

# STATE OF NEVADA



## TEMPORARY ASSISTANCE FOR NEEDY FAMILIES STATE PLAN

Department of Health and Human Services  
Division of Welfare and Supportive Services  
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*Working for the Welfare of ALL Nevadans*



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## **1. GOALS, RESULTS, AND PUBLIC INVOLVEMENT**

### **1.1 Goals / Results**

The goals of the Nevada Temporary Assistance for Needy Families (TANF) Program are to provide assistance and services to needy families in an effort to reduce or eliminate barriers to self-sufficiency<sup>1</sup>, within the Federal and State prescribed limited time frames, through the implementation of services consistent with the four purposes of TANF to include:

- 1.** Provide assistance to needy families so that children may be cared for in their own homes or in the homes of relatives.
- 2.** End the dependence of needy parents on government benefits by promoting job preparation, work, and marriage, and to improve the job retention rate of participants who enter the workforce.
- 3.** Prevent and reduce the incidence of out-of-wedlock pregnancies with special emphasis on teen births.
- 4.** Encourage the formation and maintenance of two-parent families.

The Division continues its commitment to program improvement. Progress on the effectiveness of services provided in relation to the four purposes of TANF are evaluated on an ongoing basis using management reports and information provided through state and local organizations. Through business process reengineering and data analytics several opportunities have been identified for implementation to improve program focus and effectiveness. The Division's Employment and Support Services Unit is implementing identified strategic opportunities to enhance the NEON employment driven, family-centered, and Work Participation Rate (WPR) inclusive TANF employment and training program.

### **1.2 Public Involvement**

Local government, private sector and advocacy organizations have been involved in the design of the TANF State Plan through the legislative process, public hearings/workshops and through various meetings convened by the Division of Welfare and Supportive Services (DWSS) to deliberate policy issues.

### **1.3 Nondiscrimination**

The DWSS does not discriminate against any applicant or participant in any aspect of program administration. Benefits are extended to all eligible households without regard to age, race, color, any spectrum of sexuality and gender, handicap, religious creed, national origin, or political beliefs. All Division district offices must post nondiscrimination and civil rights policy in lobby areas which includes the procedures to file discrimination complaints.

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<sup>1</sup> Self-sufficiency includes employment and the receipt of child support.

## 2. NEEDY FAMILIES

Nevada administers a program that serves all political subdivisions in the State in a uniform manner, provides benefits to needy families with – or expecting – children, and provides parents and needy relative caregivers with job preparation, education, work opportunities and support services; enabling them to enter or remain in the workforce and reduce or eliminate their dependence on public assistance.

### 2.1 Assistance Defined

Nevada's TANF program recognizes family situations vary and the approach for meeting immediate and ongoing needs differs from one family to the next.

Each TANF request, via a signed application, will be evaluated for each TANF category. While a family may meet the qualifications for more than one category, the family has the final decision on which category of assistance it wishes to receive.

"Assistance" is defined as cash payments, vouchers, and other forms of benefits provided to cover a family's ongoing basic needs such as shelter, utilities, food, clothing, etc. It includes childcare, transportation and other supports for families that are not employed.

Excluded from the definition of assistance are the following:

- Child care, transportation, and support services to meet work-related expenses for employed families – even if combined with training and other activities, or during times of temporary unemployment.
- Services and activities without a monetary value, e.g., domestic violence, mental health, substance abuse and other counseling; employment and training including books and tuition, information, and referrals; work subsidies to employers; job retention/advancement services, etc.
- Non-recurrent short-term benefits for up to 4 months of future needs – with no limitation on retrospective needs. This is not limited to one payment if needed again for a different discrete need.
- Contributions to and distribution from an Individual Development Account (IDA).
- Transportation benefits from a Job Access or Reverse Commute project.

### 2.2 Nevada's Assistance Programs

**TANF – NEON:** The New Employees of Nevada (NEON) program is an assistance program for households with at least one work-eligible individual. This program provides a cash assistance benefit, case management, and support services to address barriers to employment and family wellness; and services to assist work-eligible individuals attain the education, job skills and experience necessary to obtain and maintain gainful employment.

**TANF Child-Only:** Designed for households that do not have a work-eligible individual. Categories include non-needy caregivers, kinship care, ineligible non-citizen adult(s) with eligible children, and households where the parent is an SSI recipient. Child-only programs provide a cash assistance benefit.



**Non-recurring short-term benefit programs include:**

**Loan Program:** Provides a monthly payment designed to meet ongoing basic needs such as food, clothing, shelter, etc. until an anticipated future source of income is received. Individuals receiving loan payments accept, in writing, full repayment responsibility.

**Self-Sufficiency Grant (SSG):** Provides a one-time lump-sum payment designed to meet immediate employment needs until regular income is received from employment, child support or other ongoing sources. The intent of this program is to identify and address the barriers to new or ongoing employment and divert the family from dependence on TANF.

**Temporary Program:** Provides a payment designed to meet an immediate episode of need for no more than four months per episode. This program is only utilized upon approval of the Chief of Eligibility of Payments.

**2.3 Middle Class Tax Relief and Job Creation Act of 2012 (P.L. 112-96)**

On February 22, 2012, President Obama signed the Middle Class Tax Relief and Job Creation Act of 2012 (P.L. 112-96), that requires states receiving a TANF grant to maintain policies and practices as necessary to prevent assistance provided under the TANF program from being used in any electronic benefit transfer transaction in any liquor store; casino, gambling casino, or gaming establishment; and any retail establishment that provides adult-oriented entertainment in which performers disrobe or perform in an unclothed state for entertainment. Nevada further restricts electronic benefit transfer transactions in any cannabis/marijuana dispensary or lounge.

Taking steps to restrict where TANF cash benefits may be used or accessed in an EBT transaction is good stewardship of state and federal resources. Taking these steps helps Nevada ensure TANF cash benefits are used in the manner intended – to help low-income Nevadans meet basic needs for daily living such as shelter, utilities, food, clothing, etc.

**2.4 Reporting EBT Restricted Usage**

The Division informs applicants/recipients of the restrictions on the use of EBT cards at prohibited locations initially in the Rights and Obligations pages of the Application for Assistance and again at redetermination. The applicant/recipient must initial the application to indicate that they have read and understand the statement. Applicants/recipients are informed again at the time the EBT card is issued and the DWSS Electronic Benefits Transfer Card Issuance Authorization Form 2321-EGB is reviewed and signed. The issuing staff person goes over the form with the applicant/recipient to ensure they understand that they may not use their card in prohibited establishments and that they understand the consequences if they do.

The Division's EBT coordinator runs an ATM TANF cash usage report monthly through Nevada's EBT vendor. The report is filtered and sorted to include the restricted retailer transactions by recipient EBT card number.

When restricted usage is detected in the monthly report, the agency sends a letter to the household indicating the benefits provided are to cover a family's ongoing basic needs

such as shelter, utilities, food, clothing, etc. If another restricted usage is determined, the head-of-household will no longer receive the cash benefits – instead a protective payee will be established to receive the cash benefits on the family’s behalf to ensure that basic ongoing needs are met.

If a household has used its EBT card in a prohibited location, a Social Services Manager may consider, on a case-by-case basis, whether the use in a restricted location was the household’s only means to obtain money. If it was, the state may consider lack of access as reasonable cause and not impose an adverse action on the household. However, the prohibited POS/ATM location will still be prohibited, and Nevada will continue to work to fulfill its requirement to provide recipients adequate access to cash assistance in non-prohibited locations, including the ability to withdraw assistance with minimal or no fees or charges. This will be accomplished by providing the household with the ability to choose alternate methods of payment such as the issuance of a warrant. Households will also be assisted in locating appropriate POS/ATM locations in their area.

The monthly report will include:

Transaction Type	Count	Percentage	Amount	Percentage
All TANF-ATM				
Restricted TANF-ATM				
Non-Restricted TANF-ATM				

Information regarding EBT restricted use is available to the public online.

The State of Nevada TANF State Plan is available online at:

[https://dwss.nv.gov/TANF/TANF\\_-\\_Documents\\_\\_\\_Links/](https://dwss.nv.gov/TANF/TANF_-_Documents___Links/)

The State of Nevada Eligibility and Payments Manual Section B-230.3.1 is located at:  
<https://dwss.nv.gov/Home/Features/eligibility/eligibility-n-payment-info-manual/>

## **2.5 Application and Determination of Eligibility**

Except in unusual circumstances, action on applications is taken within 45 days. Assistance to eligible applicants begins on the date of approval or no later than 30 days from the date of the receipt of a signed and completed application, whichever is earlier, provided the household was eligible.

Nevada completes a redetermination of eligibility at least every twelve months with one exception. If a customer is participating in the NEON program and receiving the Employment Retention Payment (ERP), the redetermination may be extended for up to six additional months to reduce any administrative burden.

## **2.6 Coverage and Conditions of Eligibility**

### **A. Agreement of Cooperation**

An Agreement of Cooperation (AOC) must be signed by the head-of-household as a condition to the receipt of TANF NEON, Loan, and Child-Only assistance.

The AOC includes:

- Cooperation with Child Support Enforcement.
- Cooperation with the development and compliance of a Personal Responsibility Plan (PRP).
- Restricted use of TANF EBT transactions.

**B. Relationship**

A dependent child must be living with a parent/caregiver who is applying for benefits on the child's behalf. The parent/caregiver must maintain a home and exercise responsibility for the care and supervision of the child. The parent/caregiver relationship must be as follows:

- Father, mother, brother, or sister.
- Grandfather or grandmother.
- Uncle or aunt.
- Nephew or niece.
- First cousin, first cousin once removed.
- Stepfather, stepmother, stepbrother, or stepsister.

Relationship extends to the:

- Spouse/domestic partner of the listed relatives even after the marriage is terminated by death, divorce, or termination of a domestic partnership.
- Degree of great-great for relatives listed in items 3 and 4 above.
- Degree of great-great-great for grandparents in item 2 above.
- Court established Fictive Kin in the case of non-needy foster caregiver placement cases only.

Note: Domestic Partner, used throughout the state plan, began May 1, 2010.

Both natural and adoptive relationships may be used to establish relationship. When the natural parent(s) of the child resides in the same household, they are required members unless otherwise ineligible or the child for whom benefits are requested has been legally adopted. If a child is legally adopted, natural relatives as defined in this section may apply for benefits on the child's behalf as a needy or non-needy caretaker. The adoptive relationship determines required members. Once adopted, the adoptive parents/siblings living in the home become the required members. The natural parents/siblings are no longer required members.

Relationship to the child may extend beyond the above list upon a finding of hardship by the Division Administrator.

**C. School Attendance**

For TANF Child-Only and TANF-NEON assistance households, and as required under NRS 422A.333, the head-of-household that has control or charge of a child

who is age 7 through age 11 must ensure the child attends school in compliance with provisions of NRS 392.040. The head-of-household shall take every reasonable action to ensure the child is not at risk of failing to advance to the next grade level in school.

If the head-of-household does not comply with the provisions of NRS 392.040 or the Division learns the child is at risk of failing to advance to the next grade level, the case manager will require the head-of-household to review and revise the Personal Responsibility Plan (PRP) as necessary to assist the head-of-household in complying and with helping the child improve academic performance.

Minor parents in the household must attend educational activities directed toward the attainment of a high school diploma or its equivalent or an alternative educational program such as a vocational or technical school.

A head-of-household receiving assistance that does not comply with the school attendance requirements has failed to comply with the terms of the PRP and may be conciliated.

D. Benefits for Dependent Children Age 18

Benefits are provided to a needy and otherwise eligible child age 18 that is a full-time student in a secondary school, or in the equivalent level of vocational or technical training, and that may reasonably be expected to complete the program before reaching age 19.

E. Immunizations

For TANF Child-Only and TANF-NEON assistance households, and as required under NRS 422A.332, the head-of-household must ensure each assisted dependent child has received the standard immunizations established by the Nevada State Health Division. The case manager advises applicants/recipients of the availability of standard immunizations through the public health clinics.

Within 6 months of determination of eligibility the head-of-household must submit to the Division proof that each dependent child receiving assistance has received the standard immunizations.

In compliance with NRS 432A.240 and 250, an exemption may be granted if:

- A written statement signed by a licensed physician is provided indicating medical conditions prohibit immunizations, or
- A written statement signed by the child's caregiver is submitted stating immunizations are contrary to their religious belief.

