10-144

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE FOR FAMILY INDEPENDENCE

Chapter 331

MAINE PUBLIC ASSISTANCE MANUAL

(TANF – TEMPORARY ASSISTANCE FOR NEEDY FAMILIES)

[Effective 07/01/2025 – filing 2025-137 ]

Introduction and General Definitions

Overview of Programs 1

General Definitions 2

Chapter I - Eligibility Process

Legal Basis 1

General Rule 1

Program Requirements 1

Confidentiality 1

Application Process 3

Minimum Requirements 3

The Interview 4

The Family Contract 5

Orientation 5

Verification and Documentation 6

Applicant Notification 8

Time and Processing Standards 8

Non-Payment Situations 10

Concurrent Assistance 10

Penalties for Convictions 11

Redetermination Process 11

Recipient Responsibilities 11

Department Responsibilities 12

Quality Control review 12

Change Process 12

Timely Reporting 12

Treatment of Changes 13

Timely/Adequate Notices 13

Timely Notices 13

Adequate Notices 14

Sixty (60) Month Benefit Limit 14

Exemptions from the Time Limit 14

Benefits Which Count Toward the Limit 15

Provisions for Extensions to the Time Limit 15

Chapter II - Eligibility Requirements (non-financial)

Age 1

Residence 1

Citizenship 1

General Rule 1

Citizens and U.S. Nationals 2

Noncitizens Potentially Eligible for Federally Funded TANF/PaS 8

Noncitizens Potentially Eligible for State Funded TANF/PaS 19

Processing Procedures 24

Social Security Numbers 29

Requirement to Provide Social Security Numbers 29

Penalties for not Providing Social Security Numbers 29

Relationship and Maintenance of Home 29

Child Must be Living with a Specified Relative 29

Relationship 29

Maintenance of a Home 30

Filing Unit 32

Mandatory Inclusion 32

Optional Inclusion 34

Establishment of Paternity and Assignment of Rights to Support 34

Requirement to Cooperate 34

Forwarding Support 34

Penalties for Noncooperation 35

ASPIRE-TANF 36

Participation Requirement 36

Exemptions 37

Sanctions 37

Good Cause 38

Good Cause Procedures 39

Chapter III - Eligibility Requirements (financial)

Assets 1

Types of assets 1

Ownership 1

Accessibility 1

Value 2

Excluded Assets 2

Assets Excluded by Federal Statute 4

Income 5

Types of Income 5

Excluded Income 6

Income Excluded by Federal Statute 8

Chapter IV - Budgeting Process

Prospective Budgeting 1

Definition 1

Income Availability 1

Best Estimate 1

Significant Income Changes 1

Non-Significant Income Changes 1

Income Disregards 1

Application of Disregards 1

Work Related Disregards 2

Step Disregard 2

Other Disregards 3

Deemed Income 3

Individuals whose income is deemed 3

Sanctioned Specified relatives 4

Sponsors of Noncitizens and their Spouses 4

Treatment of Special Income 4

Income of specified relatives and their spouses who are not parents of the dependent child. 4

Self-Employment Income 4

Income from Boarders and Roomers 5

Non-Recurring Lump Sum Income 5

Income of Sponsors of Noncitizens 6

Attributed Tips 7

Child Support Paid by the Non-Custodial Parent 7

Child Support collected by the Department 7

Income Calculation 8

Verification 8

Significant income changes 8

Income Averaging 8

Determine Gross Income 9

Apply Disregards in the following order 9

Income Eligibility Tests 9

Test for Determining Eligibility for Applications 9

Test for Determining Ongoing Eligibility 9

Calculation of Payment 10

Calculate the Basic TANF Grant 10

STEP Disregard Calculation 10

Apply the Correct Grant Amount 10

Special Need Housing Allowance (SNHA) 10

No Benefit Households 11

Rounding 11

Assistance Amount 12

Total Benefits Package 12

Total Benefit 12

Child Care Payment Direct to Provider 12

Chapter V - Transitional Benefits

Transitional Child Care 1

Definition 1

Eligibility Criteria 1

Eligibility Process 2

TCC Benefit Calculation 3

TCC Payment Issuance 4

Reporting Responsibilities 5

Redetermination 5

Termination of Benefits 6

Application for TANF/PA’s 6

Break in Assistance 6

Child Care Providers 6

Overpayments 7

Recovery of Overpayments 7

Transitional Transportation 7

Definition 7

Eligibility Criteria 9

Application Process 10

Payment Calculation 10

Payment 11

Reporting Responsibilities 11

Redetermination 11

Overpayments 12

Recovery of Overpayments 12

Chapter VI - Administrative Procedures

Fair Hearings 1

Types of Payments 8

IEVS 12

Overpayments 15

Intentional Program Violations 17

Administrative Hearings 18

Underpayments 26

Lost, Stolen, Destroyed, or Forged Checks 27

Agency Error/Emergency Situation 28

Electronic Benefit Transfer (EBT) System 30

Chapter VII – Whole Family Economic Security Initiatives

Whole Family Economic Security Initiatives 1

General 1

Organization Qualification 1

Family Eligibility 1

Contract Requirements and Process 1

Chapter VIII - Emergency Assistance

Emergency Assistance 1

Chapter IX - Alternative Aid Assistance Program

Legal Basis 1

General Rule 1

Participants 1

Payment 1

Eligibility Requirements 1

Receipt of Alternative Aid Does Not count as Receipt of TANF 2

Prohibitions Against Duplicate Participation 2

Informing TANF Applicants 2

Chapter X - Parents as Scholars

Legal Basis 1

General Rule 1

Program Requirements 1

Participation Requirements 2

Good Cause 3

Chapter XI - Post Employment Assistance to Working Families

Working Families Supplement Benefit (WSB) 1

Appendix

Table of Percentages for First Month Payment 1

Maximum Benefit and Standard of Need 2

Worksheet for Calculating TCC Parent Fees and Subsidy Payments 3

Federal Poverty Level 4

TCC Market Cap 5

Relationship 6

On October 1, 1996, the Department of Health and Human Services submitted a State Plan to the Secretary of Health and Human Services to eliminate and replace its Aid for Families with Dependent Children Program with Temporary Assistance for Needy Families (TANF) as authorized by the *Personal Responsibility and Work Opportunity Reconciliation Act of 1996*. The Department refers to its financial assistance programs under this Act as the Temporary Assistance for Needy Families and Parents as Scholars (PaS) programs. These programs provide assistance to families while parents prepare for, accept, and retain employment which supports them. The job preparation program is referred to as ASPIRE-TANF or ASPIRE-PaS.

