

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

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

75-02-01.2-01. Definitions.

Unless otherwise stated in this section, the definitions set forth in North Dakota Century Code section 50-09-01 are applicable to this chapter. Additionally, in this chapter, unless the context or subject matter requires otherwise:

1. "Applicant" means an individual who is seeking a benefit under this chapter.
2. "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.
3. "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.
4. ~~"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.~~

~~5.~~ "Benefit month" means the calendar month immediately following the processing month for which eligibility and benefits are computed.

~~6.5.~~ "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 issued for a household.

~~7.6.~~ "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; or
- c. Lives with a dependent child, under age eighteen and receiving supplemental security income benefits, who is the last child in the home.

~~8.7.~~ "Child only case" means a case in which the only eligible individual is a dependent child and the caretaker relative is ineligible as a nonlegally responsible caretaker, or as a legally responsible caretaker due to being a supplemental security income recipient, a disqualified alien, a disqualified fleeing felon, a disqualified parole violator, a disqualified probation violator, or disqualified for committing fraud.

~~9.8.~~ "Child support agency" has the same meaning as defined in North Dakota Century Code section 14-09-09.10.

~~10.9.~~ "Department" means the North Dakota department of health and human services.

~~11.10.~~ "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 a vocational or technical school that is equivalent 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.

~~42-11.~~ "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.

~~13.~~ "~~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.

~~44-12.~~ "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;
- f. Is a pregnant woman, caretaker relative to no other dependent or

legally responsible caretaker 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.

~~45-~~13. "Family" includes:

- 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;
- b. The parents of any dependent child and all brothers and sisters of any dependent child, whether by whole or half-blood, marriage, or adoption, any child, parent of an eligible dependent child, or other caretaker relative who receives supplemental security income benefits;
- c. An alien who does not meet citizen and alienage requirements;
- d. An alien who is ineligible for temporary assistance for needy families benefits because of the application of sponsor-to-alien deeming;
- e. An individual who is ineligible for temporary assistance for needy families benefits as the result of the imposition of a sanction 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 household, but does not include roomers or boarders.

~~46-~~14. "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.

~~17-15.~~ "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.

~~18-16.~~ "Ineligible caretaker relative" means a caretaker relative who is not an eligible caretaker relative.

~~19-17.~~ "Legally responsible" means having a legal duty for the financial support of another individual.

~~20-18.~~ "Lives 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.

~~24-19.~~ 24-19. "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.

~~22-20.~~ 22-20. "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.

~~23.~~ 23. ~~"Processing month" means the month, immediately after the base month, and immediately before the benefit month, in which the human service zone determines eligibility for, and the amount of, any benefit to be paid during the benefit month.~~

~~24-21.~~ 24-21. "Proper individual" means any individual of sufficient maturity and understanding to act responsibly on behalf of the applicant.

~~25-22.~~ 25-22. "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 human service zone's best estimate of the~~ of a household's benefits based on income and circumstances ~~of the household in those months, of the amount of any grant of benefits in those two months~~ for the benefit month.

~~26-23.~~ 26-23. "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.

~~27-24.~~ "Recipient" means an individual who receives cash assistance under this chapter.

~~28-25.~~ "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.

~~29.~~ "~~Retrospective budgeting~~" means a determination, made by the human service zone 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.

~~30-26.~~ "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.

~~31-27.~~ "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.

~~32-28.~~ "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.

~~33-29.~~ "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.

~~34-30.~~ "Supplemental security income" means a program administered under title XVI of the Social Security Act [42 U.S.C. 1381 et seq.].

~~35-31.~~ "Supportive services" means services and benefits 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 a household based on eligibility for job opportunities and basic skills program activities; transition assistance; kinship care assistance; post temporary assistance for needy families; or diversion as outlined in this chapter.

~~36-32.~~ "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.

~~37-33.~~ "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.

~~38-34.~~ "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; January 1, 2014; April 1, 2024; April 1, 2026.

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.

Diversion may be provided to a family experiencing a specific crisis situation or episode of need. Diversion 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 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 and a temporary assistance for needy families grant in the same month. A family may receive diversion for up to four months within a twelve-month period beginning in the month diversion 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.
2. Diversion may be provided to defray expenses necessary to retain or obtain employment. Within the limits described by the department, 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 those funds. Necessary expenses incurred in retaining or obtaining employment must be verified.

3. Cooperation in obtaining support or establishing paternity for any child member of the family is permitted but not required.
4. An applicant may appeal a denial, limitation, or termination of diversion, and a recipient of diversion may appeal termination or reduction of diversion, by making a written request for a hearing within thirty days from the date of the notice of adverse action. If diversion is denied or the case is ~~else~~closed, diversion may not be provided pending completion of the fair hearing process. If diversion is reduced, benefits may be continued only based on the reduced level, pending completion of the fair hearing process.
5. A month in which diversion 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.
6. When a diversion household is determined to have a recurrent or ongoing need, the diversion case must be closed, and the household may reapply under temporary assistance for needy families to meet the recurrent or ongoing needs.
7. Diversion households are not subject to an asset limit.
8. Diversion households are subject to an annual federal poverty level determined by the federal government.

