

STATE OF NEVADA



Temporary Assistance for Needy Families (TANF) 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 move a greater number of families to self-sufficiency¹ within limited time frames; reduce the incidence of out-of-wedlock births, with special emphasis on teen births; and, improve the job retention rate of participants who enter the work force.

Progress on these goals will be evaluated on an ongoing basis using management reports and information provided through state and local organizations. As information is received, the state will reassess and modify its program to improve outcomes.

1.2 Public Involvement

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

2. NEEDY FAMILIES

Nevada will administer a program which 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, work opportunities and support services to enable them to leave the program and become self-sufficient.

2.1 Assistance Defined

Nevada's Temporary Assistance for Needy Families (TANF) program recognizes family situations vary and the approach for meeting their immediate and ongoing needs should be different.

Each TANF request will be evaluated for each TANF category. When a family may meet the qualifications for more than one category, the family has the final decision on which category they wish 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.

Nevada's Assistance Programs:

TANF-NEON: The New Employees of Nevada – NEON Program is an assistance program

¹ Self-sufficiency includes employment and receipt of child support.

for households with at least one work-eligible individual. This program provides a cash assistance benefit.

Child-Only TANF: Designed for households who do not have a work eligible individual. Categories include Relative Caregivers, Kinship Care, Ineligible Adult(s) with Citizen Child(ren) and households where the parent is an SSI recipient.

Excluded from the definition of assistance are the following:

- A. Child care, transportation and support services to meet work related expenses for employed families (even if combined with training and other activities) and during times of temporary unemployment.
- B. 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 referral; work subsidies to employers; job retention services; etc.
- C. 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.
- D. Contributions to an individual development account (IDAs).
- E. Transportation benefits from a Job Access or Reverse Commute project.
- F. Refundable earned income tax credits.

2.1.1 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), which among its provisions, requires States receiving TANF grants “to maintain policies and practices as necessary to prevent assistance provided under the State program funded under this part from being used in any electronic benefit transfer transaction in any liquor store; any casino, gambling casino, or gaming establishment; or any retail establishment which provides adult-oriented entertainment in which performers disrobe or perform in an unclothed state for entertainment.”

Taking steps to restrict where TANF cash benefits may be used or accessed in an EBT transaction is good stewardship of state resources. Taking these steps will help the state better 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. The restrictions ensure Nevada avoids a financial reduction to the TANF block grant.

2.1.2 Reporting EBT Restriction Usage

The Division's EBT coordinator will run an ATM TANF cash usage report quarterly through JP Morgan Info Manager reporting module. This report will then be sorted to include only those restricted retailer transactions by client EBT card number and reviewed.

When restricted usage is detected in the quarterly report, the case manager will send 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., and if another restricted usage is determined, they will no longer receive the cash benefits and instead a protective payee will be established to receive the cash benefits on their 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 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 their cash assistance in non-prohibited locations, including the ability to withdraw their assistance with minimal and no fees or charges.

The quarterly report will include:

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

Nevada's Non-Assistance Programs:

Self-Sufficiency Grant: This is 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.

Loan Program: This is a monthly payment designed to meet ongoing basic needs such as food, clothing, shelter, etc. until an anticipated future source of income is received. The most common type of recipient will be an otherwise work-eligible recipient pending an eligibility determination for SSI. Individuals receiving loan payments accept, in writing, full repayment responsibility.

Temporary Program: This is a payment designed to meet an immediate episode of need and for no more than four months per episode of need. Self-inflicted episodes of need do not qualify for this program. This program is only utilized upon approval of the Chief of Eligibility and Payments.

2.2 *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 payment authorization or no later than 30 days from the date of the receipt of a signed and completed application, whichever is earlier, provided the person was then eligible.

Nevada completes a review of eligibility at least every twelve months.

2.3 *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 their Personal Responsibility Plan and
- Restricted use of TANF EBT transactions

The agreement includes a statement of the actions members of the household are expected to take as a condition to the receipt of benefits along with the action that will be imposed if they fail or refuse to cooperate.

B. Relationship

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

1. Father, mother, brother or sister;
2. Grandfather or grandmother;
3. Uncle or aunt;
4. Nephew or niece;
5. First cousin, first cousin once removed; or
6. 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; and
- degree of "great-great-great" for grandparents in item 2.

Note: Domestic Partner used throughout the State Plan began May 1, 2010.

Both natural and adoptive relationships may be used to establish relationship. 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. When the natural parent(s) of the child resides in the same household, they are required members unless otherwise ineligible or the child for who benefits are requested has been legally adopted. 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. Benefits for Dependent Children Age 18

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

D. School Attendance

For TANF Child-Only and TANF-NEON assistance households and as required under NRS 422A.360, the head of household who has control or charge of a child who is age 7 through age 11, must ensure the child attends school in compliance with the 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 with them the PRP and revise the plan as necessary to assist the head-of-household in complying with NRS 392.040 and helping the child improve their academic performance.

A head of household receiving assistance who does not comply with the school attendance requirements has failed to comply with the terms of the PRP and will be sanctioned.

E. Immunizations

For TANF Child-Only and TANF-NEON assistance households and as required under NRS 422A.355, the head of household must ensure each dependent child for whom they are receiving assistance has received the standard immunizations established by the Nevada State Health Division.

The head of household must submit to the Division within 6 months after the

determination of eligibility, proof that each dependent child receiving assistance has received the standard immunizations.

An exemption may be granted if:

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

The case manager advises applicants/recipients of the availability of standard immunizations through the public health clinics.

A head of household receiving assistance who does not comply with the immunization requirements has failed to comply with the terms of the PRP and will be sanctioned.