Federal and State statutes provide the authority for TANF/PaS. Maine statutes place the responsibility for administering these programs with the Maine Department of Health and Human Services (“Department”). Within the Department, the program is administered by the Office for Family Independence (OFI).

The TANF/PaS programs are administered in a manner consistent with the objectives of the programs and respect the rights, privacy and personal dignity of the individual under the United States Constitution, the *Social Security Act* and the *Civil Rights Act of 1964*.

(1) The TANF Program is a financial assistance program for needy families with dependent children.

(2) The PaS Program is a student financial aid program based on need limited to 2000 parents who have dependent children. (Chapter X).

Families who are otherwise eligible for the TANF program who seek one-time, short-term assistance to obtain or retain employment may elect Alternative Aid Assistance instead of TANF. Alternative Aid Assistance is described in Chapter IX.

In addition to the basic TANF/PaS programs and the one-time, short-term Alternative Aid Assistance program, the Department administers a limited program of Emergency Assistance (EA) described in Chapter VIII.

##### All individuals have the right to apply for any assistance without regard to race, color, national origin, sex, gender orientation, religion, or handicap.

In accordance with the Americans with Disabilities Act, no qualified individual with a disability shall, by reason of such disability, be excluded from participation or be denied the benefits of the services, programs or activities of the Maine Department of Health and Human Services, or be subjected to discrimination by the Maine Department of Health and Human Services.

Additionally, applicants and recipients are assured confidentiality, equitable and courteous treatment in a trauma informed and linguistically appropriate manner. Applicants and recipients may appeal decisions and have fair hearings should they disagree with any action taken affecting their benefit.

Furthermore, the Department provides interpreters at no cost to non-English speaking individuals applying for or participating in Department Programs.

Assistance may not be given to a family that includes an adult who has received assistance for 60 or more months, whether or not consecutive, under any TANF cash assistance program, including PaS. The Department shall disregard any month for which assistance was provided with respect to the individual and during which the individual was:

(1) a minor child and not the head of a household or married to the head of a household,

(2) an adult who lived in Indian country during a month when at least 50% of the adults living on the reservation were unemployed, or

(3) in a family receiving the enhanced earned income disregard.

Extension of benefits beyond 60 months is explained in Chapter I, Time Limit.

**A**

**Acceptable Medical or Mental Health Source** - The following are acceptable medical sources:

* Licensed physicians;
* Physician’s assistants;
* Nurse Practitioners;
* Licensed osteopaths;
* Licensed or certified psychologists;
* Licensed podiatrists for impairments of the foot and/or ankle;
* Qualified speech-language pathologists for speech and language impairments only;
* Licensed optometrist for the measurement of visual acuity and visual fields; and
* Persons authorized to provide copies of the summaries of medical records of medical institutions.

**ADA** - *Americans with Disabilities Act of 1990*, P.L. 101-336. 104 Stat. 328 (1990).

**Additional Support for People in Retraining and Employment - ASPIRE -** The employment and training program for TANF/PaS recipients.

**Adequate Notice** - Written notification provided to the individual no later than the date of intended action or the date benefits would have been received. Adequate notice includes a statement of the action the agency intends to take, the reason for the action, the agency policy and state and federal regulations supporting the action, the right to request a fair hearing, the person to contact for additional information, the availability of continued benefits and liability for such benefits if found ineligible in the hearing decision.

**Administrative Error** - An action or lack of action by the Department resulting in the underpayment or overpayment of an individual’s level of benefit or resulting in an incorrect determination of eligibility or ineligibility.

**Adverse Action** - Decision intended to discontinue, terminate, disqualify/sanction, or reduce assistance, or to impose such conditions as protective payments or participation requirements.

**Affordable child care -** Affordable child care arrangements are those for which the participant incurs minimal (TCC parent fee) or no cost or is reimbursed by another program such as ASPIRE or through a deduction for child care from income by the TANF program or by any combination of these methods.

**Allocation -** A deduction from one person’s income for the maintenance needs of others.

**AmeriCorps - A network of national service programs that aim to improve lives and foster civic engagement.** The Corporation for National and Community Service administers several AmeriCorps programs, which include AmeriCorps State and National, AmeriCorps VISTA, and AmeriCorps National Civilian Community Corps (NCCC).

**Annuity -** A contract under which a sum is paid yearly or at other specific times in return for the prior payment of a fixed sum.

**Anticipated Change** - A change that is expected to occur in the future.

**Applicant -** A person who has submitted a request for assistance for whom no decision has been made regarding eligibility, and whose application has not been acted upon or voluntarily withdrawn.

**Application -** A request for assistance made by submitting a signed and dated application document (including electronic format) including a name and address.

**Application Date -** The date an application is received by the Department.

**ASPIRE Support Services** - Supports paid for by the Department for such services as child care, transportation, eye and dental care. These supports enable the participant to comply with their signed Family Contract Amendment.

**Assets -** Cash, other liquid resources or real or personal property.

**Assignment of Rights to Support -** A process whereby the right to receive and collect an individual’s child support is transferred to the Department for the purpose of reimbursing TANF financial assistance.

**Assistance Group (AG)** – A set of individuals composed of the eligible child(ren) and the eligible specified relative(s) who are living together, with or without benefit of a dwelling, whose needs, income, and resources are considered and combined when determining eligibility and the amount of financial assistance.

**Authorized Representative -** A person acting for an applicant/client through the individual's written authorization, through a signed Department authorized representative form.

**B**

**Benefit Month** – A calendar month for which benefits are issued.

**Budget Month -** The month that the financial and nonfinancial criteria of the filing/assistance unit are evaluated to determine eligibility and to calculate the benefit amount. When using prospective budgeting, the budget month is the same as the benefit month.

**Budgeting -** Calculating the amount of money to be paid to the assistance unit for the benefit month.

**Bureau of Indian Affairs - BIA -** An agency of the federal government of the United States whose responsibilities include providing health care to American Indians.

**C**

**Care and Control -** The physical care, guidance or maintenance of a child or children provided by a responsible parent or specified relative.

**Cash Surrender Value** - The amount of money which the owner of a life insurance policy would receive if the policy were converted to cash.