A head-of-household receiving assistance that does not meet an exemption and does not comply with the immunization requirements has failed to comply with the terms of the PRP and assistance may be denied or terminated.

F. Child Support Enforcement Program

TANF Child-Only and TANF-NEON parents/caregivers are required to cooperate with the Child Support Enforcement Program (CSEP) by:

- Providing information on the non-custodial parent(s);
- Assisting CSEP in locating the non-custodial parent(s);
- Assisting to establish paternity, if deemed necessary;
- Appear at the CSEP office or court to sign papers or provide requested information; and
- Surrendering and endorsing all child support payments received after TANF Child-Only or TANF-NEON assistance is approved.

If the parent/caregiver fails to cooperate without good cause, assistance for the household will be denied or terminated.

G. Benefits for Pregnant Women

Pregnant women not receiving TANF for other children are eligible for benefits beginning their 6<sup>th</sup> month of pregnancy, provided all other factors of eligibility are met. Pregnancy and estimated delivery date must be verified.

H. Benefit Payments/Special Conditions

Benefit payments are made in the following situations and conditions:

- Payments are made for the entire month to a family that has met all of the eligibility conditions for any portion of the month, provided the family was eligible on the date the payment was authorized.
- Initial payments are made on behalf of a child that goes to live with a specified caregiver within a period of 30 days from the receipt of the initial payment.
- Payments are made for the entire month during which a child leaves the home of a specified relative.
- Payments are made to persons acting for specified relatives in emergency situations wherein a child is deprived of the care of the relative through whom the specified relative has been receiving aid for a temporary period necessary to make and carry out plans for the child's continuing care and support.

I. Denial of Benefits to Strikers

The entire TANF household is ineligible for benefits for any month in which the natural/adoptive parent is participating in a strike on the last day of that month.

When any other member of the TANF unit is participating in a strike on the last day of a month, that person is ineligible for benefits for that month.

A striker is anyone who participates with one or more employees in a work slow-down or stoppage. This includes a stoppage resulting from the expiration of a collective bargaining agreement. Individuals affected by a lock-out are not strikers.

J. Prohibitions to Receipt of TANF Benefits

- Benefits are denied for 10 years to an individual found – through an administrative hearing, federal or state court – to have made a fraudulent

statement or representation with respect to the individual's identity or place of residence to receive TANF benefits from two or more entities simultaneously.

- Benefits are denied to an individual violating a condition of probation or parole imposed by a federal or state law until a court determines compliance.
- Benefits are not provided to a family for a minor child absent from the family's home for 45 consecutive days, subject to good cause, and 180 days if the absence is due to illness, injury, or hospitalization. Furthermore, Nevada denies/terminates benefits to a parent/caregiver who fails to report within 5 days the absence of a child from the home when it becomes known the child's absence will exceed or is expected to exceed 45 days.

NOTE: As elected by State option, as of July 1, 2021, upon the passage of Assembly Bill 138, and in accordance with NRS 422A.345, a person who has been convicted of a felony, an element of which is the possession, use or distribution of a controlled substance, may receive any public assistance for which the person is otherwise eligible. Pursuant to 21 U.S.C. § 862a(d)(1)(A), all persons domiciled in this State are exempt from the application of 21 U.S.C. § 862a(a).

#### K. Minor Parents

An unmarried minor parent must live with a natural/adoptive parent, other adult relative caregiver, fictive kin, or in an adult-supervised supportive living arrangement to be eligible for assistance. If the minor parent meets one of the good cause exemptions set by the State, the requirement of living with a parent, other adult relative caregiver, fictive kin, or in an adult-supervised supportive living arrangement does not apply. When a minor parent alleges good cause for not living with a parent, a social worker determines the appropriateness of the living arrangement.

Good cause includes:

- The individual has no living parents;
- The parent(s)' whereabouts are unknown;
- No parent will allow the minor to reside with them; excluding when the sole reason is to avoid a negative effect on the minor's eligibility;
- The physical or emotional health or safety of the minor or the minor's child would be in jeopardy if the minor lived with the minor's parents;
- The minor has lived apart from the minor's parent(s) for at least one year prior to the birth of the minor's child and has not applied for TANF during that same time period; or
- There is good cause for the minor not residing with the minor's parent(s) as determined by the caseworker and approved by a Division social worker for any other reason not listed.

A minor parent is not eligible to receive benefits unless the minor is enrolled full-time and attending an elementary or secondary school, a vocational or technical

school equivalent to a secondary school, or an approved alternative educational program (includes HSE programs).

Exception: A minor parent with a child under 12 weeks of age is exempt from this requirement.

**L. Report of Illness/Incapacity/Disability**

As a condition of receipt of benefits, any work-eligible individual claiming incapacity, disability, or temporary inability to participate in work activities must submit supporting documentation as deemed appropriate by the Division.

**2.7 Need and Amount of Benefits**

**A. Standard of Benefits**

Nevada's need standard is updated April 1<sup>st</sup> of each year based on the most current federal poverty guidelines which coincide with updates to the Medicaid income levels.

To determine initial eligibility, the household's gross income is compared to 130% of the federal poverty level. If the income exceeds this amount the household is not eligible.

To determine the amount of benefit payment, countable income is subtracted from the benefit payment amount for the household size and the monthly benefit payment is the amount of the budgetary deficit.

Exceptions to Standard Benefit Payments:

- Non-parent relative/fictive kin caregivers that do not apply to be included in the assistance unit receive a higher payment allowance as approved by the legislature. To determine initial eligibility, the household's gross income is compared to 275% of the federal poverty level (FPL). If the household's gross income exceeds 275%, the case is ineligible for assistance (effective March 1, 2003).
- Kinship Care caregivers must:
  1. Be age 62 or over, unless meeting the age requirement presents an undue hardship;
    - a. A hardship waiver of the caregiver age requirement for the program can be considered if the child or children for whom assistance is requested either have special needs or are a hard-to-place sibling group and an extreme financial hardship to the caregiver is demonstrated.
  2. Have a minor relative child placed in their care for at least 6 consecutive months;
  3. Obtain Nevada legal guardianship of the minor relative child; and
  4. Reside in Nevada.



If the gross income of the Kinship Care household exceeds 275% FPL, the case is ineligible for assistance (effective March 1, 2003).

B. Resources

The maximum amount of real and personal property in the TANF household cannot exceed \$10,000.

Excluded resources include:

- Two vehicles.
- Bona fide funeral agreements and one burial plot for each member of the TANF unit.
- The home – including any contiguous land – that is the usual residence of the TANF unit that the head-of-household owns or is buying.
- For 6 months, non-excludable real property that the family is making a good faith effort to sell. Good faith effort to sell is defined as any effort by the applicant/recipient to sell property for an amount within reason for the fair market value. Examples may be listing property with a real estate broker, placing advertisements, posting signs, and negotiating with prospective buyers.
- Necessary non-liquid income-producing property to include stock, inventory, tools, equipment, and other non-liquid income-producing property that are usual and customary for a given trade, profession, or business.
- Household goods and personal items.
- All funds deposited to an Individual Development Account (IDA) and interest accrued on such funds until withdrawn.
- Tax-preferred education accounts include Qualified Tuition programs described in Section 529 of the Internal Revenue Code of 1986 and Coverdell education savings accounts under Section 530 of the same code. This includes the Nevada Prepaid Tuition Program and the UPROMISE College Fund 529 Plan.
- Other exemptions as provided by relevant state and federal law.

C. Income

Income is any type of payment that is a gain or benefit to the household. When determining eligibility, the type of income determines whether it is counted, disregarded or exempt.

Income includes (not all inclusive):

- Earned and unearned income, unless disregarded/exempt.
- The value of a TANF household's share of governmental rent or housing subsidy is counted as income up to \$76. The following rent and housing subsidies are counted:
  - Housing and Urban Development (HUD) Section 8



- HUD Public Housing
- Indian Housing
- Transitional Housing
- FmHA Section 515 Rental Assistance
- Child support, voluntary or court ordered, is considered to determine eligibility. After approval, any child support received, voluntary or court ordered, is no longer budgeted due to the Assignment of Rights provision; however, payments not retained by the state, and passed along to the household, are counted as income.
- Lump sum payments are counted as income in the month received or the month anticipated to be received if expected more often than once a year. If received or anticipated to be received once a year or less, it is counted as a resource.

D. Disregards

- Earned income disregards are as follows:
  - \$90 when gross earnings are less than or equal to \$90, or
  - 100% of gross earnings for the first 3 months;
  - 85% of gross earnings for the second 3 months;
  - 75% of gross earnings for the third 3 months;
  - 65% of gross earnings for the fourth 3 months;
  - \$90 or 20% of gross earnings (whichever is greater) for month 13 and ongoing; and
  - The full cost of childcare for as long as the individual remains eligible for benefits while working.
- Workforce Innovation & Opportunity Act (WIOA) earned income received by a dependent child is disregarded for 6 months per calendar year. WIOA unearned income received by a dependent child is disregarded for an unlimited period.
- Earned income of a dependent child who is a full-time student is disregarded in both the 130% FPL determination and the payment determination for 6 months per calendar year.
- Small nonrecurring monetary gifts for special occasions such as birthdays, Christmas, anniversaries, and graduations are disregarded not to exceed \$30 per person per calendar quarter. The gift may be divided if the head-of-household claims the gift is intended for the entire TANF household.
- The principle of a bona fide loan is disregarded from income and resources in determining eligibility and amount of benefit payment.

- During a time of economic crisis, the Governor may elect to direct the Division to exclude Unemployment Insurance Benefit (UIB) income in determining TANF eligibility and benefit amount. UIB will not be budgeted until the month following the month the Governor declares the crisis over.
- All wages paid by the U.S. Census Bureau for temporary employment related to Census activities are excluded as income.
- All tax refunds received as of January 1, 2010, are disregarded as income and resources in the month received and for a period of 12 months as required by the Tax Relief, Unemployment Insurance Act of 2010 (PL 111-312).
- Earned income deposited into an Individual Development Account (IDA).
- Other disregards/exemptions as provided by relevant state and federal law.

#### E. Reporting Requirements

The TANF head-of-household must immediately report any change in circumstances occurring after the date of application and prior to the date of approval. Once benefits are approved, the head-of-household must report any change in circumstances not later than the 5<sup>th</sup> of the month following the month the change occurred.

A change in circumstances includes:

- Changes in the source and/or amount of gross monthly unearned income for anyone in the TANF household or anyone whose income must be considered in determining eligibility for someone in the TANF household;
- Persons moving in or out of the home;
- Change in residence or mailing address;
- New social security numbers received by household members who are required to provide a social security number to the Division;
- Resource changes for anyone in the TANF household or anyone whose assets must be considered in determining eligibility for someone in the TANF household;
- Change in marital status or reconciliation with the non-custodial parent;
- Changes in employment status including:
  - Obtaining a job;
  - Loss of a job;
  - Promotion;
  - Change in hourly rate of pay or change in salaried rate of pay;
  - Change of employer; or
  - Change from part-time to full-time or full-time to part-time employment.
    - Part-time employment is employment of less than a weekly average of 30 hours.

- Full-time employment is employment with a weekly average of 30 hours or more.
- Change in school attendance of a child aged 16 or older; and
- Any other changes or anticipated changes that may affect eligibility.

**F. Budgeting**

The period of time covered by the payment month is a calendar month.

The proration of the amount payable for the month of application is based on a 30-day standard.

Prospective budgeting is used for all applicants/recipients to compute the assistance payment using the best estimate of income that will exist in the payment month. This estimate is based on the Division's knowledge of past and current circumstances.

Actual income received from the first day of the application month to the date of the interview and income that can be reasonably anticipated for future pay periods is budgeted. The Division anticipates income using the best available information. If income is ongoing, but amounts fluctuate, income may be averaged from past pay periods.

**2.8 Protective Payments for Dependent Children**

The Division may select a protective payee to receive and manage the TANF payment if the caregiver is not using the TANF payments for the children's benefit. A social worker will review the household circumstances and work with the case manager and caregiver to establish a protective payee. Investigation and Recovery staff may assist with the investigation of the household situation if a social worker is not available. The situation requiring a protective payee is reevaluated at each review of eligibility.

**2.9 Services to Families from Other States**

The state does not treat families moving into Nevada differently than in-state families under TANF; however, DWSS does ensure that it does not provide duplicate assistance if the family still receives benefit services in the previous state.