F. Child Support Enforcement Program

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

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

When the relative caregiver fails to cooperate without good cause, assistance will be denied or terminated.

G. Benefits for Pregnant Women

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

H. Benefit Payments Made Under Special Conditions

Benefit payments are made in the following situations and conditions:

1. Payments are made for the entire month to a family, which met all of the eligibility conditions for any portion of the month, provided the family was eligible on the date the payment was authorized.
2. Initial payments are made on behalf of a child who goes to live with a specified relative within a period of 30 days from the receipt of the initial payment. Payments may be made for a concurrent period for the same child in the home of another relative or as Title IV-E foster care when a valid plan exists to reunify the family within 180 days;
3. Payments are made for the entire month in the course of which a child leaves the home of a specified relative. Payments may not be made for a concurrent period for the same child in the home of another relative but Title IV-E foster care can be paid when a valid plan exists to reunify the family within 180 days;
4. Payments are made to persons acting for specified relatives in emergency situations that deprive a child of the care of the relative through whom he 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

1. Benefits are denied for ten years to an individual found through an administrative hearing, federal or state court of having 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.
2. 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.
3. Benefits are denied permanently to an individual convicted under federal or state law of any felony **after** August 22, 1996 which has as an element of the

possession, use or distribution of a controlled substance (as defined in Section 102(2) of the Controlled Substance Act (21 U.S.C. 802(6))).

Exception: A person who has been convicted of a felony may be determined eligible for benefits if that person is participating in or has successfully completed a program for the treatment of alcohol and/or other drugs of abuse that has been approved by the Division and:

- a. Demonstrates to the satisfaction of the Division the individual has not possessed, used or distributed controlled substances since he began the program; or
 - b. is pregnant and a physician has certified in writing that the health and safety of the mother and unborn child are dependent upon the receipt of benefits.
4. 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. Furthermore, Nevada denies benefits to a parent or relative caregiver who fails to report within five 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.

K. Minor Parents

An unmarried minor parent must live with a natural/adoptive parent, other adult relative caregiver, or in an adult-supervised supportive living arrangement. 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, or in an adult supervised supportive living arrangement does not apply. When a minor parent alleges good cause for not living with their parent(s), a social worker determines the appropriateness of the living arrangement.

Good cause includes:

1. The individual has no living parents;
2. The parent(s)' whereabouts are unknown;
3. No parent will allow the minor to reside with him or her, unless the sole reason is his or her income affects the minor's eligibility;
4. The physical or emotional health or safety of the minor or their child would be in jeopardy if they live with the minor's parents;
5. The minor has lived apart from their parent(s) for at least one year prior to the birth of their child and has not applied for TANF during that same time period; or

6. There is “good cause” for the minor not residing with their 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 he/she is enrolled in and attending full-time, an elementary or secondary school, vocational or technical school equivalent to a secondary school, or an approved alternative educational program (includes GED 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.

2.4 *Need and Amount of Benefits*

A. Standard of Benefits

Nevada’s need standard is updated April 1st of each year based on the most current federal poverty guidelines which coincides 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 case is not eligible.

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

Exceptions to Standard Benefit Payments

1. Non-Parent Relative Caregivers who 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 poverty.

- If the gross income is less than 275%, only the child(ren) income is used to determine eligibility (effective March 1, 2003) OR
- If the gross income exceeds 275%, the case is ineligible for assistance (effective March 1, 2003).

2. Kinship Care Relative Caregivers:

- are age 62 or over, unless meeting the age requirement presents an undue hardship (see below);

- have a minor relative child placed in their care for at least six months;
- obtain Nevada legal guardianship of the minor relative child(ren), and
- reside in Nevada.

Effective September 1, 2011, the amount of the monthly Kinship Care payment allowances, is determined by the age of the child(ren).

- If the gross income is less than 275%, only the child(ren) income is used to determine eligibility (effective March 1, 2003) OR
- If the gross income exceeds 275%, the case is ineligible for assistance (effective March 1, 2003).

Assistance with respite care, transportation and any other assistance deemed appropriate by the Division will be paid from TANF funds.

UNDUE HARDSHIP FOR MEETING KINSHIP CARE AGE REQUIREMENTS

A hardship waiver of the caregiver age requirement for this 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.

The applicant must provide documentation substantiating the claim of undue hardship as requested by the case manager. This documentation will be forwarded to the Chief of Eligibility and Payments for a hardship waiver determination. The Chief will provide a determination, in writing, within 10 days of receiving the documentation requested by the case manager. The applicant may appeal the decision of the Chief of Eligibility and Payments within 10 days to the Administrator of the Division of Welfare and Supportive Services by providing a written request. The decision of the Administrator is final.

B. Resources

The amount of real and personal property that can be retained by the TANF household cannot exceed \$6,000.

Excluded resources include:

1. One vehicle.
2. Bona fide funeral agreements for each member of the TANF unit and one burial plot for each member of the TANF unit.
3. The home, including any contiguous land, which is the usual residence of the

TANF unit that the head of household owns or is buying.

4. For six months, non-excludable real property which 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.
5. Necessary non-liquid income-producing property to include stock, inventory, tools, equipment and other non-liquid income-producing property which are usual and customary for a given trade, profession or business.
6. Household goods and personal items.
7. All funds deposited to an Individual Development Account (IDA) and interest accrued on such funds.
8. 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.
9. Other exemptions as provided by relevant state and federal law.

C. Income

1. The value of a TANF household's share of the 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
2. In determining the initial eligibility any 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.
3. When:
 - the natural/adoptive parent is married to and living with a stepparent of the child; or

- a **minor** parent is living with one or both natural/adoptive parents; or
- the natural/adoptive parent is residing in the household but not included in the TANF household (i.e., ineligible non-citizen).

