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TO: John Dunkley

MILLE LACS BAND OF OJIBWE



TRIBAL TANF PROGRAM POLICIES AND PROCEDURES MANUAL

**MILLE LACS BAND OF OJIBWE TRIBAL TANF PROGRAM
POLICIES AND PROCEDURES MANUAL**

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1. GENERAL INFORMATION

a. INTRODUCTION TO TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF)

The goal of the Mille Lacs Band Tribal Temporary Assistance for Needy Families Program (MLBTANF) is to promote and support tribal children and their families in reaching their full potential, becoming healthy, productive, and self-sufficient. As much as possible, the MLB TANF Program will be offered in a way that:

Protects and benefits Tribal Children;

Respects and preserves the culture, values and traditions of the Mille Lacs Band of Ojibwe and Minnesota Chippewa Tribe Members;

Gives families' access as well as input into the full range of programs and services they need;

Promote self-esteem, independence and self-sufficiency.

b. PURPOSE OF THE MANUAL

The TANF Policy Manual provides the WFC staff with Tribal policies used to determine TANF/ES eligibility, and program procedures. This manual will assist staff with guidance needed to determine eligibility, assess employability, and appropriately assign or approve work activities intended to quickly lead families toward self-sufficiency and promote independence from Public Assistance.

c. APPLICATION PROCESS

FILLING OUT THE APPLICATION FORM

The applicant must complete all questions on the application. The applicant must attest to whether the family has previously received assistance from another state/tribe. The applicant is required to attest to whether the family is currently disqualified from participating in any other tribal/state or federal program. Any question that does not apply to the applicant's situation or that has "non" as the answer may be answered by entering any word or mark that indicates the question has been responded to: "N/A", "O", "None", "X", "___", etc. If an application is not complete, the Case Manager must notify the applicant in writing of the need for additional information, and specify when that information must be received to prevent the application from being denied.

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FILLING OUT THE APPLICATION FORM (CONT.)

The MLB TANF office will accept and date an **identifiable** application during the initial interview with the applicant. An identifiable application is one which contains all required eligibility information, a legible name, a mailing address, and a signature.

2. RIGHT TO APPLY

Any person who is determined eligible has a right to apply for TANF and to sign a TANF application. However, an applicant cannot be determined eligible for TANF benefits unless he/she is able to sign a TANF application **and** that application is completed. Applications received without eligible signatures or applications are incomplete.

If any participants come into either TANF office under the influence, they will be asked to leave. Participants under the influence are not in the right state of mind to sign documents.

3. TYPES OF HOUSEHOLDS ELIGIBLE FOR SERVICE

Eligible household for **cash assistance** must include:

One or two adults with any number of dependent children. A stepparent is included in the assistance unit as a second parent as long as they have a child in common or are legally married;

Minor head of household with a child;

A woman with a verified pregnancy;

4. INITIAL INTERVIEW REQUIREMENT

a. FACE-TO-FACE INTERVIEW

The application process must include at least one face-to-face interview between a Case Manager.

b. TELEPHONE INTERVIEW

If necessary, the Case Manager may conduct an interview by telephone with approval of an Executive Director, and must be documented in the case file.

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c. APPLICATIONS RECEIVED BY MAIL, OR DROPPED OFF

When an application has been mailed, or dropped off, an appointment will be scheduled for a face-to-face interview no later than 10 business days.

5. DISPOSITION OF APPLICATION

Once the identifiable application has been received, and it is determined to be complete, the TANF Case Manager will enter information in the TAS and/or if needed MAXIS system. If there is additional verifications needed the client will be given up to 10 additional days to provide the missing documentation.

“Adequate notice” will be mailed to the applicant through the TAS and/or MAXIS system no later than 10 business days after the initial interview date. “Adequate notice” consists of the statement of whether the applicant has been found to be eligible or ineligible for TANF. If the family is found eligible, it states the amount of assistance for which the family is eligible and when it begins. If assistance is denied, it gives the specific reason(s) for the denial.

6. WITHDRAWAL OF APPLICATION

The applicant voluntarily withdraws his/her application and there is an entry in case notes that a notice has been sent to confirm the applicant’s notification that he/she does not desire to pursue application. The withdrawal must be in writing, signed and dated by the person who signed the application.

7. DEATH OR LOSS OF CONTACT

There is an entry in case notes that the application has been disposed of because the applicant died or could not be located. Death must be verified. “Failure to locate” consists of the following:

Mail sent to the mailing address given on the application is returned by the Post Office indicating no known forwarding address, and the applicant has not reported a new address;

Reasonable attempts to locate the applicant by utilizing application information have failed.

If the client wishes to apply again once an application has been withdrawn or disposed of, the application will be considered current for 30 days from the application date. After 30 days a new application must be completed.

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8. WHEN A NEW APPLICATION IS REQUIRED AND NOT REQUIRED

A new application must be completed on the TANF Application Form in the following circumstances:

When a client reapplies from a closed, denied, withdrawn or terminated status;

When there is a change in the primary applicant with which the Temporary Assistance children are living;

No new application or reapplication is required when the following circumstances exist;

As a result of a client's timely request for an appeal;

As the result of an appeal decision; or

To rescind a closure due solely to administrative error;

When benefits have been suspended because of a temporary or periodic increase in income.

9. ELIGIBILITY

a. REQUIRED VERIFICATIONS OF ELIGIBILITY

All of the following verifications of eligibility must be met and documented for TANF eligibility:

EXAMPLES OF PROOF

Identification Birth certificate, driver's license, immigration papers, passport, adoption papers, military papers, tribal identification card, etc. You must be able to verify a child's relationship to his/her mother and father, providing the mother or father is in the home.

Tribal affiliation Tribal identification,.
At least one adult member of the household must be verified.

Social Security Number Social Security card or application receipt, tax statement, pay stub, etc. Proof of application for newborn children.

Guardianship Child Protection Services (CPS) document, Indian Child Welfare (ICW) document, Tribal, State, or Federal Court.

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Pregnancy When a mother with no other eligible children applies for **Pregnancy TANF**, we must have proof of pregnancy from doctor or nurse.

Earnings Pay stubs, tax returns, self-employment records, anticipated earnings statement from employer, or a release of information may be obtained.

When Last Worked Statement from previous employer, call to employer, etc.

Other Income Child Support Income, Tribal Bonus/Per Capita income.

Child Support Cooperation Client must complete absent parent forms or provide written statement as to why they have good cause not to.

Household Statement from landlord, statement from someone who knows client's living situation, lease agreement, a PO Box is acceptable when you have a physical address obtained. Statement from landlord, shelter form, mortgage papers, utility bill, tax statements, etc.

Vehicles Title registration, sales contract, etc. This includes cars, trucks, boats, motorcycles, snow mobiles, etc.

Land or Buildings Deeds, tax statements, contracts, etc.

Following information is needed but can be requested on a delayed basis if you are not questioning:

Examples of proof

Assets statements from person holding money for client, insurance policies, stocks, bonds, notes, trusts, etc.

Proof of School Report card, phone call to school, immunization records, etc.

Participation All school age children must be in school. During school breaks, the intent must be the child will be returning to school. In the event of a minor parent or pregnant teen, a temporary exception may be granted

Request the following only if questionable:

Marriage/ Divorce Marriage license, divorce decree, etc.

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Citizenship/ Immigration papers, Copy of green card, etc.
Eligible Alien
Status

10. RESIDENCY REQUIREMENTS/SERVICE AREA

Applicants who have recently arrived in MLB TANF Program service area and who indicate they have received assistance from another TANF/MFIP Program shall be eligible for TANF in the MLB TANF Program when they satisfy the eligibility requirements. Verification can be a documented phone call to other TANF/MFIP programs.

The Mille Lacs Tribe of Indians TANF Program will serve:

All families with at least one adult member enrolled or direct descendent of the Mille Lacs Band of Ojibwe for the Tribal TANF program, and at least one adult member enrolled in the Minnesota Chippewa Tribe for the Urban TANF program.

The area of Mille Lacs, Crow Wing, Aitkin, Pine, Benton, and Morrison County (For Tribal TANF program).

The area of Hennepin, Anoka, and Ramsey Counties (For Urban TANF program).

To be eligible for Temporary Assistance, the applicant must be physically present within the service area, and must be living in the MLB/Urban TANF Program service area voluntarily. Residence must be verified by a providing proof of residency. Children are considered residents of the service area if their parent/caretaker relative is a resident.

11. DURATIONAL REQUIREMENT

For TANF eligibility to exist, the household must:

Have arrived here voluntarily;

Not be here solely for vacation purposes; and

Have no intention of presently leaving the service area to take up residence elsewhere.

12. FELONS

You are not eligible for TANF if you are:

Fleeing to avoid prosecution, custody, or confinement after conviction of a crime, or an attempt to commit a crime which is considered a felony in the place from which you are fleeing; or

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Violating a condition of probation of parole as determined by an administrative body or court that has the authority to make this decision.

You are not eligible for TANF if you were convicted of a felony committed after August 21, 1996 involving an element of possession, use, or distribution of an illegal drug, unless you:

Were convicted only of possession or use of an illegal drug; and

Were not convicted of a felony for illegal drugs within three years of the latest conviction; and

Were assessed as chemically dependent by a program certified by the division of alcohol and substance abuse (DASA); and are taking part in or have completed a rehabilitation plan consisting of chemical dependency treatment.

13. 60-MONTH ASSISTANCE LIMIT

The time limit is the foundation of welfare reform: re-creating welfare as a temporary program focused on employment and self-sufficiency. The nature of TANF makes it vital for adults to find paid employment as soon as possible, so that income from work and other sources, such as child support, may replace TANF benefits.

The TANF Programs includes a 60-month limit on the length of time a family may receive assistance as long as the family does not live in an area that has less than 50% of the adults not working.

A family new to the Mille Lacs Band/Urban TANF program will carry with them the prior countable months from any other program that is funded by the Temporary Assistance for Needy Families (TANF) block grant.

The 60-month assistance limit applies only to families that include an adult in the grant.

a. DEFINITION OF MONTHS OF ASSISTANCE

A month in which a family is eligible for and is issued a TANF payment of any amount is considered to be a month of assistance.

Each adult in the mandatory filing unit is considered to have received assistance in the month that a family receives a payment.

The TANF Program tracks the number of months of TANF received by an adult. The following rules are applied in calculating the number of months:

b. MONTHS THAT COUNT

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Prorated months: A month, in which any cash amount of TANF payment is received, regardless of the number of days the payment covers, is a countable month.

c. MONTHS THAT DO NOT COUNT

Minor children: A month in which an individual receives TANF, as a minor parent is not counted.

Suspended TANF case: A month in which the TANF case is suspended and no cash assistance is paid does not count as a month of assistance.

Ineligible overpaid case: A month does not count in which a family received a TANF payment but the family was later determined to be ineligible and is under direction to repay the entire benefit.

d. EXEMPTIONS FROM THE 60-MONTH TIME LIMIT

e. MAXIMUM NUMBER OF EXEMPTIONS ALLOWED

A maximum of 25% of the TANF caseload of Single Parent and Two Parent families may be exempted from the 60-month limit and continue to receive TANF.

f. PROCESS FOR DETERMINING EXEMPTIONS

Exemptions will be granted on a case-by-case basis after examining the family's circumstances. Families will not be guaranteed an exemption simply because they claim one of the exemption reasons listed in this section. Exemption determinations will include a review of the programs capacity to exempt the family without exceeding the 25% limit.

g. EXEMPTION CRITERIA

Only families that meet one of the following criteria will be considered for exemptions:

h. DOMESTIC VIOLENCE

A family member is, or recently has been, the victim of domestic violence and the physical, mental, or emotional well being of the victim would be endangered by a strict application of the 60-month limit.

To document an individual's request for an exemption from the 60-month time limit due to the effects of domestic violence, the program will accept, without further investigation, a written statement from a medical or mental health

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professional, a domestic violence counselor, a representative of a child protection agency or social services agency, or representative of the court of a law enforcement agency.

The statement must indicate that the family is experiencing domestic violence, and that it prevents the individual from working, participating in work activities, or otherwise make progress toward self-sufficiency.

Threats of, or attempted sexual abuse, or being forced to engage in non-consensual sexual acts or activities.

To document an individual's request for an exemption from the 60-month time limit due to the effects of sexual abuse, the program will accept, without further investigation, a written statement from a medical or mental health professional, a domestic violence counselor, a representative of a child protection agency or social services agency, or representative of the court of a law enforcement agency.

Hardship

The family is determined to suffer from a hardship where loss of an immediate family member this exemption will exempt the participant from Employment Services for 30 days.

Families exempted from the 60-month limit will continue to be eligible for assistance.

It is in the family's best interest to continue to work toward self-sufficiency. Even families with circumstances compelling enough to receive an exemption from the 60-month limit will need some means of support when they eventually lose eligibility for TANF due to the age of the youngest child or other reasons not related to the 60-month time limit.

14. ASSETS

a. TANF ASSET LIMIT

A family or child will not be eligible for TANF if they have non-exempt assets in excess of \$5,000. Certain types of real and personal property are exempt. Exempt assets are not counted against the asset limit. Non-exempt, or countable, assets are those which must have their value totaled and matched against the \$5,000 limit to determine if eligibility exists on the factor of assets. The \$5,000 asset limit can be reached by any combination of the following types of asset:

Cash on hand or deposit;

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The equity value of countable motor vehicles, mobile homes, trailers, boats, and snow machines;

Countable non-cash personal property such as cash or loan value of insurance, value of stocks and bonds, etc.

Countable real property except land located on an Indian reservation; and

“Luxury” items, personal or household, such as coin collections.

b. ASSETS AVAILABLE TO CHILDREN

Under the Tribal TANF Program, if a child for whom application is made lives with his natural or adoptive parent, all the assets and income available to the parent are considered to be equally available to the child. However, if the child is living with **any other** caretaker relative, assets belonging to that caretaker relative are **not** considered available to the child.

c. DEFINITIONS OF ASSETS

An asset is cash, or an asset that can be converted to cash. Assets include the following things:

Real Property

Land and permanent attachments to land such as minerals and timber, also structures and improvements erected on and affixed to the land such as houses, barns, garages, etc. Land located on an Indian reservation is excluded. The primary home regardless of where it is located is excluded.

Personal Property

Everything owned other than real property. Personal property generally consists of things temporary and movable in nature including household goods, personal effects, savings, stocks, bonds, vehicles, livestock, tools and equipment, promissory notes, or life insurance policies. Homes/trailers that were placed on the property assembled and that may be moved and are not permanently affixed to the land are considered personal property. Mobile Homes/trailers that are the primary residence are excluded.

