

October 31, 2025

Liz Fordahl, Counsel  
North Dakota Legislative Council  
State Capitol  
Bismarck, ND 58505

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

Dear Ms. Fordahl:

Enclosed for filing in the office of the Legislative Council is the Notice of Intent to Amend Administrative Rules concerning the above proposed rules as required by N.D.C.C. section 28-32-10. Also enclosed is a copy of the proposed rules.

We have requested publication of an abbreviated newspaper publication notice once in each official county newspaper which will notify the public that an oral hearing on these rules will be held on Friday, December 12, 2025, beginning at 9:00 a.m. and continuing until 10:30 a.m. or until no further testimony is offered, whichever occurs first.

If you have any questions or concerns, please contact me at 328-2311. Thank you.

Sincerely,



Jonathan Alm  
Legal Division

JA/rv

cc: Joan Schatz, Economic Assistance  
Rachel Schafer, Economic Assistance  
Michele Gee, Economic Assistance

Enclosures

**LEGAL**

NOTICE OF INTENT TO AMEND  
ADMINISTRATIVE RULES RELATING TO  
N.D. ADMIN. CODE CHAPTER 75-02-01.2  
TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAM

TAKE NOTICE that the North Dakota Department of Health and Human Services will hold a public hearing to address proposed amendments to N.D. Admin. Code chapter 75-02-01.2 at 9:00 a.m. on Friday, December 12, 2025, in Bismarck, N.D. in Room 210, located on the second floor of the Judicial Wing of the State Capitol.

The proposed amendments to N.D. Admin. Code chapter 75-02-01.2, Temporary Assistance for Needy Families Program, are as follows:

**Section 75-02-01.2-01** is amended to remove the definitions for “base month,” “earned right benefit,” “processing month,” and “retrospective budgeting” and to amend the definitions for “benefit month,” “benefits,” “prospective budgeting,” and “supportive services.”

**Section 75-02-01.2-02.1** is amended to correct a typographical error, to remove the asset limit for diversion households, and provide that diversion households are subject to an annual federal poverty level determined by the federal government.

**Section 75-02-01.2-02.3** is amended to allow the department to determine the amount of the transition assistance monthly job retention incentive and to replace “and” with “or”.

**Section 75-02-01.2-09** is amended to replace “redeterminations” with “review”, to rearrange the structure of a sentence, and to remove a reference to case suspension.

**Section 75-02-01.2-10** is amended to remove the requirement for a monthly report and replace that with a review process to align with other economic assistance programs.

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**Section 75-02-01.2-12** is amended to allow uncorroborated statements to be accepted as support for good cause when deemed creditable and to replace “monthly reports” with “review forms”.

**Section 75-02-01.2-20** is amended to simplify proration of benefits in the first month for eligible participants, aligning with other economic assistance programs' proration policies.

**Section 75-02-01.2-22** is amended to increase the threshold for countable household assets for a single-person household, a two-person household from, and each additional household member above two individuals.

**Section 75-02-01.2-23** is amended to exempt certain assets and lump sum payments from consideration in determining eligibility to align with other economic assistance programs.

**Section 75-02-01.2-24** is amended to remove nonrecurring lump sums, which were added to section 75-02-01.2-23.

**Section 75-02-01.2-27** is amended to replace “redetermination” with “review” to align with new terminology.

**Section 75-02-01.2-34** is amended to improve clarity in describing the good cause determination process for failure or refusal to cooperate in obtaining support or establishing paternity, and to add good cause exemptions for if the individual's cooperation is reasonably anticipated to result in interference with family reunification efforts or disruption of children protective services objectives.

**Section 75-02-01.2-43** is amended to remove references to retrospective budgeting in order to align with a new budgeting methodology.

**Section 75-02-01.2-44** is amended to remove language stating that each household member must accept any earned right benefits to which they are entitled.

**Section 75-02-01.2-45** is amended to exclude child support pass-through as counted income.

**Section 75-02-01.2-49** is amended to add language regarding applying income prospectively and to remove the procedure for retrospective budgeting, aligning with new budgeting methodology.

**Section 75-02-01.2-51** is amended to remove the procedure for retrospective budgeting to align with new budgeting methodology.

**Section 75-02-01.2-53** is amended to allow income deductions for out-of-pocket childcare costs. The deduction must be verifiable and made with the caretaker relative's own funds and is not subject to reimbursement.