The stepparent's/parent's income is used to determine eligibility and amount of benefits for the TANF household. The following amounts are subtracted from the stepparent's/parent's income:

- a. Work expense of \$90 or 20% of gross earnings, whichever is greater;
 - b. The 100% need standard for the stepparent/parent, plus any other persons living in the home not included in the TANF household who are claimed by the stepparent/parent for federal income tax purposes; and
 - c. Amounts actually paid by the stepparent/parent to persons not living in the home who are claimed by the stepparent/parent as dependents for federal income tax purposes and payments made for alimony and/or child support.
4. Assistance from other agencies and organizations is disregarded in determining need and amount of benefit payment if it is less than or equal to the difference between the 100% Need Standard and Payment Standard.
 5. Nonrecurring lump sum payments are any payment(s) received in a month, made from a source that is not likely, in the foreseeable future, to make additional lump sum payments to the applicant/recipient. Lump sum payments may be received in one or more individual checks but are considered a lump sum if all money received is a part of the whole payment due.

Count lump-sum payments as income in the month received if it is received or anticipated more often than once a year.

Exempt lump-sum payments received once a year or less, unless specifically listed as income. Count is as a resource in the month received.

D. Disregards

1. Earnings disregards are as follows:
 - a. \$90 when gross earnings are less than or equal to \$90; or
 - b. 100% of gross earnings for three months;
 - c. 85% of gross earnings for the second three months;
 - d. 75% for the third three months;

- e. 65% for the fourth three months;
 - f. \$90 or 20% of gross earnings (whichever is greater) for month 13 and ongoing; and
 - g. The full cost of childcare for as long as the individual remains eligible for benefits while working.
2. Workforce Investment Act (formerly the Job Training Partnership Act - JTPA) earnings received by a dependent child are disregarded for six months per calendar year. Workforce Investment Act (WIA) unearned income received by a dependent child is disregarded for an unlimited period.
 3. Earned income of a dependent child who is a full-time student is disregarded in both the 130% of poverty determination and the payment determination for 6 months per calendar year.
 4. Small nonrecurring gifts for special occasions such as birthday, Christmas, anniversary, and graduation 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.
 5. The principle of a bona fide loan is disregarded from income and resources in determining eligibility and amount of benefit payment.
 6. 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 is over.
 7. Other disregards as provided by relevant state and federal law.
 8. All wages paid by the U.S. Census Bureau for temporary employment related to Census activities are excluded as income.
 9. Disregard all tax refunds received January 1, 2010, 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).
 10. Disregard Earned Income deposited into an Individual Development Account (IDA).

E. Reporting Requirements

The TANF head(s) of household must immediately report any change in circumstances which occurs after the date of application and prior to the date of approval.

Once benefits are approved, the head(s) of household must report any change in circumstances no later than the fifth of the month following the month the change occurred.

A change in circumstances includes:

1. Changes in the source and/or amount of gross monthly-earned income for anyone in the TANF household or anyone whose income must be considered in determining eligibility for someone in the TANF household;
2. Persons moving in or out of the home;
3. Change in residence or mailing address;
4. New social security numbers received by household members who are required to provide a social security number to the Division.
5. Resource changes for anyone in the TANF household or anyone whose assets must be considered in determining eligibility for someone in the TANF household;
6. Change in marital status or reconciliation with the non-custodial parent;
7. Any other changes or anticipated changes which may affect eligibility;
8. Changes in employment status which includes:
 - a. Obtaining a job;
 - b. Loss of a job;
 - c. Promotion;
 - d. Change in hourly rate of pay or change in salaried rate of pay;
 - e. Change of employer; or
 - f. Change from part-time to full-time or full-time to part-time employment. Part-time employment is employment, which is no more than a weekly average of 30 hours. Full-time employment is employment with a weekly average of 30 hours or more.

F. Budgeting

1. The period of time covered by the payment month is a calendar month.
2. Proration of the amount payable for the month of application is based on a 30-day standard.

3. Prospective budgeting is used for all applicants and recipients to compute the assistance payment using the best estimate of income which 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.

2.5 *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 relative caregiver to establish the 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.

2.6 *Services to Families from Other States*

The state does not treat families moving into Nevada differently than in-state families under TANF.

2.7 *Non-Citizen Eligibility*

The state provides TANF to "qualified non-citizens" who arrived in the country before August 22, 1996.

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

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

2.8 *Confidentiality*

Nevada state law (Nevada Revised Statute 422A.320) addresses the "custody, use, preservation and confidentiality of records, files and communications concerning applicants

for and recipients of public benefits.” 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, Chapter 600, entitled “Confidential Information.” Per Nevada Revised Statute 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, as allowed by state/federal law, to law enforcement representatives.

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

2.9 *Applicant/Beneficiaries Rights*

An administrative hearing before an impartial hearing officer may be requested on any action to deny, reduce or terminate benefits. Hearing requests must be received within 90 days from the date of the “Notice of Decision.” Continued benefits are provided if a hearing request is received no later than the 10th day after the effective date of the proposed action. Benefits continue unchanged until the hearing decision is made unless a written request 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 within 90 days from the date of decision to the district court of the State of Nevada.

3. ASSESSMENT AND PERSONAL RESPONSIBILITY PLAN

3.1 *Assessments*

A. Screening Assessment

An applicant for TANF cannot receive benefits until a screening assessment is completed. The assessment must include the following:

1. Prior work experience, including existing skills and the employability of each member of the applicant’s household.
2. Determination whether the members of the household need job training, 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 who are deaf or hard of hearing or other services.
3. 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.