**2.10 Non-Citizen Eligibility**

The state provides TANF to qualified non-citizens who arrived in the country before August 22, 1996. The state complies with federal law which requires a 5-year bar on TANF benefits for qualified status except those immigrants that are refugees, asylees, Cuban/Haitian entrants, those granted withholding of deportation, victims of severe forms of trafficking, those that are Armed Forces veterans or on active duty including their spouses/domestic partners, unmarried dependent children, and certain Amerasian immigrants.

Qualified battered non-citizens that entered the U.S. on or after August 22, 1996, and have not been in qualified status for 5 years will receive a state funded (SSP) TANF cash benefit if otherwise eligible. Once the 5-year bar is served, benefits are paid with federal TANF funds if otherwise eligible.

## **2.11 Confidentiality**

NRS 422A.342 addresses the “custody, use, preservation and confidentiality of records, files and communications concerning applicants for and recipients of public assistance.” The law mandates the Division establish and enforce reasonable rules and regulations governing restrictions on the use and disclosure of any information concerning applicants for and recipients of public benefits and comply with applicable provisions of the Social Security Act concerning confidentiality. Those rules and regulations are contained in the Nevada State Division of Welfare and Supportive Services Administrative Manual. Per NRS 232.357, the divisions within the Department of Health and Human Services may share confidential information without a formal release to do so.

Information will be disseminated to law enforcement representatives as allowed by state/federal law.

The Division complies with state and federal laws/regulations as they pertain to confidentiality and with the Division manual policies previously mentioned.

## **2.12 Applicant/Beneficiaries Rights**

Adequate written notice of an applicant’s/recipient’s rights to a fair hearing is provided in the Application for Assistance and the Notice of Decision.

An administrative hearing before an impartial hearing officer may be requested by a household member or an authorized representative any action to deny, reduce or terminate benefits. Hearing requests must be received within 90 days from the date of the Notice of Decision and requests may be submitted in writing. Continued benefits are provided if a hearing request is received no later than the 10<sup>th</sup> day after the effective date of the proposed action. Benefits continue unchanged until the hearing decision is made unless a written request by the applicant that benefits not be continued is provided, or the hearing officer makes a preliminary finding that the sole issue is one of state or federal law requiring automatic benefit adjustment. Decisions of the hearing officer are rendered within 90 calendar days after the request for a hearing has been filed. The hearing decision may be appealed to the district court of the State of Nevada within 90 days from the date of decision as outlined in NRS 422A.300.

# **3. ASSESSMENT AND PERSONAL RESPONSIBILITY PLAN**

## **3.1 Assessments**

### **A. Screening Assessment**

In accordance with NRS 422A.530, an applicant for TANF cannot receive benefits until a screening assessment is completed. The assessment must include the following:

- Prior work experience, including existing skills and the employability of each member of the applicant’s household.
- Determination whether the members of the household need job training, assistance with transportation, child care, treatment for substance abuse, mental health services, English as a second language (ESL) training, specialized child care for

participants with disabilities, communication assistance for individuals that are deaf or hard of hearing, or other services.

- A screening for domestic violence. If an applicant discloses domestic violence, the screening will include past or current issues. If the issues are current, the applicant will be referred to appropriate services.
- A review with the head-of-household to ensure each dependent child for whom benefits are requested have received the standard immunizations established for children based on current Nevada law.
- A review of school attendance with the head-of-household to ensure that every reasonable action is taken to keep dependent children aged 7 through 11 from failing to advance to the next grade level in school.

B. Assessments for NEON

Once an applicant is approved for NEON benefits, a variety of assessment tools are available to the case manager. The household will be assessed for the following:

- Barriers to employment such as child care, transportation, substance abuse, health issues, legal problems, housing, financial problems, education/skills background, Limited English Proficiency (LEP), learning disabilities, hearing impairment, family and social supports, domestic violence or mental health problems, and transferable skills.
- A potential referral to the Employment Security Division or WIOA service delivery agent for additional job testing or assessment.
- A potential referral to purchase testing from the Department of Employment, Training, and Rehabilitation's Vocational Assessment Center (VAC) for participants having difficulty meeting their work requirements and/or unsure of their future work goals. Five vocational tests are administered by the VAC to each referred participant. VAC administers the tests, scores, and interprets the results, and prepares a written report outlining the test results and vocational recommendations. Testing consists of measurements of aptitude, academic skills, interests, verbal and non-verbal problem-solving skills and self-reported information. A participant may also receive a situational assessment conducted by VAC to determine a participant's specific employability needs.
- Functional Capacity Assessment/Evaluation (optional) – A potential referral to purchase an assessment from contracted vendors for participants that have obtained a Report of Illness from a physician or mental health provider deeming the participant incapable or unable to participate in the required work activities. A Functional Capacity Assessment is not a medical assessment completed by a physician or nurse. A Functional Capacity Assessment is an objective process of evaluating injured/disabled individuals to determine physical/mental capabilities and tolerances in a training or work environment. A Functional Capacity Assessment may include (list is not all inclusive) review of medical records, consultation with medical/mental health provider concerning functional and psychological limitations, identification of vocational strengths

and barriers, identification of training needs and recommendations for training and employment.

### C. Referrals

Once an assessment is completed, referrals may be made to:

- A Division social worker for additional assessments and social service referrals and/or social work case management services.
- A provider of domestic violence counseling/services to assess the need for immediate intervention or to delay the implementation of work requirements/child support obligations.
- A professionally qualified person in the field of psychiatric mental health.

A person professionally qualified means:

- A psychiatrist licensed to practice medicine in the State of Nevada and certified by the American Board of Psychiatry and Neurology.
- A psychologist licensed to practice in this state.
- A social worker that holds a master's degree in social work, is licensed by the State as a clinical social worker and is employed by the Division of Mental Health and Developmental Services.
- A registered nurse that is licensed to practice professional nursing in this state, holds a master's degree in the field of psychiatric nursing, and is employed by the Division of Mental Health and Developmental Services.
- A marriage and family therapist licensed pursuant to NRS 641A (Marriage and Family Therapists).
- Tribal or Indian Health Services
- A qualified professional skilled in assessing persons with disabilities to advise on the impact of a person's disability on satisfying program requirements, and to develop customized solutions for overcoming barriers to full participation in the program.
- A qualified professional skilled in assessing persons with limited English proficiency, and to develop customized training solutions for overcoming barriers to full participation in the program.

## 3.2 **Family Violence Option (FVO)**

### A. Identifying Victims of Domestic Violence

Nevada selected the Family Violence Options (FVO) effective January 1, 1998. A case manager, employment and training worker, or social worker identifies potential victims of domestic violence when a victim self-discloses, or domestic violence is determined through the assessment process.

### B. Addressing and Referral for Domestic Violence Services

When an eligibility or employment case manager identifies domestic violence, the person is automatically referred to a Division social worker for further assessment. Social workers determine if the domestic violence issue is a barrier to employment

and provides crisis intervention. Persons identified as having current domestic violence issues are referred to domestic violence service providers and given domestic violence informational materials in accordance with NRS 422A.350.

**C. Domestic Violence Services While Application is Pending**

Domestic violence services may be provided to a family during the TANF application pending period.

**D. Good Cause Waivers for Victims of Domestic Violence**

In compliance with 45 CFR Subpart B Part 260 federally recognized good cause waivers are made through an individualized assessment and based on need. Social workers case manage participants requiring domestic violence counseling/services and develop individualized Personal Responsibility Plans (PRP) based on the participant's specific service need. Good cause waivers are redetermined by the social worker no less often than every 6 months.

Substantiated victims of domestic violence may be granted a good cause waiver to not participate in the following:

- Cooperation with Child Support Enforcement as determined by child support staff, and/or
- Work requirements mandated by NEON when a documented federally recognized good cause waiver has been established and must:
  - Identify and verify the specific program requirements that are being waived;
  - Be granted appropriately based on need, as determined by an individual assessment by a person trained in domestic violence and redeterminations no less often than every 6 months; and
  - Be accompanied by an appropriate service plan included in the PRP that:
    - Is developed by a person trained in domestic violence;
    - Reflects the individualized assessment and any revisions indicated by the redetermination, and
    - Is designed to lead to work.

**3.3 Substance Abuse Assessment and Treatment**

When a case manager has reason to believe a TANF participant's employability or parenting abilities may be affected by abuse of alcohol or drugs – either through self-disclosure, the screening assessment/post-approval assessment process or physical evidence – the case manager may refer the participant to a Division social worker. The Division social worker, that is certified to administer and score the Substance Abuse Subtle Screening Inventory (SASSI), administers the SASSI. The SASSI decision rules provide a numerically determined probability statement regarding the likelihood of alcohol or other substance dependence.

Eligibility for benefits is not affected by the outcome of a SASSI test. If the SASSI produces a positive probability regarding alcohol or other substance dependence, the



participant may be referred for further assessment to identify employment barriers and establish appropriate goals and activities. This referral is made via the Personal Responsibility Plan (PRP).

### **3.4 Personal Responsibility Plan (PRP)**

A PRP, mutually agreed to by the head-of-household and the case manager, is developed and signed for TANF Child-Only and TANF-NEON households and as required per NRS 422A.535. The plan must be completed within 60 days of approval and is based on the work readiness and barriers assessments completed. The plan must:

- Identify the role of each member of the household and their obligations to the plan.
- Identify the barriers, outline the specific steps to achieve independence, document time frames, and identify how the Division will support the participant's efforts.
- Include a provision providing for the payment of child care transitional assistance. Child care transitional assistance may be granted for up to 12 consecutive months when TANF is discontinued due to excess earnings from employment and/or the receipt of child support payments.

The Division shall periodically review the plan to determine whether the needs of the household have changed. The PRP may be amended, with the participation of the head-of-household, as deemed appropriate.

### **3.5 Unmarried Minor Parent and the PRP**

When a member of the household is an unmarried minor parent (less than 18 years of age), the PRP includes the following:

- The head-of-household is to ensure the unmarried minor parent attends training to learn the skills necessary to care for the child.
- Encourages the head-of-household to ensure the unmarried minor parent participates in a program providing mentors for unmarried minor parents. Mentor programs will be sought to assist the minor parent with education and employment/career goals, life skills, money management, nutrition, conflict resolution, interpersonal relationships, parenting skills, and job search. Incentives may be granted to encourage school participation. Incentives must be related to the assessment or PRP created with the minor parent.
- Address the minor parent's school attendance, plans to stay, or return to school, or its equivalent.

## **4. EMPLOYMENT AND TRAINING**

The Division's employment and training program known as New Employees of Nevada (NEON) is implemented statewide. In compliance with the Social Security Laws Title 42 Section 402 [42 U.S.C. 602] (a)(1)(A)(ii) NEON participants are required to engage in work once the State determines the parent or needy caretaker is ready to engage in work, or once the parent or needy caretaker has received assistance under the program for 24 months (whether or not consecutive) whichever is earlier, and consistent with the exemption for a single custodial parent with a child under age 6 that has proved that appropriate child care is



unavailable, unsuitable, or unaffordable as defined below. TANF benefits will be terminated if a participant fails or refuses to participate in work activities as required, unless exempt.

#### **4.1 Exemptions from Work Participation**

All heads-of-household – including minor parent heads-of-household – are required to participate in NEON with the following exemptions, in alignment with NRS 422A.555:

- A single parent caring for a child less than 12 months of age for not more than 3 months per pregnancy – unless a hardship exists – and a total of 12 months in a lifetime.
- A single custodial parent with a child under 6 years of age that proves appropriate child care is unavailable, unsuitable, or unaffordable.

#### **4.2 Definitions and Criteria Regarding Inability to Obtain Child Care**

##### **A. Definitions**

The definitions below are the same definitions used in the Child Care & Development Fund State Plan to inform parent(s) that receive TANF benefits about the exemption to the individual penalties associated with the work requirement for any single custodial parent that has demonstrated inability to obtain needed child care for a child under 6 years of age.

- **Appropriate Child Care:** Child care chosen by the parent which offers developmentally appropriate practices meeting the needs of that parent and child.
- **Reasonable Distance:** A parent should not be required to travel more than 60 minutes to drop off or pick up the child.
- **Unsuitability of Informal Care:**
  - Informal child care is unsuitable if it is not being provided legally or it does not meet basic health and safety standards as outlined in the State Child Care Plan.
  - Informal child care is unsuitable if circumstances exist that cause possible abuse, neglect or harm as outlined in county or state statutes.
  - Informal child care is unsuitable if the arrangements do not support the working schedule of a parent, are not affordable, not easily accessible, or do not meet quality standards as defined by the parent.
- **Affordable Child Care Arrangements:** The portion of child care costs not covered by the Child Care Assistance Program should not exceed 10 to 15% of the household's gross income.