History: Effective June 1, 2005; amended effective January 1, 2009; January 1, 2011; April 1, 2026.

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

Law Implemented: NDCC 50-09-02

SECTION 3: 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 an individual 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 in an amount approved by the department, 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/or
 - 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; April 1, 2024; April 1, 2026.

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

Law Implemented: NDCC 50-09-02

SECTION 4: Section 75-02-01.2-09 is amended as follows:

75-02-01.2-09. Decision and notice.

1. A decision as to eligibility must be made promptly on applications, within thirty days, except in unusual circumstances.
2. A decision as to eligibility on ~~redeterminations~~review must be made within thirty days.
3. Immediately upon an eligibility determination, whether eligibility can be found, ineligibility can be found, or eligibility cannot be determined, ~~program applicants or recipients shall be notified by the human service zone~~ shall notify program applicants or recipients. Adequate notice of any decision terminating or reducing benefits must be sent at the time required by section 75-01-03-08.
4. The effective date a case is closed ~~or suspended~~ is the last calendar day of the month identified in the notice.
5. Errors made by public officials and delays caused by the actions of public officials do not create eligibility or additional benefits for an applicant or recipient who is adversely affected.

History: Effective December 9, 1996; amended effective July 1, 1997; January 1, 2003; April 1, 2026.

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~~Review - Must be complete and timely.

1. When the human service zone receives a completed ~~monthly report~~review, it shall process the ~~payment~~review only if all eligibility conditions are met. The human service zone shall notify the household of any changes ~~from a payment made in the month immediately past to the household's payments~~. If payment is being reduced or assistance terminated as a result of information provided in the ~~monthly report~~review, the human service zone shall send an adequate notice. The household may be reinstated to the original 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 human service zone may terminate assistance if it ~~has received no~~did not receive a timely ~~monthly report~~review or has received only an incomplete ~~report~~review. The human service zone shall send an adequate notice, mailed to arrive no later than the date it would have made payment if the human service zone had received a timely and

complete ~~monthly report~~review. If the household notifies the human service zone and files a complete ~~report~~review within ten days of the date of the notice, the human service zone may accept the replacement ~~report~~review and provide for payment based on the ~~report~~review only if the information indicates that the household is still eligible. If, based on the replacement ~~report~~review, the household is found ineligible or eligible for an amount less than the original payment amount ~~made in the month immediately past~~, the human service zone 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 original payment ~~amount made in the month immediately past~~.

3. A review period will be assigned to the household as determined by the department.
4. While a review is pending and during the review period, households are required to report to the human service zone all changes within ten days from the date the change occurs to be considered reported timely. Required changes include a change in household members, a change in custody status of a household member, pregnancy, a change in marital status, a combined change in earned and unearned monthly income of more than one hundred dollars, the start or end of an income source, a change in assets, a change in resident or mailing address, or a change in student status.
5. If temporary assistance for needy families closes for failure to submit a review and the review is submitted in the month following the month of closure, the review can be used as an application and all application processing requirements apply. If the review form is received after the month following the month of closure due to failure to submit review, a new application is required.

History: Effective December 9, 1996; amended effective January 1, 2003; June 1, 2005; January 1, 2011; April 1, 2026.

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

Law Implemented: NDCC 50-09-02

SECTION 6: Section 75-02-01.2-12 is amended as follows:

75-02-01.2-12. Determining claims of good cause.

Determinations concerning claims of good cause require the use of decisionmaking principles. These principles must be applied to the individual's statements and information to determine if the requirements of good cause are met. The decisionmaking principles are:

1. The individual claiming good cause is responsible to show that good cause exists.
2. Uncorroborated statements of fact are less believable than corroborated statements. Uncorroborated statements may be accepted when they are consistent, credible, and supported by the circumstances of the case.
3. Statements by individuals with a reputation for being untruthful are less believable than similar statements by individuals without that reputation.
4. A reputation for being untruthful exists if the files maintained by the department, the human service zone, or the job opportunities and basic skills program employment contractor contain evidence of untruthful statements made by the individual, or if the individual has made untruthful statements that are a matter of public record.
5. Statements by individuals with a reputation for failures or delays in furnishing information necessary for official action are less believable than similar statements by individuals without that reputation.
6. A reputation for failures or delays in furnishing information necessary for official action exists if the files maintained by the department, the human service zone, or a job opportunities and basic skills program employment contractor contain evidence of any failure or delay, without good cause, to furnish reports, including ~~monthly reports~~ review forms, necessary verifications, or a failure or delay in attending meetings or interviews intended to secure information necessary for official action.
7. A statement of fact, made by an individual with something to gain if that statement is regarded as true, is less believable than a similar statement made by an individual with little or nothing to gain.
8. An individual's explanations or reasons for claiming good cause must be judged by a prudent person concept. A prudent person is one who exercises those qualities of attention, knowledge, intelligence, and judgment that society requires of its members for protection of their own interests and the interests of others.
9. Statements of fact made by the individual claiming good cause, or by other individuals who support or oppose the claim of good cause, are not presumed to be either truthful or untruthful. Rather, statements of fact must be evaluated to determine if they are more likely than not or less likely than not to be true.

