 1, 2011.

General Authority: NDCC 50-09-02, 50-09-25

Law Implemented: NDCC 50-09-02

SECTION 39. Section 75-02-01.2-77 is repealed.

~~**75-02-01.2-77. Annual reassessment.** The social contract must be reviewed and updated annually based on a reassessment of the household. A reassessment may be made when there has been a significant change to the household. Addition or deletion of an adult family member is a significant change.~~

History: Effective December 9, 1996; amended effective January 1, 2003; repealed effective January 1, 2011.

General Authority: NDCC 50-09-02, 50-09-25

Law Implemented: NDCC 50-09-02

SECTION 40. Section 75-02-01.2-79 is amended as follows:

75-02-01.2-79. Sanctions for noncompliance with temporary assistance for needy families program requirements.

1. Temporary assistance for needy families participants who fail or refuse to comply with program requirements, without good cause, may be sanctioned. Actions or failures to comply that may result in sanctions include:
 - a. Failure or refusal to participate in the job opportunities and basic skills or tribal native employment works programs;
 - b. Failure or refusal to cooperate in obtaining child support or establishing paternity; and
 - c. ~~Not completing a social contract;~~
 - d. ~~Not signing a social contract;~~
 - e. ~~Not completing the goals or tasks listed on a social contract; and~~
 - f. ~~Not cooperating with an agency providing services to meet goals or tasks listed in the social contract, including goals identified as mandatory or nonmandatory referrals and goals that are nonmandatory and identified in the assessment~~
Quit a job or refused an offer of employment without good cause.
2. All sanctions are first imposed against the responsible individual and will result in removal of the individual's financial needs from the household's temporary assistance for needy families grant, for a period of one month in an ongoing case, or in the case of a new application subject to a job opportunity and basic skills program sanction, for a period of up to four months.
3. If the sanctioned individual does not cure the sanction prior to the end of the sanction penalty month, the sanction may progress to closure of the entire temporary assistance for needy families case.
 - a. A sanction penalty month runs from the effective date of a sanction through the last day of that month.
 - b. If a sanction, based on noncooperation with the job opportunities and basic skills program leads to closure of the entire temporary assistance for needy families case, the household shall, at a minimum, be ineligible for assistance in the month following the sanction penalty month, and until the responsible individual cures the sanction.
 - c. If a sanction, based on noncooperation with child support enforcement leads to closure of the entire temporary assistance for needy families case, the household shall be ineligible for assistance in the month following the sanction penalty month.
4. Sanctions under temporary assistance for needy families follow a noncooperating individual.
5. A job opportunities and basic skills program sanction; or a tribal native employment works program sanction; ~~or a sanction for failure to comply with the social contract requirements,~~ is cured only when the responsible

individual demonstrates, to the satisfaction of the county agency, that the failure to cooperate or participate, as required, has been corrected for at least ten consecutive days.

6. A child support enforcement sanction may only be considered cured upon notification from the child support enforcement agency to the eligibility eligibility worker that the sanctioned individual is cooperating in obtaining child support and, if necessary, establishing paternity.

History: Effective December 9, 1996; amended effective July 1, 1997; January 1, 2003; June 1, 2005; January 1, 2011.

General Authority: NDCC 50-09-02, 50-09-25

Law Implemented: NDCC 50-09-02

SECTION 41. Section 75-02-01.2-80 is amended as follows:

75-02-01.2-80. Good cause determination.

1. Except with respect to a sanction imposed for failure to obtain child support, or establish paternity, an individual shall be provided an opportunity to present the good cause reason for a failure or refusal to cooperate prior to the imposition of a sanction.
2. The eligibility worker or the individual's job opportunities and basic skills employment contractor may oversee the good cause determination process.
 - a. ~~If the individual refuses to complete the social contract, refuses to sign the social contract, or refuses to comply with a referral to a service agency, the eligibility worker is responsible to oversee the good cause determination process.~~
 - b. If the individual is not cooperating with the job opportunities and basic skills program, the employment contractor is responsible to oversee the good cause determination process and must inform both the individual and the eligibility worker of the outcome of the good cause determination process.
3. Within two days after the employment contractor learns of a failure or a refusal to comply, the eligibility worker or employment contractor, as appropriate, shall send written notice to the individual to offer an opportunity to show good cause. A good cause determination must state that:
 - a. The individual is responsible to call or meet with the employment contractor within seven days, from the print date of the notice, to show good cause; and
 - b. A sanction will be imposed if the individual does not contact the employment contractor or eligibility worker, as appropriate, within the required time or does not show good cause for the individual's failure or refusal to comply.
4. If an individual fails or refuses to participate in the good cause determination process, or if it is determined that the individual did not show good cause for the initial failure or refusal to participate as required

in the temporary assistance for needy families program, the eligibility worker shall notify the individual of the sanction.