##### **B. Criteria**

- During the screening assessments, recipients are notified regarding the process/procedures for determining a family's inability to obtain needed child care. All recipients with children under the age of 6 receive and sign a publication containing the applicable definitions and describing the process.

- A recipient must provide proof to substantiate the claim of their inability to obtain needed child care.
- If a recipient believes they have been treated unfairly in declaring the child care exemption, the recipient is given the opportunity to file a hearing as prescribed by the Division's administrative hearings policy.
- Any exemption given to a recipient from the mandatory work requirements because of child care issues does not extend the state or federal time limits for receiving TANF benefits.

#### **4.3 Work Activities**

Effective October 1, 2006, the TANF work activities are defined in 45 CFR Part 261. TANF work activities and required documentation are included in the State's TANF Work Verification Plan.

#### **4.4 Exceptions from Job Training**

When a PRP signed by the head-of-household includes a requirement the head-of-household complete a job-training program, the Division may make an exception upon determining the head-of-household:

- Is a single custodial parent of a child that is less than 1 year of age.
- Receives benefits on behalf of a dependent member of the household only, is not a TANF recipient themselves, is not a work-eligible individual as defined by federal and state regulation and will not be included in the federal work participation rate calculation.
- Has good cause as determined by a Social Services Manager.

#### **4.5 Definition of Job Training**

Job training is defined as any work activity preparing a recipient for unsubsidized employment and can include but is not limited to on-the-job training, classroom vocational training, a community work experience program, subsidized employment, and any union apprenticeship program.

#### **4.6 Training for Elder Health Care Professionals**

The Division assists TANF work-eligible individuals to train for, seek, and maintain employment in health care occupations. This includes, but is not limited to, training for occupations in long-term care facilities and elder care fields. The selection of individuals for this training will be based on the individual's interest in this career field, skills, abilities, and the labor market need in their local community. The assistance the Division may provide includes tuition, payment of course fees, books, instructional materials, special equipment (e.g., lab coats, stethoscopes, lift belt, etc.) and supportive services such as child care and transportation services.

The Division coordinates and collaborates with various local and state agencies, as well as local health care providers, to place individuals in training that leads to a certificate and/or licensure for employment in healthcare occupations, including long-term healthcare facilities and elder care.

#### **4.7 NEON Program Participation Requirements**

NEON participation is required for all TANF applicants and recipients meeting the federal definition of a Work-Eligible Individual (WEI). Participants are considered cooperating with the work requirements when the following conditions are met:

- The applicant signs the Agreement of Cooperation as required per NRS 422A.540;
- The applicant completes the required pre-screening assessment;
- The applicant cooperates with assigned work preparation activities during the application process, which may include, but is not limited to:
  - Attending all scheduled appointments;
  - Attending and participating in the NEON orientation;
  - Making arrangements for child care and transportation;
  - Attending in-house training;
  - Registering with Job Connect; and
  - Searching for a job or maintaining current employment.
- The participant takes part in the mutual development of the PRP and any updates;
- The participant cooperates with all assessments completed by the Division case manager, and any agency that the participant was referred to for additional testing/assessments, or purchased from VAC;
- The participant participates in any NEON activities, counseling and/or referrals agreed to in the PRP;
- The participant notifies the case manager of any problems or changes which may affect program participation; and
- The participant accepts a bona fide offer of suitable employment.

#### **4.8 Supportive Services to TANF-NEON Participants**

Child care needed for post-NEON program activities and transition from TANF to self-sufficiency is arranged and paid for by contracted child care organizations. Funding for child care is through the Child Care Development Fund (CCDF). Families and children at-risk of TANF assistance may also be eligible for CCDF assistance.

To ensure success in job search, NEON program activities, and job placement, the Division may provide necessary bus passes, gas vouchers, or transportation reimbursements.

NEON participants may receive service vouchers, reimbursement for expenses, or activity incentive payments for the following:

- Travel and per diem expenses not to exceed Nevada's state employee rates for out-of-area assessment testing.

- Items required to participate in NEON activities such as tools, uniforms, shoes, work cards/permits, physicals, etc.
- Transportation assistance for NEON activities.
- Participants may receive a monthly stipend to cover work-related expenses or accomplishment incentive payments for activities leading to self-sufficiency when the participant is in compliance with their PRP.
- Vehicle repairs up to a lifetime maximum amount as determined by the Division Administrator or the Administrator's designee when necessary to attend employment or activities leading to employment.
- Court-ordered community service enrollment fee may be reimbursed after successful completion of the court order.
- Relocation expenses up to a one-time maximum amount as determined by the Division Administrator or the Administrator's designee only for a participant with a verified job offer at least 50 miles from the participant's current residence.
- Reimbursement of drug/alcohol (non-medical) treatment co-payments upon successful completion of the substance abuse treatment program.

#### **4.9 Job Retention**

Case management services may be purchased from community-based organizations or arranged through WIOA agencies for TANF-NEON participants that become employed. Examples of services offered by the organization(s) are job counseling or coaching, job mentoring, troubleshooting between employer and employee, peer support groups, referrals for service, re-employment placement, etc.

#### **4.10 Employment Retention Payment (ERP)**

Ongoing TANF households that have obtained employment, have at least \$1 of earned income, and whose cash assistance will terminate due to countable income are eligible for an extension of TANF support services and a \$50 per month Employment Retention Payment (ERP) for up to 6 months from the month after they were last eligible for TANF.

#### **4.11 Displacement Complaint Procedures**

- In-service training is provided to field staff to ensure compliance with TANF regulations regarding displacement requirements.
- Displacement complaint procedures are included in literature shared with TANF recipients and associated agencies/organizations including how an individual can register a complaint.
- Displacement information is included in TANF state plan public hearings, public presentations to employers, and written literature to employers.
- Written complaints are referred to the Division Administrator and hearing officer. Records are kept of any complaint and resolutions.

- The allegation is investigated to ensure the local office followed appropriate placement procedures.
- The local office manager works with the complainant and employer to try to reach a resolution.
- If an informal resolution cannot be reached, a hearing is held following the Division's normal hearing procedures.

## **5. TIME LIMITS AND SANCTIONS**

### **5.1 Time Limits**

Effective October 1, 2011, a household with a work-eligible individual that receives TANF-NEON and/or TANF-LOAN for 24 months, regardless of whether those months are consecutive or cumulative, is prohibited from receiving additional benefits for 12 consecutive months unless the work-eligible individual is suffering from a hardship.

Exceptions:

- The household may receive benefits for not more than 6 additional months if the Administrator or the Administrator's designee determines that providing benefits will significantly increase the likelihood that the work-eligible adult household member will become self-sufficient and not need to apply for benefits in the future. After the additional 6-month period, the household is prohibited from receiving benefits for 12 consecutive months unless the adult work-eligible household member again suffers from a hardship.
- A household that qualifies for the Employment Retention Payment (ERP) will be provided a hardship exception in order to receive the entire 6-month extension of support services and the \$50 per month payment for the purpose of increasing the likelihood the work-eligible individual will remain employed.

A TANF-NEON and/or TANF-LOAN household in which any adult member has received benefits from Nevada or any other state for 60 months, regardless of whether consecutive or cumulative, is prohibited from receiving TANF assistance benefits, unless the work-eligible adult household member is suffering from a hardship. No more than 20% of the average monthly number of families receiving TANF assistance may be exempted from the 60-month time limit due to hardship.

Nevada disregards months of TANF-NEON assistance received by an adult while living in Indian Country with a 50% or more unemployment rate.

When the work-eligible individual no longer suffers from a hardship, the household is not eligible to receive TANF-NEON or TANF-LOAN benefits:

- For 12 consecutive months if the household has not received benefits from Nevada or any other state for 60 months, regardless of whether they are consecutive or cumulative; or
- During the lifetime of the work-eligible adult household member if the household has received assistance benefits from Nevada and/or any other state for 60 months,

regardless of whether they are consecutive or cumulative, unless the household again suffers from a hardship.

Assistance benefits provided to a household solely because a work-eligible individual in the household is suffering from a hardship may be denied or suspended if the Administrator or their designee determines this action is necessary to ensure Nevada does not exceed the 20% limitation of individuals in a hardship category.

The Division may consider the TANF-NEON and/or TANF-LOAN work-eligible individual to be suffering from a hardship. Cases will be reviewed on a case-by-case basis. Factors considered in deciding whether or not to grant hardship for up to 6 months includes the following:

- A Report of Illness indicating a work-eligible adult household member is ill or physically or mentally incapacitated.
- The adult is a single custodial parent of a child that is less than 1 year of age (12-month lifetime limitation).
- The head-of-household is an unmarried parent that is less than 18 years of age and is in compliance with high school attendance and living arrangements.
- The head-of-household is 60 years of age or older, the caregiver of a child, and is a relative other than a parent of that child.
- The head-of-household is suffering from any other condition or circumstance that designated staff deems a hardship.
- It is determined that providing benefits will significantly increase the likelihood that the work-eligible adult household member will become self-sufficient.

## **5.2 Sanctions**

Sanctions are implemented as appropriate after intervention has failed. Staff efforts are made to encourage recipients to comply with the terms of the Agreement of Cooperation (AOC) and Personal Responsibility Plan (PRP), that includes work requirements.

When the household fails to comply with the terms of their Personal Responsibility Plan, they are notified in writing (English or Spanish as appropriate) of the non-compliance issue(s), the period of time to resolve the issues, and the consequences of non-cooperation. Failure to resolve the PRP non-compliance issue(s) will result in the household's cash benefits terminating for 3 months.

- **30-Day Conciliation Period**

A 30-day conciliation period is initiated when a household fails to comply with their PRP for the first time. The household is notified in writing:

- That the household's cash benefit will be terminated, and the household will be ineligible for cash benefits for 3 months if they do not comply within the 30 days.
- Of the PRP activities the household has failed to comply with and what they need to do to demonstrate compliance.

- **Cooperation During 30-Day Conciliation Period**

The sanction is lifted, and assistance is continued when the participant has demonstrated compliance.

- **Failure to Cooperate During the 30-Day Conciliation Period**

Assistance is terminated, and a 3-month sit-out period applies.

- **Subsequent Sanctions**

Once the household has received one 30-day sanction, and again enters into non-compliance status, a 10-day conciliation period is initiated following the same written notification procedures.

### **5.3 Misuse of EBT Benefits**

When restricted usage is detected, a letter is sent to the household indicating the benefits provided are to cover a family's ongoing basic needs such as shelter, utilities, food, clothing, etc.; and that if another restricted usage is determined, a protective payee will be established to receive the cash benefits on the household's behalf to ensure the family's basic ongoing needs are met.

If a household has used its EBT card in a prohibited location, the District Office Manager may consider, on a case-by-case basis, whether the use in a restricted location was the household's only means to obtain money. If it was, the state may consider lack of access as reasonable cause and not impose an adverse action on the household. However, the prohibited POS/ATM location cannot continue to be utilized. The agency will assist these households with locating an acceptable ATM location or will be provided the opportunity to have their benefits issued by warrant.

Nevada will continue working to fulfill its requirement to provide recipients adequate access to their cash assistance in non-prohibited locations, including the ability to withdraw their assistance with minimal or no fees or charges.

## **6. UNDERPAYMENTS**

Underpayment means a financial benefit payment received by or for a TANF household for an eligible month that was less than the amount the TANF assistance unit was eligible to receive.

When appropriate, underpayments are corrected by issuance of a supplemental payment to the TANF household.

### **6.1 Effective Date of Underpayments**

If changes **are** reported timely, the effective date for determining the amount of the underpayment is the actual date the change occurred; **or**

If changes **are not** reported timely, the effective date for determining the amount of the underpayment is the date the change is reported by the TANF household or the date the change is discovered by the Division, regardless of when the change actually occurred.



## **6.2 Underpayments Applied Against an Overpayment**

If a supplemental payment is required due to an underpayment and the TANF household also has an overpayment, the supplemental payment is processed as follows:

**OPEN ELIGIBILITY** – 10% of the payment (20% if the overpayment is the result of an intentional program violation) is withheld and applied against the overpayment balance.