Business Property

Any real or personal property owned and used for the purpose of producing income including such things as buildings, equipment, and crops. Business property is exempt.

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d. WHEN ASSET VALUES ARE MEASURED

The “one day-one month” principal applies to assets. If, on any single day of a calendar month, a family unit meets the asset requirements, it is asset-eligible for the entire month. If a family received a cash grant on the first day of the month, then they acquired an asset that puts them over the limit, they are considered eligible for the month. The next month if they still owned the asset, they would be over the asset limit.

e. VERIFICATION OF ASSETS

The ownership and value of an asset must be verified.

f. DETERMINING VALUE OF COUNTABLE ASSETS

In determining the value of countable assets, add all amounts of available liquid assets and the cash value of all other non-exempt available assets.

In determining the value of all other available countable assets, both personal and real property, establish the equity value of the asset before adding it to other assets and matching it against the resource limit. Equity value is the dollar amount, which results from subtracting the dollar amount of all legal encumbrances (money owed) from the total dollar amount of the fair market value (what it is worth) of the property.

Fair market value (FMV) may be determined by checking with realtors, real estate agents, classified advertisement listings, the tax assessor’s office, stockbrokers, insurance agents, or other sources as appropriate in order to determine the probable value of the resource if it were to be sold. If the FMV of a particular resource cannot be determined exactly, establish its FMV by determining the value of comparable property which is being offered for sale or which has been recently sold in the vicinity.

Once FMV is determined, the total amount of all legal encumbrances must be established and subtracted from the FMV amount. A “legal encumbrance” for TANF means any amount owed to another party that is enforceable by a legal action.

g. DETERMINING AVAILABILITY OF JOINTLY HELD ASSETS

This section does not apply to assets owned jointly by combined TANF and SSI households, or to joint bank accounts.

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Jointly owned assets must be treated by the following principles:

If the joint owners are husband and wife, and they live together, the assets are equally and totally available to each other.

Assets jointly owned by an applicant and any other person, who is not the applicant's spouse, will be considered a countable resource only if the other person can be located **and** states a willingness to dispose of the property at no direct cost to the applicant.

All real property which is not the primary home that is for sale, un-sellable, or jointly owned with an absent, non-agreeing co-owner, or is otherwise exempt, will not be counted against the resource limitation.

All real property that is not the primary home, which is owned by the applicant and not for sale or un-sellable, will be counted against the resource limit.

h. CASH ON HAND AND OTHER LIQUID ASSETS

All cash on hand and other liquid assets (such as stocks and bonds and other items readily convertible to cash) which belong to the dependent child and/or his/her legal or adoptive parent residing with them, and which are not otherwise exempt, will be counted against the asset limit.

i. LUXURY ITEMS

The equity value of "luxury items". Household goods and personal effects not essential to day-to-day life are countable assets. Unless an applicant or recipient states otherwise or there is other clear evidence to the contrary, the Case Manager will assume that the client has no luxury items with high enough value to affect eligibility. Luxury items that may count against the resource limit are defined, as any household item that has a face value of \$1000 or more and in the prudent judgment of the Case Manager is not essential to day-to-day living. A luxury item with sentimental value in the prudent judgment of the Case Manager will be exempt. An example of an item that is essential to day-to-day living, which would be exempt, is medical equipment.

j. STOCKS, BONDS, AND SECURITIES

All bonds (United States Government savings bonds, treasury notes, municipal or government bonds, or corporate bonds), all stocks (common or preferred shares of business organizations) and securities which are not otherwise exempt will be counted against the asset limit.

The value will be the current market value less any legal encumbrances. Stocks and certain types of bonds fluctuate in market value daily. In determining the

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value of such holdings, the Case Manager should use the **lowest** market quotation of the 30-day period preceding the date of the eligibility determination. If a sum is charged to sell a stock, bond or security, this fee is considered a legal encumbrance. It is subtracted from the gross quotation.

Not all stocks and bonds are automatically available to sell. The nature of an encumbrance against them may prohibit their sale, in which case they are not available and cannot be counted. Trading in certain stocks and bonds may be suspended for a period of time, or certain stocks in smaller companies may be technically available to sell, but lack any buyers at a fair market value. Availability principles apply.

k. CASH VALUE OF INSURANCE (NON-EXEMPT)

Life insurance policies, which are not otherwise exempt, will be counted against the asset limit.

The value of such policies is determined by subtracting the total dollar amount of all legal encumbrances against the policy (such as loans made against the policy or policy termination penalties) from the refund dollar value of the policy of contract. Use the value as of the first day of the month for the TANF eligibility determination. The cash surrender value may not be the same amount as the face value of an insurance policy. Generally term life insurance has no cash value and whole life insurance has a face value.

l. JOINT BANK ACCOUNTS

If the holders of a joint bank account (checking, savings, or "share" accounts) are legally married, and living together, the balance on the account becomes equally and totally available to each person. This is true if the joint account requires any one signature to withdraw (an "or" account) or both signatures (an "and" account).

If the holders of a joint account are legally married but not living together:

An "and" account balance will not be considered an available resource if the absent spouse cannot be located, or can be located but refuses to sign joint withdrawals;

An "or" account balance is considered totally available regardless of the absent spouse's location or intention.

If the holders of a joint account are not legally married and:

The other signer on an "and" account can't be located, or refuses to sign joint withdrawals, the balance will be considered an unavailable resource; or

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The account is an “or” account, the balance will be considered an available TANF resource without regard to the location or intent of the other signer.

Bank accounts on which an applicant has signature authority but that the applicant does not own, in whole or in part, are totally unavailable and exempt. Prudent judgment should be used in determining ownership, considering the source of the funds, the stated intent of the parties named on the account, and the actual use, if any, to which the funds have been put. An example would be a parent having signature authority on an elder parents account for purposes for paying the elder parents bills.

When the Case Manager discovers that a recipient has a joint account containing assets considered available under this chapter which are sufficient to place the unit over the TANF resource limit, the recipient must be given a written notice allowing 30 days after discovery to remove their name from the account and prove to the Case Manager they have done so. If he or she complies within the 30 days, the unit remains eligible and no overpayment has occurred.

m. MOTOR VEHICLES

The equity values of motor vehicles count towards the TANF resource limit, unless it can be exempt under B. below.

15. DEFINITIONS

a. MOTOR VEHICLE

A motor vehicle is any passenger car or other motorized vehicle used to provide transportation of persons or goods. This includes cars, trucks, RV's, motorcycles, ATV's, snowmobiles, watercraft, airplanes, or other motor vehicles.

“Motor vehicle” does not include pickup “shells” or “campers” designed to be mounted on cars or trucks, whether or not they are actually mounted on the vehicle.

b. FAIR MARKET VALUE (FMV)

Fair market value is the price the vehicle would sell for in its current condition in the community where it is located. If a vehicle is over 20 years old and still running, the FMV cannot be less than \$200.

c. EQUITY VALUE

Equity value is the fair market value of the vehicle, less any debt or other legal encumbrance on the vehicle.

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d. EXEMPTIONS

One operable motor vehicle for a family is exempt. The total equity value of exempt vehicles may not exceed \$10,000, if amount is exceeded; the excess is counted toward the resource limit.

Documentation

The case record must be documented to show how the Case Manager determined the exemption or countable value of each vehicle. Acceptable documentation would be NADA, Blue Books, or Edmunds. The Case Manager may also use the Internet.

16. LUMP SUM PAYMENTS

TANF clients may occasionally receive a "lump sum" payment, such as a large termination paycheck, insurance policy cash-in, retroactive Social Security benefits, inheritances, etc. These are usually treated as income in the month of receipt, but certain types of these payments may be treated as income for some months after the month of receipt. Any lump sum payment, which is prorated over multiple months, may be considered as income in the month received. Any lump sum not treated as income will be treated as a resource in the month following the month of receipt.

Insurance settlements, personal injury awards, and manager compensation awards must be counted as income in the month of receipt except for:

The portions specifically designated or used for the purpose for which it is paid and actually spent on resource replacement;

Burial and funeral expenses; or

Medical bills.

This means that the recipient of a settlement or award usually has no longer than 30 days after receipt to spend all funds designated for a specific purpose. Case Managers should advise applicants and recipients to do so quickly to minimize harm from excess averaging.

17. CONVERSION OR SALE OF AN ASSET

Conversion or sale of an asset occurs when an asset of any form is exchanged for a resource of another form (i.e., a liquid resource exchanged for a non-liquid resource or vice versa). Conversion would also occur by exchanging a non-liquid resource for another non-liquid resource (i.e., an individual may trade an automobile for a pick up truck). Any conversion or sale of a resource does not represent income to the recipient.

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For example, an individual may have an automobile (non-liquid resource), which he sells for \$300 (liquid resource), or he may have \$300, which he uses to purchase an automobile. In either case, the conversion or sale does not result in income to the recipient. The newly acquired item (whether liquid or non-liquid in nature) is a resource subject to all the resource criteria for continuing eligibility. For example, if a client pawns a piece of equipment for \$250 that money would not be considered income. The client is merely converting a non-liquid resource for a liquid resource.

“Refunds” or “reimbursements” often appear to produce countable income. However, they may in fact be a conversion of assets, and the resulting production of cash should be counted only as **liquid assets, not as income**. This is true whether or not the resource being converted was available and not exempt. Examples of this kind of conversion include:

Refund of a rent deposit or rental cleaning deposit. This is an unavailable, uncounted liquid resource that is converted to an available liquid resource when the individual moves.

A piece of merchandise is returned in exchange for refund of the purchase price.

Money paid out for the manufacturer under product warranty provisions later refunds a repair.

A person receives a federal or state income tax refund and provides a copy of the refund check.

An employer reimburses an employee for out-of-pocket expenses related to work.

A person not of retirement age cashes in the paid-up entitlement to a past employer’s retirement fund.

For example, a client receives a \$6500 income tax refund in one month. The client has no other assets. The Case Manager might advise the client to save \$4999 for emergencies and use the \$1501 to ‘catch up’ on back bills. This would allow the client to retain the cash and not go over the resource limit of \$5000. The client would need to provide receipts for the expenditures of \$1501.

A TANF applicant or recipient may be serving as a formal or informal agent, trustee, payee, or financial guardian for another person. Examples of such arrangements include:

A client who cashes a severely disabled relative’s assistance checks and spends the cash to meet that person’s needs.

An urban client who occasionally receives cash or a money order from a friend who lives in a remote area and needs an intermediary to purchase supplies on his behalf.

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A client who has been given signature authority on an institutionalized relative's bank account.

A client accepts a roommate's share of the rent and passes it on to their landlord.

Such arrangements may involve a joint bank account, signature authority, deposits of the non-client's funds into a singly held account, or simply a hand or mail transfer of cash.

These funds will not count as an available TANF resource, or as available TANF income, to the extent that the client can demonstrate that he or she merely passes through the monies, and that they are not used for support of the assistance unit. Prudent judgment will be required in determining whether all or part of such monies can be exempted, as the often informal nature of many payee arrangements make documentary proof hard to obtain.

Clients who have such arrangements should be urged to abandon them, if that is an alternative that is allowed by the situation, or if not, to formalize them if they are informal. The client should be advised to keep detailed receipts and expenditure records to prevent these funds from being considered as countable TANF income and assets.

18. SSI-TANF HOUSEHOLDS

a. ASSETS OF SSI RECIPIENTS ARE DISREGARDED

All assets of any person who is actually receiving Supplemental Security Income (SSI) benefits will be **disregarded** in determining TANF eligibility for other family members.

b. TANF HOUSEHOLDS WITH POTENTIAL SSI ELIGIBILITY

If SSI eligibility is expected or has been established but a TANF household member is receiving no payments, TANF eligibility regarding assets will be determined using normal policies and procedures. The assets of the potential SSI member will be determined as available to the TANF household under normal policies.

c. TANF HOUSEHOLDS, WHICH LATER COME TO HAVE AN SSI RECIPIENT

When the Case Manager gets notification that SSI **payments** have begun for a TANF household member, TANF eligibility regarding assets must be immediately re-determined. Exclude all consideration of the SSI recipient's assets from the TANF unit's assets. If there is only one adult in the household and

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has started to receive SSI benefits this case needs to be transferred to the county that they are residing in.

In most cases, the only assets that will be of concern in determining TANF eligibility will be those that are available, not exempt, and jointly owned by the TANF applicant or recipient and the SSI recipient. In such cases, the equity value of the resource is prorated.

For example, if a TANF couple has a joint bank account with \$2000 in it and one adult goes on SSI the equity value of the bank account would be prorated and the adult not on SSI would then have a countable resource of \$1000.

19. PER CAPITA/TRIBAL BONUS PAYMENTS

Per capita/Tribal Bonus payments are excluded as income for TANF cash only. This is countable income for Food Stamps, and Health Care. The source of the Per Capita/Tribal Bonus must be verified by a copy of the check stub.

20. CITIZENSHIP AND ELIGIBLE ALIEN STATUS

To be eligible for TANF, each applying parent/caretaker relative and/or child for whom the application is submitted must be:

A citizen or national of the United States; or

A qualified alien.

In addition, an applicant must prove citizenship through required documents.

Required documentation not provided

Any person who is required to prove citizenship but refuses must be found ineligible to receive assistance, and that person must be removed from the assistance unit; the assets and income of a parent who is not eligible to receive will be treated as available to the assistance unit. If a mandatory filing unit member refuses or fails to comply, but other members of the mandatory filing unit comply, assistance may be provided to the complying members, as long as there is an eligible member in the household.

Citizenship verification is required for Social Security number applications; otherwise, United States citizenship verification is required only for questionable cases.

a. QUALIFIED ALIENS

A qualified alien for TANF purposes is a person who is:

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An alien who is lawfully admitted for permanent residence;

An alien who is granted asylum;

A refugee;

An alien granted parole for at least one year by the Immigration and Naturalization Service (INS);

An alien who has had deportation withheld under section 243(h) of the Immigration and Nationality Act (INA);

An alien granted conditional entry under immigration law in effect before April 1, 1980;

A battered spouse or child of a U.S. citizen or permanent legal resident.

Qualified aliens who entered the U.S. before August 22, 1996:

These persons may receive TANF benefits right away if they are otherwise eligible.