History: Effective December 9, 1996; amended effective January 1, 2003; January 1, 2009; April 1, 2024; April 1, 2026.

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

Law Implemented: NDCC 50-09-02

SECTION 7: Section 75-02-01.2-20 is amended as follows:

75-02-01.2-20. Eligibility throughout month.

4. ~~In the first month in which eligibility is established, based on any one application, the benefit amount is that pro rata portion of the monthly benefit amount equal~~ prorated to the percentage of the month remaining after the ~~later~~ as of the first day of eligibility ~~or the date of application, except:~~
 - a. ~~In the case of a family that has entered North Dakota from a state which issues grants twice a month, the benefit amount is that pro rata portion of the monthly benefit amount equal to the percentage of the month remaining after the later of the date coverage in the other state ends or the date of application; and~~
 - b. ~~The benefit amount may be adjusted to correct an underpayment or overpayment arising out of previous periods of eligibility.~~
2. ~~In the second and subsequent months in which eligibility is established, based on any one application, if the monthly reporting requirements are met, the household continues to be eligible throughout the month if eligible for any portion of the month.~~

History: Effective December 9, 1996; amended effective July 1, 1997; January 1, 2003; April 1, 2026.

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

Law Implemented: NDCC 50-09-02

SECTION 8: Section 75-02-01.2-22 is amended as follows:

75-02-01.2-22. Asset limits.

No member of a household may be found eligible for benefits unless the value of the household's assets, not specifically excluded under this chapter, does not exceed ~~threenine~~ thirteen thousand dollars for a household consisting of one individual, ~~sixfifteen~~ sixteen thousand dollars for households consisting of two individuals, and an additional ~~twenty-five~~ five hundred dollars for each additional individual. In all instances, including determination of equity, property must be realistically evaluated in accord with current market value. Any reasonable costs associated with liquidation of excess assets must be taken into account.

History: Effective December 9, 1996; amended effective July 1, 1997; January 1, 2003; April 1, 2026.

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

Law Implemented: NDCC 50-09-02

SECTION 9: Section 75-02-01.2-23 is amended as follows:

75-02-01.2-23. Exempt assets.

The following assets are exempt from consideration in determining eligibility for temporary assistance for needy families benefits:

1. The home occupied by the household including trailer homes being used as living quarters, and the land upon which the home stands, up to twenty contiguous acres [8.09 hectares], if rural, and up to two acres [.81 hectare], if located within the established boundaries of a city;
2. Personal effects, wearing apparel, household goods, and furniture;
3. One car, van, or pickup of any equity value;
4. Indian trust or restricted lands, the proceeds from the sale thereof so long as those proceeds are impressed with the original trust, and the proceeds from the lease thereof so long as those proceeds are not commingled with other funds;
5. For twelve months from the month of receipt, any refund of federal income taxes made to a member of the household including the earned income tax credit, and any payment made to a member of the household by an employer, relating to advance payment of earned income tax credit;
6. Real property that the household is making a good-faith effort to sell;
7. Indian per capita funds and judgment funds awarded by either the Indian claims commission or the court of claims after October 19, 1973, interest and investment income accrued on such Indian per capita or judgment funds while held in trust, and purchases made using interest or investment income accrued on such funds while held in trust. The funds must be identifiable and distinguishable from other funds. Commingling of per capita funds, judgment funds, and interest and investment income earned on those funds, with other funds, results in loss of the exclusion;
8. The equity value of all assets owned by a member of the household who is a recipient of supplemental security income; ~~and~~
9. The equity value of the assets, jointly owned by a program household member and a recipient of supplemental security income;
10. Any property, equipment, or vehicle used for the purpose of producing

income, including vehicles used for employment, tools or equipment required for a job or trade, or items necessary for self-employment or contracted work;

11. One bona fide funeral agreement and associated financial instrument, including interest accrued, per household member, provided the funds are designated for burial expenses, are identifiable and not commingled with other funds;
12. One burial space or plot per household member;
13. Funds held in an achieving a better life experience account established under section 529A of the Internal Revenue Code;
14. Retirement funds and pension plans, including individual retirement accounts and SEP, SIMPLE, and qualified plans, provided funds remain in the account and are not withdrawn;
15. Funds in a plan for achieving self-support account approved by the social security administration;
16. Resources used as collateral for a business loan, if the resource cannot be sold due to a security agreement or lien;
17. Resources determined inaccessible, including those held in probate or under legal restrictions, such as irrevocable trusts in which the funds are not accessible to the household;
18. Funds received under federal disaster assistance programs or the Crime Victim Compensation Act, provided they are used as intended or subject to repayment if misused;
19. The value of livestock used to produce income, for home consumption, or maintained as household pets;
20. Cryptocurrency, if not readily accessible or liquid, must be evaluated for availability and market value. If determined inaccessible, it may be excluded as a resource; and
21. For twelve months from the month of receipt, all nonrecurring lump sum payments.