**CLOSED ELIGIBILITY** – The entire underpayment is applied against the overpayment balance. Underpayments exceeding the amount owed on the overpayment are issued to the TANF household.

## **7. OVERPAYMENTS**

An overpayment is defined as any benefits provided under TANF and/or provided under the CCDF as administered by the DWSS, paid to, or on behalf of, any individual or group of individuals that exceeds the amount the individual or group was eligible to receive.

### **7.1 Responsible Individual(s)**

All members of the TANF household are jointly and separately liable for the value of any incorrect benefits received.

Individuals applying on behalf of others in their care or control are also responsible for the value of any incorrect benefits paid that were caused by the individual's failure to report or incorrect reporting of eligibility information.

### **7.2 Acceptance of Overpayments from Other States**

Nevada accepts assignment of debts from another state if the referring state provides sufficient evidence to support the establishment of the debt and indicates, in writing, its willingness to assign future recovery retention right to Nevada. The Division reserves the right to refuse assignment of any case which is determined to be non-collectable, or which fails to meet Nevada's standards for debt establishment.

### **7.3 Transfer of Overpayments to Other States**

Overpayments are transferred to other states when the person responsible for repayment of the debt is physically residing outside of Nevada and the other state expresses a willingness to accept Nevada's debt. If transferred, all Nevada recovery retention rights are relinquished to the state accepting responsibility for recovery of the debt.

### **7.4 Notification of Overpayments**

Individuals that are presumed responsible for repayment of incorrectly paid benefits are notified, in writing, of the overpayment and afforded an opportunity for a hearing to contest the establishment of the debt.

If the debt is not contested within 90 days of the date of notification, the individual is deemed responsible by default and subject to any and all recovery actions permitted under state or federal law.



## **7.5 Collection of Overpayments**

Reasonable attempts are made to recover incorrectly paid benefits from the individual(s) that received the benefit. Recovery actions include, but are not limited to, benefit withholding, direct payment, court ordered action, or any other action permitted under state or federal law.

Collections are accomplished differently for participating and non-participating cases.

- **Participating (Eligible) Case**

If the overpayment is due to agency error or recipient error the Division withholds 10% of ongoing benefit amounts until the overpayment is retired.

If the overpayment is due to an intentional program violation, the Division withholds 20% on the ongoing benefit amounts until the overpayment is retired.

- **Non-Participating (Ineligible) Case**

Communication is established with the responsible parties to negotiate direct repayment of the overpayment. The Division reserves the right to exercise enforcement authority when the responsible individual(s) fail to demonstrate reasonable effort toward satisfying the overpayment.

## **7.6 Forgoing Recovery When Not Cost Effective**

Recovery of an overpayment(s) is not pursued when the division determines pursuit of the debt is not cost effective. Circumstances include, but are not limited to, debts under \$125, interstate actions, and instances where the responsible party does not possess the present or anticipated ability to repay the debt.

## **7.7 Agency Errors**

Agency caused TANF overpayments will not be pursued except where the error was the result of:

- An action resulting in a benefit which the recipient should have reasonably known was an error or mistake; or
- Worker and recipient action to commit illegal receipt of benefits.

## **7.8 Waiver of Repayment**

Overpayments, both recipient and agency caused, may be waived permanently or temporarily by the Division Administrator if the overpayment was not the result of an intentional misrepresentation or omission by the recipient and when collection would cause an undue hardship to the recipient. Circumstances that may constitute undue hardship, include, but are not limited to:

- Medical hardship that compromises the recipient's ability to repay the debt.
- Collection would jeopardize the recipient's ability to provide shelter/housing and other basic necessities for immediate family members (dependents).
- Gross income is less than 100% of the federal poverty guidelines.

Requests for hardship waivers must be submitted, in writing, to the Division Administrator by the recipient. Requests will be reviewed on a case-by-case basis using established guidelines. Decisions will be submitted in writing to the requestor. The Administrator's decision is final and cannot be appealed to a Hearing Officer.

## **8. DISQUALIFICATIONS**

Nevada disqualifies individuals found to have committed intentional program violations through findings of administrative disqualification hearing or criminal courts.

### **8.1 Disqualification Penalties**

Individuals found to have committed intentional program violations shall not be eligible for benefits for the period of time specified below:

<u><b>VIOLATION</b></u>	<u><b>PENALTY</b></u>
First Violation	12 Consecutive Months
Second Violation	24 Consecutive Months
Third (or greater) Violation	Permanently

### **8.2 Effect on TANF Household**

If an eligible TANF household includes a member that has been found to have committed an intentional program violation, the benefits provided to the TANF household are reduced by a pro-rata share for the entire period any member, or members, is disqualified.

### **8.3 Imposition of Penalties**

Disqualification penalties are imposed differently for participating and non-participating cases.

- Participating (Eligible) Case – Penalties are imposed against the next benefit issuance following the receipt of the disqualification decision so long as the next month's benefits can be administratively affected. If the benefits cannot be affected, the penalty is imposed against benefits for the next calendar month.
- Non-Participating (Ineligible) Case – Penalties are imposed immediately following the disqualification decision.

### **8.4 Timely Imposition of Penalties**

If Nevada has the present ability to impose disqualification penalties and fails to do so in a timely manner, only the remaining months of the disqualification are imposed.

### **8.5 Duplicate Benefits**

Applicants or recipients are not eligible for benefits for a period of 10 years if they are found to have committed an intentional program violation involving misrepresentation of residence or identity to receive TANF benefits from 2 or more entities simultaneously.

The administrative hearing officer or a federal or state court may render disqualification orders for a violation of this section.

#### **8.6 Treatment of Income and Resources**

All income and resources of a disqualified member are included when determining the eligibility or benefit amount for the TANF household.

#### **8.7 Disqualified Month Against Lifetime Limits**

Months during which an individual is disqualified from TANF or TANF-NEON assistance are counted against the individual's federal and state time limits if other household members continue to receive assistance.

### **9. REPLACEMENT BENEFITS**

Replacement benefits are posted to the recipient's Electronic Benefits Transmittal (EBT) card that could replace benefits reported as not received, lost, stolen, forged, destroyed, or defaced, or misdirected. Requests for replacement benefits are subject to review and may be denied if sufficient cause exists as determined by the Division.

#### **9.1 Replacement Time Limits**

The Division must receive requests for replacement benefits not later than 90 days from the date the original benefit was issued.

#### **9.2 Recipient Must File Law Enforcement Report**

Recipients reporting that their original benefit was stolen or forged must file a law enforcement report and obtain a report number. Requests for replacement benefits are not processed without the required report.

#### **9.3 Division Review**

The Division individually reviews each request for replacement benefits looking at the circumstances associated with the request. The Division may approve or, with justification, deny the request for replacement benefits.

If the request is denied, the recipient is notified of the denial in writing with an opportunity to request a hearing if in disagreement with the Division's decision.

#### **9.4 Outstanding Non-Negotiated Warrants**

If the TANF household fails to negotiate a state issued benefit warrant or deposit on the recipient's EBT card within 180 days from the date the warrant was issued, the benefit or warrant is canceled (expunged).

### **10. CHILD CARE**

Child care is provided through the CCDF block grant administered by the Division. Child care may be provided to those seeking employment, those in work activities as defined by the Person Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), and those transitioning from cash benefits because of earned income.

## **11.PARENTAL RESPONSIBILITY**

### **11.1 Parental Responsibility Encouraged**

Staff are trained to work with families regarding their parental responsibility to become economically self-sufficient and assist in obtaining child support for their children. TANF Child-Only and TANF-NEON assistance applicants and recipients are required to cooperate with all child support enforcement requirements as a condition of eligibility. If a caregiver fails to cooperate with Child Support Enforcement requirements, cash benefits will be denied or terminated. The recipient signs an agreement outlining the recipient's responsibilities. Personal Responsibility Plans are negotiated with participants where both the agency and participant agree on activities to move families to employment and provide for their children.

### **11.2 Child Support Interaction with TANF Program**

Child support staff collect the necessary information to locate parents, establish paternity, establish child support and medical court orders, and collect child support. This action is either prior to or concurrent with the application interview.

### **11.3 Reduction of Out-of-Wedlock Births**

Nevada continues its efforts to prevent teen pregnancy. Between 1991 and 2016 Nevada's teen birth rate dropped by 68%. Although progress has been made, in 2016 there were still 24.2 teen births for every 1000 women, which is a 12% decrease since 2015 and only slightly higher than the national average of 22.3%<sup>2</sup>. Our goal is to continue to work in collaboration with other state and local entities to reduce teen pregnancy year-over-year through education and access to family planning services. This will be accomplished on multiple levels – state, county, and community. The state will continue to serve as a catalyst, providing information on teen pregnancy prevention, programs proven to be effective, and technical assistance to communities and families. Funds may be used for new initiatives associated with TANF purposes 3 (reduction of out-of-wedlock births) and 4 (formation of two parent families). Requests for Proposals will be issued to community or faith-based organizations.

The Nevada Division of Welfare and Supportive Services (DWSS) is implementing a partnership with the Nevada Division of Public and Behavioral Health (DPBH) – both agencies are within the Nevada Department of Health and Human Services (DHHS) – to fund a program administered by the University of Nevada, Reno, College of Community Health Sciences to develop and implement education and outreach to prevent pregnancy in women ages 15 to 17. Pregnancy prevention programming developed, sponsored, and/or offered by UNR will be evidence based. The College of Community Health Sciences houses 4 centers: Nevada Public Health Training Center; Center of the Application of Substance Abuse Technologies; Nevada Center for Surveys Evaluation and Statistics; and the Nevada State Public Health Laboratory. Program staff will work with faculty and staff in those centers to develop data collection and tracking methodologies to evaluate the effectiveness of programming to prevent teen pregnancy. That data will be included in TANF reporting of reduction in

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<sup>2</sup> Power to Decide, Nevada and National Data

teen pregnancy rates among women ages 15 to 17. Additional emphasis will include substance abuse prevention. Results of the data analysis will be utilized to expand evidence-based programming so that teen pregnancy rates across the state decrease.

The DWSS, through the Nevada Public Health Foundation (NPHF) has developed 3 workshops: Statutory Rape Prevention for Mandatory Reporters, Assisting and Managing the Statutory Rape Victim/Witness, and Statutory Rape for Teens: A curriculum for adolescents and the general public which is inclusive of all spectrums of sexuality and gender, to provide legally accurate information on laws pertaining to consensual sex in Nevada. This presentation includes an engaging conversation of sexual consent and a video titled “Consent Tea (Clean).” This curriculum also includes information on teen pregnancy and the long-term impacts of statutory rape on the victim. Information on domestic violence and sexual assault resources have been added to this presentation. This presentation has been designed with input from law enforcement, victim advocates, and juvenile probation officers. Rape Prevention for Mandatory Reporters: A curriculum for mandatory reporters that provides legally accurate information on laws pertaining to consensual sex in Nevada and best practice in reporting. Information on domestic violence and sexual assault resources have been added to this presentation. This presentation has been designed with input from law enforcement, victim advocates, the Division of Child and Family Services and juvenile probation officers. Assisting and Managing the Statutory Rape Victim/Witness: A curriculum that provides technical education and assistance to professionals responsible for providing guidance and counseling to victims of consensual sex violations; including police, investigators, prosecutors, judges, social workers, counselors, school professionals, professionals that assist victims, other service providers and the general public, including parents and young people. This education encourages a holistic approach that focuses on adolescents of all spectrums of sexuality and gender by building strong support in the community through education and understanding.

An online resource center has been created that includes legally accurate information about laws pertaining to consensual sex in Nevada, commonly asked questions by mandatory reporters, resources for victims of sexual assault, digital downloads of printed materials, and services provided by the Statutory Rape Prevention Project. Printed materials and resources have been developed including a brochure for teens, a brochure for mandatory reporters, and a “WAIT! Is That Sex Legal?” poster, bookmark, and pencil with the online resource center’s webpage. Presentations for civic and professional organizations have also been developed.

The presentations are designed to increase the number of arrests and successful prosecutions for statutory rape violations, reduce teen pregnancy, to better assist victims with services such as counseling and training, and to educate and increase community member, parent, and adolescent awareness.

Information on the services provided, and contact information, can be found on the NPHF website at [www.nevadapublichealthfoundation.org](http://www.nevadapublichealthfoundation.org).