**Cash Value -** For assets— the amount that would be paid, in the community of residence, if the resource was sold or converted to cash. For income— the amount of the income or the value assigned to the services rendered for in-kind earned income.

**Child Support -** Voluntary or court ordered payment by an absent parent to meet the financial needs of the child(ren).

**Child Support Supplemental Payment / Gap** - A payment issued to TANF/PaS families based on current child support collected from a non-custodial parent. The Gap payment cannot exceed the difference between the Standard of Need and the maximum grant for the household size.

**Collateral Contacts -** Knowledgeable individuals or sources who serve to support or confirm information provided by the applicant/client.

**Confidential Information -** Applicant or client information that may only be shared for establishing eligibility, determining amount of assistance, and/or providing services, with related federally mandated and assisted programs and agencies under contract to the Department and/or pursuant to a Memorandum of Understanding.

**Corrective Payment** - The payment of money to an individual who has received less than they were entitled to receive as determined by the Department, including decisions made by the Department Fair Hearings Officer.

**Cost-of-Living Adjustment - COLA -** A change to income based on the expected change to the basic cost of living.

**Countable Income -** The total of earned and unearned income, minus disregards, that is not excluded by policy, and is expected to be received by the assistance unit for the budget/benefit month.

**D**

**Deduction -** The amount subtracted from an income which represents an expense that has been made or must be made by an assistance group member or an individual whose income is counted when determining eligibility. This expense is also known as an “allowable deduction”.

**Deemed Income** - Income of certain individuals who live with and are related to the minor child but who are excluded from the assistance group and do not receive benefits.

**Deeming -** A budgeting process which considers a portion of income of one person as the income of a second person. This process assumes a legal obligation of the first person to support the second person.

**Deficit Reduction Act** - *The Deficit Reduction Act of 2005*, which contains federal language and regulations regarding the reauthorization of the TANF program.

**Dependent -** A child who receives more than 50% of their support from a specified relative.

**Direct Child Support** - Support payments a custodial parent receives directly from a non-custodial parent.

**Disability** - The physical or mental impairment of an individual that may be either temporary or permanent.

**Disabled -** Prevented from working because of physical or mental impairment, disease, vision loss, or a combination of these conditions as determined by the Social Security Administration or the Department’s Medical Review Team.

**Disregard -** A dollar amount or percentage designated for a specific purpose that is not counted in the determination of eligibility and/or the amount of assistance.

**Division of Support Enforcement and Recovery – DSER -** a unit within the Department’s Office for Family Independence which is responsible for the development and implementation of the rules, regulations, policies, and procedures necessary to assure that all non-custodial parents are contributing to the economic support of their children.

**Domestic/Family Violence -** Physical, sexual, mental, and/or emotional abuse of a member of the assistance unit by a person with whom that member lives or with whom that member has recently lived.

**E**

**Earned Income** - Cash or in-kind benefits received as payment for work performed either as an employee, through the receipt of wages, salaries, tips, or commissions, or as a self-employed individual.

**Earned Income Disregard** - A dollar amount subtracted from earned income that is designated for a specific purpose that is not counted in the determination of eligibility or the amount of assistance.

**Earned Income Tax Credit** - **EITC** -A federal and/or state refundable tax credit for low or moderate income working individuals and families. This may be received once a year as a refund.

**Electronic Benefit Transfer - EBT -** The method of issuing financial assistance benefits to an account which is accessed by an individual through a magnetic striped debit card.

**Electronic Funds Transfer - EFT -** The method of issuing financial assistance benefits as a direct deposit into an individual’s personal bank account.

**Elderly -** Age 65 or older as of the last day of the month consistent with 22 M.R.S. § 3762(3)(B)(2)(a).

**Eligibility Period -** The period of time the individual is determined to be eligible for benefits.

**Eligible Child** - A child under age 18, or between the ages of 18 and 20 enrolled as a full-time student in a high school or an equivalent instruction alternative, leading to a high school diploma.

**Emancipated Minor -** A minor child who is no longer a dependent of their parent(s) due to court action or marriage. For eligibility purposes such child is considered an adult.

**Emergency Assistance - EA –** A short-term program benefit to assist families in an emergency situation caused by the occurrence of an unforeseen circumstance.

**Equity Value -** The current fair market value minus any encumbrances against the property as of the date of evaluation.

**Evidence -** Something that furnishes proof.

**Excess Child Support -** Money received from the absent parent that is in excess of the monthly TANF/PaS grant.

**Excluded Asset -**Any real or personal property that is not counted toward the general asset limit.

**Excluded Income** - Specific types of income which are not counted in the determination of eligibility or the amount of assistance.

**Executive Office for Immigration Review (EOIR)** - conducts immigration court proceedings, appellate reviews and administrative hearings.

**Exempt Months -** Months that are not counted toward the 60-month lifetime limit.

**Extension –** A Department decision which permits families to receive additional months of TANF beyond the 60-month lifetime limit if certain criteria is met.

**F**

**Fair Hearing -** An opportunity for any persons whose claim for assistance has been denied, or has had other negative action taken on their case, to present convincing evidence to reverse the original decision.

**Fair Market Value** - The amount of money that the sale of property would bring on the open market in the community where the property is located.

**Family Contract** - A Department form signed by a representative of the Department and each TANF/PaS specified relative that states the responsibilities of the parties to the agreement, including but not limited to cooperation in child support enforcement and determination of paternity, and the requirements of the ASPIRE Program participation.

**Federal Poverty Level – FPL** - A measure of income used to determine eligibility and when applicable, recipient premiums for many low income programs. The poverty guidelines are updated periodically in the Federal Register by the U.S. Department of Health and Human Services under the authority of 42 U.S.C. 9902(2).

**Filing Unit** - The group of family members drawn into the assistance group according to their relationships with one another.

**Fleeing Felon -** An individual who has been convicted of a felony and is fleeing prosecution or incarceration.

**Foster Care -** A legal action that places a child in the custody/control of a person or entity other than the child’s natural or adoptive parents by a state.

**Fraud Investigation and Recovery Unit – FIRU -** The unit of the Department’s Office for Family Independence authorized under 22 M.R.S. § 13 to investigate fraud, attempted fraud, commingling or misapplication of funds.

**G**

**Garnishment -** A legal action to deduct a specified amount of money from a person’s earned or unearned income.

**Good Cause** - An acceptable reason for an individual's action/inaction that removes the penalty for that action/inaction or relieves a requirement. When and how good cause may be established is described in further detail throughout the manual.