History: Effective December 9, 1996; amended effective January 1, 2003; January 1, 2014; April 1, 2026.

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

Law Implemented: NDCC 50-09-02

SECTION 10: 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.
- 3.2. 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; April 1, 2026.

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

Law Implemented: NDCC 50-09-02

SECTION 11: 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 the individual has 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~~review of eligibility following receipt of the number, whichever is earlier.

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

April 1, 2026.

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

Law Implemented: NDCC 50-09-02

SECTION 12: Section 75-02-01.2-34 is amended as follows:

75-02-01.2-34. Good cause for failure or refusal to cooperate in obtaining support or establishing paternity.

1. ~~The human service zone, for~~ For good cause, ~~may waive~~ the requirement that an individual cooperate in obtaining support and establishing paternity ~~may be waived~~ if it ~~determines~~ is determined that cooperation is against the best interests of the child. A human service zone may determine that required cooperation is against the best interests of the child only if:
 - a. The individual's cooperation in establishing paternity or securing child support is reasonably anticipated to result in:
 - (1) Physical harm to the child for whom support is to be sought;
 - (2) Emotional harm to the child for whom support is to be sought;
 - (3) Physical harm to the parent or caretaker relative with whom the child is living which reduces that individual's capacity to care for the child adequately; ~~or~~
 - (4) Emotional harm to the parent or caretaker relative with whom the child is living, of such nature or degree that it reduces that individual's capacity to care for the child adequately; ~~or~~
 - (5) Interference with family reunification efforts; or
 - (6) Disruption of child protective services objectives; or
 - b. At least one of the following circumstances exists, and the human service zone believes that because of the existence of that circumstance, in the particular case, proceeding to establish paternity or secure child support would be detrimental to the child for whom support would be sought:
 - (1) The child for whom support is sought was conceived as a result of incest or forcible rape;

- (2) Legal proceedings for the adoption of the child are pending before a court of competent jurisdiction; or
 - (3) The individual, otherwise required to cooperate, is currently being assisted by a public or licensed private social agency to resolve the issue of whether to keep or relinquish the child for adoption, and the discussions have not gone on for more than three months.
2. Physical harm and emotional harm must be of a serious nature in order to justify a waiver.
3. A waiver due to emotional harm may only be based on a demonstration of an emotional impairment that substantially impairs the individual's functioning. In determining a waiver, based in whole or in part upon the anticipation of emotional harm to the child, the parent, or the caretaker relative, the human service zone shall consider:
 - a. The present emotional state of the individual subject to emotional harm;
 - b. The emotional health history of the individual subject to emotional harm;
 - c. Intensity and probable duration of the emotional impairment;
 - d. The degree of cooperation to be required; and
 - e. The extent of involvement of the child in the paternity establishment or support activity to be undertaken.
4. In all cases in which the human service zone has determined that good cause exists based on a circumstance subject to change, a determination to grant a waiver must be reviewed, at a minimum, once every twelve months to determine if the circumstances which led to the waiver continue to exist.
5. 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 January 1, 2003; January 1, 2014; April 1, 2026.

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

Law Implemented: NDCC 50-09-02

SECTION 13: Section 75-02-01.2-43 is amended as follows:

75-02-01.2-43. Benefits less than ten dollars.

No benefit payment may be issued if the calculated benefit is less than ten dollars, but the household must be treated for all other purposes of this chapter, ~~including the application of the retrospective budgeting cycle~~, as a household to which the department makes a benefit payment.

History: Effective December 9, 1996; amended effective January 1, 2003; April 1, 2026.

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

Law Implemented: NDCC 50-09-02

SECTION 14: 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 individuals 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 earned rights benefits to which entitled. Each household member must provide verification as to whether the household member is qualified for earned rights benefits; and, if qualified, must make application for those benefits and secure 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 including the Workforce Innovation and Opportunity Act;
 - c. Wages received as the result of participation in a program under

the Older Americans Act;

- d. Wages received from sheltered workshop employment;
- e. Sick leave pay or loss-of-time private insurance paid for the loss of employment due to illness or injury;
- f. Compensation for jury duty;
- g. Tips;
- h. Income from boarders;
- i. Income from room rentals;
- j. Income from participation in job corps; and
- k. Income from internship or stipends.

5.4. 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;
- d. Cash gifts;
- e. General assistance payments made to any member of the household by a human service zone or the bureau of Indian affairs; and
- f. Any other form of income that is not earned income.