Varied community-based service agencies have developed classes to target pregnant and parenting teens receiving TANF cash assistance. Teen parents receiving TANF

benefits and services are known as STARS (Supporting Teens Achieve Real-life Success) participants. This class has been expanded to include other pregnant and parenting teens receiving other forms of assistance such as Supplemental Nutritional Assistance Program (SNAP) and Child Welfare. The 1-day STARS class places emphasis on education, employment, success in the workplace, decision-making, money management, and health such as birth control and sexually transmitted diseases. Other programs may include the material above as well as parenting skills or a combination of material focused on the successful outcome of future self-sufficiency.

#### **11.4 Two-Parent Families**

Nevada provides TANF two-parent financial assistance and support services encouraging the formation and maintenance of two-parent families. Within the State of Nevada there are several agencies that provide healthy marriage and responsible parenting programs. These programs assist custodial and non-custodial parents by supporting two-parent involvement for the benefit of the children. Services may include counseling and education on responsible parenting, controlling aggressive behavior, and enhancing relationships, parenting, and communication skills.

### **12. EMERGENCY ASSISTANCE TO NEEDY FAMILIES WITH CHILDREN**

(AT ADMINISTRATOR'S DISCRETION BASED ON AVAILABILITY OF FUNDS)

As provided in Social Security Act Title IV Section 404(a)(2) and CFR Title 45 Subtitle B Chapter II Part 263 Subpart B 263.11(a)(2), Nevada uses federal TANF funds for expenditures for which Nevada was authorized under prior law, as in effect on September 30, 1995. The DWSS may contract with the Division of Child and Family Services, Washoe County Social Services and Clark County Department of Family Services to provide emergency assistance – primarily case management services and substitute care – to needy families and children. Emergency assistance is generally limited to 180 days from child welfare agency involvement and prior to a determination that a child will remain in or return to the family home or requires permanent out-of-home placement. Family-based services are provided to alleviate the emergency situation to improve family functioning to prevent the permanent out-of-home placement of children.

Effective SFY 2009 due to funding limitations, Nevada was no longer able to provide funding for Emergency Assistance to Needy Families with Children. Funding became available in SFY 2019 for reinstating the programs, and the plans, unless changed, remain as written.

#### **12.1 Eligibility Criteria for Emergency Assistance**

A family is eligible if all of the following conditions are met:

- An application is filed by a specified adult relative of a child, or where the parent or relative is absent or unwilling to apply on behalf of the child, the agency staff acting on behalf of the child may file the application; and
- A child is at risk of abuse or neglect, or the child's situation is such that out-of-home care is likely because the family has insufficient resources to prevent out-of-home placement; and



- The child's family is receiving TANF, SSI, SNAP, or Medicaid; or does not have cash available to provide needed emergency care or services, and the family's gross countable income for the month of application does not exceed 500% of the federal poverty level. A child's income alone is considered when the child's parents cannot be located, or they refuse to cooperate in supporting the child or applying for assistance and the emergency assistance is necessary to avoid destitution of the child or to provide living arrangements in an out-of-home placement.

## **12.2 Types of Emergencies Covered**

- Abuse, neglect, or abandonment of children;
- Children in emergency situations where continued presence in the home is not in the best interest of the child; or
- Children that are at risk of removal from the home because of abuse, neglect, or inability of parents to provide care.

## **12.3 Types of Services/Assistance Provided**

Family based services are provided to alleviate the emergency situation and allow the child to remain in or return to the family's home. Such services may include family preservation services including counseling for the consumer and/or the parents, case management services, employment, and training activities, and/or substitute care.

Definitions:

- **Family Preservation**  
An array of services – including counseling; home based crisis intervention; home management, parenting, and marriage skills; and employment and training activities – are provided to improve family functioning to prevent the permanent out-of-home placement of children.
- **Case Management**  
Casework services to help the family members resolve the emergency situation, including family assessment, planning and coordination of services.

# **13.AGING AND DISABILITY & OTHER DIVISIONS**

(AT ADMINISTRATOR'S DISCRETION BASED ON AVAILABILITY OF FUNDS)

In alignment with the first purpose of TANF, to provide assistance to needy families so that children may be cared for in their own homes or in the homes of relatives, the Aging and Disability Services Division (ADSD), and similar agencies, offer services to maintain the family unit and promote self-sufficiency. ADSD, and other agencies, provide services to individuals with mental health issues and to individuals qualifying for developmental services. Services may include assessments/evaluations, service coordination, outpatient counseling for the family and/or the parents including marriage counseling and parent skills, and/or family support services.

The Family Support Services and Mental Health Services programs were developed to assist families of children with mental health issues, profound or severe intellectual or developmental disabilities to care for their children in their family home. The goal of the Family Support



Services and Mental Health Services programs is to prevent out-of-home placement by arranging for various supports that strengthens the family unit and the family's ability to care for their children (TANF Purposes 1, 3, and 4). The Family Support Services and Mental Health Services programs provide an array of services.

### **13.1 Types of Services Covered**

- Non-medical Family Support Services
- Non-medical Mental Health Services (MHS)

### **13.2 Eligible Families**

A family is eligible for non-medical family support and non-medical mental health services if the following conditions are met:

- The family member meets the criteria for mental health or developmental services as determined by qualified professionals.
- The family unit includes a child (under age 18) that is living in the home of the parent or relative. In the event the child is placed in a treatment program outside of the home, TANF funding for services terminates.
- The family's gross countable income for the month of application does not exceed 500% of the federal poverty guidelines.

### **13.3 Program Services**

A. Services coordination assists individuals in gaining access to needed support services and consists of the following:

- Assessment of individual's level of functionality and full range of treatment needs.
- Educating the family and individual of service provider options.
- Coordinating or participating in Interdisciplinary Team and treatment plan meetings.
- Developing and implementing training programs designed to assist children/individuals in the various self-help, domestic living, and community awareness skills areas.
- Developing a plan of care.
- Locating, coordinating, and developing resources to meet the family's and individual's needs.
- Arranging services and providing transportation to services.
- Providing information to other service providers about the person's history and level of functionality necessary to plan, deliver, monitor, and adjust services.
- Monitoring progress and compliance with the plan of care by the family/consumer and by service providers.

- With the consumer's consent, informing members of the consumer's family or service providers of changes in the person's condition or of support necessary to obtain optimal benefit of services.
  - Revising the plan of care when necessary.
  - Recording the delivery of coordinated services.
  - Counseling to assist the household in getting needed services.
  - Preparing for and appearing in court on behalf of the consumer if such appearances will assist the consumer in gaining needed services.
  - Providing a monthly grant to assist the family with the higher cost of providing for a child with a profound or severe intellectual or developmental disability in the home.
- B. Clinical assessments are available for children that need assessments or evaluations by a social worker or psychologist. The assessments provide information that can be used to assist the individual's team to develop a support plan to help the family remain intact.
- A rural clinic's intake evaluation will meet the definition of assessment services unless special psychological testing is required to refine diagnosis. The intake evaluation is a comprehensive procedure that includes a demographic description, presenting problem, mental status examination, risk assessment (suicidal, homicidal), prior treatment, various histories such as employment, health, family, education, legal, drug and alcohol, and diagnosis (DSM-IV).
- C. Counseling services are available to children and their family members to provide support and guidance in problem identification and resolution in areas of personal adaptation, including interpersonal relationships, social-sexual issues, self-esteem, community participation, independence, families, friends, and work. It may include skill development in socialization, self-direction, and problem solving. This service does not have utilization limitations and is provided based on the recipient's need to assure health, safety, and welfare in the community.
- A rural clinic's outpatient counseling service includes individual, family, and group therapy. These services can be provided in the mental health clinic, home, school, and detention centers for adults and youth, and other settings frequented by the recipient that might be considered a natural setting. These services are typically provided on a scheduled basis but might be provided in unscheduled or emergent situations. Thus, a rural clinic's emergency services are a component of the general service commonly referred to as counseling.
- D. Family support services are individually designed services with the purpose of maintaining a child with a disability in the family residence (TANF Purpose 1). Families and individuals will have the ability to direct the services and supports identified in the plan of care within the resources available in the established individual budget. ADSD will bill TANF for family support services provided

based on an individual written service plan. The support services may include the following:

- Respite/Supervision services provided to children unable to care for themselves in a variety of settings provided on a regular or intermittent basis to meet planned or emergency needs of the primary caregiver. Respite care will be provided based on the individual's plan of care, funding and need. This may include day care, after school and recreational programs, and community outings to ensure the safety and security of the individual.
- In-home supports are available to children and their families who are requesting assistance in their home with teaching skills and ongoing support that can help the family to cope better with their child's special needs. Training may be provided to the children and/or their families and may include specialized instruction about treatment regimens and uses of equipment specified in the plan of care, parenting skills, individual behavior training/management, nutritional/dietary consults, assistance with the acquisition, retention or improvement in skills related to activities of daily living, socialization, leisure/recreational skills, and adaptive behavior skills. Training will be provided as necessary to safely maintain the individual at home and do not include medical services. Supportive care may assist the child in participating in daily activities necessary to live at home. All family support services will be included in a service agreement in accordance with the individual's plan of care. These services will be provided by individuals and entities that meet the unique needs and preferences of the child as specified in the individual plan of care. Individuals shall possess the skills necessary to ensure that the support services meet the individual's health and safety needs and are aligned with the desired outcome of the child/family. The plan may include funding for administration and the coordination of the plan and does not include funding for medical services or treatment. A state service coordinator will monitor the plan.
- Transportation is offered in order to enable individuals to gain access to other community services, leisure activities and resources, and to enable them to participate in community life specified by the plan of care.
- Support Brokerage is the service or function that assists participating families and individuals make informed decisions about the individual budget, locating, accessing, and coordinating services and reflecting their individual needs and preferences. The service is available to assist in identifying immediate and long-term needs, developing options to meet those needs, and obtaining identified supports and services. A support broker is the person that facilitates communication between the individual participant and the self-directed family support service provider, identifying and assisting as needed to ensure individuals and their families understand the responsibilities involved with directing one's own service plan. The support broker fulfills the support brokerage service or function and includes consultation and assistance in the person-centered planning process. Specific qualifications shall be established

by the Division of Public and Behavioral Health and must be met by the Support Broker provider.

## **14. TRIBES**

### **14.1 Equitable Access to Indian Tribes**

Members of Indian tribes not eligible for assistance under a tribal family assistance plan, or that choose not to apply for tribal family assistance, will have the same access to TANF as other Nevada residents. The Division has offices throughout the state, and itinerant runs are made to outlying areas to ensure access to services. Nevada works closely with tribal social services to ensure applications for the TANF program are available to tribal members. Tribal social services liaisons work with the state agency and the applicant/recipient to gather and provide eligibility information.

### **14.2 Assistance with Implementation of Native TANF Program**

The Washoe Tribe of Nevada and California has established a family assistance plan for its people residing in Nevada called the Native TANF program. The Native TANF program provides tribal family assistance to its eligible members residing on or near the reservation.

Washoe Tribal jurisdiction includes Dresslerville, Carson Colony, Stewart, and the counties of Douglas and Carson City, Nevada.

The DWSS continues to meet with tribal representatives to discuss the coordination and implications of operating a Tribal TANF program. In the event a tribe opts to operate its own TANF program, the State will assist the tribe(s) in the following manner.

- Provide financial information from fiscal year 1994 on expenditures for Indian families residing in the service area identified by the tribe; and
- Meet with the tribe(s) to provide technical assistance on designing and implementing a tribal assistance program.

### **14.3 Tribal Coordination**

Because of the unique legal and jurisdictional issues of tribal governments and the variety of social conditions, economic resources, and geographical locations of Nevada's Indian reservations, there must be a coordinated effort by the state to work with each of the 26 tribal governments and Bureau of Indian Affairs (BIA). The Division employs a tribal liaison to collaborate with the tribes to meet the federal work and child support enforcement requirements. Activities include, but are not limited to:

- Attending meetings/networking with tribes/tribal representatives to educate, inform and update them on provisions of the TANF program;
- Addressing/problem solving one-on-one, welfare-related tribal concerns that may interfere with or hinder meeting TANF goals;
- Assisting Division staff in understanding tribal governments, including tribal family dynamics and demographics;

- Providing technical assistance to tribes interested in administering a Tribal TANF program; and
- Assisting interested tribes in identifying alternative solutions/resources to strengthen tribal families.

## **15.ADMINISTRATION**

The Department of Health and Human Services, Division of Welfare and Supportive Services, administers the TANF program statewide through a number of local offices.