Qualified aliens who enter the U.S. on or after August 22, 1996:

Most qualified aliens who enter the U.S. on or after August 22, 1996 are not eligible for TANF benefits for five years after their date of entry. Exceptions to this are listed in section 105-4 below.

b. FIVE YEAR BAR

Qualified aliens who arrived in the U.S. on or after August 22, 1996, are prohibited from receiving TANF benefits until they have been in the U.S. for five years or until they become U.S. citizens. This five-year bar does not apply to the aliens listed below:

Refugees under Section 207 of the Immigration and Naturalization Act (INA), who have not been in the U.S. more than five years;

Aliens under Section 208 of the INA, who have not been in the U.S. more than five years;

Aliens whose deportation has been withheld under Section 243(h) of the INA for the first five years from the grant of withholding of deportation;

U.S. military veterans or active-duty military qualify for TANF, regardless of their date of entry into the U.S.

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c. AMERICAN INDIANS BORN IN CANADA

An American Indian born in Canada may freely enter and reside in the U.S. and is considered to be lawfully admitted for permanent residence if he or she is at least one-half American Indian blood. As such, he or she is a qualified alien. This provision does not include the spouse or child of such an Indian, nor a non-citizen whose membership in an Indian tribe or family is created by adoption, unless that person is also at least one-half American Indian blood.

The five-year bar on qualified aliens does not apply to American Indians born in Canada.

d. INELIGIBLE ALIENS

Any alien who is not a “qualified alien” is not eligible for TANF. Non-qualified aliens include aliens who are permanently residing in the U.S. under color of law, non-immigrants, and illegal aliens.

Permanently Residing Under Color Of Law

Aliens in this category are legal permanent residents of the U.S. even though they did not go through the process of applying for and being admitted for permanent residence. This group includes non-qualified aliens residing in the U.S. with the knowledge and permission of the INS whose departure the INS does not contemplate enforcing.

Non-Immigrants

Some aliens may be lawfully admitted but only for a temporary or specified time (visitors, tourists, students, diplomats, crewmen on shore leave, temporary Managers, members of the foreign press, etc.) These aliens are not eligible for TANF because of the temporary nature of their admission status.

Illegal Aliens

An illegal alien is any alien who either was never legally admitted to the U.S., or was admitted for a limited period of time and did not leave the U.S. when that time expired.

Treatment Of An Ineligible Alien’s Assets And Income

Ineligible Parent

The assets and income of an ineligible alien parent living with his or her children are considered totally available to the household.

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Ineligible Sibling

The assets and income of an ineligible alien sibling are not considered in determining TANF eligibility for otherwise eligible siblings in the assistance unit.

e. PROOF OF QUALIFIED ALIEN STATUS

To be eligible for TANF, an alien must provide proof of his or her qualified alien status.

21. FINANCIAL NEED: INCOME

Determining whether financial need exists which involves 2 separate but related processes as follows:

Determine if an applying family in a one or two parent household have available non-exempt assets that do not exceed the \$5,000 resource limit or in a caretaker relative case the child(ren) does not have available non-exempt assets that exceed the \$5,000 resource limit;

Determine if the one or two parent household family has a gross monthly available income that does not exceed the Mille Lacs Band/Urban TANF Income standard appropriate to their TANF family size and type; and

If these determinations show the TANF assistance unit is eligible and meets all other eligibility factors, the assistance unit is then eligible to receive TANF benefits.

a. AVAILABILITY OF INCOME

b. MONTHLY INCOME

Initially, all the incomes of the applying household must be considered, regardless of their source of types. In order to be considered as income, monies received by an applying parent and the dependent children for whom he is applying must be available to meet their needs in the calendar month for which need is being determined.

c. INCOME ASSUMED TO BE AVAILABLE

Availability is measured first in terms of the dependent children, secondly in terms of the parent. Availability may be **actual** or **assumed**. Conditions of assumed availability are:

Any money (except for TANF or SSI income) received by a natural or adoptive parent who resides with his/her TANF child (ren) is assumed to be totally available to the household.

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There are assumed to be available for the family **unless otherwise exempt:**

Money received by a legally married person is assumed to be totally available to the person's spouse if the couple is living together;

Money received by adults living as a couple if they have a child in common is assumed to be totally available to the either adult;

Portions of any earned or unearned income of a legally married stepparent are assumed to be available to meet the needs of the spouse and stepchild (ren) if they reside with the applying household;

Portions of any earned or unearned income of a minor parent's parent are not assumed to be available to meet the needs of the minor parent if the minor parent resides with his or her parent.

d. DEFINITION OF TOTAL GROSS MONTHLY INCOME

"Total gross monthly income" means the total of the gross monthly earned and unearned incomes of all adults in the assistance unit and all unearned income of all children in the assistance unit.

e. GARNISHMENTS AND RECOUPMENTS

Garnishments are funds withheld from an income source due to an outstanding debt a person is legally obligated to pay. Garnishments are counted when determining the gross countable income from any source.

Recoupments are funds withheld from a benefit program voluntarily or involuntarily, and are used to repay a prior overpayment from that benefit program. The countable income amount from any benefit source is reduced by the amount withheld for recoupment.

The amount and reason for withholding of funds from any source must be verified in order to determine if the funds were withheld due to a garnishment or a recoupment.

f. THE INCOME OF A MINOR PARENT'S PARENT(S)

For the purposes of this section, a minor parent is a parent under the age of eighteen who is not married or emancipated.

If a minor parent of a dependent child lives in the home of his or her own parent(s), and the parent(s) have not applied for and are not receiving TANF, the income of the parent(s) is not considered available to the minor parent and dependent child.

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g. VERIFICATION OF INCOME

All income, which is determined to be available to any member of the TANF assistance unit, must be verified. Verification obtained must be documented in the case file.

h. THE INCOME PERIOD

TANF eligibility is determined on a calendar month basis. If a person is eligible for one day of a calendar month, he is eligible for the entire month (first day of the month eligible, pay for the month). In determining if income eligibility exists, prospected income for the calendar month period is used to determine what income may be available to the applicant/recipient. All income that is received, or may reasonably be expected to be received, in a calendar month is considered to be available.

i. CIRCUMSTANCES FOR ANTICIPATING INCOME

In many situations, the Case Manager can determine eligibility and/or payment by simply adding up the amounts of separate incomes actually received in the past calendar month by all the members of the TANF assistance unit and the applicant will also have to project/declare anticipated income. For the adults in the unit both earned and unearned are considered, for children in the unit only unearned is considered.

The **payment amount** is computed prospectively for the first two months.

To anticipate income as accurately as possible, the Case Manager needs to know:

The amount of income actually received in at least the last completed month;

The income received to Manager the day of determination in the current month;

Any income the client still expects to receive in the remainder of this month; and;

All of those factors known or anticipated, which might cause future month's income to differ in amount or type from that received and expected to be received in the current month.

The Case Manager must reach an estimate of anticipated income based upon information provided by the client and verification contacts. The Case Manager's method for estimating income, and the reasons for the choice of that method, must be documented.

j. TYPES OF INCOME

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While there are many sources of income, all income is separated into 2 types for TANF purpose: **earned** and **unearned**.

It is important to determine if income is either earned or unearned, because deductions are permitted on gross earned income, which are not allowed to unearned income.

When a participant reports income and it is not clear whether income is earned or unearned, the Case Manager must examine the degree of activity the applicant/recipient invests or expends in order to generate or receive the income. If **no** direct, personal effort or activity is required, the income is **unearned**.

k. EARNED INCOME

Earned Income from employment means:

Income earned in cash or in kind from the receipt of wages, salary or commissions in exchange for the performance of services by the employee. Earned income includes payments made at one time for services performed over a long period of time. The term earned income means the total or gross amount of payment, excluding the amounts of work incentive deductions for the personal or non-personal expenses of earning the income. Garnishments are not subtracted from the gross income to determine total earned income. Recoupments are subtracted from gross income to determine total earned income.

Earned Income for self-employed people means:

The amount earned by the obtaining, producing, or purchasing of goods or services **after** all the allowable, non-personal costs (business expenses) of earnings are subtracted.

l. GROSS EARNINGS

“Gross income of employees” means the amount of earned income actually received in the month by a person, before any deductions are made for any expenses of earning such as taxes, child care, transportation, etc.. “Gross monthly earned income,” means the amount of gross income actually received, or expected to be received, in a month from employment. It includes full or partial in-kind compensation and monies earned directly by the employee such as tips.

m. EMPLOYEES WORKING UNDER CONTRACT

Individuals who are employed under a contract and **are not** paid for their contractual work on at least a monthly basis will have their earnings prorated over

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the number of months covered by the income. However, any draws or wages received in advance of the contractual earnings are treated as earned income in the anticipated month of receipt.

The months covered by the contractual income are the months in which the employee is actually working under the terms of the contract.

Any income received from a contract are not considered until they receive a check for services completed and is countable income there are no prorating this income over the months it is intended to cover.

n. WIA PAYMENTS (FORMERLY JOB TRAINING PARTNERSHIP ACT (JTPA))

Trainees in the Workforce Investment Act (WIA) may receive periodic income from participation in a WIA program. This income may be earned or unearned.

o. UNEARNED WIA INCOME (*NEED TO DETERMINE THIS INCOME*)

All unearned WIA payments are exempt and do not count in the eligibility determination or payment computation. They are excluded because the WIA program is complementary to TANF, and is not an income maintenance program.

p. EARNED WIA INCOME

Except for income earned from participation in the Summer Youth Employment and Training Program, earned WIA payments count as income in the payment computation if the WIA participant is a minor parent, adult parent, or other caretaker relative included in the assistance unit.

Earned WIA income received by a dependent child is disregarded.

q. EARNED INCOME OF A DEPENDENT CHILD

Exempt the earned income of a TANF dependent child.

r. EARNINGS FROM SELF-EMPLOYMENT

Self-employment endeavors vary depending upon the nature of each self-employment enterprise. Exact instructions fitting every situation are impossible to provide. Therefore, Case Managers must use prudent person judgment in determining all factors related to budgeting self-employment income and must carefully and thoroughly document relevant information. **INFORMATION CAN BE OBTAINED FROM POLI CM.**

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Relevant information includes the type of verification used to determine adjusted gross self-employment income and allowable costs of doing business (noting expenses which are not allowed).

s. CALCULATION OF MONTHLY EARNED INCOME BEST ESTIMATE

Earned Income is calculated using the 'Best Estimate' formula.

Base the 'best estimate' upon the verified income history of at least 30 days and not to exceed 60 days when it is representative and no changes are expected, to anticipate income for the benefits month(s).

Add verified gross income from each pay period; and

Divide the total by the number of pay periods considered; and

Multiply gross income by 4.3 for weekly amounts, by 2.15 for bi-weekly amounts, by 2 for semi-monthly amounts and by 1 for monthly amounts; and

Round up to the nearest dollar to determine the monthly amount to be anticipated for the benefits month(s).

t. UNEARNED INCOME

Unearned Income means:

All income that is not considered earned income. It includes:

Retirement benefits, Social Security benefits, and Veteran's pensions;

Dividends and interest;

Unemployment compensation;

Direct child support;

Royalties;

Contest or lottery prizes and Bingo winnings;

Payments from any type of cash assistance program;

Deposits into joint accounts owned by a TANF applicant or recipient, adult or child, and any other person inside or outside the economic unit, or direct cash gifts by someone who is not in the assistant unit.

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Per Capita/Tribal Bonus Payments

u. IN-KIND INCOME

Any income which is paid “in-kind” rather than in cash to any member of the TANF assistance unit is not counted in determining eligibility or payment except as noted below:

The Case Manager must verify that contributions or gifts are made in such a way that actual cash does not pass through the hands of any member of the TANF assistance unit.

Any cash contribution made directly to a member of a TANF assistance unit is considered income.

In-kind earned income received as full or partial compensation for services rendered, such as rent reduction in exchange for managing apartments or “working off” a store bill, will be counted as earned income. Verification of circumstances and dollar value must be obtained.

v. EDUCATIONAL ASSISTANCE

DEPARTMENT OF EDUCATION AND BUREAU OF INDIAN AFFAIRS GRANTS AND AWARDS

The total amount of any grant, scholarship, or award made to an **undergraduate** student for educational purposes under any program administered, funded, or insured under Title IV of the Higher Education Act of 1965 or under a Bureau of Indian Affairs student assistance program is **not** counted as income in determining eligibility or grant amount for TANF.

Payments that fit this category are usually made at the beginning of the fall and spring school semesters. They are usually made under the Basic Education Opportunity Grant (BEOG), Supplemental Education Opportunity Grant (SEOG), or the State Student Incentive Grant Program (SIG).

Verify that a grant is a BEOG, SEOG, or SIG by viewing the client’s award letter. In all cases, the Case Manager must also verify that the client is an undergraduate and not a graduate student.

w. OTHER EDUCATIONAL GRANTS AND AWARDS

Any grant, scholarship, or other award that is **not** made, funded, or insured from a program administered under Title IV of the Higher Education Act of 1965 or

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under a Bureau of Indian Affairs student assistance program will **not** be counted as income to any applicant or recipient if it is made or used “under conditions which preclude its use for current living costs”.

This computation is done as follows:

Total all educational grants, scholarships, fellowships, veteran’s educational benefits, etc. Do not add any other type of earned or unearned income unless it is received specifically because of the student’s status and must be used to pay tuition and fees.

Subtract from the above total that portion of any grant or scholarship used to pay tuition and fees at any institution of education (including correspondence schools, vocational schools, and schools for the handicapped).

Subtract the actual amount paid for books, school supplies, and any special clothing, or tools, or other items that are considered normal to the client’s course of study.

Subtract actual expenses paid and reasonably anticipated to be paid for childcare necessary to attend school.

The remaining amount of the grant or scholarship is considered available income in the countable month of receipt. Any amount retained in subsequent months is considered an available resource.

These deductions from grants and scholarships are also given to anyone outside an assistance unit whose income is used to determine TANF eligibility and payment amount. Verification of source, amount, duration and deductible expenses is required.

22. DEFINITION OF GIFTS

For purposes of this disregard, the term “gift” includes cash presents normally given on ceremonial occasions such as birthdays, graduation, or Christmas, or cash which is not a bona fide loan (i.e., a “loan” for which the lender and the person receiving the loan express no expectations of repayment).

a. APPLYING THE EXCLUSION

The \$50 disregard limit applies to each person whose needs are included in the grant and to each person whose needs are excluded but whose income is defined as available to the assistance unit.

b. GIFTS EXCEEDING \$50

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The \$50 disregard is given to any single gift that does not exceed \$50. If a single gift exceeds \$50, the total dollar amount over \$50 counts as unearned income.

c. GIFTS VS CHILD SUPPORT

In cases where the absent parent (or alleged father/mother) occasionally sends money to the child(ren) of the parent/caretaker relative, it may be difficult to tell whether these payments are gifts, which may be disregarded under this section or direct child support. If either one of the parents involved states that a particular payment is for support of the child, the payment must be treated as direct child support. If the parent receives the money directly from the absent parent and is considered child support the money is considered unearned income.

d. DOCUMENTATION

Casual and inconsequential income disregards should be documented in the case file.

e. PAYMENTS TO NATIVE AMERICANS

Payments made to Native Americans for natural assets are not counted as income in determining eligibility or payment amount for applicants and recipients.