5. Claims of good cause must be evaluated using the decisionmaking decision-making principles described in section 75-02-01.2-12.

History: Effective December 9, 1996; amended effective January 1, 2003; June 1, 2005; January 1, 2009; January 1, 2011.

General Authority: NDCC 50-09-02, 50-09-25

Law Implemented: NDCC 50-09-02

SECTION 42. Section 75-02-01.2-81 is repealed.

~~**75-02-01.2-81. Good cause for failure to complete temporary assistance for needy families social contract.** An individual who has good cause for not signing or cooperating in the development of the social contract may continue to receive assistance after the initial two months if all other factors of eligibility are met. The individual shall complete the social contract as soon as the good cause reason is no longer applicable. Good cause for not completing the development of, or for not signing, the social contract exists only if the individual:~~

- ~~1. Has a medical condition that precludes the individual from leaving home as verified by reliable medical evidence; or~~
- ~~2. Is hospitalized or institutionalized.~~

History: Effective December 9, 1996; amended effective July 1, 1997; January 1, 2003; repealed effective January 1, 2011.

General Authority: NDCC 50-09-02, 50-09-25

Law Implemented: NDCC 50-09-02

SECTION 43. Section 75-02-01.2-82 is amended as follows:

75-02-01.2-82. Job opportunities and basic skills program - Definitions. For purposes of the job opportunities and basic skills program:

1. "Eligible individual" means an adult or minor child head of household receiving assistance or a nonrecipient parent living with a child receiving assistance.
2. "Employment contractor" means the job opportunities and basic skills program agency or staff person responsible for directing and monitoring a participant's planning and activities that relate to the job opportunities and basic skills program. The employment contractor is responsible for completing orientation and an assessment. After orientation and the assessment are completed, the employer contractor assists the participant in the development and execution of an employability plan and oversees the participant's involvement in the job opportunities and basic skills program.
3. "Minimum required hours" means the number of hours per week during which a participant must be engaged in approved work activity.

4. "Participant" means a member of a household who is not exempt from participating in the job opportunities and basic skills program or who, if exempt, has volunteered to participate in that program.
5. "Satisfactory progress" in any postsecondary education or training program means the participant is maintaining progress minimally sufficient to allow continuation of the course of study or training under the standards of the education or training facility.
6. "Work-eligible individual" includes anyone listed in subdivision a, but does not include anyone listed in subdivision b:
 - a. Included individuals are:
 - (1) Any adult receiving assistance under temporary assistance for needy families;
 - (2) Any minor child head of household receiving assistance under temporary assistance for needy families;
 - (3) Any minor parent head of household receiving assistance under temporary assistance for needy families; or
 - (4) Any nonrecipient parent living with a child receiving assistance, including any parent:
 - (a) Sanctioned due to noncompliance with work requirements; or
 - (b) Disqualified due to an intentional program violation, status as a fleeing felon, a drug felony conviction, parole or probation violation, or noncompliance with child support enforcement.
 - b. Individuals not included are:
 - (1) A minor parent who is not the head of household;
 - (2) A noncitizen who is ineligible to receive assistance due to that individual's immigration status;
 - (3) A parent providing care for a disabled family member living in the home;
 - (4) A dependent child who is under age sixteen;
 - (5) Unless the child is a single head of household, a dependent child who is age sixteen or over, enrolled as a full-time student, who will graduate by the child's nineteenth birthday;
 - (6) Those receiving supplemental security income; or
 - (7) Those receiving social security disability income.

History: Effective December 9, 1996; amended effective July 1, 1997; January 1, 2003; January 1, 2009; January 1, 2011.