4. A review to ensure each dependent child for whom benefits are requested have received the standard immunizations established for children based on current Nevada law.
5. A review to ensure the head of household is taking every reasonable action 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:

1. 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.
2. A potential referral to the Employment Security Division or Workforce Investment Act service delivery agent for additional job testing or assessment.
3. 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 (5) 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 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.
4. Functional Capacity Assessment (optional) - A potential referral to purchase an assessment from contracted vendors for participants who 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 capabilities and tolerances in a training or work environment. A Functional Capacity Assessment may include (list 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:

1. A Division social worker for additional assessments and social service referrals or case management services.
2. 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.
3. A professionally qualified person in the field of psychiatric mental health.

A person professionally qualified means:

- a. A psychiatrist licensed to practice medicine in the State of Nevada and certified by the American Board of Psychiatry and Neurology;
 - b. A psychologist licensed to practice in this state;
 - c. A social worker who holds a master's degree in social work is licensed by the state as a clinical social worker and employed by the Division of Mental Health and Developmental Services;
 - d. A registered nurse who:
 - 1) Is licensed to practice professional nursing in this state;
 - 2) Holds a master's degree in the field of psychiatric nursing; and
 - 3) Is employed by the Division of Mental Health and Developmental Services.
 - e. A marriage and family therapist licensed pursuant to chapter 641A of NRS (Marriage and Family Therapists.).
4. Tribal or Indian Health Services.
 5. 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.

6. A qualified professional skilled in assessing person's with limited English Proficiency, and to develop customized training solutions for overcoming barriers to full participation in the program.

3.2 *Family Violence Option*

A. Identifying for Potential Victims of Domestic Violence

Nevada selected the Family Violence Option (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 it 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 prevents a participant from moving towards self-sufficiency and provide crisis intervention. Persons identified as having current domestic violence issues are referred to domestic violence service providers and given domestic violence informational materials.

C. Domestic Violence Services While Eligibility Determination 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

Good cause waivers are made through an individualized assessment and based on need. Social workers case manage participants requiring domestic violence services and develop individualized Personal Responsibility Plans (PRP) based on the participant's specific service need. Good cause waivers are reviewed by the social worker no less often than every six (6) months.

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

1. Cooperation with Child Support Enforcement as determined by child support staff;
2. Work requirements mandated by NEON; or,
3. Any eligibility requirement to establish cash benefits as approved by the office manager.

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 alcohol or drugs of abuse (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, who 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 solely by the outcome of the SASSI test. If the SASSI produces a positive probability regarding alcohol or other substance dependence, the participant may be referred for further assessment. This request is made via the personal responsibility plan. Further assessments are administered by a Substance Abuse Prevention and Treatment Agency (SAPTA) certified counselor or other qualified professional who may refer for laboratory testing. If the participant refuses further assessment, treatment or testing, the participant may be sanctioned for lack of cooperation. If a qualified professional orders tests, the testing fee is paid by the Division.

3.4 *Personal Responsibility Plan (PRP)*

A PRP, mutually agreed to by the head of the household and the case manager, is completed for TANF Child-Only and TANF-NEON households. The plan must be based on the assessments completed. The plan must:

- A. Identify the role of each member of the household and their obligations to the plan;
- B. Completion of the PRP within 60 days of approval;
- C. Include a provision providing for the payment of child care transitional assistance to the head of household. 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 is deemed appropriate.

3.5 *Unmarried Minor Parent and the PRP*

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

- A. The head of household is to ensure the unmarried minor parent attends training to learn the skills necessary to care for the child;

- B. Encourages the head of household to ensure the unmarried minor parent participates in a program, which provides mentors for unmarried minor parents. Mentor programs will be sought to assist the minor parent with education and self-sufficiency goals, life skills, money management, nutrition, conflict resolution, interpersonal relationships 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; and
- C. Address the minor parent's school attendance or plans to stay or return to school or its equivalent.

4. WORK AND SELF-SUFFICIENCY

The Division's employment and training program known as New Employees of Nevada (NEON) is implemented statewide.

4.1 Exemptions from Work Participation

All heads of household and minor parents are required to participate in NEON with the following exemptions:

- A. A single parent caring for a child less than 12 months of age for not more than three months per pregnancy (unless a hardship exists) and a total of 12 months in a lifetime; and
- B. A single custodial parent with a child under 6 years of age who proves appropriate childcare is unavailable, unsuitable, or unaffordable.

4.2 Definitions and Criteria for Determining a Family's Inability to Obtain Needed Child Care

Definitions Used When Determining Work Related Child Care

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

1. "Appropriate Child Care:" Childcare chosen by the parent which offers developmentally appropriate practices meeting the needs of that parent and child.
2. "Reasonable Distance:" A parent should not be required to travel more than 60 minutes dropping the child off at the care provider's location and 60 minutes picking up their child.
3. "Unsuitability of Informal Care:" Informal childcare is unsuitable if it is not being provided legally or does not meet basic health and safety standards as

outlined in the State Child Care Plan.

Informal childcare is unsuitable if circumstances exist that may cause possible abuse, neglect or harm to children as outlined in county or state statutes.

In formal 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.

4. “Affordable Child Care Arrangements:” Childcare not exceeding 10 to 15% of the parent(s) gross income.

B. Criteria

1. Notification to client(s) regarding the process/procedures for determining a family’s inability to obtain needed child care is provided during the screening assessment. All clients with children under the age of 6 receive and sign a publication, which contains the applicable definitions and describes the process.
2. A client must provide proof to substantiate their claim of inability to obtain needed child care.
3. If a client believes he/she has not been treated fairly in declaring the childcare exemption, the client is given the opportunity to file a hearing as prescribed by the Division’s administrative hearings policy.
4. Any exemption given a client from the mandatory work requirements because of childcare 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

If the 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 for the head of household from completing the job training upon determining the head of the household:

- A. Is a single custodial parent of a child who is less than 1 year of age;
- B. Receives benefits on behalf of a dependent member of the household, is not a TANF recipient and is not required by federal regulation to be included in the federal work

participation rate calculation;

- C. Has good cause as determined by the Social Welfare 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, community work experience program, subsidized employment and any union apprenticeship program.

