



ADMINISTRATIVE RULES OF MONTANA



37.78.103 TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF): DEFINITIONS

The following definitions apply to this chapter:

- (1) "Allowable work activities" means all activities defined in federal regulation that are countable toward the calculation of the TANF work participation rate and used to meet federal participation requirements at 45 CFR 261.30. These activities are contained in the Family Investment Agreement/WoRC Employability Plan (FIA/EP) for individuals who are required to negotiate and comply with a FIA/EP as a condition of eligibility for TANF cash assistance. These allowable work activities are identified in ARM 37.78.807.
- (2) "Assistance unit" means a minor child or children and all individuals who live with the child and are related to the child by blood, marriage, adoption, or by law if the child was conceived by artificial insemination, provided that the relationship is within the fifth degree of kinship as specified in the definition of caretaker relative in this rule and provided that the individual meets the eligibility requirements to have the individual's needs covered by Temporary Assistance for Needy Families (TANF).
- (3) "Benefit month" means the calendar month for which benefits are issued.
- (4) "Budget month" means the calendar month used to determine eligibility for TANF cash assistance and to calculate the amount of the cash assistance payment. Under the prospective budgeting method, the budget month and the benefit month are the same.
- (5) "Caretaker relative" means a specified caretaker relative.
- (6) "Case manager" means the person who provides guidance for a participant in the TANF Cash Assistance Employment and Training or Activity Program.
- (7) "Case management" means the process of formulating and developing and maintaining a Family Investment Agreement/WoRC Employability Plan (FIA/EP) for a participant.
- (8) "Child support rights" means a child's legal entitlement to cash assistance from a parent with whom the child does not live.
- (9) "Community operating plan/annual agreement" means the document developed by the community advisory council for a particular county or counties which sets forth local decisions made in areas where community flexibility is allowed.
- (10) "Community service" means structured programs and embedded activities in which TANF participants perform work for the direct benefit of the community under the auspices of public or nonprofit organizations.

- (11) "Deemed income" means the portion of the income of a member of the assistance unit considered available as unearned income to the assistance unit, whether or not it is actually contributed to the assistance unit.
- (12) "Department" means the Department of Public Health and Human Services.
- (13) "Domestic violence" means physical, sexual, and/or mental or emotional abuse of a member of the assistance unit by a person with whom that member lives or with whom that member has recently lived which is sufficiently severe to interfere with the TANF participant's ability to become employed or seek alternatives to public assistance.
- (14) "Earned income" means all income, whether in cash or in kind, earned by an individual through wages, salary, commissions, tips, or any other profit from activity in which the individual is engaged, including but not limited to all amounts withheld or deducted for income or social security taxes, garnishments, attachments, income deductions or insurance premiums or any other withholdings.
- (15) "Educational activities" means activities that include but are not limited to:
 - (a) independent GED preparation;
 - (b) basic and remedial education to provide participant with brushup skills as needed for employment;
 - (c) English proficiency for participants unable to understand, read, speak, or write well enough to allow employment commensurate with participant's employment goal;
 - (d) attending high school or alternative high schools; and
 - (e) attending GED preparation courses.
- (16) "Eligibility case manager" means the person who determines eligibility for benefits, makes referrals to other resources, monitors the participants' progress and authorizes benefits.
- (17) "Employability plan" means a written plan developed by the participant and the work readiness component (WoRC) case manager which sets forth services and activities intended to assist the participant in obtaining and retaining employment.
- (18) "English as a second language (ESL)" means classroom training for persons with limited or no skills in English which provides them with sufficient command of the English language to compete in the labor market or to participate in training.
- (19) "Equity value" means the market value of a resource minus the value of any enforceable mortgage, lien, encumbrance, or security interest.
- (20) "Family Investment Agreement (FIA)/WoRC Employability Plan" means a written document designating the case management entity who will assist the family in working toward self-sufficiency.
- (21) "Federal means-tested public benefit" means food stamp benefits funded by the U.S. Department of Agriculture pursuant to the Food Stamp Act of 1977 as amended, 7 USC 2026 et seq., cash assistance or any other benefits funded by the Temporary Assistance for Needy Families (TANF) Block Grant pursuant to Title IV of the Social Security Act, 42 USC 601 et seq., and medical assistance benefits funded by the Medicaid Program pursuant to Title XIX of the Social Security Act, 42 USC 1395 et seq.