General Authority: NDCC 50-09-02, 50-09-25

Law Implemented: NDCC 50-09-02

SECTION 44. Section 75-02-01.2-87 is amended as follows:

75-02-01.2-87. Job opportunities and basic skills program - Exemptions from participation. An individual is exempt from participation in the job opportunities and basic skills program if the individual is:

1. A parent or other eligible caretaker relative age sixty-five or older;
2. A dependent child who is under age sixteen or a dependent child who is age sixteen or over and who is enrolled or has been accepted for enrollment as a full-time student for the next school term in an elementary or secondary school or in a vocational or technical school that is equivalent to secondary school and will graduate by the child's nineteenth birthday, unless the child is a single head of household;
3. A parent or other eligible caretaker relative of a child under ~~age four~~ two months of age who is personally caring for the child full time; or
4. A parent providing care for a disabled family member living in the home, provided that the need for such care is supported by documentation.

History: Effective December 9, 1996; amended effective July 1, 1997; January 1, 2003; January 1, 2009; January 1, 2011.

General Authority: NDCC 50-09-02, 50-09-25

Law Implemented: NDCC 50-09-02

SECTION 45. Section 75-02-01.2-88 is amended as follows:

75-02-01.2-88. Job opportunities and basic skills program - Referral.

1. Any individual not exempt from the job opportunities and basic skills program and anyone who volunteers must be referred to the program. Referrals may be made only after the individual is determined otherwise eligible for assistance.
2. The referred individual shall contact the job opportunities and basic skills program within seven calendar days from the print date of the referral to set up an appointment for program orientation, assessment, and employability planning and shall make a good-faith effort to complete program orientation, initial assessment, and employability planning within thirty days of the ~~referral~~ application date.

History: Effective December 9, 1996; amended effective July 1, 1997; January 1, 2003; June 1, 2005; January 1, 2011.

General Authority: NDCC 50-09-02, 50-09-25

Law Implemented: NDCC 50-09-02

SECTION 46. Section 75-02-01.2-90 is amended as follows:

75-02-01.2-90. Job opportunities and basic skills program – Supportive services and transitional post temporary assistance for needy families supportive services.

1. Within the limits described in this section, supportive services may be made available to a participant who, but for supportive service, would be unable to enter into or remain in an allowable work activity. No supportive service may be provided without approval from the employment contractor or eligibility worker.
2. ~~Transitional~~ Post temporary assistance for needy families supportive services may be provided to assist employed former temporary assistance for needy families recipients to succeed in the workforce and avoid the need to receive further temporary assistance for needy families benefits.
3. Supportive services may include:
 - a. Relocation assistance provided to a job opportunities and basic skills participant if:
 - (1) The individual has a bona fide offer of employment, verified by the employment contractor, which will increase the individual's potential for increased earnings, job advancement, or permanent employment; or
 - (2) The individual requests and receives approval from the employment contractor to move from an area of the state with few employment opportunities to another area of the state with greater employment opportunities, or to an area out of state with greater employment opportunities.
 - b. Monthly transportation assistance provided to participants in an approved work activity, if necessary for continued participation.
 - c. Child care expense reimbursement in amounts consistent with the provisions of the state child care and development fund plan submitted under the Child Care and Development Block Grant Act of 1990 [42 U.S.C. 9858].
 - d. Assistance in the purchase of care for an incapacitated or disabled adult member of the participant's household, to whom the participant owes a legal duty to provide care, provided:
 - (1) There is no other person in the household who can provide the care; and
 - (2) The incapacitated or disabled adult household member cannot provide self-care.
 - e. Assistance in the purchase of employment-related clothing or personal needs determined by the employment contractor to be reasonable and necessary for the participant to enter employment.
 - f. Assistance in the purchase of tools or equipment determined by the employment contractor to be required for the participant to accept employment.

- g. Assistance in the cost of repairs determined by the employment contractor to be reasonable and necessary to return a participant's vehicle to operable condition, provided:
 - (1) The vehicle is registered to a member of the household;
 - (2) The vehicle is needed by the participant to get to work or another approved work activity; and
 - (3) The general condition and value of the vehicle justifies repairs.
 - h. Assistance for defraying the cost of books, tuition, and fees associated with an allowable work activity, provided:
 - (1) Other educational fund sources have been explored and are exhausted; and
 - (2) The participant is a member of a household and eligible for assistance at the time funds are paid or obligated.
 - i. Assistance with payment for professional license fees and professional examination fees, if there is no other available source of funding, including fee waivers, and the professional license or examination is necessary to achieve an employment-related goal.
 - j. Assistance with expenses determined by the employment contractor to be reasonable and necessary for the individual to engage in employment or participate in employment interviews, including transportation, lodging, grooming, and clothing.
4. The maximum expenditures permitted for supportive services and transitional supportive services are limited to amounts and availability as the department may by order determine.