6.5. Deemed income includes:

- a. In the case of income deemed from a stepparent, that stepparent'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 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 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 and those other individuals described in this paragraph;
 - (3) Spousal support payments, 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 individuals 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 as dependents for federal income tax purposes.
- b. In the case of income deemed from the sponsor of a sponsored alien, the income of the sponsor and the sponsor's spouse is calculated by allowing:
- (1) The earned income disregard of the greater of one hundred eighty dollars or the twenty-seven percent standard employment expense allowance; and
 - (2) A disregard equal to one hundred thirty 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; January 1, 2017; April 1, 2024; April 1, 2026.

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

Law Implemented: NDCC 50-09-02

SECTION 15: Section 75-02-01.2-45 is amended as follows:

75-02-01.2-45. Excluded income.

1. The following income must be excluded in determining eligibility for

assistance:

- a. All earned income of any child, except a minor parent, attending elementary or high school full time;
- b. A loan from any source that is subject to a written agreement requiring repayment by the recipient;
- c. The value of general assistance benefits provided in voucher form by any human service zone, tribe, or the bureau of Indian affairs;
- d. Assistance payments from other programs, agencies, or organizations that:
 - (1) Do not serve the same purposes as the temporary assistance for needy families cash grant; or
 - (2) Provide goods or services that are not included in the standard of need;
- e. Scholarships, grants, stipends, and awards for educational purposes, which are given because of need or achievement by the bureau of Indian affairs, other federal sources, state sources, civic, fraternal, and alumni organizations, or relatives, to undergraduate-level and graduate-level students;
- f. Workstudy program income earned by an undergraduate-level or graduate-level student;
- g. Family subsidy program payments made by the department;
- h. Returned deposits from rentals and from utility companies;
- i. Adoption assistance and subsidized adoption payments;
- j. Foster care payments, subsidized guardianship payments, and payments received as a retainer for services as an emergency shelter foster home;~~and~~
- k. Irregular cash gifts, which total, in any month, less than five hundred dollars per household received for a special occasion, such as Christmas, birthdays, or graduations;and
- l. Child support pass-through.

2. For purposes of this section, "child" means an individual:
 - a. Under age eighteen; or
 - b. Age eighteen and a full-time student in elementary or high school, or in an equivalent level of vocational or technical training, if, before attaining age nineteen, such student may reasonably be expected to complete the high school or vocational training curriculum.

History: Effective December 9, 1996; amended effective January 1, 2003; June 1, 2005; January 1, 2017; April 1, 2026.

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

Law Implemented: NDCC 50-09-02

SECTION 16: Section 75-02-01.2-49 is amended as follows:

75-02-01.2-49. Income considerations.

1. All income must be considered in establishing eligibility and in determining the cash grant amount.
2. Income must be reasonably evaluated. A determination that income is deemed available is a determination that the income is actually available.
3. Income from wages, or any other source, must be considered received in the month in which it was actually received or considered to be available. Wages held at the request of an employee must be considered income in the month in which the wages would otherwise have been paid by the employer.
4. ~~A member of a household who receives regular income, other than on a monthly basis, may occasionally receive an extra check which causes the unit to become ineligible in the month of receipt. If the receipt of additional income is anticipated to result in ineligibility for only one month, the case may be suspended, rather than closed.~~
 - a. ~~If the additional income is received in the month of application, the first month of prospective budgeting, the application must be denied.~~
 - b. ~~If the additional income is received in the month after the month of application, the second month of prospective budgeting, the case must be prospectively suspended, and all income, except income derived from the last check received in that month, from the source of regular income, must be retrospectively budgeted.~~

- ~~c. If the additional income is received in any month except the month of application or the month after the month of application, all income must be retrospectively budgeted.~~ Income must be applied prospectively.

History: Effective December 9, 1996; amended effective January 1, 2003; April 1, 2026.

General Authority: NDCC 50-09-02, 59-09-25

Law Implemented: NDCC 50-09-02

SECTION 17: 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 twelve 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 twelfth month after the month earned income is first budgeted.
 - (5) Individuals that have received a full twelve months of the incentive known as the time-limited percentage will not be eligible for this incentive again unless the individual has been off assistance for twelve or more months.
- d. An employed household member who receives an employment incentive disregard for a period of at least six consecutive months is provided employment incentive disregards of at least fifty percent for the first six months 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 twelve, and none thereafter.
 - e. An employed household member who receives an employment incentive disregard for a period of less than six consecutive months is, upon reemployment, provided the employment incentive disregards as if the member would have received if the first month of reemployment was the first month income is budgeted retrospectively had not received employment incentive disregards.
 - 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, 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 if the eligible employed individual previously received assistance, has not received temporary assistance for needy families at least twelve months or 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; or
 - 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.
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; January 1, 2017; April 1, 2024; April 1, 2026.

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

Law Implemented: NDCC 50-09-02, 50-09-29

SECTION 18: 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 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 who lives in the home occupied by the household or by the child's natural or adoptive parent.
4. The deduction is for ~~the lesser of the actual~~ out of pocket cost of care ~~or limits established under the child care assistance program based on the age of the child.~~ The deduction must be verifiable and made with the caretaker relative's own funds and is not subject to reimbursement.