All funds held in trust by the Secretary of the Interior for an Indian tribe and distributed on a per capita basis to members of that tribe are excluded as income. These per capita payments may be distributed by the Secretary of the Interior or by the tribe itself.

f. INCOME OF SSI RECIPIENTS

If a child or adult receives SSI, their needs will be removed from the grant. If the case is a single parent with one child and the child or adult receives SSI, the parent/child will be eligible for TANF.

All income of an adult who is receiving SSI and who is living in a TANF household and is a member of the TANF assistance unit will be disregarded in determining eligibility and payment amounts of applicants and recipients. SSI and TANF persons living together will be treated as completely separate assistant units, regardless of the legal or family relationships between them. Except for SSI children, no person may receive SSI and TANF benefits in the same calendar month. Any person who is on SSI will not be part of the TANF grant.

23. TANF APPLICANTS WITH POTENTIAL SSI ELIGIBILITY

Any TANF applicant/recipient who resides with an adult or child who has

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potential eligibility for the SSI program should be referred to SSI to make application(s) if it would be to the household's financial advantage.

The Case Manager must determine TANF eligibility under normal procedures, including the potential SSI household member in the assistance unit if he/she is a dependent child or a legally responsible relative or spouse.

24. CLIENT RESPONSIBILITY TO REPORT RECEIPT OF SSI

The TANF participant is required to notify Mille Lacs Band/Urban TANF within 10 days after a member of the assistance unit begins receiving SSI benefits. Application for SSI benefits is **not** a condition of TANF eligibility. If any person in a TANF household appears to have SSI eligibility, they should be informed of their potential eligibility.

25. SEPARATING INCOME FROM ASSETS

In some limited circumstances, money received in a calendar month is considered to be a resource, not income.

Unless specified as a resource by these sections, any monies received in a calendar month are considered to be income in the month of receipt. If any of that same money remains available to the client in the next month, it is considered to be a resource.

Except in specific situations listed in the following sections, any cash payment can only be considered as income for one month. When it is counted as income depends on the day the client actually receives it. For an employee's income, it does not matter when a paycheck was earned, only when it was received.

a. LOANS

All bona fide loans, including educational, personal, and commercial loans, are disregarded as income. A bona fide loan is a debt that the borrower has an obligation to repay and expresses his or her intention to repay.

The bona fide nature of a loan must be verified and documented in the case file. Commercial and educational loans can normally be verified by seeing a copy of the written loan agreement or a document identifying the payment as a loan. In the case of personal loans, written documentation from the lender and the borrower must be provided as verification of the bona fide nature of the loan. This verification must provide, at minimum, acknowledgment by the borrower and lender that an obligation to repay the loan exists, and acknowledgment by the borrower that he or she intends to repay the loan (with or without interest).

If it is determined the funds received are not from a bona fide loan, (there is no repayment obligation or the borrower has no intention of repayment) the amount received potentially may be countable unearned income.

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26. WORK-STUDY EARNED INCOME

College or university students may be enrolled in a work-study program in which they attend school part-time and work part-time at a job. Any income an applicant or recipient earns from employment in a work-study program will **not** be counted as income for TANF purposes.

This disregard applies to both, TANF adults and children. The Case Manager must verify that part-time employment of an applicant or recipient who claims to be in a work-study job and not individually acquired a regular part-time job.

27. VOCATIONAL REHABILITATION PAYMENTS

Payments made by:
U.S. Department of Veterans Affairs (VA), or

Division of Vocational Rehabilitation

For vocational rehabilitation are considered complimentary program benefits and are disregarded as income.

Note: Any VA payment, which is not for vocational rehabilitation, is considered unearned income (if VA income belongs to a child, refer to section 106-16). VA educational assistance is treated as educational income and certain educational costs may be allowed as deductions.

28. FOSTER CARE AND BOARDING HOME PAYMENTS

Any foster care or adult foster care payment made by CPS or the State to a TANF parent/caretaker relative in order to care for a foster child or foster adult who is not receiving TANF benefits will not be counted as income in determining eligibility or payment amounts. A child cannot be included in a TANF assistance unit and be receiving Title IV-E Foster Care or State-funded foster care benefits for the same period.

Any boarding home payment made by the state, local government, or school board to a TANF parent/caretaker relative in order to care for a non-TANF eligible student while that student is attending school will not be counted as income.

For example, Cindy takes care of Julie through an arrangement with the State. Julie is considered to be boarding with Cindy and Cindy receives \$400 a month for Julie's care. Julie is not on the grant and the \$400 is not considered unearned/earned income to Cindy's household.

29. EARNED INCOME TAX CREDIT

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Low-income Managers who have earned income and are responsible for the care of a dependent child during a tax year may be eligible to receive a payment from the Internal Revenue Service (IRS) in the form of an Earned Income Tax Credit (EITC).

The EITC is an amount an individual may be able to subtract from his or her federal income tax. If the credit is larger than the tax due, they may qualify for a refund even if the employed Manager did not pay any taxes during the tax year. It is also possible to obtain the EITC on a monthly basis as an advance directly from an employer.

Any EITC payment made to an applicant or recipient of TANF is disregarded as income.

30. ENERGY ASSISTANCE PAYMENTS

All payments made to or on behalf of a TANF applicant or recipient by the Energy Assistance Program are totally disregarded as income, including annual direct cash payments to TANF recipients.

31. INCOME OF EXCLUDED CHILDREN

The only children eligible to be excluded from a TANF assistance unit are children receiving SSI, or receiving Foster Care payments.

32. TREATMENT OF CHILD'S INCOME

The earned and unearned income of any child who is part of the TANF assistance unit is **not** counted in determining initial or continuing eligibility or in calculating the grant amount.

It is not necessary to verify earned income sources or amount belonging to such a child. However, it may be necessary to verify certain types of unearned income the applicant/recipient claims to belong to the child who is not included are accurate, and do in fact belong specifically to that child. This will be particularly necessary in cases of child support payments and Social Security payments.

33. CHILD SUPPORT PAYMENTS

If a child is not included in the TANF assistance unit, the amount of court ordered child support, which the court has ordered for that child, is not counted. Verification is available in the court order. If the court only specifies a total amount, the Case Manager must divide the amount actually received by the number of children for whom support was ordered to determine what amount to disregard for each child who is not included in the assistance unit.

34. SOCIAL SECURITY PAYMENTS

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Particularly in situations involving a deceased parent, the remaining parent (or other caretaker relative) may be receiving a single RSDI check each month, even though that check included separate amounts of benefits for him and for each one of his/her SSA-eligible children. The Case Manager must verify the amount of SSA paid to the survivor as payee for any child who is not included in the assistance unit. This is countable income there are no disregards for this income.

35. TANF PAYMENTS

Any TANF retroactive corrective payment is disregarded as income in the month it is received. Regular on-going payments are not counted as TANF income.

36. TANF SUPPORT SERVICE PAYMENTS

Payments made for support services under the TANF program are exempt regardless of whether they are paid to a vendor or directly to the client. This includes payments made for childcare, transportation, work-related expenses, and any other TANF related support services. Such payments do not need to be verified unless the source is questionable.

37. MAJOR DISASTER

Any Federal major disaster and emergency assistance or any comparable disaster assistance provided by states, tribes, local governments, or disaster assistance organizations are exempt. Verification is not required unless the source of the funds is questionable.

38. SUMMER YOUTH EMPLOYMENT AND TRAINING PROGRAM

Any income earned from participation in the Summer Youth Employment and Training Program operated under Title IV WIA is disregarded as income.

39. CHILD SUPPORT

Regular child support payments are essential for most TANF families to become self-supporting. Because of this, TANF rules require a caretaker relative to cooperate with the County Child Support in establishing paternity and establishing, modifying, and enforcing a child support order for a dependent child included in the family's assistance unit. This requirement is waived if the determines the applicant or recipient has good cause for not cooperating with Child Support.

40. INFORMING APPLICANTS

At the time of initial interview, the Case Manager will provide the parent/caretaker relative with information about child support enforcement.

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41. ELIGIBILITY REQUIREMENT

As a condition of eligibility, a TANF applicant must cooperate with child support enforcement.

42. REQUIREMENT TO COOPERATE WITH CHILD SUPPORT AGENCY

If the caretaker relative fails to cooperate with Child Support without a good cause, a 30% sanction will be imposed. County agencies will notify Case Managers/Financial Workers through DAIL messages or on some occasions through mail.

43. RECIPIENT KEEPS CHILD SUPPORT PAYMENTS

Child Support Payments from an Absent Parent

When an absent parent makes child support payments on behalf of one or more children that are in a TANF assistance unit, the parent/caretaker relative may disregard up to 75% per month received.

44. PROSPECTIVE PAYMENT DETERMINATIONS

For eligibility, the amount of the TANF payment is calculated using Prospective Budgeting for the first two months. After the first two months of the initial application they will be considered retrospective budgeting

45. MAXIMUM PAYMENT

The maximum amount of TANF payable to a family of the appropriate type and size is in the TANF Plan and is calculated in the TAS system. These amounts represent the amount payable to an assistance unit with no countable income.

46. AUTHORIZED PAYEE OR AUTHORIZED REPRESENTATIVES

If the parent/caretaker relative or the parent/caretaker's authorized representative wants some other person at another address to receive, but not be able to access, monthly TANF benefits, the Case Manager may establish a "care of" mailing address. This can only be done at the written request of the client, and the client's reason for making the request should be identified and documented in the case file. Enter case notes in TAS.

An applicant or recipient can ask the Case Manager to allow a second person to be able to receive and access the TANF benefit (also known as alternate representative). This can be done at the time of the initial application; applicant can enter this information under Alternate Payee. The Case Manager has the right with prudent judgment to refuse such a request. This is done only with "good cause", such as when the applicant or recipient is known to be unreliable, or is too young to manage finances.

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47. PROTECTIVE PAYEES - WHEN A PROTECTIVE PAYEE MUST BE ESTABLISHED

The protective payee will receive the benefit and make the benefit available to meet the needs of the children. Minor parents may also have their TANF benefits paid to a protective payee.

48. SELECTION OF PROTECTIVE PAYEE

The selection of a protective payee is to be made with the recipient's participation and consent, to the extent possible. TANF has the right to intervene on behalf of the child/adult and establish the protective payee. A protective payee must be a responsible adult who is not part of the family's TANF unit and who can reasonably be expected to act in the best interests of the children.

49. WHO CANNOT BE A PROTECTIVE PAYEE

The following persons **cannot** be appointed as protective payees:

Any employee or contractor who determines financial eligibility for the family;

Any employee of any MLB TANF program who is responsible for money or bills related to the recipient family; and

Landlords, store owners, or other vendors of goods or services who has a relation to the recipient.

50. PROTECTIVE PAYEE'S CONSENT

Once a payee meets all requirements identified, the Case Manager must contact payee, explain what is involved, and obtain written consent that he/she is willing to serve client. A payee may choose to withdraw consent at any time. If the payee withdraws consent, a new payee must be found. The written consent is to be filed in the case file.

51. DELIVERY OF PAYMENT

TANF payments are made by check to each payee. The checks will be mailed 3 days before the last working day of the month, for the following month. The check is mailed to the payee, and the address should be that of the payee. Payments may not be forwarded from one address to another.

52. ENDORSEMENT

The person in whose favor the check is drawn or by the person names, as payee must endorse check.

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53. INITIAL PAYMENT

The first payment made to an approved applicant is prorated to the date of the initial interview provided the client is determined eligible.

The first payment made to most applicants must be “prorated”. This payment is computed and rounded as if the client were entitled to a full month’s benefits.

A client whose application was received on the first day of the month and all information was provided, would receive a full month’s payment. A client, whose application was provided, would receive a full month’s payment.

The addition of new members to the TANF filing unit will be added to the next payment. No prorating will occur.

54. CONTINUING PAYMENTS

Once eligibility has been established and payment authorized, the recipient is entitled to receive a payment on a regular or continuing basis as long as eligibility exists.

a. Suspending Payments

Suspension is used to stop payment for temporary periods of time instead of closing cases and then reopening them when payment is to be resuming. Suspension is different from closure because the client does not have to reapply for assistance to be reinstated.

A suspension can last for only one month. If the anticipation is incorrect and ineligibility persists for a second month, the case must be closed. However, a case may be suspended twice in consecutive months for two separate and different situations.

The basis for any decision to use suspension policy must be documented in the case-file.

b. Terminating Payment

A TANF payment must be terminated in the following month it is determined a recipient is no longer eligible.

c. Correction Of Underpayments

When an eligible recipient receives TANF benefits in a smaller amount than what they are entitled, Case Managers will recalculate the payment and a payment will be issued on participants EBT card.

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d. Recoupment Of Overpayments

When a recipient has received more TANF benefits than they are entitled to, an overpayment has occurred.

Additionally, an overpayment “follows” the Recipient/Primary Individual of the overpaid assistant unit if that client’s case is closed.

e. Recoupment Process

When an overpayment is discovered, the following actions must be taken:

The cause must be determined. If the case is open, the current budget must be corrected if necessary. If the case is closed, the case history must show an overpayment for collection if it reopens in the future;

The total amount of the overpayment must be determined. If fraud is suspected, the case is referred to the TANF Executive Director.

If no fraud is involved the Case Manager sends a recoupment notice to the client and the grant will be reduced for the months necessary to recover the loss. If the client wishes to protest the recoupment determination, they may request an appeal;

Recoupment amounts will be determined by Case Manager depending on how an overpayment is coded, whether it is a household or agency error.

f. Penalty For Non-Reporting

Recipients who fail to report changes within the 10-day notice period may have their cases closed. No further notice is necessary, since the recipient was timely notified of the consequences for not submitting a complete report within the 10-day reporting period.

g. Periodic Reviews

TANF clients are required to provide updated information at regular intervals. A caretaker/relative case recipient is required to meet with the Case Manager every twelve (12) months.

h. Change Reporting Requirements

The Case Manager must accept and document each Change Report, from the participant, and examine the nature of the change to determine if action is

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required. If action is required, it should be taken within 10 days of the receipt of the change report form.

i. Leaving The TANF Program

If a written notice is received from the client that the entire assistance unit is about to leave the service area, continued eligibility may not exist. If continued eligibility does not exist, the Case Manager must transfer the case and send a timely notice to the client.