**Grant -** The TANF/PaS cash assistance money payment issued to an assistance group.

**Gross Earned Income (employed by another)** - The total amount of wages, salaries, tips, commissions, and/or the dollar value of in-kind benefits received by an employee as compensation for work performed before any payroll deductions or garnishments are subtracted.

**H**

**Higher Opportunity for Pathways to Employment – HOPE** - An assistance program for students who are parents of minor children. This program provides support services such as child care and transportation and voluntary student navigation services.

**HIPAA** – *The Health Insurance Portability and Accountability Act of 1996*, P.L. 104-191, 110 Stat 1936, requiring the protection and confidential handling of Protected Health Information.

**Head of Household -** Primary contact person in a household.

**Hearing Request** - A clear expression, orally or in writing, by the applicant/client, or the authorized representative acting on their behalf, to the department requesting the opportunity to present their case to a higher authority due to a dispute in case determination.

**Home -** The principal place of residence; the family setting in which the child lives with a specified relative, who provides the day-to-day care and control of the child. For resource purposes: a home is the current place of residence which is owned by the specified relative and which includes any building and the land upon which it is located, the land that appertains (belongs) to the home and all the buildings and/or mobile homes located thereon.

**Homeless -** Having no fixed address nor living in a permanent dwelling.

**Household** - People who live together.

**I**

**Immigration Court** - is the primary function of the Executive Office for Immigration Review (EOIR) within the United States Department of Justice (DOJ) under delegated authority from the United States Attorney General.

**Inaccessible Assets -** Resources not legally available to the individual. Resources which may become legally available to the individual through reasonable effort, regardless of penalty incurred, are not considered inaccessible. Any penalty incurred or which would be incurred in accessing the resource must be deducted from the value of the resource for the purpose of determining eligibility.

**Incapacity** - A physical or mental illness or impairment diagnosed by an Acceptable Medical or Mental Health Source as sufficiently serious enough to eliminate or substantially reduce the client’s ability to obtain or retain employment.

**Income -** Cash payments or in-kind benefits which are regular and recurring, or which are treated as available for use regardless of actual receipt, such as deemed income.

**Income-in-Kind -** Goods, commodities, or services (such as meals, clothing, lodging) provided as a contribution or compensation for work instead of cash.

**Income Producing Property** - Property that is, in and of itself, producing income.

**Individual Income** - All available income received on behalf of or by one person.

**Individual Retirement Account - IRA -** A tax deferred pension or plan that sets aside money now for the planned needs of the person after retirement.

**Indian Country** - Within the geographical boundaries of a reservation.

**Indian Custodian** - Any **Indian** person who has legal custody of an **Indian** child under tribal law or custom or under State law or to whom temporary physical care, custody, and control has been transferred by the parent of such child.

**Ineligible** - Not entitled to receive benefits because of not meeting one or more of the specified financial or non-financial eligibility requirements.

**Inheritance -** Property received or anticipated to be received from a relative or other person by legal succession or will.

**Initial Eligibility Determination** - The act of evaluating eligibility factors for each child and specified relative who apply for TANF/PaS cash assistance and finding the case eligible or ineligible.

**Insurance Settlement** - The money received by a person(s) from a company for damage to property or injury to person.

**Interstate Compact on the Placement of Children - ICPC -** An agreement among all 50 states that coordinates the movement of children across state lines for the purpose of placement in foster care, adoptive homes, group homes, residential treatment centers, or on a trial basis with a parent.

**J**

**Joint Custody** – A domestic relations agreement that both parents are to function as providers of maintenance, physical care, and guidance of the child(ren). The actual circumstances may or may not indicate this is occurring.

**Jointly Owned Property** – Property presumed to be owned in equal shares by each of the persons holding a legal interest, unless otherwise specified in a legal document such as a deed or divorce decree. A court-ordered right of ownership takes precedence over any contrary verbal claim or stipulation on any document.

**L**

**Legal Guardian** - A person who has the legal authority to care for the personal and property interests of another person as determined by the court.

**Lien/Encumbrance** - A security interest or claim upon real or personal property to ensure satisfaction of a debt. The lien amount must be paid up for title to the property to be transferred from one owner to another.

**Living With -** To be "living with" a specified relative the child must live in that relative's home. The home is where the family lives or is staying. It does not have to be their own home or their permanent home. It does not have to be an apartment or a house.

**Liquid Assets -** Resources which can be readily converted to cash, such as cash, checking or savings accounts, certificates of deposit, and stocks or bonds.

**Loan -** A transaction in which money is given to another and must be repaid.

**Low-Income Home Energy Assistance Program – LiHEAP -** A federal program that helps low income households pay for heating or cooling their homes.

**Lump Sum Payment** - Cash received on a non-recurring or irregular basis that may not reasonably be anticipated. Includes insurance settlements, inheritances, retroactive payments of RSDI, VA, SSDI, SSI and Unemployment Insurance.

**M**

**Maintenance -** The provision of the supplies or funds needed to sustain basic needs.

**Minor Child -** A child who is under age 18.

**Minor Parent -** An individual under age 18 who has a minor child; who is not married or emancipated by the court.

**Month Received** - The benefit month in which money may be reasonably anticipated to be available to the applicant or client or in which the person will receive money in-hand. SSA and SSI payments are exceptions to this definition, as the payment is made at the end of a month (usually because of holiday mail) for use during the following month.

**Mutual Fund -** A company without fixed capitalization, freely buying and selling its own shares and using its capital to invest in other companies.

**N**

**National Automobile Dealers Association (NADA) Used Car Guide -** A private publication giving standard values for motor vehicles.

**Net Earned Income** - An individual’s monthly gross earned income minus all allowable employment-related disregards. Also known as *net monthly earned income*.

**Net Income -** Gross income minus all allowable income disregards and deductions.

**Noncitizen** - A person residing in the United States who is not a United States citizen.

**Noncitizen Sponsor** - A person or any public or private agency or organization who executed an affidavit of support or similar agreement on behalf of a noncitizen (who is neither the child of the sponsor nor the sponsor’s spouse) as a condition of the noncitizen’s entry into the United States.

**Non-Custodial Parent - NCP** - A natural or adoptive mother or father who is not living in the home of the child.

**Nonliquid Asset -** A resource which cannot reasonably be readily converted to cash, such as vehicles, buildings, or land.