- (22) "Filing unit" includes:
- (a) all individuals who are included in the child's assistance unit;
 - (b) all individuals who have the option of being included in the child's assistance unit, such as grandparents of the child, whether or not they choose to be included; and
 - (c) all persons, such as parents of the child, who would be required to be members of the child's assistance unit if they were not excluded from the assistance unit due for a reason such as lack of U.S. citizenship, receipt of SSI benefits, or the imposition of a sanction or disqualification.
- (23) "General equivalency diploma (GED)" means a certificate provided to persons who pass standardized tests in place of a high school diploma.
- (24) "Gross monthly income" means all earned and unearned income received except for excluded income as provided in ARM 37.78.415 and 37.78.416.
- (25) "Group job search" means the provision of counseling, training, information, and peer support activities to employment and training participants in a group in order to give them guidance and support in obtaining employment.
- (26) "Home" means the assistance unit's usual residence.
- (27) "Incapacity" means a physical or mental defect, illness, or impairment diagnosed by a licensed physician or psychologist which is sufficiently serious as to eliminate or substantially reduce the parent's ability to obtain and retain employment for a period expected to last at least 30 days.
- (28) "Indian country" means the land within the geographical boundaries of an Indian reservation.
- (29) "Job development and placement" means creating or locating job openings and assisting employment and training participants in obtaining those positions.
- (30) Job search and job readiness assistance means the act of seeking or obtaining employment, preparation to seek or obtain employment, including life skills training, and substance abuse treatment, mental health treatment, or rehabilitation activities.
- (a) Such treatment or therapy must be determined to be necessary and certified by a qualified medical or mental health professional.
- (31) "Job skills training directly related to employment" means training or education for job skills required by an employer to provide an individual with the ability to obtain employment or to advance or adapt to the changing demands of the workplace.
- (32) "Lump sum payment" means any nonrecurring payment of earned or unearned income, including but not limited to:
- (a) retroactive payments of social security disability or supplemental security income benefits or other benefits;
 - (b) payments in the nature of a windfall, such as an inheritance or lottery winnings; and
 - (c) insurance payments and personal injury and worker compensation awards, to the extent that the payment or award is not earmarked and used to compensate or reimburse the recipient for damages or expenses incurred due to an accident or injury, such as medical bills or replacement or repair of a resource.

- (33) "Market value" means the price which a resource would bring if sold on the open market in the geographic area where the resource is located.
- (34) "Medical support rights" means a child's legal entitlement to health insurance coverage and/or assistance with medical expenses from a parent with whom the child does not live.
- (35) "Minor child" means a person under the age of 18 years, or older than 18 but less than 19 years if the person is a full-time student in a secondary school or an equivalent program who lives with a specified caretaker relative who meets the specifications set forth in ARM 37.78.207.
- (36) "Nonfinancial assistance" means the programs funded, in part, with Temporary Assistance for Needy Families, as provided in 45 CFR 260.31(b). Nonfinancial assistance is also the collective term used for post employment training and education payments, post employment service payments, and work support payments.
- (37) "On the job training" means training in the private or public sector that is given to a paid employee while he or she is engaged in productive work and that provides knowledge and skills essential to the full and adequate performance of the job.
- (38) "Participant" means a person who is eligible for and receiving TANF benefits.
- (39) "Participation hours" means the number of hours which a TANF cash assistance participant must perform allowable work activities as specified in the participant's Family Investment Agreement/WoRC Employability Plan.
- (40) "Penalty period" means the period of time during which a participant is sanctioned.
- (41) "Post-Employment Program" means the TANF Cash Assistance Program that is available to households which are losing eligibility for TANF cash assistance based on new or increased earned income of an individual currently receiving TANF cash assistance, but which will continue to receive a limited TANF cash assistance benefit through the "Post-Employment Program" for a period not to exceed three months.
- (42) "Screening guide" means the tool by which the WoRC case manager in conjunction with the participant determines appropriate allowable work activities for the participant.
- (43) "Single-parent household" means a household in which only one parent is included in the assistance unit.
- (44) "Specified caretaker relative" means a person related to the minor child within the fifth degree of kinship by blood, marriage, or adoption who lives with the child.
 - (a) The caretaker relative must be the child's parent, grandparent, great grandparent, great-great grandparent, great-great-great grandparent, sibling, uncle, aunt, great uncle, great aunt, great-great uncle, great-great aunt, first cousin, first cousin once removed, nephew, niece, or step relative of the same degree of relationship; for example, stepparent, step grandparent, or step sibling, or half-brother or half-sister. The spouse of any person named in the immediately preceding sentence will be considered a caretaker relative, even after the marriage is terminated by death or divorce.
- (45) "Stepparent" means an individual who is married to the minor child's parent by means of either a ceremonial or common law marriage.
- (46) "Supportive services" means expenses and services necessary for a TANF Cash Assistance participant to participate in allowable work activities or accept a job.