History: Effective December 9, 1996; amended effective July 1, 1997; January 1, 2003; January 1, 2011; April 1, 2026.

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

Law Implemented: NDCC 50-09-02

SECTION 19: Section 75-02-01.2-54 is amended as follows:

75-02-01.2-54. Unearned income considerations.

1. Unearned income must be verified and documented in the case record.
2. All unearned income must be treated as available in the month in which the income is received unless the income is disregarded. Unearned income must be applied to determine eligibility for, and the amount of, the household's monthly cash grant.
3. All nonexempt unearned income must be considered available in the month in which it is received. Unearned income is usually received at fixed intervals and at regularly scheduled dates. State or federal assistance payments such as supplemental security income or social security received on a recurring basis must be treated as received once per month, even if mailing cycles may cause two payments to be received in one month and none received in another month.
4. Unearned income received annually or received in regular annual totals, but in irregular intervals, must be considered available, in each month, in an amount equal to one-twelfth of the annual total. The twelve-month period may be a calendar year or other twelve-month fiscal period appropriate to the nature of the payment. Sources of income appropriate for this treatment include:
 - a. Nonexcluded lease payment income deposited in and disbursed

through individual Indian moneys accounts maintained by individual Indians by the bureau of Indian affairs as proceeds from the lease of lands held by the federal government in trust for the Indian;

- b. Lease payments made to persons for the use of lands occupied or owned by those persons unless the lease specifically provides for monthly payments or unless the lease is for a total term of less than one year; and
- c. Mineral lease payments, however denominated, except initial leasing bonus payments.

5. Income must be applied prospectively.

History: Effective December 9, 1996; amended effective January 1, 2003; April 1, 2026.

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

Law Implemented: NDCC 50-09-02

Section 20: Section 75-02-01.2-55 is repealed:

75-02-01.2-55. Reinstatement following suspension or case closing.

[Repealed effective April 1, 2026.]

- 1. ~~If assistance is reinstated after a suspension of one month, all factors of eligibility must be considered to determine eligibility. If eligibility exists, the amount of assistance is determined based on two-month retrospective budgeting.~~
- 2. ~~If the household is for any reason ineligible in the month following the month of a suspension, the case must be closed.~~

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

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

Law Implemented: NDCC 50-09-02

Section 21: Section 75-02-01.2-56 is repealed:

75-02-01.2-56. Computing payment for first and second months of eligibility.

[Repealed effective April 1, 2026.]

~~If an applicant household has not received assistance in the preceding calendar month:~~

- ~~1. Assistance for the household must be prorated based on the date of request or the date of eligibility, whichever is later; and~~
- ~~2. The human service zone shall compute the amount of the cash grant for the household for the initial month of eligibility and the month following using prospective budgeting. The human service zone shall otherwise compute the amount of assistance provided to the household using retrospective budgeting.~~

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

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

~~**Law Implemented:** NDCC 50-09-02~~

Section 22: Section 75-02-01.2-57 is repealed:

75-02-01.2-57. Computing payment for months following the second month of eligibility.

[Repealed effective April 1, 2026.]

~~The human service zone shall compute assistance for months following the second month of eligibility through two-month retrospective budgeting.~~

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

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

~~**Law Implemented:** NDCC 50-09-02~~

SECTION 23: Section 75-02-01.2-58 is amended as follows:

75-02-01.2-58. Computing payment if individuals are added to the household.

1. If the individual being added to a household did not receive assistance in the previous month, assistance for the added individual is based on ~~the~~ a pro rata portion of the additional monthly cash grant amount equal to the percentage of the month remaining after:
 - a. The date of birth of a newborn, provided ~~that~~ the request for the newborn is made within ten days of the date of birth and the newborn's social security number or application for social security number and verification of birth are furnished within thirty days of the request; and
 - b. In all other cases, the later of the date of the request or the date the individual becomes eligible.
2. If the individual being added to an existing household received a

temporary assistance for needy families grant from another state in the preceding calendar month:

- a. The added individual's cash grant must be determined effective the first day of the month of request or prorated from the date of eligibility, whichever is later; and
 - b. The human service zone shall compute the added individual's cash grant for the initial month of eligibility and ~~the month following using prospective budgeting~~future months until the individual becomes ineligible or the next review.
3. If the individual being added to an existing household received a temporary assistance for needy families grant in North Dakota during the preceding calendar month:
- a. The added individual's benefits must be determined effective the first day of the month of request or prorated from the date of eligibility, whichever is later; and
 - b. The human service zone shall compute the added individual's cash grant for the initial month of eligibility and ~~the month following by continuing the budget methodology which was used in the preceding month~~future months until the individual becomes ineligible or the next review.

History: Effective December 9, 1996; amended effective July 1, 1997; January 1, 2003; April 1, 2026.

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

Law Implemented: NDCC 50-09-02

SECTION 24: Section 75-02-01.2-59 is amended as follows:

75-02-01.2-59. Computing payments if individuals leave the household.