4.6 *Training for Elder Health Care Professionals*

Effective September 1, 2011, the Division may assist TANF work-eligible individuals" train, seek and maintain employment in health care occupations under the vocational training component of our TANF Employment and Training Program. Assistance may include tuition, payment of course fees, books, instructional materials, special equipment (i.e., lab coats, stethoscopes, lift belt, etc) and supportive services such as child care and transportations services.

4.7 *NEON Program Participation Requirements*

NEON participation is required for all *work-eligible* TANF applicants and recipients. All *work-eligible* participants are considered cooperating with the work requirements when the following conditions are met:

- A. The participant signs the Agreement of Cooperation;
- B. The applicant completes the required screening;
- C. They cooperate with assigned work preparation activities during the application process, which may include, but are not limited to:
- attend all scheduled appointments;
 - attend and participate in the NEON orientation;
 - make arrangements for childcare and transportation;
 - attend in-house training;
 - register with JobConnect;
 - job search;
 - maintain current employment.
- D. The participant takes part in the mutual development of the PRP and any updates;
- E. The participant cooperates with all assessments completed by the Division case manager, the agency to which the participant was referred for additional testing/assessments, or purchased from VAC;

- F. The participant participates in any NEON activities, counseling and/or referrals agreed to in their PRP;
- G. The participant notifies their case manager of any problems or changes which may affect their program participation; and
- H. The participant accepts a bona fide offer of suitable employment.

4.8 *Supportive Services to TANF- NEON Participants*

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

To ensure success in job search, NEON program activities and job placement, the Division may provide necessary bus passes/tokens, gas vouchers up to \$25 per week or transportation reimbursements based on the following mileage chart:

<u>Miles Per Day</u>	<u>Rate Per Day</u>
1 - 20 Miles	\$6 Per Day
21 - 50 Miles	\$15 Per Day
51 or More Miles	\$20 Per Day

NEON participants may be given service vouchers or be reimbursed for expenses for the following:

- A. Reimbursed for travel and per diem expenses, not to exceed Nevada's state employee rates, for out-of-area assessment testing;
- B. Items required accepting or continuing employment such as tools, uniforms, shoes, working permits, physicals, etc;
- C. Transportation assistance for NEON work activities.
- D. CWEP participants may receive a special needs payment to cover work related expenses for every month they are a CWEP participant;
- E. Vehicle repairs up to a lifetime maximum amount as determined by the Division Administrator or their designee, when necessary to attend work activities leading to self-sufficiency or employment;
- F. Court-ordered community service enrollment fee;
- G. Relocation expenses of up to \$1,000 one-time only for a participant with a verified job offer at least 50 miles from their current residence; and

- H. 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 Workforce Investment Act agencies for TANF-NEON participants who become employed. Services offered by the organization(s) are: (list not all inclusive) job counseling or coaching, job mentoring, trouble shooting between employer and employee, peer support groups, referrals for service, re-employment placement, etc.

4.10 *Job Retention Incentive*

A one-time job retention incentive payment may be provided to current and former TANF recipients who obtain employment while on TANF and successfully complete six months of continuous employment beginning after July 1, 1999.

4.11 *Displacement Complaint Procedures*

- A. In-service training is provided to field staff to ensure compliance with TANF regulations regarding displacement requirements.
- B. Displacement complaint procedures are included in literature shared with TANF clients and associated agencies/organizations.
- C. Displacement information is included in TANF state plan public hearing(s), public presentations to employers, and written literature to employers.
- D. Written complaints are referred to the Division Administrator and hearing officer. Records are kept of any complaint and resolutions.
- E. The allegation is investigated to ensure the local office followed appropriate placement procedures.
- F. The local office manager works with the complainant and employer to try to reach a resolution.
- G. 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*

- A. Description:
Effective October 1, 2011, a household 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 a work eligible adult member is suffering from a hardship.

Exception: The household may receive benefits for not more than 6 additional months if the administrator or their designee determines that providing benefits will significantly increase the likelihood 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 is suffering from a hardship.

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% unemployment rate or more. Nevada utilizes Bureau of Indian Affairs (BIA) data for Indian Country unemployment rates.

Once the work eligible adult household member no longer suffers from the hardship, the household is not eligible to receive TANF NEON and/or TANF LOAN benefits:

1. For 12 consecutive months if the household has not received benefits from this or any other state for 60 months, regardless of whether they are cumulative or consecutive; or
2. During the lifetime of the work eligible adult household member if the household has received assistance benefits from this 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 adult in the household is suffering from a hardship may be denied or suspended if the administrator determines this action is necessary to ensure Nevada does not exceed the 20% limitation of individuals in a hardship category.

B. Hardship

The Division, may consider the TANF NEON and/or TANF LOAN adult work eligible household member to be suffering from a hardship. Factors that may be considered in deciding whether or not to grant the hardship include the following:

1. A Report of Illness indicating a work eligible adult household member is ill or physically or mentally incapacitated;

2. The adult single custodial parent of a child who is less than one year of age (12 month lifetime limitation);
3. The head of household is an unmarried parent who is less than 18 years of age and complies with high school attendance and living arrangement requirements;
4. The head of household is 60 years of age or older, the caregiver of a child, and a relative, other than a parent of that child; or
5. The head of household is suffering from any other condition or circumstance, designated staff deems to be a hardship. Cases will be reviewed on a case-by-case basis.