If not all of the members of the assistance unit are leaving the service area; continued TANF eligibility **may** exist, as long as it is not the primary applicant that is leaving. General provisions apply including the possibility of a temporary absence. Verification of a temporary absence is not required, unless questionable.

j. Written Request For Closure

A recipient's written request for closure must be honored by taking immediate action to close the case. The Case Manager is not required to seek or to obtain a reason why the recipient desires termination.

k. Marital Status Changes

If the adult recipient reports a change in marital status, the action required will depend upon the type of marital status change.

Marriage of a parent or other caretaker relative may change the assistance unit composition of the TANF family. However, it is necessary to re-examine the factor of need according to income and possibly adjust the assistance unit.

l. Caretaker Relative Changes

If the home of the child (ren) remains the same, but a change occurs which results in the departure of the only TANF caretaker relative from the child (ren)'s home, continued TANF eligibility may not exist. To be eligible for TANF, the child (ren) must have a caretaker relative in their home.

If the caretaker relative leaves permanently and a new caretaker relative enters the home permanently, the existing case should close and the new caretaker relative be invited to apply.

If a caretaker relative leaves the home and a new caretaker relative applies for benefits on behalf of the child (ren), no duplication of payments can occur.

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The first-day, first-pay principle applies. However, if the original caretaker relative was in the home one day of the last benefit month, he is entitled to receive month's benefits and no additional benefits can be provided for that month. Timely and adequate notice provisions apply as well.

Child Enters Assistance Unit

Adding a child to the assistance unit is not automatic. A child can only be added at the request of the recipient. This request can be made only on an addendum. All factors of eligibility must be met and verified before the child can be added to the case.

As soon as all factors of eligibility are met, the grant will increase as of the next regular payment.

Payment for the needs of the new child is added to the next regular payment.

Child support papers and good cause papers need to be filled out on absent parent(s).

Adult Enters Assistance Unit

Adults are added after request on an Addendum or Change Report Form. Payment for the needs of the new adult is added to the grant. Any income received from adult entering the household is countable income.

Child Leaves Assistance Unit

When a child leaves an assistance unit, the parent/caretaker relative must notify the Case Manager within 10 days. The child is removed from the grant for the following month. If there is only one child participants case will close.

Adult Leaves The Assistance Unit

Adults leaving the assistance unit are removed from the assistance unit and their income may not be counted in determining payment or eligibility for the following month. Child Support and Good Cause forms will need to be filled out if the adult is a parent of any of the children in the household.

TANF Child's Age Changes

Normally, recipients do not report TANF children's age changes once the case is established. It is the Case Manager's responsibility to monitor age changes, which may affect a child's eligibility for TANF. TAS generates case alerts for

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certain age changes. When these case alerts are received, the case is reviewed to determine if action must be taken.

Resource Changes

A change in assets must be reported by the client within 10 days and should be verified by the Case Manager if questionable. Report of a resource, which does not make the household ineligible, should be examined to determine if that resource is producing income or is likely to produce income.

Income Changes

All reports of income changes should be treated in accordance with the program policies and procedures.

55. SPECIAL FAMILY SITUATION

Family Living Together

If an application is received from an individual who resides with someone who already receives TANF, the application may be processed and eligibility determined as with any other case as long as the applicant and/or the child(ren) for whom they are applying, are not included in the other existing case.

Applying Adults

When adult relatives, non-married, are living together, each with his or her own dependent children, it may be possible to have two or more grants in the same household, provided eligibility exists for each filing assistance unit.

Married Adults And Adults Living Together As A Couple

In two-parent cases, both natural and adoptive parents must be included in the assistance unit, even if they are not married but have a child in common, and share the same mailing and/or physical address. One parent may be excluded if they receive SSI. If one of the parents is an ineligible alien the income from that parent is considered as available to the family, but the ineligible alien will not be considered part of the assistance unit.

Caretaker Relative

When a parent of a child(ren) who is living with a caretaker/relative move in with the caretaker relative, the case may remain a caretaker/relative case, or may transition to an Adult Included case if the parent applies for services that include the child(ren) that are part of the caretaker/relative case. Proper documentation

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must be provided to determine guardianship of each child. Also, an agreement from Social Services must be obtained for approval of living arrangement.

Minor Parent Considerations

The minor parent who lives with their parent may apply for TANF as a minor child-head of household with the child as the dependent.

56. THE HOME THE CHILD LIVES IN

Definition Of “Home”

When determining if a child and a parent/caretaker relative are living together, the primary factor to consider is the location of the child. Except in cases of temporary absence of a child or parent/caretaker relative from the usual place of residence, a TANF home is the place where the child resides/sleeps more than 50% of the days in a calendar month.

Within this definition, a child is considered to be “living with” a parent/caretaker relative if:

The child is under the jurisdiction of the court (such as receiving probation services or protective supervision); or

Legal custody is held by an agency that does not have physical custody of the child (such as Tribal foster care custody).

Two Relatives Claiming Caretaker Responsibility

It is not normally necessary to verify who is exercising “responsibility for the care and control for the child” unless the question is disputed or there is a reason to doubt a client’s statements. In most cases, the applying caretaker relative may be assumed to be exercising this responsibility. However, if two separate parents/caretaker relatives, living together or apart, request TANF for the same child, the Case Manager would have to determine who is exercising the **primary** responsibility for the care and control of the child. In determining which of the two-parents/caretaker relatives the child is actually “living with” the ruling of the court and/or Child Protective Services will be followed.

School verification can also be obtained to determine where the child is, have the applying participant fill out a school verification form and submit to the school that they have indicated that the child is attending.

Child Resides With Both Parents

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If a child resides with both parents (50%-50%). The two parents must designate and agree which of them will receive TANF benefit. If there is a disagreement between the parents, the program will not make payment until an agreement is reached. The Case Manager may require the parties to submit the agreement in writing. If the parents cannot agree, the TANF Executive Director will review the case.

Child Leaves The Home

If the child leaves the home of a parent/caretaker relative during the month, TANF eligibility for that child continues for the entire month. If the child moves to another TANF unit, that unit may receive payment beginning with the next month, as long as the child does not receive Title IV-E Foster Care payments.

Verification

Accept the client's statement regarding the "living with" requirement, unless questionable. If a child is reported to be living in a TANF assistance unit with a parent and the other parent/caretaker relative requests that the child is included in their assistance unit, proper verification must be provided, including guardianship and/or custody documents or school verification.

57. TEMPORARY ABSENCE FROM HOME

Absence Lasting Less Than 30 Days

If the participant is going to be out of the household for less than thirty (30) days there is no change to the household.

Allowable Absences Lasting More Than One Month

Child attending Boarding School

A child attending boarding school may be considered in the home for and eligible to be included in the assistance unit if:

The parent/caretaker relative is maintaining a home for the child;

The custody of the child remains with the parent/caretaker relative;

The intent is for the child to return to the TANF household at the end of the school year;

Parent/caretaker relative responsibility for the child continues and the payment is changed to a designated payee to be determined by the court, Case Manager, or applicant for that portion of the child's grant.

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Verification Of Temporary Absence

Temporary absences expected to last a calendar month or longer, and the circumstances of those absences, must be reported. Request school verification.

58. SSI CHILD CASES

The Social Security Administration may issue monthly Supplemental Security Income (SSI) payments to blind or disabled children under the age of 18. SSI children are **not** included in the TANF assistance unit. In situations where the only dependent child in the assistance unit is a SSI recipient, eligibility for TANF can still exist for the parent(s) only. See rules on SSI income (106-21) and exemptions.

59. PREGNANT WOMEN COVERAGE

A pregnant woman with no other TANF children in the home can receive a TANF grant. Pregnancy must be verified by a competent medical professional such as an MD, PHN, PA or nurse-midwife.

Work Activity And Individual Services Plan (RP) For A Pregnant Woman

Unless otherwise exempt, the pregnant woman, must prepare Individual Services Plans. The case will be based on an assistance unit of one. The mother will be required to participate in assigned work activities if medically possible. When the child is born, and if the father is living in the home, the case will be changed to an assistance unit of three.

60. MINOR PARENTS

Parents under the age of 18 may receive TANF only if they meet certain conditions that are designed to ensure they live in an approved living arrangement by a social worker

DEFINITIONS

Minor Parent

A minor parent is an individual who is:

Under age 18;

Not married; and

Not emancipated

Minor Parent's Parent

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A minor parent's parent is the natural or adoptive parent of the minor parent.

Adult Relative

An adult relative is a caretaker who is age twenty-one or older.

Adult-Supervised Living Arrangement

An adult-supervised living arrangement is a living arrangement that:

Provides guidance, supervision,

Provides opportunities and encouragement to learn and practice independent living and parenting skills through experience, including child development, family budgeting, health and nutrition; and

Promotes the long-term economic independence and well being of the minor parent and his or her child (ren), and provides strong support to help the minor parent meet his or her education and/or employment goals.

LIVE-AT-HOME REQUIREMENT

As a condition of eligibility for TANF, a minor parent and his or her dependent child(ren) must reside in the household of the minor parent's parent(s), legal guardian, or adult relative unless good cause exists.

If good cause exists, the minor parent must reside in an approved adult-supervised living arrangement.

INFORM APPLICANTS

When a minor parent applies for assistance, inform the minor parent of the following eligibility requirements and responsibilities:

Live under adult supervision.

The minor parent must live under adult supervision;

School attendance required.

The minor parent must **attend** school or another appropriate training program, if the minor parent does not have a high school diploma or GED;

Child support cooperation.

The minor parent must cooperate with the Division of Child Support (DCS) unless the minor parent has good cause to. Inform the minor parent that they

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may contact the minor parent's parent(s) as well as the dependent child's absent parent for child support as a result of receiving TANF benefits.

Change reporting.

Minor parents must report changes on time. A child moving out of the home must be reported within 10 day; other changes, which may affect their eligibility for assistance, must be reported within ten days.

Payment restrictions.

The TANF payment will be paid to the minor's parent, legal guardian, protective payee or other adult relative, or if applicable to the adult head of the adult-supervised living arrangement.

Social Services. A referral will be made to social services, and they will monitor the minor parents schooling. There is no referral to Employment Services.

61. NOTICE OF DECISION REQUIREMENTS

When an action is taken by a Case Manager on a TANF case that results in a change of benefits (see below), written notice must be given or sent to the client. All notices must be "adequate" and "timely".

a. ADEQUATE NOTICE

Adequate notice means:

The notice is issued by MLB TANF program; and

The notice contains the reason(s) for the action;

Adequate notice must be mailed or given to an applicant or recipient for the situations listed below:

Finding of eligibility;

Increase in grant or correction of a previous underpayment;

A required change report form is received which increases, decreases, or ends a grant;

Denial of assistance;

Failure to submit a required change report form, or submitting one that is incomplete;

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Factual information confirms the death of a recipient or a TANF payee when there is no relative to serve as a new payee;

Clear written statement signed by recipient is received reporting that he/she no longer wishes assistance or giving information that he/she knows will result in the termination or reduction of assistance;

Recipient adult or child has been committed or admitted to an institution in which residents are ineligible for TANF;

A recipient adult or child has been placed in skilled nursing care, intermediate care, or long-term hospitalization;

A TANF child is removed from the home as a result of a judicial determination or voluntarily placed in foster care by his/her legal guardian.

b. TIMELY NOTICE REQUIREMENT

In addition to being adequate, notices must be “timely” and mailed to the client before 10 day notice.

A notice is used to notify a current recipient of any change in the status of an existing grant (i.e. increase, reduction, or termination) or that a review or re-determination has resulted in the grant continuing unchanged. No notice is sent to a client indicating the change report form was received and did not change the grant or case status.

The “date the action is to become effective” means it is no later than the same day that next TANF benefit is normally expected to reach the client. An adverse action denying, terminating, or reducing the TANF payment can therefore be mailed no later than 5 days before the client would normally expect to receive his or her next benefit.

Fraud Definitions

Fraud

Fraud is an intentional action, inaction, or statement made by an individual for the purposes of obtaining benefits to which he or she is not entitled.

Intentional Program Violation

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An intentional program violation is an action taken by an individual that intentionally misrepresents, conceals, or withholds a material fact(s) for the purpose of establishing or maintaining a family's eligibility for TANF benefits or for increasing or preventing a reduction in the amount of the family's benefit. Public assistance fraud is frequently referred to as an intentional program violation (IPV). An IPV may occur with or without a dollar loss. An IPV includes:

Making a false or misleading statement to the agency, either orally or in writing;

Concealing information; and

Failing to report, as required, changes in income, assets, or any other factors of eligibility.

Example:

An IPV may result from intentionally giving false information about income or assets, failing to report when a child leaves the assistance unit or concealing information when an absent parent returns to the household.

c. INFORMING APPLICANTS ABOUT FRAUD PENALTIES

All TANF applicants must be informed in writing of the disqualification penalties for fraud and intentional program violations at the time of the initial interview. This information is provided in writing.

d. FRAUD REFERRALS

When a Case Manager believes an individual is withholding or concealing information, or receives a complaint alleging an applicant or recipient may be fraudulent, a designated TANF staff member will investigate and refer to the TANF Executive Director who will decide whether to:

Deny, reduce or terminate assistance/services or place on voucher system; or

Conduct a fraud investigation that may result in referring the case for criminal prosecution.

Advance and adequate written notice of all actions will be sent to all applicants and recipients within 14 days after the investigation.

Adult participants can be declared ineligible for life.

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e. CLIENTS RIGHT TO APPEAL

An individual accused of an intentional program violation has the right to appeal to the TANF Executive Director.

f. REQUEST TO APPEAL HEARINGS

TANF applicants and recipients who are affected by an adverse action on their case have a right to a hearing on a decision no later than 20 days after the appeal is filed.

All requests for a hearing must be in writing and submitted to the TANF Executive Director.

A disputed appeal can be taken to the Tribal Council for their final decision, unless the Tribal Council adopts another appeal process.

g. GRIEVANCE PROCESS PER TANF PLAN

An opportunity for a fair hearing is available to any applicant/participant of the TANF program who is dissatisfied with actions taken by program staff, provided it is requested in writing and submitted to the TANF Executive Director within 10 days of receiving notice of adverse action. The TANF Executive Director shall attempt to resolve disputes or issues informally. If such resolution is not practical, the TANF Executive Director shall issue a decision on the matter within 30 days of its presentation to him/her, in writing, and supply a copy of the same to the appellant. Within thirty (30) days after the issuance of a decision, any affected person may file a written appeal to the TANF grievance committee, which shall review and hear the matter, and if no appeal to the TANF grievance committee is made within the time allowed, the decision of the TANF Executive Director shall be final and shall not be subject to appeal. The TANF grievance committee shall be made up of no less than three Directors of other Tribal Programs and shall include the Executive Director.