1. If an individual who was a household member leaves the household during a benefit month, the individual is included in the household during that month.
2. ~~The human service zone shall determine eligibility for the remaining members of the household, in~~Eligibility must be recalculated beginning the month following the month in which the former household member individual left, through retrospective budgeting the household.

History: Effective December 9, 1996; amended effective January 1, 2003; April 1, 2026.

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 human service zone of the return ~~or anticipated return by the fifth day of the month~~ within ten days of the actual return, the child is treated as having returned on the first day of the month of actual return; ~~but is otherwise. If not reported timely, the child is treated as having returned on the first day of the month following the month of actual return~~ the change was reported.
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; April 1, 2026.

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

Law Implemented: NDCC 50-09-02

SECTION 26: Section 75-02-01.2-64 is amended as follows:

75-02-01.2-64. Essential services.

1. The human service zone 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 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 prospectively or by supplemental payments.

History: Effective December 9, 1996; amended effective July 1, 1997; January 1, 2003; January 1, 2011; April 1, 2026.

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

Law Implemented: NDCC 50-09-02

SECTION 27: Section 75-02-01.2-69 is amended as follows:

75-02-01.2-69. Unrestricted payment of assistance - Exceptions.

- 1. The usual method of providing assistance under this chapter is through payments by check, direct deposit, or credit on account, immediately redeemable at par, made to the caretaker relative or legal guardian at regular intervals, with no restrictions on the use of the funds. This practice is followed because recipients of assistance do not, by virtue of their need for assistance, lose the capacity to select how or when the needs of the household ~~must be~~ are met. If the caretaker relative or other members of the household manage funds in a manner that is clearly detrimental to members of the household, or if the caretaker relative is subject to sanction for nonconformance to program requirements, protective payments may be used to assist the household in financial management.
- 2. a. A determination that there is a detrimental mismanagement of funds may be based on:
 - (1) Continued failure to plan for and make necessary expenditures during periods for which assistance is provided;
 - (2) Continued failure to provide children in the household with proper food, clothing, or housing so as to threaten the chances of those children for healthy growth and development;
 - (3) Persistent failure to pay the cost of rent, food, utilities,

school supplies, or other essentials;

- (4) Repeated loss of housing due to nonpayment of housing costs; or
 - (5) Repeated failure to pay debts that result in attachments of or levies against current income.
 - b. The fact that debts are not paid on a timely basis may not be the sole basis for a determination that there is detrimental mismanagement of funds unless relevant factors, including the following, have been considered:
 - (1) Whether the family has experienced an emergency or extraordinary event that reasonably required the expenditure of funds ordinarily used to meet the needs of the household;
 - (2) Whether reasonable payments on necessarily incurred debt exceeds the family's income; or
 - (3) Whether the family has withheld payment on a debt as a part of a legitimate dispute concerning the amount of the debt or the terms or performance of a contract out of which the debt arises.
3.
 - a. The human service zone may select, appoint, and remove a protective payee to receive and manage a household's cash grant. In making a selection, the human service zone shall consider any individual nominated by the caretaker relative.
 - b. The protective payee is a fiduciary responsible for assuring that the cash grant is expended to achieve the maximum reasonable benefit for the assistance and for working cooperatively with the human service zone.
 - c. The protective payee may be furnished information about the household, from the human service zone's records, sufficient to allow the protective payee's role to be carried out. The information furnished to the protective payee under this section remains confidential information subject to the provisions of North Dakota Century Code section 50-06-15.
 - d. The status of a household for which a protective payee has been appointed must be reviewed by the human service zone as often as necessary, but no less often than every six months, to

determine if:

- (1) The protective payee is performing satisfactorily;
- (2) The household should be restored to unrestricted money payment status; and
- (3) Some other arrangement should be sought for the care of children who are members of the household.

History: Effective December 9, 1996; amended effective July 1, 1997; January 1, 2003; June 1, 2005; April 1, 2026.

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

Law Implemented: NDCC 50-09-02

SECTION 28: 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 human service zone.
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 human service zone.

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 human service zone 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~~ human service zone 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.

10. The benefit amount may be adjusted to correct an underpayment or overpayment arising out of previous periods of eligibility.

History: Effective December 9, 1996; amended effective January 1, 2003; January 1, 2011; April 1, 2026.

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

Law Implemented: NDCC 50-09-02

SECTION 29: 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 to receive temporary assistance for needy families, Medicaid, supplemental nutrition assistance program benefits, or supplemental security income simultaneously from two or more states;
or
 - (4) Using a temporary assistance for needy families debit card in any liquor store; any casino, gambling casino, or gaming establishment, or any retail establishment that provides adult-oriented entertainment in which performers disrobe or perform in an unclothed state of entertainment in violation of Pub. L. 112-96, provided access to the funds is not otherwise available through an automated teller machine, financial institution, or other means within a reasonable distance of the recipient's residence; 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~~ is subject to the penalties provided in this section. Additionally:
 - a. If a court judgment includes a temporary assistance for needy families disqualification period, the human service zone shall impose the disqualification period according to the temporary assistance for needy families disqualification time frames; or
 - b. If a court judgment does not include a disqualification period, the human service zone shall pursue any appropriate disqualification according to temporary assistance for needy families disqualification requirements.
3. An individual who waives the individual's right to appear at an intentional program violation hearing ~~must be~~ is 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 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; January 1, 2014; April 1, 2026.