5.2 *Sanctions*

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

When the household fails to comply with the terms of their Personal Responsibility Plan, they are notified in writing (English or Spanish) 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 three-months.

A. 30-Day Conciliation Period

When the household fails to comply with their Personal Responsibility Plan they are notified in writing:

1. The household's cash benefit will be terminated and they will be ineligible for cash benefits for three months, if they do not comply within thirty (30) days.
2. Of what activities the household has failed to comply with and what they need to do to demonstrate compliance.

B. Cooperation During 30-Day Conciliation Period

The sanction is lifted and assistance continued.

C. Failure to Cooperate During 30-Day Conciliation Period

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

D. Subsequent Sanctions

If the household reapplies for cash assistance after termination due to sanction, and again enters into sanction status; a 10-day conciliation period may be allowed as established by policy.

5.2.1 *Misuse of EBT Benefits*

When restricted usage is detected a letter will be send to the household indicating the benefits provided are to cover a family's ongoing basic needs such as shelter, utilities, food, clothing, etc., and if another restricted usage is determined, they will no longer receive the cash benefits and instead a protective payee will be established to receive the cash benefits on their 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 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 their cash assistance in non-prohibited locations, including the ability to withdraw their assistance with minimal and no fees or charges.

6. *UNDERPAYMENTS*

Underpayment means a financial benefit payment received by or for a TANF household for an eligible month, which was less than the amount the TANF assistance unit, was retrospectively 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 of the underpayment is the actual date the change occurred; **OR**

If changes **are not** reported timely, the effective date 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 an underpayment is due to an individual or household, which also has an overpayment, the underpayment is processed as follows:

OPEN ELIGIBILITY - 10% of the underpayment (20% if the overpayment is a 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 the Temporary Assistance for Needy Families Program (TANF) and/or provided under the Child Care Development Fund (CCDF) as administered by the Nevada State Division of Welfare and Supportive Services paid to, or on behalf of, any individual or group of individuals which 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 incorrectly paid benefits received.

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

7.2 *Forgoing Recovery when it is 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 \$100, interstate actions and instances where the responsible party does not possess the present or anticipated ability to repay the debt.

7.3 *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, their willingness to assign future recovery retention rights to Nevada. The Division reserves the rights to refuse assignment of any case which is determined to be non-collectable or which fails to meet Nevada's standards for debt establishment.

7.4 *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.

7.5 Notification of Overpayments

Individuals who 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 ninety (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.

7.6 Collection of Overpayments

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

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

A. Participating (Eligible) Case

If the overpayment is due to agency error, or client error the Division withholds 10% of ongoing benefits 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.

B. Non-Participating (Ineligible) Case

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

7.7 Agency Errors

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

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

7.8 Waiver of Repayment

Overpayments, both client 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 client, when collection would cause an undue hardship

to the client. Circumstances, which may constitute undue hardship, include, but are not limited to:

- A. Medical hardship, which compromises the client's ability to repay the debt.
- B. Collection would jeopardize the client's ability to provide shelter/housing and other basic necessities for immediate family members (dependents).
- C. 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 client. 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 hearings 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>VIOLATION</u>	<u>PENALTY</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 who 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.

- A. 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.
- B. 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 ten (10) years if they are found to have committed an intentional program violation, which involves misrepresentation of residence or identity to receive TANF benefits from two 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.

9. REPLACEMENT BENEFITS

Replacement benefits are state issued warrants which replace benefits reported as not received, lost, stolen, forged, destroyed or defaced, or in case of a direct deposit, misdirected. Requests for replacement benefits are subject to review and may be denied if, sufficient cause exists, as determined by the Division.

9.1 *Time Limits*

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

9.2 *Recipient Must File Law Enforcement Report*

Recipients reporting their original benefit was stolen or forged must file a law enforcement report and obtain a report number. Request 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 they disagree with the Division's decision.

9.4 Outstanding Non-Negotiated Warrants

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

10. CHILD CARE

Childcare is provided through a consolidated childcare block grant administered by the Division. Child care may be provided to those seeking employment, in work activities as defined by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, and those transitioning from cash benefits as a result of earned income.

11. PARENTAL RESPONSIBILITY

11.1 Parental Responsibility Encouraged

Staff is trained to work with families regarding their parental responsibility to become economically self-sufficient and assist in obtaining child support for their children. Each 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 client signs an agreement outlining their responsibilities. Personal Responsibility Plans are negotiated with clients where both the agency and client agree to approve activities to move families to employment and provide for their children.

11.2 Child Support Interaction with TANF Program

Child support collects 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. The goal is to reduce the teen pregnancy rate among women ages 15 to 17 an additional 1/3 between 2006 and 2015. 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. This is accomplished through a Resource and Policy Assistance Center for Teen Pregnancy Prevention. The Resource Center offers: 1) assistance with the development of community

based, teen pregnancy prevention Action Teams, 2) technical assistance throughout the development of the community-based initiatives, 3) a directory of programs proven to be effective and curriculum targeting teen pregnancy prevention, and 4) assistance with the identification of potential funding sources. Parental involvement throughout the teen pregnancy prevention initiative is invited and encouraged. Community Action Teams, an entity of the Nevada Public Health Foundation, conduct community assessments of teen pregnancy and its prevention and identify potential methods for reducing teen pregnancy through abstinence-based programs. Youths, parents, business, churches, health care providers, law enforcement, schools and other organizations are encouraged to serve on the Community Action Teams. Men of all ages are also encouraged to serve as positive role models, reinforcing the postponement of sexual involvement message. Funds may be used for new initiatives associated with TANF purposes 3 (reduction of out-of-wedlock births) and 4 (formation of families). Requests for Proposals will be issued to community or faith-based organizations.