**Section 75-02-01.2-54** is amended to include prospective budgeting when determining unearned income.

**Section 75-02-01.2-55** is repealed to remove barriers to a new eligibility period after a sanction or case closure.

**Section 75-02-01.2-56** is repealed to allow for prospective budgeting to align with new budgeting methodology.

**Section 75-02-01.2-57** is repealed to allow for prospective budgeting to align with new budgeting methodology.

**Section 75-02-01.2-58** is amended to simplify benefit calculation in computing payment if individuals are added to the household.

**Section 75-02-01.2-59** is amended to remove references to retrospective budgeting based on new budget methodology.

**Section 75-02-01.2-62** is amended to simplify the process for calculating benefits when a child returns from boarding school.

**Section 75-02-01.2-64** is amended to refer to prospective budgeting as it relates to the cost of essential services, based on new budgeting methodology.

**Section 75-02-01.2-69** is amended to allow for payment of benefits through direct deposit.

**Section 75-02-01.2-71** is amended to change a reference from "county agency" to "human service zone" and to permit the benefit amount to be

adjusted to correct an underpayment or overpayment arising out of previous periods of eligibility.

**Section 75-02-01.2-72** is amended to replace “must be” with “is” and to include special items of need as a means for overpayment recovery.

**Section 75-02-01.2-72.1** is amended to reflect 2017 House Bill No. 1041, which eliminated the Supplemental Nutrition Assistance Program and Temporary Assistance for Needy Families Program disqualification period for individuals convicted of a Drug Felony after August 22, 1996.

**Section 75-02-01.2-79** is amended to add language to remove the proof of performance requirement for families that have not received Temporary Assistance to Needy Families for a period of twelve or more consecutive months and to reduce the proof of performance timeframe from ten to five days for families that must complete a proof of performance.

**Section 75-02-01.2-80** is amended to replace “shall” with “must” and “must” with “shall”.

**Section 75-02-01.2-82** is amended to replace “person” with “member” and to remove reference to individuals with previous drug convictions being disqualified to reflect 2017 House Bill No. 1041, which eliminated the Supplemental Nutrition Assistance Program and Temporary Assistance for Needy Families Program disqualification period for individuals convicted of a Drug Felony after August 22, 1996.

**Section 75-02-01.2-84** is amended to include secondary or vocational education or employment as satisfactory job opportunities and basic skills program participation.

**Section 75-02-01.2-90** is amended to update language and sentence structure issues, to allow the state office to approve supportive service benefits, to clarify that supportive services may include employment-related items reasonable and necessary for the participant to enter employment, and to expand supportive services to say they may include assistance with housing or shelter expenses for applicant households and for ongoing households who are homeless or at risk of experiencing homelessness.

**Section 75-02-01.2-103** is updated to replace “must” with “shall”.

The proposed amendments are not anticipated to have an impact on the regulated community in excess of \$50,000. No taking of real property is involved in this rulemaking action.

Copies of the proposed rules are available for review at human service zones and at the state-operated behavioral health clinics. Copies of the proposed rules and the regulatory analysis relating to these rules, may be requested by telephoning (701) 328-2311. Written or oral data, views, or arguments may be entered at the hearing or sent to: Rules Administrator, North Dakota Department of Health and Human Services, State Capitol - Judicial Wing, 600 E. Boulevard Ave., Dept. 325, Bismarck, ND 58505-0250. Written data, views, or arguments on the proposed rules must be received no later than 5:00 p.m. on Monday, December 22, 2025.

**ATTENTION PERSONS WITH DISABILITIES:** If you plan to attend the hearing and will need special facilities or assistance relating to a disability, please contact the Department of Health and Human Services at the above telephone number or address at least two weeks prior to the hearing.

Dated this 30th day of October, 2025.

October 30, 2025

RE: Proposed Amendments to N.D. Admin. Code chapter 75-02-01.2  
Temporary Assistance for Needy Families Program

TO WHOM IT MAY CONCERN:

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

In conformity with those procedures, we are providing you with a copy of the proposed rules and are requesting that you provide any written data, views, or arguments no later than 5:00 p.m. on Monday, December 22, 2025.

The department has scheduled an oral hearing for Friday, December 12, 2025. Further information concerning the public hearing is included in the attached notice of proposed rulemaking and public hearing.

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

Sincerely,



Emily O'Brien  
Deputy Commissioner

EMO/rv

Enclosures

cc: Liz Fordahl, Legislative Council  
Joan Schatz, Economic Assistance  
Rachel Schafer, Economic Assistance  
Michele Gee, Economic Assistance

**OFFICE OF THE COMMISSIONER**

GOVERNOR  
Kelly Armstrong

INTERIM COMMISSIONER  
Pat Traynor