**Non-financial Criteria -** Eligibility criteria not based on income or assets.

**Non-welfare Child Support** - A child support obligation and/or payment received on behalf of a child who is not in receipt of TANF or associated with and outstanding TANF debt.

**O**

**On-going Eligibility** - The act of evaluating each open case and finding the case eligible or ineligible.

**Orientation -** A process to provide applicants with information on program requirements, available supportive services, and their rights and responsibilities.

**Otherwise Eligible -** Not precluded from eligibility by some other provision of Maine statute, Title IV-A of the Social Security Act or P. L. 104-193, *the Personal Responsibility and Work Opportunity Reconciliation Act of 1996* (PRWORA), and the individual meets all non-financial criteria.

**Overpayment –** Amount of a financial assistance payment received by or for the benefit of an assistance unit that exceeded the amount for which that unit was actually eligible.

**P**

**Parent -** Specified relative who is a natural/adoptive parent or a stepparent (related by marriage to the child's natural/adoptive parent) or a person considered by law to be a parent in the case of a child conceived by artificial insemination.

**Parents as Scholars - PaS** – A monthly cash assistance program for parents of minor children who are matriculating in postsecondary undergraduate two-year and four-year degree-granting education programs.

**Pension Fund -** An investment account (typically with an employer) that is intended to provide income at retirement.

**Pension Payment** - A sum of money paid regularly as a retirement or disability benefit.

**Perjury -** A willful false statement of a material fact; swearing to what is untrue; or, incompletely answering all questions under oath with an intention to deceive.

**Personal Property** - All belongings owned by the applicant or client that are not considered real property.

**Physical Care** - The attention given to the physical needs of a child or children.

**Place of Residence -** A person’s primary abode where they live more than half the time.

**Probation/Parole Violator -** An individual not fulfilling the requirements of their probation/parole.

**Processing Month** - The month in which computer entries are made and confirmed.

**Proof -** Documentation or information that establishes the accuracy of statements made by the individual.

**Prorate** – To divide or distribute benefits proportionally based on number of days eligible in the benefit month.

**Prospective Budgeting -** Calculating eligibility and/or benefit amount by using the best estimate of the income and circumstances that are expected to exist in the benefit month.

**Protective Payee -** The individual, other than the specified relative, to whom payment is made and who manages the family’s benefit for the purpose of safeguarding the health and welfare of the child(ren).

**PRWORA***- Personal**Responsibility and Work Opportunity Reconciliation Act of 1996*– P.L. 104-193 replaced the Aid to Families with Dependent Children (AFDC) program with the Temporary Assistance for Needy Families (TANF) program. Establishing basic federal program requirements for TANF and strengthening the child support system.

**Q**

**Quality Control –** **QC -** a unit with the Department’s Office for Family Independence that regularly conducts internal audit type activities to ensure program integrity in benefit issuance and timeliness.

**Questionable** - Inconsistent with— other statements made by the individual, information provided for current or past requests for assistance, or information received by the Department from other sources.

**R**

**Real Property** - Resources in the form of real estate, such as land or buildings.

**Recoupment -** The collection or recovery by the Department of the value of assistance erroneously paid to an individual.

**Redetermination -** A review of all financial and non-financial requirements affecting eligibility and/or benefit amount.

**Resident** - A person who lives in Maine with the intent to make it their home.

**Retirement, Survivors, and Disability Insurance - RSDI -** A program operated by the Social Security Administration that provides a monthly income to retired people, survivors or dependents of insured people, and people with disabilities.

**Room and Board Income -** Money received for providing meals and/or rooms to people not included in the assistance group.

**Roomer -** An individual residing with others and paying reasonable compensation to others for lodging, but not for meals.

**S**

**Sanction -** A penalty imposed against a client for failure to cooperate with requirements of the ASPIRE Program, DSER, and/or other means tested programs that specifically require such a penalty.

**Section 8 Housing** - A federal rent subsidy program now referred to as the Housing Choice Voucher Program. The tenant pays a portion of the rental cost based on a percentage of their income. The balance of the rental cost is paid by the federal government. Also known as deep subsidy.

**Self-Employment -** The act of engaging in a trade or business not under the control or direction of an outside employer with the intent to generate earnings or benefits where those earnings are not reported on a W-2.

**Shelter Costs -** The amount of money required to provide housing.

**Social Security Administration - SSA -** A United States government agency that administers specific social programs covering disability, retirement and survivor’s benefits.

**Social Security Disability Insurance – SSDI -** Benefits issued to individuals who can’t work because they have a limiting medical condition that’s expected to last for at least one year or result in death.

**Social Security Number – SSN -** A nine-digit number that the United States government issues to all U.S. citizens and eligible U.S. residents who apply for one.

**Specified Relative** - A person related to the minor child within the fifth degree of kinship by blood, marriage, or adoption who lives with the child; a legal guardian or Indian Custodian who lives with the child.

**Standard of Need** - The amount of income necessary to meet the full need in relation to household size.

**Step Disregard -** The method of reducing a certain percentage of a TANF/PaS recipient’s earned income for the first six months of employment.

**Stepparent -** An individual who is currently legally married to a child’s natural or adoptive parent but has no biological or adoptive parental relationship to the child.

**Striker -** Anyone who participates in a strike or work stoppage (including a stoppage due to the expiration of a collective-bargaining agreement) or any concerted slowdown or other interruption of operations by employees.

**Subsidized Housing** - Housing leased under an agreement in which the household pays a rate based on a percentage of the household’s income. The balance of the rent is paid for by the federal government. Also known as deep subsidy housing, conventional public housing, or the Housing Choice Voucher Program (formerly known as Section 8 housing)*.*

**Supplemental Security Income - SSI -** Federal payments made under authority of Title XVI of the Social Security Act.

**Systematic Alien Verification for Entitlements - SAVE** - A process which allows access to U.S. Citizenship and Immigration Service (USCIS) data to validate the immigration status of non-citizen applicants.

**T**

**TANF Cash Assistance** - A time-limited cash assistance program designed to provide families with opportunities leading to self-support.

**Temporary Absence** - The condition created when a member(s) of the assistance unit is away from the home for a specified period of time not to exceed 45 days except in limited circumstances.