The Nevada State Division of Welfare and Supportive Services, through the Nevada Public Health Foundation (NPHF), has developed workshops to educate professionals and the general public about statutory rape and the laws in Nevada. Information on domestic violence has been added to the curriculum as 50% of young teens report that they have been victims of domestic violence with their statutory rape partner. The three workshops provided are Enforcing Statutory Rape Law in Nevada, Assisting and Managing the Statutory Rape Victim/Witness and Statutory Rape for Teens: A Curriculum for Adolescents which includes males and/or females. These workshops provide technical education and assistance to professionals, including police, investigators, prosecutors, judges, social workers, counselors, school professionals, professionals who assist victims, other service providers and the general public including parents and adolescents. The classes are designed to increase the number of arrests and successful prosecutions for statutory rape violations, to better assist victims, and to educate and increase parents and adolescent awareness. An 18-minute videotape on statutory rape in Nevada, a statutory rape resource directory, an on-line resource center, a poster defining statutory rape laws in Nevada, outreach to faith-based organizations and presentations for civic and professional organizations have also been developed. Distance education courses may be available via the internet by accessing the Foundation's web site at a later date. .

The Division of Welfare and Supportive Services, through a community based service agency has developed a class 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. This one-day class places emphasis on employment, success in the workplace, decision-making, money management and health, such as birth control and sexually transmitted diseases.

12. EMERGENCY ASSISTANCE TO NEEDY FAMILIES WITH CHILDREN

As provided in section 404(a)(2) of the Social Security Act and section 263.11 of the TANF regulations, Nevada uses federal TANF funds for expenditures for which Nevada was

authorized under prior law, as in effect on September 30, 1995. The Division of Welfare and Supportive Services 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.

Effective in SFY 2009, due to funding limitations, Nevada was no longer able to provide funding for Emergency Assistance to Needy Families with Children. Should funding become available, the plan unless changed would remain as written.

12.1 Eligibility Criteria for Emergency Assistance

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

- A. 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;
- B. 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
- C. The child's family was 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 federal poverty guidelines.

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 Kinds of Emergencies Covered

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

12.3 Kinds 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, case management services, employment and training activities and/or substitute

care.

Definitions:

- Family Preservation

An array of services provided to improve family functioning to prevent the out-of-home placement of children including counseling, home based crisis intervention, home management skills and employment and training activities.

- Case Management

Casework services to help the family members resolve the emergency situation, including family assessment, planning and coordination of services.

13. ASSISTANCE TO FAMILIES INVOLVED WITH MENTAL HEALTH AND DEVELOPMENTAL SERVICES (MHDS)

As the first goal of TANF is to provide assistance to needy families so that children may be cared for in their own homes or in the homes of relatives, the Division of Mental Health Development Services (MHDS) offers services to also maintain the family unit and promote self-sufficiency. MHDS provides services to individuals with mental health issues and to individuals qualifying for Developmental Services. Services may include assessments/evaluations, service coordination, outpatient counseling, and/or family support services (FSS).

The Family Support Services and Mental Health Services programs were developed to assist families of children with mental health issues, mental retardation or a related condition, to care for their children in their family home. The goal of the Family Support and Mental Health Services programs is to prevent out-of-home placement by arranging for various support that strengthens the family unit and the families' ability to care for their children (TANF Goal 1). The Family Support and Mental Health Services programs provide the following services.

13.1 Eligible Families

A family is eligible for MHDS/TANF Family Support and Mental Health services if the following conditions are met:

- A. The family member meets the criteria for mental health or development services as determined by MHDS.
- B. The family unit includes a child (under 18) who 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.
- C. The family's gross countable income for the month of application does not exceed 500% of federal poverty guidelines.

13.2 Kinds of Services Covered

- A. Family Support Services (FSS); and
- B. Mental Health Services (MHS).

13.3 Program Services

- A. Service coordination assists individuals in gaining access to needed support services and consists of the following:
 - 1. Assessment of individual's level of functioning and full range of treatment needs.
 - 2. Educating the family and consumer of services and provider options.
 - 3. Coordinating or participating in Interdisciplinary Team and treatment plan meetings.
 - 4. Developing and implementing training programs designed to assist children/consumers in the various self-help, domestic living and community awareness skills areas. Developing and implementing such programs if necessary.
 - 5. Developing a plan of care.
 - 6. Locating, coordinating and developing resources to meet family's and consumer's needs.
 - 7. Arranging services and arranging and providing transportation to services.
 - 8. Providing information to service providers about the person's history and level of functioning necessary to plan, deliver, monitor and adjust services.
 - 9. Monitoring progress and compliance with the plan of care by the family/consumer and by service providers.
 - 10. 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.
 - 11. Revising the plan of care.
 - 12. Recording the delivery of eligible service coordination services.
 - 13. Counseling to assist the person in getting needed services.

14. Preparing for and appearing in court on behalf of the consumer if such appearances will assist the consumer in gaining needed services.

- B. Clinical assessments are available for children who are in need of 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.

Rural clinics' "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 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 a 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 social, 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.

Rural clinics 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 client 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, rural clinics' "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 the child with a disability in residence with his/her family (TANF Goal 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. MHDS will bill TANF for family support services as provide based on an individual written service plan. The support services may include the following:

1. 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.

2. 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 need. 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. Supportive care may assist the child participate 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 who meet the unique needs and preferences of the child as specified in the individual plan of care. Individuals shall possess the skill necessary to ensure that the support services meet the individual's health and safety needs and are directed at the outcome desired by the child/families. The plan may include funding for administration and the coordination of the plan. A state service coordinator will monitor the plan.

