



ADMINISTRATIVE RULES OF MONTANA



37.78.206 TANF: GENERAL ELIGIBILITY REQUIREMENTS

- (1) Except as provided in (2)(e), an application for TANF Cash Assistance must be made on behalf of a minor child as defined in ARM 37.78.103.
- (2) Subject to the restrictions set forth in ARM 37.78.220 and in (3), TANF Cash Assistance may be granted to the following classes of persons if they meet all other eligibility requirements:
 - (a) minor children as defined in ARM 37.78.103;
 - (b) specified caretaker relatives, as defined in ARM 37.78.103;
 - (c) stepparents of minor children who live with the child and with the child's natural or adoptive parent;
 - (d) minor children as defined in ARM 37.78.103 who live in the home of a minor child and who are the child's siblings by blood, marriage, or adoption, including half brothers and half sisters and stepsiblings;
 - (e) pregnant women who have no other eligible children living with them, provided that they shall be eligible for cash assistance payments beginning the third month prior to the month in which the child is expected to be born.
- (3) The following are not eligible for TANF Cash Assistance:
 - (a) persons receiving Supplemental Security Income (SSI) benefits under Title XVI of the federal Social Security Act;
 - (b) all members of the specified caretaker relative's filing unit when a specified caretaker relative fails or refuses without good cause to comply with the requirements of ARM 37.78.215 regarding the assignment of child and medical support rights and cooperation in establishing paternity and obtaining child and medical support;
 - (c) a specified caretaker relative who fails to report the absence of a child, lasting more than 90 consecutive days as specified in ARM 37.78.207 by the end of the five-day period which begins with the date on which it becomes clear to the caretaker relative that the child will be absent for more than 90 consecutive days;
 - (d) teenage parents who are not living with their parent or parents, legal guardian, or other adult relative who would qualify to be a guardian of a minor child under Title 72, chapter 5, MCA, unless the teenage parent has been authorized to live in an alternative setting by the local office of public assistance living arrangement review committee because:

- (i) the teenage parent has no parent, legal guardian, or other adult relative who would qualify to serve as a guardian who will allow the teenage parent to live in their home; or
- (ii) the teenage parent is living independently because:
 - (A) physical, verbal, or emotional abuse or domestic violence exists in the home of any adult relative or guardian with whom the teenage parent could otherwise live;
 - (B) alcohol or drug abuse exists in the home of any adult relative or guardian with whom the teenage parent could otherwise live;
 - (C) any adult relatives with whom the teenage parent could otherwise live do not live in Montana;
 - (D) any adult relative with whom the teenage parent could otherwise live is mentally ill; or
 - (E) it would be dangerous to the teenage parent's physical or emotional well being for any other reason to live with any adult relatives with whom the teenage parent could otherwise live.
- (e) persons who are in violation of a condition of the individual's probation or parole imposed under state or federal law and persons fleeing to avoid being prosecuted for a felony or fleeing to avoid custody or confinement after conviction of a felony;
 - (i) a person is an ineligible fleeing felon if the crime involved is a felony in the jurisdiction where the crime occurred.
- (f) persons who have intentionally misrepresented their place of residence in order to obtain TANF, Medicaid, or food stamps in two or more states simultaneously are ineligible for a period of ten years;
- (g) all members of the assistance unit which includes an individual who was convicted after August 22, 1996, of any offense which is classified as a felony in the jurisdiction where the offense occurred and which has as an element the possession, use, or distribution of a controlled substance as defined in section 102(6) of the federal Controlled Substance Act, 21 USC 802(6) who is not in compliance with the conditions of supervision, whose sentence associated with the felony conviction has not been discharged or the individual is not actively participating in treatment, if required;
- (h) all members of the assistance unit which includes an adult who has received assistance for 60 months or more, as prescribed in ARM 37.78.201;
- (i) all members of the assistance unit which includes a specified caretaker relative who fails or refuses to comply with third party liability;
- (j) all members of the assistance unit which includes a specified caretaker relative or minor child who fails or refuses to comply without good cause with eligibility requirements including providing information and verification needed to determine eligibility;
 - (i) refusal may occur verbally, in writing, or by not responding in any manner;

- (k) all members of the assistance unit if any member of the assistance unit who is required by ARM 37.78.806 to participate in allowable work activities as defined in ARM 37.78.103 and 37.78.807 fails or refuses without good cause to negotiate and sign a Family Investment Agreement/WoRC Employability Plan (FIA/EP);
 - (l) all required members of the filing unit, or individuals who would have been a required member of the filing unit at the time of sanction, which includes an individual who is sanctioned for noncompliance in allowable work activities as defined in ARM 37.78.103 and 37.78.807 negotiated in the Family Investment Agreement/WoRC Employability Plan (FIA/EP) or sanctioned for failure to accept and maintain employment without good cause, if the sanction results in an ineligibility period as defined in ARM 37.78.506, with the following exceptions:
 - (i) minor children who are removed from the household by Child and Family Services and who are determined eligible for child only TANF in another household; or
 - (ii) minor children who are determined eligible for child only TANF in another household.
 - (m) an individual who is serving an intentional program violation as outlined in ARM 37.78.505;
 - (n) an individual who is incarcerated and does not meet the temporary absence criteria as outlined in ARM 37.78.207; and
 - (o) all required members of the filing unit if the filing unit includes an individual who has been sanctioned twice and the sanctioned individual has not completed an intensive case management meeting within the 30 day application time period.
- (4) An application for nonfinancial assistance must be made on behalf of a child under the age of 18.
- (5) Subject to the restrictions set forth in (6), nonfinancial assistance may be granted to the following classes of persons if they meet all other eligibility requirements for nonfinancial assistance:
- (a) children under the age of 18 for whom application is made;
 - (b) specified caretaker relatives, as defined in ARM 37.78.103, of children described in (5)(a);
 - (c) stepparents of children under the age of 18 who live with the child for whom application is made and with the child's natural or adoptive parent;
 - (d) siblings, by blood, marriage, or adoption, who are under the age of 18, half brothers and half sisters and stepsiblings of a child, in (5)(a).
- (6) The following are not eligible for nonfinancial assistance:
- (a) all members of the assistance unit which includes a specified caretaker relative or minor child who fails or refuses to comply, without good cause, with eligibility requirements including providing information and verification needed to determine eligibility;
 - (i) refusal may occur verbally, in writing, or by not responding in any manner.

Authorizing statute(s): 53-2-201, 53-4-212, MCA

Implementing statute(s): 53-2-201, 53-4-211, 53-4-231, MCA

History: NEW, 1998 MAR p. 3284, Eff. 12/18/98; AMD, 2000 MAR p. 746, Eff. 3/17/00; TRANS, from SRS, 2000 MAR p. 3414; AMD, 2002 MAR p. 1771, Eff. 6/28/02; AMD, 2004 MAR p. 1482, Eff. 7/2/04; AMD, 2007 MAR p. 47, Eff. 1/12/07; AMD, 2007 MAR p. 976, Eff. 7/6/07; AMD, 2008 MAR p. 172, Eff. 11/9/07; AMD, 2009 MAR p. 1020, Eff. 7/1/09.