62. EMPLOYMENT SERVICES & WORKFORCE ONE (WF1)

a. RESPONSIBILITY PLAN (RP)

All adults (see 113-2 for caretaker/relatives) and minor parents in a TANF assistance unit are required to have a Responsibility Plan (RP). Participants must cooperate and sign the RP. Families who fail to cooperate in developing or signing the RP or who do not comply with RP activities without good cause are subject to a sanction.

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Before an RP is developed, an initial assessment must be made (see section LXVIII – standards of the RP) The initial assessment is an essential step in the development of a Responsibility Plan. The Case Manager/Job Counselor must, with the help of the client, identify the best first step in helping the client move towards self-sufficiency (see 113-4 Guidelines for self-sufficiency).

The RP is then individualized for each participant to make progress toward moving off TANF. It reflects the results of initial and ongoing assessment of the client's skills, prior work experience and characteristics affecting employability. The Case Manager/Job Counselor and client then develop the RP. The RP should be viewed as the primary document which defines the family's responsibility to make progress toward self-sufficiency and which drives the services that our program will provide to a family.

TANF families will have their RP documented. The RP must have the required elements. They may include:

- An employment goal;

- A time period for achievement of self-sufficiency from TANF;

- Steps the family will take toward self-sufficiency;

- The services our program will provide to assist the family to attain self-sufficiency;

- A statement that the family may be subject to a sanction if the family fails to comply with RP.

b. CLIENT ACCOUNTABILITY TO THE RP

An adult can have their family's TANF benefit sanctioned for failing to:

- Cooperate in developing the Plan;

- Sign the completed Plan; or

- Comply with a condition of the Plan.

See (section LXIX -D Sanctions) for policy on sanctions.

c. GENERAL GUIDELINES FOR SELF-SUFFICIENCY PLANNING

Self-sufficiency planning assists a family in setting goals, plans the steps needed to achieve the goals, and identifies significant milestones. The purpose of the

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plan is to outline the steps the family must take to achieve their highest level of independence. The result of successful planning is elimination of public assistance dependency.

These principles guide self-sufficiency planning with TANF families:

Planning will focus on how a family can and will become self-sufficient. **All families have the ability to improve their circumstances.**

The participant is responsible for developing an approvable self-sufficiency plan in consultation with the Case Manager/Job Counselor.

Planning will help participants identify, develop, and use all appropriated assets to make progress toward the goal of self-sufficiency. The RP will build on strengths and assets that the participants, can provide to support their efforts.

The RP will focus on moving the individual through education and/or training and/or active job search and into paid employment unless assessment results and/or local economic circumstances prevent doing so.

The RP for individuals who cannot achieve full-time employment will emphasize gaining part time employment and unpaid work experience, and other skills, which contribute to the ability to secure full-time paid employment.

The responsibility and the amount of work (up to 40 hours per week) the individual are expected to handle should reflect as much as possible the demands of a normal employment situation.

d. THE INITIAL ASSESSMENT

An initial assessment of training, skills, prior work experience, and characteristics affecting employability and self-sufficiency is required for each adult (see 113-2 for caretaker/relatives).

A client applying or re-applying for TANF will be required to undergo a comprehensive barrier identification assessment to determine why a need exists to go on TANF.

All clients without a high school diploma, GED or who have been out of the work force for over 1 year will undergo an academic assessment to be arranged by the Case Manager/Job Developers, unless waived by the Case Manager/Job Developers.

e. GATHERING INFORMATION FOR THE ASSESSMENT

The following information should be gathered in order to make a fair assessment:

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Education and training history;

Work history (paid and volunteer);

Need for supportive services and other employment-related services; and

Personal information related to employability.

f. OUTCOMES FROM INITIAL ASSESSMENT

The assessment should determine if an individual:

Must take part in TANF work activities; or

Has good cause for not complying with an assigned work activity at this time.

g. ASSESSMENT

Assessment is the process of examining characteristics affecting the participant's employability and determining the participant's need for services to achieve self-sufficiency.

Assessment begins during the TANF application process and continues as needed throughout the participant's time on TANF. The results of initial and ongoing assessments will guide the self-sufficiency planning process.

h. INITIAL ASSESSMENT

The information needed to conduct the initial assessment is collected at time of first interview.

i. NEED FOR ADDITIONAL ASSESSMENT

Additional assessments are focused on guiding the participant successfully through the process of achieving independence from TANF.

Individuals who are assigned to job search and find employment, which offers wages and work hours likely to lead to independence from TANF, generally need further assessments only if they experience problems retaining employment.

Individuals who find employment with low wages or limited work hours with no prospect of improvement may need further assessments to determine how they can build upon this work experience to achieve self-sufficiency.

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Individuals who are unable to find any paid employment following an initial assessment will need further assessments to determine what strengths they have to build a plan for self-sufficiency.

j. ONGOING ASSESSMENT

Information gathered when developing the client's initial RP may become outdated as the participant progresses through work activities and other RP activities. Ongoing assessments insure that assigned activities assist the participant toward self-sufficiency by reflecting the participant's skill levels, abilities, and current needs.

Ongoing assessments take place during contacts with the participant. Monitoring the participant's progress toward successful completion of activities provides important information about the participant's:

Level of job skills and other basic skills required for employment;

Grasp of employer expectations and work ethics;

Communication and other personal skills;

Motivation;

Understanding of performance expectations; and

Need for supportive services.

In conducting an assessment, it is important to be attentive for indicators of problems that are not obvious but which might affect employability. Issues, which may surface during the course of a participant's progress, may include substance abuse, mental illness and domestic violence.

k. SPECIALIZED ASSESSMENT SERVICES

In some cases, observation and monitoring of progress may not provide all the information needed about a participant's employability. If difficulties in formulating an effective self-sufficiency plan or poor progress in carrying out a plan point to the need for more in-depth assessment measures, the program may refer participants for specialized services.

Services, which may assist in assessing a participant's employability, include:

Literacy and other educational testing;

Substance abuse screening;

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Vocational, aptitude, or personality traits testing;

Domestic violence screening;

Mental health screening;

Physical health screening;

Vocational counseling; and

Vocational rehabilitation services.

63. SPECIAL CIRCUMSTANCES THAT MAY AFFECT WORK PARTICIPATION

a. DOMESTIC VIOLENCE

Certain program requirements may be temporarily waived if compliance would:

Endanger a family affected by domestic violence; or

Interfere with the family's ability to escape domestic violence or its escalation; or

Unfairly penalize them.

Individual's affected by domestic violence are required to participate in work activities and cooperate with the Division of Child Support Enforcement.

However, these requirements may be temporarily waived if, in consultation with the individual, it is determined necessary.

b. DEFINITIONS

Domestic violence is a learned pattern of violent behavior and coercive tactics that control the thoughts, beliefs, and conduct of a particular individual.

Domestic violence, as defined by State and/or Tribal law, is one or more of the following offenses, including an attempt to commit the offense, by one family member against another:

Assault and reckless endangerment in any degree, including threats and threatening behavior;

Violating a domestic violence order;

Harassment;

Criminal trespass, which is entering or remaining unlawfully on premises, land, or in a dwelling or vehicle with intent to commit a crime;

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Criminal mischief;

Coercion or forcing someone to behave in certain ways by threatening them with consequences;

Kidnapping and custodial interference;

All types and degrees of sexual assault against adults and minors, which includes any form of non-consensual sexual contact;

Robbery;

Extortion or taking control of another's property by means of a threat;

Burglary;

Arson and criminally negligent burning, or using fire to intentionally damage property and/or place another person in danger or injury;

Threat of terror;

Homicide.

Family members, for domestic violence purposes, are adults and minors who:

Are related by blood or adoption; or

Are or were related by marriage; or

Are or were married; or

Have dated or lived together; or

Have engaged in a sexual relationship.

The minor children of a person in one of the relationships listed above are also family members.

DOMESTIC VIOLENCE AS A BARRIER TO EMPLOYMENT

Domestic violence may be as subtle as verbal or emotional abuse or as visible as physical injuries. Any of these forms of abuse may affect the ability of the individual to comply with work requirements. Abusers may deliberately interfere with an individual's struggle toward independence in an effort to control and isolate the individual. They can actively interfere with self-sufficiency activities

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by causing the individual to miss planned training activities, job interviews, or appointments by:

Sabotaging childcare arrangements. This may include failing to watch the children as agreed or harassing babysitters;

Calling the work site and telling lies about the individual;

Verbally harassing the individual at work, by telephone, or in person;

Cutting off the individual's hair;

Destroying or hiding clothing needed for classes, interviews, or work;

Destroying or hiding personal items such as keys, glasses, etc.

Keeping the individual up all night before interviews or tests;

Restricting access to family transportation; or

Turning off the alarm clock.

Non-compliance with work activities may occur frequently in households affected by domestic violence and could be the result of attempts by the abuser to control the actions of the individual. Although an individual's behaviors may appear to be non-compliant, they could indicate that a client has good cause and warrant further investigation.

Some behaviors affecting work performance, which may signal that a person is suffering from the effects of domestic violence, include:

Distraction and/or poor ability to concentrate and make decisions;

Changes in behavior or emotion;

Depression or hopelessness;

Passive or aggressive behavior;

Difficulty dealing with authority figures;

Frequent absenteeism due to medical problems or concerns about children;

Excuses for poor performance, which are not credible;

Arriving at appointments late or leaving early;

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Allowing another family member to exert an unusual amount of control over the individual's life.

c. NOTIFICATION AND SCREENING

Notifications about the right to claim good cause for not participating in work activities must be given to all TANF families.

Notification of the right to claim good cause and screening for domestic violence during the application process ensures that victims of domestic violence are given the opportunity to disclose information about their situation. It also allows Case Managers to make, if necessary, good cause decisions before requiring them to comply with work activity or child support requirements.

Notification of Right to Claim Good Cause

Case Manager/Job Developers must give the “*Notification of Right to Claim Good Cause*” to applicants during the interview.

Case Manager/Job Developers must also ensure that individuals understand that disclosure is voluntary, and inform them that they may disclose at any time while receiving TANF.

Note: Making domestic violence information available in offices or discussing the subject during orientation is not a substitute for notification and screening during the interview.

Screening for Domestic Violence

Screening for domestic violence is accomplished during the intake interview and is expected to continue through case management activities. The Case Manager should be aware of behaviors or actions associated with domestic violence to help identify individuals needing special assistance.

Confidentiality

Maintaining confidentiality and awareness for the safety of individuals during the notification and screening processes is absolutely crucial because disclosure may threaten their safety. If requested, clients must be given the opportunity to discuss domestic violence individually, without anyone other than the Case Manager present.

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There may be times when clients give us a release to discuss their situation with others. Once our policies are explained, we can accept a client's informed consent to have another person present or discuss their situation with others.

d. DISCLOSURE

If an applicant discloses, begin assessing the family's situation with the individual and determining which program requirements, if any, to waive through a good cause determination.

e. REFERRALS

Whenever an individual discloses domestic violence, offer a referral to YWCA or any other Domestic Violence agency in the community.

f. GOOD CAUSE

Good cause determinations due to domestic violence may be applied for different lengths of time. The length of each good cause determination and appropriate activities to resolve the domestic violence situation are determined jointly with the client. The initial good cause determination should not exceed three months, with a review scheduled to discuss the situation with the individual and assess whether an extension is necessary.

When reviewing a good cause decision, examine the individual's current life situation and consider their assessment of the need for an extension and any steps they are taking toward self-sufficiency. Continue to allow good cause if it will ensure the family's safety, or if other circumstances make an extension of the good cause decision reasonable. For example, a victim is recovering from injuries; child custody proceedings are continuing and causing the client to fear for her or her children's safety, jobs are lost due to harassment, safe housing cannot be obtained in the time allotted, etc.

Not every client disclosing domestic violence will need to be excused for good cause; it is a case-by-case determination. At times, taking part in work activities may help an individual escape the effects of domestic violence. Consider the family's current situation and their plan for achieving self-sufficiency when determining good cause for reasons of domestic violence.

g. SUBSTANCE ABUSE

Some features of a participant's personal and work history may indicate a problem with substance abuse. Indications of substance abuse include:

A pattern of absences from work;

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Frequently getting fired from jobs;

One or more arrests for DUI/DWI; and

Unexplained gaps in employment.

If assessment indicates a possible substance abuse issue that may negatively impact the participant's ability to take part in work activities, the Case Manager/Job Developer will refer them for a drug/alcohol assessment to be completed by a qualified substance abuse counselor through their State Medicaid (ADATSA) or Tribal office. If the results of the screening indicate a need for substance abuse treatment, the Case Manager/Job Developer may assign the treatment as an RP activity.

h. CRIMINAL RECORD

TANF participant's criminal record may bar them from being considered for some available employment and work experience opportunities. Recipients who lose their drivers license due to DUI/DWI may also face difficulty traveling to and from work activities. Use information about a participant's criminal record to determine its effect on their employability and to assure the appropriateness of work activity assignments.

i. PHYSICAL OR MENTAL ILLNESS

Physical or mental illnesses may limit a participant's ability to take part in assigned work activities. The assessment should review the participant's limitation and determine if accommodations can overcome them.

j. ASSIGNMENT TO WORK ACTIVITIES

After making an initial assessment of employability, the Case Manager/Job Developer assigns the participant to work activities. The participant's Plan reflects these assignments. Participants must be informed in writing of assigned work activities or changes to assigned work activities on the RP. However, issues and assignments of confidential nature, such as domestic violence, should not be discussed in a notice or other written communication.

The Case Manager/Job Developer will assign all adults to attend the Mille Lacs Band Tribal TANF Job Club workshop. Prior to attending Job Club, the client will begin screening and arranging for childcare and transportation.

The Case Manager/Job Developer may modify a participant's assignment to Job Club to ensure it does not interfere with ongoing paid employment or self-initiated training. The Case Manager/Job Developer may also schedule such

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participants for a more in-depth employability assessment to determine if their paid job or self-initiated training will help them attain self-sufficiency.

After the participant completes the assessment of their employability, the Case Manager/Job Developer then identifies the work activity, or mix of work activities, that leads the participant to paid work and independence from the TANF in the shortest period of time.