## **16.WAIVERS**

Nevada has not opted for 1115 waivers.

## **17.TANF FUNDING**

Only SSP/MOE funds are expended for qualified battered non-citizens that entered the U.S. on or after August 22, 2006, and have not been in a qualified status for 5 years. This family category will receive state funded (SSP/MOE) TANF cash benefits, if otherwise eligible. Once the 5-year bar is served, cases must be transferred from SSP/MOE to federal TANF, if otherwise eligible.

## **18.TANF and MAINTENANCE OF EFFORT(MOE) FUNDED SERVICES**

In addition to direct cash assistance and support services provided to qualifying families with dependent children and designed to meet a family's ongoing basic needs, Nevada has multiple programs that promote the health and wellness of Nevada's families and supports the 4 purposes of TANF – to provide assistance to needy families so that children may be cared for in their own homes; reduce the dependency of needy parents by promoting job preparation, work and marriage; prevent and reduce out-of-wedlock pregnancies; and to encourage the formation and maintenance of two-parent families. Unless otherwise noted, MOE funds are expended on or provided to needy families under 130% to 275% of the federal poverty level (FPL). The descriptions of Nevada expenditures in TANF, MOE and separate state programs that follow include the correlating 196R Line Number in parenthesis (#):

### **18.1 Basic Assistance and Relative Foster Care/Adoption (#6)**

- a. DWSS MOE funds for TANF basic assistance includes cash payments, vouchers, and other forms of benefits to meet a family's ongoing basic needs. TANF basic assistance for households with at least one work-eligible individual may also include case management and support services to address barriers to employment.
- b. MOE funds for basic assistance provided on behalf of a child or children for whom a child welfare agency has legal placement and is living with a caretaker relative or fictive kin. Foster care placement with foster parents standing in loco parentis known as Fictive Kin is included in this category. Expenditures are for cases that are not yet eligible for IV-E foster care assistance or subsidies. Washoe County and Clark County Social Services may provide monthly payments to support foster care placement families prior to the ability to provide IV-E Foster Care payments. DWSS may provide monthly payments to support fictive kin foster care placement families until the fictive kin caregiver becomes foster care licensed.

TANF Purpose: 1) Provide assistance to needy families so that children may be cared for in their own homes or in the homes of relatives.

Type: TANF and State MOE.

## **18.2 Emergency Assistance Authorized Under Prior Law (#7)**

As provided in Section 404(A)(2) of the Social Security Act and Title 45 Subtitle B Chapter II section 263.11, Nevada uses federal TANF funds for expenditures for which Nevada was authorized under prior law, as in effect on September 30, 1995. The DWSS may contract with the Division of Child and Family Services, Clark County Department of Family Services, and Washoe County Social Services to provide emergency assistance – primarily case management services and substitute care – to needy families and children. Emergency assistance is generally limited to the 180 days from child welfare agency involvement and prior to a final determination that a child will remain in or return to the family home or requires permanent out-of-home placement. An array of family-based services are provided to improve family functioning to prevent out-of-home placement of children. Financial eligibility is under 500% of the FPL.

TANF Purpose: This category does not require that the expenditures meet a TANF purpose.

Type: TANF and State MOE.

## **18.3 Education/Training and Additional Work Activities (#9)**

TANF and MOE funds for TANF adult, or minor head-of-household, recipients and other low-income families may be provided for education and training activities to assist work-eligible individuals attain the education and job skills necessary to obtain gainful sustainable employment.

- a. Subsidized employment to employers to help cover the costs of employee wages, benefits, supervision, or training. The Division may provide subsidized employment opportunities to NEON eligible participants when that option is available, and memorandums have been initiated. An example of another program is the Department of Employment, Training, and Rehabilitation (DETR) administered Silver State Works Program (SSWP) that seeks to expedite the return to work of unemployed zero income job seekers and provide employers with suitable and skilled workers through on-site training, employee development, and wage reimbursement.
- b. Education and training activities for low-income families including adult education, High School Equivalency (HSE), vocational education or career and technical education. MOE and Federal TANF funds may be expended under this category for TANF recipient families below 200% of the poverty level in support of employment placement or advancement. Non-profit administered programs serving needy individuals provide vocational and on-the-job training, workforce support, job readiness courses, and occupational skill development classes.
- c. Additional work activities related to providing work experience and community service activities may be provided and job search assistance and job readiness



related services such as employment counseling/coaching, job development, information and referral, and outreach to business and non-profit community groups. TANF and MOE program benefits may be provided for additional work activities for a variety of services to assist in removing barriers to employment; and outreach to business and non-profit community groups. An example of services provided by non-profit organizations for individuals below 200% of the poverty level are to train, support and assist participants in becoming employed and to improve their potential for long-term employment in higher paying skilled occupations; provide vocational and on-the-job training and letter-of-intent workforce support and readiness courses.

TANF Purpose: 2) End the dependence of needy parents on government benefits by promoting job preparation, work, and marriage.

Type: TANF and State MOE.

#### **18.4 Work Supports (#10)**

TANF and State MOE expenditures that provide benefits to reduce or eliminate barriers that may interfere with a family's ability to obtain, retain, or advance in employment, or participate in other work activities. An example of work supports provided by a non-profit organization includes transportation assistance, uniforms, work clothing, etc. to needy parents below 138% of the FPL in order to help families in search of or to advance in employment. Incentives and work support allowances that do not meet the definition of assistance are provided to recipient families meeting their PRP requirements in work experience and community service activities. The purpose of work supports is to increase successful employment outcomes and reduce the likelihood of ongoing dependence on TANF.

TANF Purpose: 2) End the dependence of needy parents on government benefits by promoting job preparation, work, and marriage.

Type: TANF and State MOE.

#### **18.5 Child Care Assistance (#11)**

- a. Child care expenditures for low-income families that need child care to work, participate in work activities, or for respite purposes. This includes families that receive child care during temporary periods of unemployment.

Various non-profit agencies provide child care services for needy families so that parents may participate in job preparation and work activities. These services are provided to families below 180% of the federal poverty level.

- b. Early learning and pre-kindergarten education programs that do not meet the definition of a general state expense – such as expansion of Head Start programs, or other school readiness programs.

The Nevada Department of Education (DOE) school readiness pre-kindergarten program serves children prior to entrance into kindergarten, or first grade for those children that will not attend kindergarten. The program goals are to provide children with high quality early education and readiness skills that are necessary to



be successful in school and to form the groundwork for making better choices in life.

The program promotes parent involvement for a foundation of family commitment to education.

TANF Purpose: 1) Provide assistance to needy families so that children may be cared for in their own homes or in the homes of relatives; 2) End the dependence of needy parents on government benefits by promoting job preparation, work, and marriage; and 3) Prevent and reduce the incidence of out-of-wedlock pregnancies.

Type: TANF and State MOE.

#### **18.6 Financial Education and Asset Development (#12)**

Programs designed to support the development and protection of assets including contributions to Individual Development Accounts, training on asset development and protection and access to mainstream banking with credit and debt management counseling, and tax filing assistance programs. These programs support healthy marriage and responsible fatherhood promotion activities via financial management and improving the family dynamic in financial matters through conflict prevention/resolution. The following are examples of financial and asset development programs within Nevada.

Financial education programs provide free income tax preparation and financial education for needy families below 250% of the poverty level.

The DWSS is developing financial education and asset development training for NEON program participants.

TANF Purpose: 2) End the dependence of needy parents on government benefits by promoting job preparation, work, and marriage; and 4) Encourage the formation and maintenance of two-parent families. These are pro-family activities.

Type: TANF and State MOE.

#### **18.7 Non-Recurrent Short-Term Benefits (#15)**

Non-recurrent short-term MOE benefit expenditures for unemployed or underemployed families for emergency assistance and diversion payments, emergency housing and short-term homelessness assistance, emergency food aid, short-term utilities payments, burial assistance, clothing allowances, and back-to-school payments in the form of cash, vouchers, subsidies, emergency food aid, or similar forms of benefits for a crisis situation or episode of need and excluded from assistance on that basis.

The DWSS has three non-recurrent short-term programs. The Self Sufficiency Grant (SSG) provides a one-time lump-sum payment designed to meet immediate employment needs until regular income is received from employment, child support or other ongoing sources; TANF Loan is a temporary program for individuals and families that have a documented future source of income expected to be able to repay the loan; and the Temporary Assistance Program is a payment designed to meet an immediate episode of need for no more than four months per episode. These benefit programs are

designed to meet an immediate episode of need and to divert low income TANF eligible families from ongoing TANF welfare assistance. Other examples follow.

Nevada Fund for Energy Assistance and Conservation provides heating, cooling, and weatherization assistance to needy families under the Nevada Energy Assistance and Weatherization programs to ensure family homes are safe and secure and that children are protected from extreme conditions. Unemployed and underemployed families are provided temporary assistance that is limited to a one-time per year benefit. The financial eligibility criteria for UEC is 150% of the federal poverty level. The UEC state funds were authorized by the state legislature in 2001 with program benefits beginning in 2002.

Non-profit agencies throughout Nevada provide various short-term assistance for low-income, needy families under 200% of the federal poverty level facing crisis or an emergency episode of need.

Programs include short-term housing and temporary rental assistance, utility assistance, emergency food assistance, transportation vouchers, and counseling.

Individuals and families facing domestic violence situations are also provided with short-term assistance and services which may include relocation.

TANF Purpose: 1) Provide assistance to needy families so that children may be cared for in their own homes or in the homes of relatives; and 2) End the dependence of needy parents on government benefits by promoting job preparation, work, and marriage.

Type: TANF and State MOE.

## **18.8 Support Services (#16)**

Services such as domestic violence, mental health, and substance abuse services, disability services, housing counseling services and other family supports. Examples include the following programs.

Family Resource Centers (FRC) were established by legislation in 1995 (NRS 430a). FRCs provide information, referrals, and case management services to families seeking marriage and family therapy, family planning services, child care, and parenting supports as a pro-family program. FRC's also provide assistance to low-income families in need of assistance in applying for state welfare services and in accessing other publicly funded resources and supports.

Differential Response (DR) are pro-family, early intervention and child abuse prevention programs that work with state child welfare agencies to respond to reports of child abuse and neglect. DR also provides marriage and family therapy, family planning supports, and referrals.

Other programs provide housing, transportation, food, clothing, and educational programs focused on parenting, budgeting, job preparation, employment readiness and marriage, to pregnant homeless youth and/or pregnant youth at-risk of becoming homeless.

Services provided by non-profit organizations include pro-family, non-medical mental health services, counseling, referrals, and life skills training courses to families below 200% of the federal poverty. Workgroup meetings to address barriers that contribute to poverty may also be offered. Families are provided mentoring with the idea that once a family attains self-sufficiency, they will in turn volunteer in the community or contribute by supporting another family to achieve similar goals.

Support services are available to provide work attire for mothers below the 200% federal poverty level or who are recipients of other means-tested assistance. These programs provide coaching services that include job seeking, job preparation, and job retention skills, as well as financial literacy, health, wellness, and work/life balance support.

Pro-family services are provided to needy families under 200% of the federal poverty level so that they may remain in a home, receive necessary domestic violence services, substance abuse resources, mental health counseling and services, and have the resources to stay together as a family unit.

TANF Purpose: Pro-Family – 1) Provide assistance to needy families so that children may be cared for in their own homes or in the homes of relatives, 2) End the dependence of needy parents on government benefits by promoting job preparation, work, and marriage; 3) Prevent and reduce the incidence of out-of-wedlock pregnancies; and 4) Encourage the formation and maintenance of two-parent families.

Type: TANF pro-family and State MOE.

## **18.9 Services for Children/Youth (#17)**

Programs are designed to support and enrich the development and improve the life-skills and educational attainment of children and youth. Such endeavors are linked to a reduction in out-of-wedlock pregnancies and encouragement of integrated two-parent families. The following are examples of services available within Nevada.

Supportive service programs help students to acquire the skills and competencies they need to find a career pathway out of poverty. These programs assist with short-term supportive services needed to remove barriers to education and/or employment.

Summer and after school tutoring programs provide services to those children with family income that is below 200% of the federal poverty level. Examples of services provided include educational and life skills assistance, and other activities that support youth development, social skills, problem-solving skills, and support a family's work and life balance.

School tutoring programs mentor and enrich the lives of children and youth to improve educational attainment for those children whose family income is below 185% of the federal poverty level.