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

Law Implemented: NDCC 50-09-02

SECTION 30: Section 75-02-01.2-72.1 is amended as follows:

75-02-01.2-72.1. Denial of assistance for fugitive felons, and probation and parole violators, ~~and certain convicted drug offenders.~~

1. An individual may not be included in the cash grant if the individual is:

- a. Fleeing to avoid prosecution, or custody or confinement after conviction, under the laws of the place from which the individual flees, for a crime, or an attempt to commit a crime, which is a felony under the laws of the place from which the individual flees, or which, in the case of the state of New Jersey, is a high misdemeanor under the laws of such state; or
 - b. Violating a condition of probation or parole imposed under federal or state law.
2. ~~An individual may not be included in the cash grant for a period of seven years from the date of the most recent felony conviction, if the individual is convicted of a felony offense for an act which occurred after August 22, 1996, which has as an element the possession, use, or distribution of a controlled substance as defined in section 102(6) of the Controlled Substances Act [21 U.S.C. 802(6)]. The disqualification does not apply to alcohol-related convictions.~~
3. ~~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; and
 - c. Income disregards may be provided for the disqualified individual when determining if the remaining household members are eligible.

History: Effective January 1, 2003; amended effective June 1, 2005; January 1, 2014; April 1, 2026.

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

Law Implemented: NDCC 50-09-02; 50-09-29

SECTION 31: 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. 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.
 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~~is 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 the child support agency leads to closure of the entire temporary assistance for needy families case, the household ~~shall be~~is 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, is cured only when the responsible individual demonstrates, to the satisfaction of the human service zone, that the failure to cooperate or participate, as required, has been corrected for at least ~~ten~~five consecutive days unless the responsible individual has been off temporary assistance for needy families for twelve or more consecutive months.
 6. A child support sanction may only be considered cured upon notification from the child support agency to the 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; July 1, 2023; April 1, 2026.

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

Law Implemented: NDCC 50-09-02

SECTION 32: 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~~must 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. 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~~shall 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 business 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 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; July 1, 2023; April 1, 2026.

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

Law Implemented: NDCC 50-09-02

SECTION 33: 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~~member 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 the child support agency.

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; April 1, 2026.

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

Law Implemented: NDCC 50-09-02

SECTION 34: Section 75-02-01.2-84 is amended as follows:

75-02-01.2-84. Job opportunities and basic skills program - Satisfactory participation.

1. Except as otherwise provided in this section, all work-eligible individuals and all eligible children, age sixteen or older, who have completed high school or received a general equivalency diploma, and who are not enrolled in secondary or vocational education or employed or who have neither completed high school nor received a general equivalency diploma and are not currently attending school, shall comply with work requirements no fewer than the minimum required hours each week. Work activity may be required in addition to the minimum required hours in an approved work activity.
2. A parent or other eligible caretaker relative of a child under age six, who is personally caring for that child full time, is deemed to comply with subsection 1 if engaged in an allowable work activity an average of at least the minimum required hours per week during each month.
3. A single head of household, under twenty years of age, who has not earned a high school diploma or its equivalent, but who maintains satisfactory attendance in school, is deemed to comply with subsection 1.

History: Effective December 9, 1996; amended effective July 1, 1997; January 1, 2003; January 1, 2009; April 1, 2026.

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

Law Implemented: NDCC 50-06-05.1, 50-09

SECTION 35: Section 75-02-01.2-90 is amended as follows:

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

1. ~~Within the limits described in this section, supportive~~ Supportive services may be made available to ~~an eligible~~ participant who, but for supportive ~~services~~ services, 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, or state office.
2. 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 verified 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 individual 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 items~~ 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.
- k. Assistance with housing or shelter expenses for applicant households and for ongoing households who are homeless or at risk of experiencing homelessness.
 - (1) Provided the family did not receive temporary assistance for needy families in the month prior to the month of application, assistance with housing or shelter expenses may be used for:
 - (a) Two months prior to the month of application;
 - (b) Either of the two months prior to the month of application;
 - (c) The month of application; or
 - (d) One month following the month of application.
 - (2) The ongoing household's payment may be made for up to two months consecutively. It may not be made for more than two months in total while the case is active.
 - (3) The caretaker or caretaker's spouse must be participating

in the job opportunities and basic skills program.

(4) The applicant or recipient shall show they will be able to sustain payment of expenses in the future.

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; April 1, 2024; April 1, 2026.

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

Law Implemented: NDCC 50-09-02

SECTION 36: 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~~shall 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 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; April 1, 2026.

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

Law Implemented: NDCC 50-09-02