When making work activity assignments, the Case Manager/Job Developer takes into account local employment opportunities and the availability of assets to prepare for those opportunities. Assignments also must reflect the participant's physical capacities, skills, experiences, health and safety, family responsibilities, supportive service and child care needs, and the location of the participant's residence. Assignments must not require participants to remain away from home overnight without their consent.

Mandatory participants must continue to take part in assigned work activities until their eligibility for TANF ends.

k. RP FOR NEW APPLICANTS

Work history and other background information needed for self-sufficiency planning should be collected during the initial interview.

For new applicants, prepare the RP during the initial Case Manager/Job Developer interview. The initial interview needs to cover:

Initial assessment of the participant's training, skills, prior work experience, and characteristics affecting employability;

Notification and screening for domestic violence;

Comprehensive barrier identification assessment and health and drug screening to be administered by a third-party;

A determination of whether the application is exempt from or has good cause for not participating in work activities.

l. UPDATING THE RP

Since the RP is the document, which defines the participant's responsibility to make progress toward self-sufficiency, it must accurately reflect what is expected of the participant and what is expected of the program. The family's RP should be reviewed and updated if necessary by the Case Manager/Job Developer and the participant whenever a change occurs in the participant's or the family's

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circumstance which could relate to employability. At a minimum, the RP must be updated every 3 months.

64. STANDARDS OF THE RP

a. SELECTION OF SHORT-TERM AND LONG-TERM EMPLOYMENT GOAL

The employment goal is a statement of the participant's employment preference. The participant is actively involved in the process of selecting short-term and long-term employment goals.

When selecting a short-term employment goal, the participant and the Case Manager/Job Developer must consider the:

Local labor market

Participant's training, skills, abilities, and qualifications;

Participant's prior work experience; and

Limits on the TANF program to offer activities leading to goal attainment.

The short-term goal should reflect employment that the participant will find as quickly as possible to reduce or eliminate the family's need for TANF. The participant may not limit work search efforts to a particular kind of employment unless the participant has competitive skills for that type of work and employment opportunities are readily available. Participants should be encouraged to include skills enhancement activities as a part of their goals, which will allow them to earn livable wages.

Using information gathered in the assessments, the Case Manager/Job Developer helps the participant select a broad occupational category for the short-term and long-term employment goals. The broad categories could include:

Professional, technical, and managerial occupations;

Clerical and sales occupations;

Service occupations;

Agricultural, fishery, forestry and related occupations;

Processing occupations;

Machine trades occupations;

Bench work occupations;

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Structural work occupations; and

Miscellaneous occupations.

Emphasize that the short-term goal is the first step to achieving the long-term goal.

The long-term employment goal gives participants an opportunity to identify the type of job that they would ultimately like to find. The long-term goal may reflect a field of employment that the participant will achieve after leaving TANF. The long-term goal can be a more specific job that may require education, training, skills, or experience that the participant does not currently possess.

b. IDENTIFYING THE STEPS NEEDED TO ACHIEVE SELF-SUFFICIENCY AND ASSIGNING ACTIVITIES

At the time the initial RP is developed, the client and the Case Manager/Job Developer are unlikely to have all the information needed to help the participant identify all the steps and activities necessary to achieve self-sufficiency. The initial RP reflects only the participant's circumstances and the assets available to support the family's plan at the time of development. Other steps and activities can be added as the need arises, as the client makes progress with the family's plan, and as additional assets become available.

The activities available will vary. Determine appropriate services on a case-by-case basis. Include in the plan where applicable, the expectations that participants seek out some services or activities on their own.

The program will refer, through the RP, participants to other Tribal programs, contractors, or partner agencies for comprehensive TANF self-sufficiency services or for specific activities such as work search or adult basic education when applicable.

If a Case Manager/Job Developer and participant are unable to agree on appropriate assignments, the judgment of the Case Manager/Job Developer and the TANF Executive Director will prevail. The Case Manager must document in the participant's file the nature of the disagreement and the reason that the assignments made are appropriate. A client refusal and/or lack of cooperation with the RP activities may result in a sanction.

c. ELEMENTS TO ADDRESS IN SELF-SUFFICIENCY PLANNING

Employment is the primary long-term goal in self-sufficiency planning, even for individuals who are temporarily exempt from the work participation requirement. Other aspects of the RP should advance or support the ability of the participant to

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find and maintain paid employment. In addition, the family's RP should reflect what needs to be done to ensure the participant keeps their job.

The elements, which need to be addressed in the self-sufficiency plan, will vary from family to family. The elements for an individual family will also vary over time as the family's circumstances change or as new information about strengths and needs comes to light, and as progress occurs. Some common elements of self-sufficiency planning include:

Looking for a job;

Learning basic workplace expectations, work behaviors, and how to apply for a job;

Gaining work experience through community work experience;

Learning marketable job skills;

Options for reliable transportation to get to work;

Family planning to avoid unplanned pregnancy;

Personal safety from domestic violence;

Referrals for counseling and advocacy for domestic violence, mental health, or substance abuse issues;

Obtaining stable housing for the family

Developing personal and family support systems;

Taking care of medical needs of the family;

Addressing medical or developmental needs of children

Family management – parenting skills, organization, budgeting, nutrition and meal planning, childcare consumer education;

Personal management – stress management, time management, effective communication, personal grooming;

Assessment or treatment for drug and alcohol abuse;

Improvement of basic reading, writing, and math skills;

High school completion;

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Financial and non-financial contributions of an absent parent or the absent parent's family.

Self-sufficiency activities to help TANF-dependent families break the cycle in the next generation may be appropriate to include in the RP. Some examples are:

Regular school attendance for school age children in the family;

Enrolling pre-school children in Head start for educational enrichment, structure, and family support;

Participation in programs which focus on strengthening parenting skills and improving the circumstances of a parent and children; and

Participation in youth employment programs when available.

d. SERVICES NEEDED TO ACCOMPLISH THE RP

The RP documents the services the participant needs to accomplish assigned activities and attain self-sufficiency. The services MLB TANF may provide include:

Work-related services;

Referrals to Community Work Experience;

Childcare assistance;

Case management, including family problem-solving and mentoring to support the RP;

Referrals for substance abuse assessment and treatment;

Pre-employment and work search skill building;

Job-retention counseling, including referrals for counseling to be used after TANF eligibility ends;

Pregnancy prevention information and referral;

Referrals for supportive services and financial assistance after TANF eligibility ends, including child care, transportation, vehicle repairs, tuition, start-up costs, job interview costs, and licenses to support education and employment activities related to the RP; and

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Referrals to other assets.

CHANGES TO THE RP

The participant may request a change to the family's RP at any time. Changes are made only with the approval of the Case Manager/Job Developer responsible for self-sufficient planning. In considering a request for a change to the RP, the Case Manager/Job Developer should consider:

Whether the change will increase the family's ability to become self-sufficient without adversely affecting participation in work activities;

The availability of assets to carry out the requested change; and

Whether the change has been requested because the participant has become exempt from work requirements.

SIGNATURE(S)

Each adult and minor parents receiving TANF must sign an RP. Two signatures are required for two-parent families. The Case Manager/Job Developer also signs the RP. Dependent children are not required to sign the RP.

In two-parent families where domestic violence might be a problem, it may be advisable to develop an additional, separate RP with the victim. The separate RP may need to include:

A referral to a local domestic violence program or other similar community assets;

Activities centered around accessing help to overcome or escape domestic violence; and

Activities to safely achieve self-sufficiency.

Case Manager/Job Developers should be aware that the development of a separate RP may be unsafe and that this strategy should be used with caution. Rely on the individual's assessment of potential danger in creating a separate RP and proceed accordingly. When a separate RP is not an option, you may document the individual's activities in the case record, being careful to ensure confidentiality.

e. PHYSICAL OR MENTAL INABILITY TO PERFORM GAINFUL ACTIVITY

Individuals may be exempt from the requirement to participate in work activities if determined physically and/or mentally unable to perform gainful activity.

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f. DEFINITION OF PHYSICAL OR MENTAL INABILITY TO PERFORM GAINFUL ACTIVITY

An individual is considered to be physically or mentally unable to perform gainful activity if they are:

Eligible for SSI, Social Security Disability Insurance, or Adult Public Assistance because of blindness or a disability; or

Physically and/or mentally unable to perform gainful activities for at least 30 days based on competent medical testimony and condition is severe enough to:

Prevent the individual from working at full/part time employment;

Prevent the individual from performing normal home maintenance activities (such as cooking, cleaning, and child care), or to perform them without extensive help from others;

Prevent a potential employer to hire the individual or refuse to provide a reasonable accommodation under the Americans with Disabilities Act.

Note: Physical or mental inability to perform gainful activity should not be confused with employment. The primary reason for the inability must be the physical or mental condition of the individual, not the unavailability of employment in the local economy or the unavailability of suitable employment (that is, the type of employment the individual is trained for or normally does).

65. VERIFICATION OF PHYSICAL OR MENTAL INABILITY TO PERFORM GAINFUL ACTIVITY

a. ELIGIBILITY FOR SSI, SSDI OR MEDICAL STATEMENT

Verify the individual is eligible for Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI) because of blindness or disability. If they are not eligible, the individual must provide the program with a statement from a health care professional.

THE INITIAL DECISION

The Case Manager/Job Developer will then make the initial decision and the decision is valid for no more than 3 months or as advised by a health care professional. The Case Manager will review the decision every 3 months and make a re-determination. All decisions must be documented in the client's case file.

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b. REFERRAL TO VOCATIONAL REHAB

When a Case Manager and client make a determination that a referral to Vocation of Rehabilitation is needed, they will refer the individual to the Department of Vocational Rehabilitation (DVR). The Case Manager will coordinate with the DVR Case Manager to develop a common plan.

c. SANCTIONS

When an applicant or recipient fails, without good cause, to comply with program requirements, that individual must serve a penalty. Non-compliance with program requirements may be included:

Failure to cooperate with Child Support (CS);

Failure of a minor parent or child (ren) to attend school;

Failure to develop a Responsibility Plan or participate in assigned activities;

Job quit or refusal to work without good cause; and

Intentional Program Violations.

This Chapter provides general information about the administration of sanctions. It also explains:

What the sanction is;

The good cause reasons that excuse an individual from the sanction;

The length of the sanction

How the sanction is imposed; and

How the sanction may be ended.

When separate RP's are developed, both parents' signatures are required on the RP. **Under no circumstances** should a family member have access to an RP that includes any reference to domestic violence or activities the victim may be participating in to resolve violence.

d. PENALTY TIME SCHEDULE

Employment and Training

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If a client fails to comply with Employment and Training, Case Manager/Job Developers will send the client a notice of intent to sanction notifying them of non-compliance and what needs to be done in compliance. If client does **not** comply, Case Manager/Job Developer will refer client back to Case Manager with notice to place client in sanction.

Working with Case Manager/Job Developer

Clients who fail to comply with their RP will be mailed a notice of intent to sanction notifying them of the non-compliance and what needs to be done to be in compliance. Client has 10 days to complete the corrective action as identified by the Case Manager/Job Developer. If the client has not complied within the 10 days, the Case Manager/Job Developer may place the client in sanction.

e. GENERAL PENALTY PROVISIONS

Non-compliance will result in a 10% sanction for the first occurrence and a 30% sanction for the second occurrence. If both adults are non compliant this will be dual sanction and an immediate 30% sanction will be imposed. Also if the participant fails to comply within a 6 month period this will also be considered an immediate 30% sanction as they failed to comply within a 6 month period.

WORK: PARTICIPATION IN WORK ACTIVITIES

The goal of TANF is to move participants from TANF into jobs so they can support their families, and to maintain a safety net for those truly in need.

As a requirement of TANF, mandatory participants must take part in work activities assigned to them. This requirement applies to TANF applicants as well as recipients. Mandatory participants who fail to take part in assigned work activities incur a penalty that reduces their assistance payment (see section LXIX – D sanctions).

Included in the remainder of this chapter are policies on countable work activities, exemptions from the requirement to participate in work activities, performance measures and participation targets, and hours of participation.

Within the labor market, employers expect their employees to appear for work on time and to satisfactorily perform their job duties. Participation in work activities help participants learn to meet these expectations and to compete successfully in the labor market.

To meet work activity expectations, the participant must:

Attend assigned work activities;

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Perform work activities successfully.

This means the participant will:

Appear and remain at their work activity site as scheduled;

Arrive on time, ready to perform assigned tasks;

Perform assigned work activities successfully, within the time allowed.

Mandatory participants who fail, without good cause, to meet attendance and performance expectations are subject to a penalty.

f. CATEGORIES OF COUNTABLE WORK ACTIVITIES

- **Paid Employment**
- **Job Search and Work Readiness**
- **Vocational Training and Education**
- **Job Skill Training**
- **Education directly related to employment**
- **High School or GED**
- **Subsidized Work in Private Sector**
- **Subsidized Tribal Employment**
- **Providing Child Care to other TANF participants**
- **Barrier Removal Activities, such as Mental/substance abuse counseling**
- **Culturally Relevant Work Activities**
- **Community Service**
- **Work Experience**
- **Job Shadowing**
- **On the Job Training**

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- Traditional Self-Employment/Traditional Subsistence Gathering

g. EXEMPTIONS FROM WORK ACTIVITIES

An adult on the grant may be exempt from the requirement to participate in work activities. The exemption may be applied at application in conjunction with development of the RP, or at any time during a family's period of eligibility, if a change in circumstances also changes the individual's exemption status. Case Manager/Job Developers should work with the adult to explore all possible work activities prior to exempting.

An adult applicant or recipient may be exempt from the requirement to participate in work activities for the following reasons:

Child under 2 exemption: Participant(s) with one or more children under the age of 2 years.

Note: This exemption is only available to families with a single parent or two-parent families where at least one parent is physically and/or mentally incapable of performing gainful activity. It is not available to two-parent families in which both adults are physically and mentally able to perform gainful activity.

High Risk Pregnancy: A woman has a high-risk pregnancy, a physician or other licensed medical professional must document this exemption.

Caretaker of disabled child: This is a parent who is providing home care for a child who has a disability. A physician or other licensed medical professional must document this exemption.

Caretaker of disabled adult: This is an adult who is providing home care to a related disabled person requiring 24-hour care. A physician or other licensed medical professional must document this exemption.

Temporary health incapacity (physical and/or mental): This is an adult who has established an inability to participate for reasons supported by a medical opinion form.

Childcare not available: This applies when a single custodial parent with a dependent child living in their home under age six years demonstrates an inability to find necessary childcare because appropriate childcare is not available.