**Temporary Assistance For Needy Families - TANF** –Welfare provided under Title IV-A of the Social Security Act which authorized the TANF block grant as a result of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

**Termination -** The closure of a case and/or removal of an individual from program eligibility.

**Timely Notice -** Written notification mailed at least ten days prior to the date of the action.

**Title IV-A** - The section of the Social Security Act authorizing the TANF program.

**Title IV-D** - The part of the Social Security Act that authorizes establishing paternity and collecting child support.

**Title IV-E Foster Care** - Foster care payments authorized under Title IV-E of the Social Security Act.

**Transfer -** The act of moving the right, title or interest in property, or a portion thereof, from one person to another by sale, gift or exchange. Also includes transfers to joint tenancy or to tenancy in common.

**Tribal Land Claim Settlements -** Settlements of property claims between the Federal government and Indian Tribes under Public Laws 92-03, 94-89, 94-14, 94-40, 95-33, 96-20, and 93-31.

**Trust -** Any arrangement in which a grantor transfers property (real or personal) with the intention that it be held, managed, or administered by a trustee(s) for the benefit of the grantor or other beneficiary(ies). Trusts are managed by individuals or entities with fiduciary obligations.

**Trustee -** Any individual(s) or entity that manages a trust and has fiduciary responsibilities.

**U**

**Underpayment -** The payment of a level of assistance that is less than the amount that an assistance group is rightfully entitled to receive, or the failure of the Department to issue benefits to an eligible assistance group.

**Unearned Income -** All contributions, payments, pensions, benefits, loans, awards, etc. which are not received as compensation for work performed. No deductions are allowed from unearned income unless otherwise instructed.

**Unemployment Insurance Benefits – UIB -** Financial assistance for eligible workers who become unemployed through no fault of their own and meet other eligibility requirements as determined by the U.S. and Maine Department of Labor.

**United States Citizenship and Immigration Services - USCIS** - (formerly INS) – An agency of the U.S. Department of Homeland Security (DHS) that administers the country’s naturalization and immigration system.

**United States Department of Justice (DOJ)** - a federal executive office responsible for the enforcement of federal law.

**Utilities -** The services provided for water, sewer, electricity, telephone and heating/cooking fuel.

**V**

**Vendor -** The person or business that provides goods or services.

**Vendor Payments -** A portion of assistance paid directly to a vendor on behalf of an assistance group.

**Verification** - A document or written statement attesting to the validity of a fact or event that is needed to determine eligibility or establish compliance with program requirements.

**Verify -** To check, confirm or establish whether a statement or condition is true or accurate by obtaining a copy, viewing a copy or obtaining a verbal description of the evidence.

**W**

**Workforce Innovation and Opportunity Act – WIOA -** Services designed to help job seekers access employment, education, training and support services to succeed in the labor market and to match employers with the skilled workers they need to compete in the economy. These services are administered by the U.S. and Maine Department of Labor.

1. **LEGAL BASIS**:

Federal legislation, the *Personal Responsibility and Work Opportunity Reconciliation Act of 1996* (PRWORA), Public Law 104-193 enacted August 22, 1996 provides states with an opportunity to administer a financial aid and job preparation program. As a condition of receipt of a Part-A, Block Grant for Temporary Assistance for Needy Families (TANF) under Title IV of the *Social Security Act*, Maine agrees to administer a welfare program in accordance with the rules of PRWORA, provisions of its State Plan, and all applicable State laws and regulations.

1. **GENERAL RULE**:

TANF provides temporary financial assistance to families with needy dependent children while the family works towards becoming self-supporting.

1. **PROGRAM REQUIREMENTS**:

Basic eligibility criteria and program requirements are contained in chapters I through IV and are arranged by subject. Chapter order follows the eligibility determination process generally used for new applicants.

1. **Confidentiality:**

The Department of Health and Human Services must by Federal and State rules provide for the basic rights and dignity of all applicants or recipients of financial services regarding their confidentiality. The Department must ensure that information about the recipient is maintained in a confidential manner and only released under certain circumstances.

**NOTE:** All employees of the Department must adhere to this policy.

1. Address Confidentiality Program

The Address Confidentiality Program, administered by the Secretary of State, provides address confidentiality for victims of domestic violence, stalking or sexual assault and requires state and local agencies and the courts to accept a designated address as the program participants’ address when creating a public record. When an applicant or recipient verifies that they are a certified participant in the Address Confidentiality Program, the designated address is the only address accepted and provided when staff is required to release information in each circumstance described in pages 1 through 3 of this chapter.

1. Information requested from outside the Office for Family Independence shall be released by the following:
2. Permission:

Whenever possible, the individual shall be informed of any outside request for information. Permission for release of information shall either be provided by the inquiring source or requested from the recipient. In an emergency situation when a release cannot be obtained and releasing the information would be in the best interest of the client, they shall be notified promptly of the disclosure and the reason for it.

**NOTE:** The Department shall not release identifying information to absent parents without release from Specified Relatives.

1. Subpoena:

When the court subpoenas a record or an agency representative to testify concerning an applicant or recipient, the Department's representative shall bring to the court's attention the statutes and regulations regarding disclosure. The decision then rests with the presiding judge.

**NOTE:** The above conditions apply to requests from other government authorities, courts and law enforcement agencies unless the situation is described in iii(f).

1. Program Administration:

The release of information must be limited to programs which establish eligibility and provide services through agencies subject to comparable standards of confidentiality. The Department shall release information for the following─

a. Investigation and Recovery

b. Fair Hearing Preparation: The Department shall make all information pertaining to a decision on eligibility, including medical and social data available to the applicant or recipient or their authorized representative.

c. General Assistance: The Department shall provide, to the municipality, financial information necessary to make a determination as to the need and amount of General Assistance. The Department shall not provide Medical reports without the individual's written permission.

d. Law Enforcement: The Department shall provide the current address of a recipient to a Federal, State or local law enforcement officer upon request of the officer if the officer provides the agency with:

1. The recipient's name and enough information to identify the individual, and

2. Notification that the individual is fleeing to avoid prosecution or custody or confinement after conviction or that the individual has information that is necessary for the officer to conduct the official duties of the officer and the location or apprehension of the recipient is within such official duties.

e. Other Social Service Agencies: The Department shall provide information upon receipt of written authorization from the individual.