TANF Purpose: 3) Prevent and reduce the incidence of out-of-wedlock pregnancies; and 4) Encourage the formation and maintenance of two-parent families.

Type: TANF pro-family.

#### **18.10 Pregnancy Prevention Programs (#18)**

Programs that provide sex education or abstinence education and family planning services to individuals, couples, and families in an effort to reduce out-of-wedlock pregnancies.

The DWSS provides support for pregnancy prevention education and abstinence programs and family planning through the Nevada Public Health Foundation STARS program provided to TANF and other benefit program participants. This class has been expanded to not only include TANF teen parents but also other pregnant and parenting teens receiving other forms of assistance such as Supplemental Nutritional Assistance Program (SNAP) and Child Welfare. The 1-day STARS class places emphasis on education, employment, success in the workplace, decision-making, money management and health, such as birth control and sexually transmitted diseases. Other programs may include the material above as well as family and social skills, parenting skills or a combination of material focused on the successful outcome of future self-sufficiency. Other examples of services provided by Nevada's pregnancy prevention programs are listed below.

Pregnancy prevention services through Douglas County Community Health Nurse Family Planning program, provides family planning courses, birth control, prevention education, counseling, and health education to youth and adults below 125% of the federal poverty level.

Nye Communities Coalition Family Planning program provides birth control, healthy relationship courses, and communicable disease prevention education and counseling, and health education, including pregnancy prevention brochures, etc.

TANF Purpose: 3) Prevent and reduce the incidence of out-of-wedlock pregnancies.

Type: TANF and State MOE.

#### **18.11 Fatherhood and 2-Parent Family Formation and Maintenance Programs (#19)**

Pro-family programs that aim to promote responsible fatherhood/parenting and/or encourage the formation and maintenance of two-parent families. These programs provide marriage education, relationship skills, fatherhood/parenting skills workshops, financial planning and divorce education/reduction curriculum and counseling. The following are examples of these programs in Nevada.

Parenting programs provide books/supplies and workshops aimed to promote responsible fatherhood and responsible parenting, marriage, and relationship skills, and to encourage the formation and maintenance of two-parent families. These pro-family workshops and educational materials are provided to low-income families below 150% of the poverty level.

TANF Purpose: Pro-Family – 4) Encourage the formation and maintenance of two-parent families.

Type: TANF pro-family.

## 18.12 Child Welfare Adoption Services (#20)

- a. **Family Support/Family Preservation/Reunification Services:** Services provided to families that are designed to increase the strength and stability of families including respite care; individual, group, and family counseling; parenting skills classes; and case management, etc. This includes but is not limited to parents and caregivers of children with Autism Spectrum Disorder (AS). Additional services that may be provided include ongoing treatment-development, supervision, a limited amount of weekly intervention hours based on the child's individual treatment plan and age, and family skills and counseling programs. Programs with the above and/or similar services may be eligible up to 300% FPL.

Parents and caregivers supporting a household member with profound mental and/or physical disabilities often face additional financial hardships that may not be considered in many means-tested programs. The average poverty limit for most need-based programs set the standard that a household, with or without a disabled individual, can achieve the same standard of living. Yet, those with severe disabilities have much higher medical costs, as well as additional living and personal care expenses which depletes their financial resources. Due to these additional economic barriers these specific services may be provided to needy families with income below 800% of the poverty level.

The Autism Treatment Assistance Program (ATAP) provides treatment, respite support, and resources to parents and caregivers of children with Autism Spectrum Disorder (AS). This program provides ongoing treatment-development, supervision, a limited amount of weekly intervention hours based on the child's individual treatment plan and age, and family skills and counseling programs. This program assesses income at 300% to determine levels of funding. Created through NRS 427A.875 in 2011.

- b. Douglas County Social Services Developmental Services Respite Care family support programs provide targeted case management and support services which are designed to preserve family and community continuity. Services may include monthly financial assistance to low-income families to assist them in maintaining in-home care for children and family members with profound mental and physical disabilities. This aids with respite, therapeutic and daily care for families below 300% of the poverty level. **Adoption Services:** Services and activities designed to promote and support successful adoptions. Services may include pre-and post-adoptive services to support adoptive families, as well as adoptive parent training and recruitment.
- c. **Additional Child Welfare Services:** services provided to children and families at risk of being in the child welfare system, or that are involved in the child welfare system. Services may include independent living services, service coordination costs, legal action, developing case plans, assessment/evaluation of family circumstances, and transportation for families below 185% FPL.

Child welfare services provide investigation, assessment/evaluation and case plan development for children/families reported to be at risk of abuse or neglect.

Referrals for additional service providers and community resources are provided to families determined to be at risk. These service referrals may include family and individual counseling, domestic violence and anger management counseling, and other family supports for households below 500% FPL.

TANF Purpose: 1) Provide assistance to needy families so that children may be cared for in their own homes or in the homes of relatives; and 4) Encourage the formation and maintenance of two-parent families.

Type: TANF pro-family and State MOE funds.

### **18.13 Home Visiting Programs (#21)**

Pro-family expenditures on nurse, social worker, or other professional/paraprofessionals providing services to families in their homes, including assessment/evaluation of family circumstances, providing information and guidance, and connecting families to resources and services including family/marriage counseling, maternal and child health and development, and evaluation of the families' circumstances to determine needed referrals.

Home visiting programs include in-home visits for families eligible for other means-tested programs to provide evaluation, education, and resource connections such as individual/family/marriage counseling, baby closets, breast feeding education and supplies, etc.

TANF Purpose: 1) Provide assistance to needy families so that children may be cared for in their own homes or in the homes of relatives; 3) Prevent and reduce the incidence of out-of-wedlock pregnancies; and 4) Encourage the formation and maintenance of two-parent families.

Type: TANF pro-family.

### **18.14 Program Management (#22)**

- a. Administrative Costs: Contract/Subcontract costs defined in 45 CFR Part 263 that count towards the 15 percent administrative cost caps.
- b. Assessment/Service Provision: Costs associated with screening and assessment, case planning and management and direct services provision that are neither "administrative costs," nor are otherwise able to be allocated to another expenditure category due to services being related to the provision of an array of services.

An example of the assessment/service provision may be Washoe County programs management costs associated with screening and assessment, including substance abuse screening, case planning and management, etc. that cannot be allocated to another expenditure category as the costs are related to the provision of an array of services.

TANF Purpose: All four TANF purposes via the array of services provided.

Type: State MOE.



## **GLOSSARY OF TERMS**

### **Diversion Payments**

Diversion payments are financial payments designed to meet an immediate emergent need that will prevent the family from requiring ongoing cash benefits in accordance with Nevada's or another state's policy provisions.

### **Domestic Partner**

Nevada law (NRS 122A) defines the relationship of a Domestic Partner as a spouse or former spouse, and therefore the partnership must be considered in establishing eligibility. The law clarifies that a domestic partnership is not a marriage but rather a type of civil contract recognized in Nevada. Domestic Partners are considered spouses and have the same rights, protections, and benefits as are granted to and imposed upon spouses.

The Nevada Office of the Secretary of State shall issue a Certificate of Registered Domestic Partnership. Any reference to the date of marriage shall be deemed to refer to the date of registration of the domestic partnership. Domestic Partners that wish to terminate the partnership must file with the Secretary of State.

### **Fictive Kin**

A person that is not related by blood to a child but has a significant emotional and positive relationship to the child as designated by a child welfare agency; and is only considered for the Foster Care Fictive Kin TANF program for children placed by a child welfare agency.

### **Minor Parent**

An individual that is under the age of 18, has never been married, and is the natural parent of a dependent child.

### **Relative Caregiver**

Any relative that is present in the home, supervises and cares for the TANF child(ren), and meets the relationship requirements.

### **TANF Household/Assistance Unit**

A TANF household/assistance unit is a person or group of persons that live in the same home, are related by blood, adoption or marriage, and whose needs are included for cash benefits. The household must include either a dependent minor child that resides with a custodial parent or other adult relative caregiver, or a pregnant individual.

### **Work-Eligible Individual**

Individuals whose participation in work activities is required to be used to calculate the TANF Work Participation Rate (WPR). These individuals are:



An adult or minor child head-of-household that is receiving assistance under TANF or a separate state program or non-recipient parents living with a child receiving assistance, unless the parent is:

- 1) a minor parent that is not the head-of-household or a spouse/domestic partner of the head-of-household,
- 2) an ineligible non-citizen that is ineligible to receive assistance due to immigration status, or
- 3) a recipient of Supplemental Security Income (SSI) benefits.

Excluded from the work-eligible individual definition are:

- 1) parents providing care for a disabled family member living in the home, and
- 2) parents served under an approved Tribal TANF program.

## CERTIFICATIONS

Nevada operates the Temporary Assistance for Needy Families (TANF) program to ensure children may be cared for in their own homes or in the homes of relatives; to end the dependence of low income parents on government benefits by promoting job preparation, work and marriage; to prevent and reduce the incidence of out-of-wedlock pregnancies and establish annual numerical goals for preventing and reducing the incidence of these pregnancies; and to encourage the formation and maintenance of two-parent families.

In administering and operating the TANF program under Title IV-A of the Social Security Act, Nevada:

1. Operates a Child Support Enforcement Program under the state plan approved under Part D;
2. Operates a Foster Care and Adoption Assistance program in accordance with Part E, and certifies Nevada will take all necessary actions to ensure children receiving assistance are eligible for medical assistance;
3. Specifies that the Department of Health and Human Services, Division of Welfare and Supportive Services will administer and supervise the TANF program under Part A in all political subdivisions of the state;
4. Assure that local governments and private sector organizations:
  - a. Have been consulted regarding the plan and design of welfare services in the state so that services are provided in a manner appropriate to local populations, and
  - b. Have had at least 45 days to submit comments on the plan and design of such services;
5. Provides each member of an Indian Tribe that is domiciled in the state and may not be eligible for or chooses not to receive assistance under a Tribal Family Assistance plan approved under Section 412, with equitable access to assistance under the state program funded under the part attributable to funds provided by the federal government;
6. Established and enforces standards and procedures to ensure against program fraud and abuse, including standards and procedures concerning nepotism, conflicts of interest among individuals responsible for the administration and supervision of the state program, kickbacks, and the use of political patronage; have made a summary of the state plan available to the public; and
7. Established and enforces standards and procedures to:
  1. Ensure that applicants and potential applicants for TANF are notified of assistance made available by the state to victims of sexual harassment and survivors of domestic violence, sexual assault, or stalking;
  2. Ensure that case workers and other agency personnel responsible for administering the State program funded under this part are trained in:
    - i. the nature and dynamics of sexual harassment and domestic violence, sexual assault, and stalking;

- ii. State standards and procedures relating to the prevention of, and assistance for, individuals who are victims of sexual harassment or survivors of domestic violence, sexual assault, or stalking; and
- 3. methods of ascertaining and ensuring the confidentiality of personal information and documentation related to applicants for assistance and their children who have provided notice about their experiences of sexual harassment, domestic violence, sexual assault, or stalking; and screen and identify individuals receiving benefits as set forth in section 402(a)(7) with a history of domestic violence, sexual assault, or stalking while maintaining the confidentiality of such individuals;
  - i. Refer such individuals to counseling and supportive services;
  - ii. agency personnel are provided with training regarding State standard and procedures
- 8. May waive, pursuant to a determination of federally recognized good cause, other program requirements such as time limits, child support cooperation and work requirements in cases where compliance with such requirements would make it more difficult for individuals receiving benefits to escape domestic violence or unfairly penalize such individuals that are or have been victimized by such violence, or individuals that are at risk of further domestic violence.

**IN ACCORDANCE WITH TITLE 42 OF THE UNITED STATES CODE, SECTION 602, SUBSECTION (a), PARAGRAPH (4), I CERTIFY THAT THE STATE OF NEVADA DEPARTMENT OF HEALTH AND HUMAN SERVICES WILL ADMINISTER AND SUPERVISE THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAM AS OUTLINED IN THIS PLAN AS SUBMITTED ON THIS DATE.**

**CERTIFIED BY THE DIRECTOR OF THE NEVADA DEPARTMENT OF HEALTH AND HUMAN SERVICES AS DESIGNATED BY THE GOVERNOR OF THE STATE OF NEVADA:**

*Richard Whitley 3/5022-13*

12/19/2023

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*Richard Whitley, Director*

*Date*