History: Effective December 9, 1996; amended effective July 1, 1997; January 1, 2003; January 1, 2009; January 1, 2011.

General Authority: NDCC 50-09-02, 50-09-25

Law Implemented: NDCC 50-09-02

SECTION 47. Section 75-02-01.2-103 is amended as follows:

75-02-01.2-103. Job opportunities and basic skills program – Good cause for failure or refusal to comply with a referral to, or participate in, the job opportunities and basic skills program.

- 1. All work-eligible individuals must participate in the job opportunities and basic skills program unless good cause is granted by the eligibility worker. Good cause for failure or refusal to participate in the job opportunities and basic skills program exists when:
 - a. The household member is incapacitated with a physical or mental impairment verified by reliable medical evidence which, by itself or in conjunction with age, prevents the individual from working or participating in any job opportunities and basic skills program or work activity;
 - b. An individual whose substantially continuous presence in the household is necessary to care for another member of the

household, to whom the individual seeking good cause for nonparticipation owes a legal duty to provide care, who has a condition, verified by reliable medical evidence, which does not permit self-care, care by another household member, or care provided as supportive services;

- c. An individual has an illness or injury, verified by reliable medical evidence and reviewed every thirty days, which is serious enough to temporarily prevent entry into employment or participation in any job opportunities and basic skills program activity; or
- d. In the case of a parent or other eligible caretaker relative of a child under age six, who is personally caring for the child full time and who demonstrates an inability to obtain needed child care for one or more of the following reasons:
 - (1) Child care is unobtainable at a location such that the usual commuting time from the parent's home to the location at which child care is provided, and on to the parent's worksite, is one hour or less;
 - (2) Suitable child care is unobtainable from a relative, from an approved child care provider licensed or registered under North Dakota Century Code chapter 50-11.1, or from a child care provider not required to be licensed or registered under North Dakota Century Code chapter 50-11.1; or
 - (3) Child care is unobtainable, from a child care provider licensed or registered under North Dakota Century Code chapter 50-11.1, at a rate equal to or less than ~~4.1~~ two times the maximum allowable amount as determined by the child care assistance program.

- 2. Claims of good cause must be evaluated using the decisionmaking principles described in section 75-02-01.2-12.

History: Effective December 9, 1996; amended effective July 1, 1997; June 1, 2002; June 1, 2005; January 1, 2009; January 1, 2011.

General Authority: NDCC 50-09-02, 50-09-25

Law Implemented: NDCC 50-09-02



John Hoeven, Governor
Carol K. Olson, Executive Director

August 13, 2010

RE: Proposed Amendments to N.D. Admin. Code Chapter 75-02-01.2
Temporary Assistance for Needy Families (TANF)

TO WHOM IT MAY CONCERN:

The Department of Human Services is proposing amendments to N.D. Admin. Code chapter 75-02-01.2, Temporary Assistance for Needy Families (TANF). The department has adopted procedures to assure public input into the formulation of such rules prior to adoption.

In conformity with those procedures, we are providing you with a copy of the proposed rules and are requesting that you provide any written data, views, or arguments no later than 5:00 p.m. on October 1, 2010.

The department has scheduled an oral hearing on September 21, 2010. Further information concerning the public hearing is included in the attached notice of proposed rulemaking and public hearing.

Your participation is welcomed, as are your suggestions. Please send all written data, views, or arguments to: Rules Administrator, Department of Human Services, State Capitol - Judicial Wing, 600 E. Boulevard Ave., Bismarck, ND 58505-0250.

Sincerely,

A handwritten signature in black ink that reads "Carol K. Olson". The signature is written in a cursive, flowing style.

Carol K. Olson,
Executive Director

CKO/kh

Attachments

Cc: John Walstad, Legislative Council
Brenda Peterson, TANF