**NOTE:** This authorization is not required of Social Services within the Department; however, they are required to seek permission of the Worker to access the record and may not remove it without permission.

f. Suspected Child Abuse or Neglect: Information regarding suspected child abuse or neglect of any child on the assistance grant must be reported to Department of Human Services Bureau of Child and Family Services. Also, information must be released to any local or state agency or official legally authorized to investigate child abuse and neglect under Maine law.

g. United States Citizenship and Immigration Services (USCIS): The Department shall not provide information regarding counterfeit, altered or fraudulent documentation used to obtain benefits unless it has been requested by USCIS in writing for criminal investigation.

**D. APPLICATION PROCESS**

All individuals have the right to file an application for TANF/PaS benefits. Completed referrals received from qualified public educational institutions are considered an application for PaS only.

1. **Minimum Requirements:**
2. The applicant or their authorized representative must:

i. Complete and sign, under penalty of perjury, an application;

ii. Complete an interview; and

iii. Sign a Family Contract.

1. All filing unit members who are mandatory ASPIRE-TANF participants must:
2. Sign a Family Contract; and
3. Complete an orientation meeting within 30 days of application.

**EXCEPTION:** When circumstances beyond the control of a mandatory ASPIRE-TANF participant prevent them from completing an orientation meeting within 30 days, the Department shall grant the application, if otherwise eligible, and require the completion of the orientation meeting within the second 30 days following application, i.e., within 60 days of the original application. When good cause claimed is based on domestic violence an individual may not be required to participate in orientation until the good cause determination is made. See 10-144 C.M.R. 607 ASPIRE-TANF Rules.

1. **The Interview:**
2. Orientation to TANF programs begins with the initial interview. During the initial interview of the application process, the Department shall provide applicants with information about coverage, conditions of eligibility and rights and responsibilities including information, both orally and in writing, of the availability of services for victims of domestic violence.
3. Responsibility of Office Staff**:**

Office staff or their representative shall advise all TANF/PaS applicants and recipients of the availability of the ASPIRE-TANF program and other services, including the following:

1. Education, employment, and training opportunities available;
2. Support services available during participation, and available transitional services when TANF/PaS eligibility stops;
3. Assistance in establishing paternity and obtaining child support and reminding the applicant/recipient of their responsibility to cooperate unless good cause exists (Chapter II(G));
4. The grounds for exemptions from participation, the consequences for refusing or failing to participate, and Good Cause for non-participation. Voluntary participants, who are otherwise exempt (Chapter II(H)(2)), shall be informed that their failure to participate shall not result in sanctions;
5. Information about the PaS Program;
6. Information about Earned Income Tax Credit; and
7. The criteria which must be met to remain eligible beyond 60 months.
8. **The Family Contract:**

a) During the initial interview, a representative of the Department and the TANF/PaS family must enter into a contract by signing a form referred to as the Family Contract. The Family Contract states the responsibilities of the parties to the agreement including, but not limited to, cooperation in child support enforcement and determination of paternity; the requirements of ASPIRE-TANF Program participation; and referral to parenting activities and health care services.

**NOTE:** Signing the Family Contract does not waive the person’s right to appeal anything in the Family Contract with which they disagree.

The Family Contract must be signed by TANF/PaS specified relatives. The Family Contract must be amended to include individual employability plans as filing unit members enter the ASPIRE-TANF program and when participation review occurs. Written copies of the Family Contract and notice of the right to a fair hearing must be provided to the individual at the initial signing and whenever the Contract is amended.

i. Refusal to sign the Family Contract Amendment:

The Department shall sanction any specified relative who refuses to sign the Family Contract amendment. The sanction shall follow the policy pertaining to non-compliance with the ASPIRE-TANF Program.

1. **Orientation:**

All filing unit members who are mandatory ASPIRE-TANF participants must complete a TANF orientation meeting to complete the application process unless good cause exists (See Good Cause below).

1. Good Cause:

If an applicant or mandatory ASPIRE-TANF participant indicates that there is a reason not to complete the Orientation meeting, the Department must determine whether they qualify for “good cause”. An individual may not be required to participate in any TANF activity including the orientation meeting until the good cause determination is made.

Good cause exists when the individual or the child is a victim of domestic violence, (which includes physical injuries or the psychological effects of abuse), and participation in ASPIRE-TANF could result in physical or emotional harm to the child or other family member. Domestic violence victims may volunteer to participate in an orientation meeting.

The full definition of domestic violence for the determination of good cause is the inability to participate because of physical injuries or the psychological effects of activities related to abuse; because the abuser actively interferes with the individual’s participation; because the location puts the individual at risk; or for other good cause related to domestic violence. For the purposes of this subsection, reasonable and verifiable evidence may include but is not limited to the following:

1. Court, medical, law enforcement, child protective, social services, psychological or other records that establish that the individual has been a victim of domestic violence; or
2. Sworn statements from persons other than the individual with knowledge of the circumstances affecting the individual.

iii. A sworn statement from the applicant may be provided attesting to the circumstances that make the individual unable to attend orientation; or

iv. A department issued form may be completed and signed, attesting to the circumstances that make the individual unable to attend orientation. Supporting documentation may be required if articulable doubt exists regarding the credibility of the provided self-attested statements or forms.

**NOTE:** When a determination of good cause is made, the ASPIRE-TANF program may contact the individual and offer domestic violence victim services or other appropriate services including an orientation meeting on a voluntary basis.

1. **Verification and Documentation:**

The Department shall seek necessary clarification and verification, first, from the applicant. With the exception of public records, the Department may not gather verification without the applicant's knowledge and consent. The Department shall advise the applicant what questions remain unanswered, what needs to be provided, and verification due date. The due date must be at least 10 days from the date the notice is provided. The applicant must provide the requested materials by the later of the specified due date or 30 days from the date of application.

1. Situations requiring additional information include, but are not limited to:
2. Discrepancy in income or resources;
3. Parent deceased, no Social Security income declared;
4. Unemployed, no unemployment insurance benefit declared;
5. Information incomplete;
6. Community complaints; or
7. Evidence of potential resources.
8. The applicant has the primary responsibility for providing verification to support statements made on the application. If the applicant cannot supply or has difficulties in obtaining the required verification, the Department must assist the applicant and explore good cause.

i. Examples of acceptable verification include, but are not limited to:

a. Wage stubs;

b. Employer statements;

c. Award letters;

d. Bank statements; or

e. Collateral contacts.

ii. Examples of good cause include, but are not limited to:

a. An employee feels they would get fired if a collateral contact was made, or

b. A foreign government refuses to verify an ex-employee's wages.