Persons over the age of 55: This must be supported by documentation.

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Special circumstances: This may apply with a death in the family, domestic violence or court action, etc. Supporting documentation is required and time limits will be determined on a case-by-case basis.

h. HOURS OF PARTICIPATION

To help the participant reach their goal of independence from TANF, a single parent family must participate an average of 20 hours per week and two parent families must participate an average of 50 hours a week.

When calculating their actual hours of work participation, include the actual time participants spent commuting between home and assigned work activities when the client provides the required documentation of hours of participation and mode of transportation.

Participants assigned to Vocational Training and Education activities often complete additional hours of study outside class. Add out-of-class study time to the participant's actual hours of participation. To give a participant study time credit the client and Case Manager must agree to the estimated average number of hours and it must be documented.

Schools that offer basic education and high school completion typically follow State regulated school holidays and short breaks lasting less than three calendar weeks. Include breaks (other than summer vacation) and recognize holidays as days of participation.

i. COUNTABLE TIME PER WORK ACTIVITY

Paid Employment: All time spent in this activity counts

Job Search and Work Readiness: Countable time is limited to 12 consecutive weeks in a calendar year. If client has not found a job in 12 consecutive weeks, he/she will be referred back to Case Manager to assess barriers. If Case Manager finds no barriers or resolves existing barriers, client may be referred back to job search for up to another 12 weeks.

Vocational Training and Education: Countable time is limited to 36 months for a lifetime.

High School or GED Preparation for Teens: All time counts.

Subsidized Work: All time counts.

Community Work Experience and Job Sampling: All time counts.

Traditional Self-Employment/Subsistence hunting/fishing/gathering: The client must sign a declaration stating the activity, location and actual hours spent.

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No more than 4 weeks per calendar year will be allowed to count towards work participation per family.

Self-Employment: For self-employment, reported work hours must reasonably compare with reported gross earned income or product produced. Require the client to provide documentation of the items produced.

Other Activities: For activities delivered by a partner agency, participants must provide verification of attendance bimonthly/monthly.

j. NON-COMPLIANCE

When a participant is not meeting the attendance and performing requirements, the Case Manager/Job Developer may attempt conciliation to resolve the non-compliance. Conciliation involves a discussion between the Case Manager/Job Developer/Compliance Officer and the participant about the reason the participant failed to meet the expectation. Often a service provider or site manager may also have insight into the reasons a participant is not attending or performing satisfactory. During this process, the Case Manager may consider:

Appropriateness of Assignments

Assignments should reflect the participant's skills and abilities. Sometimes unsatisfactory performance reflects a lack of skill or ability rather than a lack of effort. Further assessment of the participant's capabilities and job-readiness may reveal that the assigned activity is inappropriate.

Other Factors

Poor attendance or performance may also be due to:

Learning disabilities or developmental delays;

Domestic Violence issues;

Substance abuse problems; and/or

Mental health or counseling needs.

During this process the Case Manager may also:

Review the individual's work activity exemption status;

Refer the individual to a partner agency or service provider for further assessment of their skills and abilities, possible barriers to employment or other factors related to their employability;

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Meet with the client to update their RP to include services to address factors that interfere with the individual's participation in activities; and

Re-assign the individual to activities that more closely match their skills and increase their employability

Case Staffing

When the Case Manager/Job Developer/Compliance Facilitator has attempted conciliation and the client has not responded in a positive manner and it is required that the Case Manager/Job Developer/Compliance Facilitator schedule a case staffing. This meeting should include the Case Manager, Compliance Facilitator, Executive Director and the client. The purpose of this meeting is to identify the barriers to the client's success. The expected outcome of this meeting is an agreement with the client to participate in their RP. Successful participation will prevent the client from the case being sanctioned.

k. WORK: SUPPORT SERVICE PAYMENTS

Support Service Payments often make the difference between continued unemployment and the participant's ability to gain employment. **The need must be specific, identified in the Responsibility Plan, directly related to an approved activity or employment opportunity, and the only way to meet the need.**

Support service payments are not automatic or an entitlement. Each request must be examined to determine if the participant truly has a need for the service and it will assist the family in achieving self.

Guidelines apply to each type of assistance. The program allocation process limits the amount of funds for support services. The Case Manager carefully monitors funds to ensure this resource is available throughout the fiscal year.

Specific procedures for authorization of support services have been established. Based on the availability of funds, the program may contract with qualified vendors to deliver some support services. The participant's personal assets must be considered prior to authorization of a service.

If warranted, support services pay for:

Tuition Payments.

Transportation.

Vehicle repair.

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Driver's license.

Clothing.

Professional license.

Relocation.

Start-up expenses.

Special tools, clothing, and equipment.

Housing

Child Care

I. JOB SKILLS TRAINING PAYMENTS

Payments cover enrollment fees and training costs. Authorize a payment only when other agencies and funding sources cannot cover job-training costs. Some other assets include scholarships, WIA funds, Pell grants, etc.

Use Job Skills Training Payments to meet the following costs of any approved activity:

Tuition for Job Skills Training

Books and workbooks.

Lab and activity fees.

Fees for learning disability tests.

OJT employer (wage) reimbursement cost.

Short-term workshop fees (registration fees).

Testing fees as charged for specialty licenses.

Guidelines for Job Skills Training:

Pay actual based on approved activities. Executive Director Approval is required.

Who is eligible?

Cases where one or more adults are on the grant.

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m. TRANSPORTATION

Lack of transportation is one of the most common barriers to employment. The most frequently authorized transportation services are bus transportation.

Transportation service can cover part or all of the costs of local travel by personal vehicle, public transportation, car pool, or for-hire vehicle when needed by the participant to travel to and from any assigned activity. For-hire vehicles include taxis and private carriers, and cars driven by others who require payment in return for the ride. Use prudent judgment when authorizing use of for-hire vehicles, to assure that the provider's charges remain reasonable.

When more than one household member participates in a required activity, each can receive transportation assistance. However, shared rides among household members to the same activity reduce their combined travel costs.

Guidelines for Transportation:

In areas of the state with public transportation, the guideline is actual amount charged. The Case Manager can distribute bus tokens to participants in the urban area.

Who is eligible?

Cases where one or more adults are on the grant or caretaker/relatives if transportation is needed for the child (ren) activities.

n. VEHICLE REPAIR

Vehicle repair is one of the most costly supportive services. Repairs may be minor, or be significant and beyond the value of the vehicle. Authorize reasonable car repairs only when other methods of transportation to and from work or approved activities are unavailable or unreliable. Pay only for the cost of an automotive mechanic's labor charges and/or the cost of replacement parts necessary to repair a participant's personal vehicle. Expect the repairs to return the vehicle to a safe and reliable working condition. Repairs for multiple cars for a participant in a calendar year will not be allowed, unless there are two participants in a family and both are engaged in valid work activities.

A gas station or legitimate auto repair shop must confirm in writing the need for the repairs and their estimated cost, and must conduct the repairs or supervise them. Three written professional quoted estimates are required if the auto will not be repaired by an approved MLB TANF auto mechanic.

Prior to authorizing repairs the participant must provide the Case Manager/Job Developer with a copy of the title to verify that the participant is the owner of the vehicle and primary driver of the vehicle. The participant must also provide a copy of a valid driver's license and proof of insurance.

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Guidelines for Vehicle Repair:

Authorize up to \$500.00 a once a year to cover the repair of a participant's vehicle.

Participant will also get three estimates and Case Managers/Job Counselor will decide make a decision based on the three estimates.

Who is eligible?

Cases where one or more adults are on the grant or caretaker/relatives if transportation is needed for the child (ren) activities.

o. DRIVERS LICENSE

A Minnesota State driver's license is essential to participation. It may be a new license or a renewal. If the participant lacks a driver's license, and needs one to drive to work, then authorize payment for the actual cost of fees charged by the State Department of Motor Vehicles.

p. WORK CLOTHING

The program will assist the participants with the purchase of clothing as appropriate to their related approved work activities. No athletic wear, baggie clothes, clothing with underclothing showing, team sports wear or casual wear with decals for work related clothes.

Use discretion in selecting a clothing vendor.

Guidelines for clothing for work related activities:

Clothing for interviews/job search should not exceed \$150.00

Participants are eligible for a clothing allowance only twice a year.

q. PROFESSIONAL LICENSE

Professional licenses encompass a range of occupations, from plumbers to Certified Nurses Aide. Pay the cost of a professional or commercial license if the participant needs one to engage in a specific occupation. The Client must have completed the required training of have a job in the field.

TANF may pay the actual cost of the license.

Who is eligible?

Cases where one or more adults are on the grant.

r. RELOCATION EXPENSES

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Unique circumstances may require payment of relocation (moving) expenses to accept a paid employment opportunity.

Pay the cost of a permanent move to a distant community, if doing so enables the participant to accept a paid job.

When authorizing payment for relocation:

Do not authorize payment of out-of-state moving costs without prior approval.

The assigned activity or employment opportunity must remain unavailable in the participant's community of residence, or not within a reasonable commute from their residence.

s. SPECIAL TOOLS OR EQUIPMENT

Some occupations and trades require special tools or equipment. Typical requests are for safety equipment, boots, or gloves. Pay the cost of special gear that employees working in certain occupations or trades need to train for or enter than occupation.

Authorize purchase of special gear **only** when needed by the participant to take part in specialized occupational training, or to enter paid employment or unpaid work experience.

Guidelines for Special Tools or Equipment:

Expenses must be reasonable and necessary to accomplish goals listed in the Plan. Authorize actual costs for special tools or equipment expenses. Do not authorize expenses for hobbies.

Authorize no more than \$500 once per year.

If participant is requesting special tools or equipment for a third time or more, management approval is required.

Who is eligible?

Cases where one or more adults are on the grant.

t. EMERGENCY SHELTER EXPENSES

Stable and safe housing is necessary for all participants. Without adequate housing participants find it difficult to accomplish goals to become self-sufficient. Clients must have a situation that is immediate and considered an emergency. Living with an extended family member is not considered homeless. Emergency housing will only be available for the following reasons:

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Documented domestic abuse/violence cases

Housing has been determined to be unlivable

Legitimately homeless and temporary housing is not available at emergency agencies.

Guidelines for Emergency Shelter Expense:

Expenses must be reasonable and necessary to accomplish goals listed in the Plan. Authorize actual costs for emergency shelter expenses.

Who is eligible?

Cases where one or more adults are on the grant or caretaker/relatives if shelter is needed for the child (ren).

u. HOUSING EXPENSES

Housing assistance must be used only when assisting a client with a long-term housing solution. This is not to be used for short-term housing solutions, (i.e., housing for less than 6 months). Allowable expenses for housing are first month's rent, damage deposit and utility deposits. Before the expenditure will be approved the client must demonstrate their ability to manage a budget and that the ongoing expenses are within their budget. Also, any outstanding housing/utility debts must be identified and the client must establish a re-payment plan with the vendor prior to any expense being approved. The Case Manager must verify with either Mille Lacs Tribal Housing or Mille Lacs Housing must verify that the client has no outstanding debts or arrangements have been made for repayment. The client must understand and agree that they are entering into an agreement with the landlord and not an agreement with TANF and the landlord. The client must agree in writing to remain drug and alcohol free, to have proper adult supervision for their children at all times and only family members listed in the household compositions will reside at the residence.

Guidelines for Housing Expenses

Expenses must be reasonable and necessary, and within the client's budget. Authorize actual costs for housing expenses.

Expenses for delinquent housing debt to Mille Lacs Tribal Housing or Mille Lacs Housing authority will be for up to ½ the outstanding debt. The client must provide documentation for the repayment plan.

Expenses will not be authorized for more than \$1000 in a lifetime. Any additional amounts will be on a case-by-case basis.

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Who is eligible?

Cases where one or more adults are on the grant or caretaker/relatives if housing is for the child (ren)

v. AUTOMOBILE INSURANCE EXPENSE

Liability Auto insurance is a requirement of the State of Minnesota. Clients must maintain liability insurance for themselves, or for any auto they own and drive. If a client needs transportation for a valid work activity a one-time payment of insurance may be requested. Prior to authorizing insurance the participant must provide the Case Manager with a copy of the title to verify that the participant is the owner of the vehicle and primary driver of the vehicle. The participant must also provide a copy of a valid driver's license.

Guidelines for Automobile Insurance Expenses

Expenses must be reasonable and necessary.

Who is eligible?

Cases where one or more adults are on the grant or caretaker/relatives if transportation is needed for the child (ren) activities.

w. UTILITIES

Utilities are necessary to maintain a home. It is always the client's responsibility to arrange for and pay their utilities. Before the expenditure will be approved the client must demonstrate their ability to manage a budget and that the ongoing expenses are within their budget. Utility payments should be considered for emergency utilities only. TANF pays delinquent payments only when a shut off notice due to lack of payment is provided to the Case Manager and lack of payment will result in homelessness.

Utilities eligible for assistance are:

Gas

Water

Electricity

Propane

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Oil

Wood/Pellets

No other utilities will be considered.

Guidelines for Utility Expenses

Utilities must be reasonable and necessary. Delinquent payments will only be paid once in a lifetime.

Current utilities will not be authorized more than 1 time within a calendar year.

Who is eligible?

Cases where one or more adults are on the grant or caretaker/relatives when lack of payment will result in a hardship for the child (ren).

Guidelines for Support Service exceptions

Expenses must be reasonable and necessary

All requests must be accompanied with verification of expense

Form must be completed by both client and Case Manager/Job Developer and income and expenses need to be checked for accuracy

Incomplete Emergency Support Service Request forms will be returned to Case Manager/Job Developer and will need to be re-submitted.

x. TRANSITIONAL SERVICES

Although finding a job is a crucial step toward self-sufficiency, staying employed is just as important. Many newly employed Temporary Assistance recipients struggle with the challenges of employment.

Job retention services have proven an effective means of helping TANF recipients who find a job to retain it and to remain off TANF. By providing post-TANF employment services, former participants can receive continued help while learning to succeed at work and to juggle family and work responsibilities.

These services include extended case management.

y. EXTENDED CASE MANAGEMENT

When a family's case closes due to employment-related reasons, the Case Manager may authorize them to receive any services listed in the Support Service Payment Chapter.

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The Case Manager takes this action only when an employed family member needs the support service to retain their job, and lacks another means to pay for it. The Case Manager may authorize these needed services for up to 120 calendar days following the date of TANF closure. An extension to the 120-day rule may be looked at on a case-by-case basis and not to exceed 12 months following the date of case closure.