- (47) "Temporary Assistance for Needy Families (TANF)" means the collective term for all programs funded by the TANF grant. The term also is used to denote benefits provided in the form of financial assistance, nonfinancial assistance, child care payments, supportive services, or other services.
- (48) "TANF Cash Assistance" is the term for the financial assistance program of TANF. The term also is used to denote supportive services provided to nonworking families who also receive TANF Cash Assistance.
- (49) "TANF extended benefits" is the term for cash assistance issued to a household under the 20% hardship extension as allowed at 45 CFR 264.1(c).
- (50) "TANF grant" means the monthly cash payment to the assistance unit.
- (51) "Teen parent" means an unmarried person under the age of 18 who cares for his or her minor child.
- (52) "Teenage parent" means a teen parent.
- (53) "Training activities" means jobs skills training, job readiness activities, and job development and placement.
- (54) "Tribal native employment works (NEW)" means an employment and training program operated by a federally recognized tribe or Alaskan native organization.
- (55) "20% hardship extension" means a household is eligible to receive federal TANF benefits beyond 60 months on the basis of a hardship according to rules defined by the state. This is allowed at 45 CFR 264.1(c).
- (56) "Two-parent household" means a household in which two parents reside, regardless of whether the two parents are parents of the same minor child or two or more different children, except that a household in which two parents reside is considered a single-parent household for work participation hours if one or both of the parents receives Supplemental Security Income (SSI) benefits or is incapacitated. For purposes of this definition, a biological or adoptive parent or a stepparent is considered a parent.
- (57) "Unearned income" means all income which is not earned income as defined in this rule. It includes, but is not limited to, social security benefits, supplemental security income payments, veteran's benefits or payments, workers' compensation and unemployment compensation benefits, interest payments, dividends, and distributions from trusts or estates.
- (58) "Unsubsidized employment" means full or part-time employment or self-employment in the public or private sector that is not subsidized by TANF or any other public program.
- (59) "Valid loan" means a lender delivers a sum of money to a borrower pursuant to a written or oral agreement that the borrower will repay the sum in the future. The obligation to repay must be absolute and not contingent on the occurrence of an uncertain event.
- (60) "Vocational educational training" means organized educational programs that are directly related to the preparation of individuals for employment in current or emerging occupations requiring training up to a baccalaureate or advanced degree.
- (61) "WoRC employability plan" means a negotiated document listing allowable work activities, and mutual obligations of the WoRC program and the participant regarding the course of action

leading to the individual's employment and the number of hours and the time limits within which such activities and obligations shall be performed.

- (62) "Work-eligible individual" means an individual whose participation in allowable work activities contributes to determining whether the family counts in the calculation of the work participation rate. These individuals include:
- (a) all adults receiving assistance;
 - (b) all minor children receiving assistance who are the head of a household;
 - (c) all sanctioned individuals who are a natural or biological parent of a minor child living in the household; and
 - (d) all nonrecipient or disqualified individuals who are a natural or biological parent of a minor child living in the household unless the nonrecipient or disqualified individual is:
 - (i) a minor parent who is not the head of a household or the spouse of the head of the household;
 - (ii) an ineligible alien; or
 - (iii) a recipient of Supplemental Security Income (SSI) benefits.
- (63) "Work experience" means placement in a formal job site training experience that provides an individual with an opportunity to acquire the general skills, training, knowledge, and work habits necessary to obtain employment. All work experience placements have a detailed training plan. The main purpose of work experience is to improve the employability of those who cannot find unsubsidized employment.
- (64) "Work readiness component (WoRC)" means the activities case management component of the TANF Cash Assistance Program.

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

Implementing statute(s): 53-4-211, 53-4-601, MCA

History: NEW, 1996 MAR p. 284, Eff. 1/26/96; AMD, 1998 MAR p. 3284, Eff. 12/18/98; TRANS, from SRS, 2000 MAR p. 3414; AMD, 2002 MAR p. 952, Eff. 3/29/02; 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. 1154, Eff. 6/13/08; AMD, 2009 MAR p. 1020, Eff. 7/1/09.