3. Transportation is offered in order to enable individuals to gain access to other community services, leisure activities and resources, and participate in community life specified by the plan of care.
4. 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 with and reflecting his or her 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 who facilitated communication between the individual participant and the self directed family support services, identifying and assisting as needed to assure individuals and their families understand the responsibilities involved with directing one's own services. The support broker fulfills and support brokerage service or function and includes consultation and assistance in the person-centered planning process. Specific qualification shall be established by the Division of Mental Health and Developmental Services and required of a support broker provider.
Specialized therapeutic services provide physical, behavioral/social-emotional health that has been adapted to accommodate the unique complexities of the individual served. These services are critical to maintain, preserve, or improve the health status and developmental progress of each individual. These specialized services may include occupational therapy, physical therapy, speech therapy, music therapy, art therapy, hippo therapy, sensory integration, massage therapy, yoga, cranial sacral therapy and swim therapy. The need for a Specialized Therapeutic Service must be identified in the individual's plan of care and is to be provided only when the individual

person-centered planning team has determined the reason why other generic or State Plan services can not/do not meet the unique of the individual. The need to continue the Specialized Therapeutic Services will be evaluated during the individual annual support meeting in order to determine if utilization is appropriate and progress is being made as a result of the service being provided.

14. TRIBES

14.1 *Equitable Access to Indian Tribes*

Members of Indian tribes not eligible for assistance under a tribal family assistance plan 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 clients to gather and provide eligibility information.

14.2 *Assistance with Implementation of Tribal Family Assistance Program(s)*

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

The Nevada State Division of Welfare and Supportive Services 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.

- A. Provide financial information from fiscal year 1994 on expenditures for Indian families residing in the service area identified by the tribe; and
- B. Meet with the tribes 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: 1) attending meetings/networking with tribes/tribal representatives to educate, inform and update them on provisions of the TANF program; 2) addressing/problem solving one-on-one, welfare-related tribal concerns

which may interfere with or hinder meeting TANF goals; 3) assisting Division staff in understanding tribal governments, including tribal family dynamics and demographics; 4) providing technical assistance to tribes interested in administering a Tribal TANF program; and 5) assisting interested tribes in identifying alternative solutions/resources to strengthening 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

There are no 1115 waivers in Nevada.

17. TANF FUNDING

Nevada does not use any federal funds for the following programs, only MOE funds are expended: “Qualified” battered non-citizens who entered the U.S. on or after August 22, 2006 and have not been in a “qualified” status for five years will receive state funded (MOE) TANF cash benefits, if otherwise eligible. Once the five-year bar is served, cases must be transferred from MOE to federal TANF, if otherwise eligible.

GLOSSARY OF TERMS

TANF Unit

A TANF household is a person or group of persons who 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 who resides with a custodial parent or other adult relative caregiver, or a pregnant individual.

Relative Caregiver

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

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 a domestic partnership is not a marriage but rather a new type of civil contract and is 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 who wish to terminate the partnership must also file with the Secretary of State. A Domestic Partnership formed in another state must be filed with the Nevada Secretary of State to be recognized.

Diversion Payments

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

Minor Parent

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

Work-Eligible Individual

Individuals whose participation (or lack of participation) in work activities is required to be used to calculate the TANF Work Participation Rate. These individuals fall into two groups.

An adult (or minor child head-of-household) receiving assistance under TANF or a separate TANF MOE funded State program, unless excluded below

OR

A non-recipient parent living with a child receiving assistance, unless the parent is: 1) a minor parent who is not a head-of-household or a spouse/domestic partner of the head-of-household, 2) an ineligible non-citizen who is ineligible to receive assistance due to his or her immigration status, and 3) at state option, a recipient of Supplemental Security Income (SSI) benefits.

Also excluded from both groups are: 1) parents providing care for a disabled family member living in the home who does not attend school on a full-time basis, and 2) parents served under an approved Tribal TANF program.

CERTIFICATIONS

Nevada operates the Temporary Assistance for Needy Families (TANF) program to ensure children can 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, 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 will:

- A. Specify which state agency or agencies will administer and supervise the program under Part A in all political subdivisions of the state:

The Department of Health and Human Services, Division of Welfare and Supportive Services, is the agency responsible for administering and supervising the program.

- B. Assure local governments and private sector organizations:

1. Have been consulted regarding the plan and design of welfare services in the state so services are provided in a manner appropriate to local populations; and
2. Have had at least 45 days to submit comments on the plan and design of such services;

- C. Make available to the public, a summary of the state plan;

- D. Operate a Child Support Enforcement Program under the state plan approved under Part D;

- E. Operate a Foster Care and Adoption Assistance program in accordance with Part E, and certify Nevada will take all necessary actions to ensure children receiving assistance are eligible for medical assistance;

- F. Provide each member of an Indian Tribe, who is domiciled in the state and is not eligible for assistance under a Tribal Family Assistance plan approved under Section 412, with equitable access to assistance under the state program funded under this part attributable to funds provided by the federal government;

- G. Establish and enforce 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; and

- H. Establish and enforce standards and procedures to:

1. Screen and identify individuals receiving benefits under this part with a history of domestic violence while maintaining the confidentiality of such individuals;
2. Refer such individuals to counseling and supportive services; and
3. Waive, pursuant to a determination of good cause, other program requirements such as time limits (for so long as necessary) for individuals receiving benefits, residency requirements, and child support cooperation 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 who are or have been victimized by such violence, or individuals who are at risk of further domestic violence.

CERTIFIED BY THE CHIEF EXECUTIVE OFFICER OF THE STATE:



Brian Sandoval, Governor

January 13, 2015

Date