The Department must document in all case files reasons to support such decisions.

c) Verification Other Than at Application**:**

The Department shall use the same verification procedures that are used for initial application in subsequent eligibility and benefit level decisions.

1. **Applicant Notification:**
2. Notification of approval is in writing and contains the following:
3. Dates of financial eligibility;

**NOTE**: Applicants may be notified of their eligibility for other benefits separately

1. Income used to determine eligibility and benefit level;
2. Regulation supporting approval; and
3. Explanation of applicant's right to a fair hearing.
4. Notification of denial is in writing and contains the following:
5. Statement of denial action;
6. Reason for denial;
7. Citation of policy supporting denial; and
8. Explanation of applicant's right to a fair hearing.
9. **Time and Processing Standards:**
10. Benefits are calculated from the date of application or from the date of statutory eligibility, whichever occurs later.

**NOTE:** The initial month’s benefit is prorated according to the Table of Percentages in the Appendix.

1. The Department must make a decision within 30 days of application. This time standard shall not be used as a waiting period or as a basis for denial.

The Department shall determine eligibility after both the initial interview and the orientation meeting are completed.

**NOTE:** The Department shall use the same procedure when mailing a decision notice or benefit to the designated address of a participant in the Address Confidentiality Program (ACP) (C(1)(a) above). The administrators of the Address Confidentiality Program then forwards the mail to the ACP participant. Therefore, the ACP participant may experience delays in receiving decisions and benefits.

1. When an applicant refuses to provide required information or verification, the Department shall:
2. Make sure the applicant understands that benefits will be denied unless the information is provided;
3. Document the refusal; and
4. Deny the application.
5. When an applicant fails to provide required information or fails to contact the Department by a specified date without good cause, the Department shall:
6. Document the failure to contact or provide required information; and
7. Deny the application after the specified date.
8. When an applicant has good cause for failing to provide required information, the Department shall:
9. Offer to provide assistance in obtaining the information;
10. Waive a requirement under extraordinary circumstances when the proof is unlikely ever to be available and obtaining it is outside the control of the client or Department;
11. Keep the application pending an additional 30 days while the client or Department continues their attempt to get the required proof;
12. Grant the application back to the original date of application when required proof is obtained within the second 30 day-period providing that the client is eligible to that date; or
13. Deny the application when the required information is not provided within the second 30-day period.
14. Good Cause Reasons Include:

i. Natural disasters, such as fires or floods, having a direct impact on the applicant/recipient or an immediate family member;

ii. Illness of such severity on the part of the applicant/recipient or an immediate family member that the applicant/recipient is unable to direct their personal affairs;

iii. Refusal of an employer to provide earned income verification, or the unavailability of an employer to provide verification before the deadline;

iv. Lost or stolen mail;

v. Refusal of a landlord to verify housing expense;

vi. Death of the applicant/recipient or an immediate family member; or

vii. Inability of a third party (such as Social Security Administration) to provide the necessary documentation within the designated time period.

g) When good cause does not exist as defined above, the Department shall:

1. Document the explanation given for the failure and why it does not establish good cause; and
2. Deny the application.
3. **NON-PAYMENT SITUATIONS**

Although eligibility may exist there are some situations in which a TANF/PaS payment cannot be made.

1. **Concurrent Assistance:**
2. **TANF/PaS**: Individuals cannot be included as members in more than one filing unit in the same month; nor can there be more than one set of specified relatives in the same month. This also applies to individuals moving from one state to another.

**NOTE:** In the event another state pays semi-monthly and the recipient received only half of the monthly benefit, that individual is eligible for a partial monthly benefit from Maine. If the client applies in the first half of the month, the Department shall prorate from the first day of the second half of the month. If the client applies during the second half of the month, the date of application is used for proration.

**NOTE:** Count the TANF/PaS payment received in the previous state. Do not count other income received in the previous state because it was considered in the calculation of that state's TANF/PaS payment.

1. **SSI:** See Filing Unit, Chapter II.
2. **Foster Care:** See Filing Unit, Chapter II.
3. **Interstate Compact:** See Relationship and Maintenance of a Home, Chapter II
4. **Penalties for Convictions:**

TANF/PaS assistance must not be provided for any individual who is:

1. Convicted in Federal or State court of having made a fraudulent statement or representation with respect to the place of residence of the individual in order to receive assistance simultaneously from two or more states under funds provided through the TANF Block Grant, Medicaid, the *Food Stamp Act of 1977*, or the Supplemental Security Income (SSI) program. These individuals are ineligible to receive TANF/PaS benefits for a period of ten years from the date of conviction.

**NOTE:** The prohibition from receipt of assistance does not apply to any months following the granting of a pardon of such a conviction by the President of the United States.

1. Fleeing to avoid prosecution, custody, or confinement after conviction, under the laws of the place from which the individual flees, for a crime, or an attempt to commit a crime, which is a felony under the laws of the place from which the individual flees (referred to as a “high misdemeanor” in New Jersey); or
2. Violating a condition of probation or parole imposed under Federal or State law.
3. **REDETERMINATION (REVIEW) PROCESS**

All cases must have eligibility for continued assistance re-determined periodically.

Redetermination requires:

1. **The recipient and/or their representative must**:
2. Submit a signed review form, and
3. Complete an interview
4. As in the application process the recipient has the primary responsibility for providing verification to support statements made on the review form or during the face-to-face or telephone interview.

The recipient and/or representative is allowed the entire month of review to complete the process.

1. **The Department must:**

a) Notify the recipient and/or their representative of the results of the review using timely and adequate notice procedures.

b) If the recipient cannot supply or has difficulty in obtaining the required verification, Department staff shall assist them.

**NOTE**: At least once a year, the Department shall inform recipients of the criteria that must be met to remain eligible beyond 60 months.

1. **Redeterminations must take place at least every 12 months.**
2. **QUALITY CONTROL REVIEW**

TANF/PaS households who refuse to cooperate in any quality control review are not eligible for benefits until they comply.

1. **CHANGE PROCESS**

All individuals are required to report changes which affect eligibility. The Department is required to act on reported changes timely.

1. **Timely Reporting:**
2. Families must report within 5 days of the date it becomes clear that a child will be out of the home for 45 days or more.
3. All other changes in circumstances such as income, assets, household composition, marital status and residence must be reported within ten days of occurrence. For income purposes "occurrence" is the date the change in income is received.

**NOTE:** When changes are reported timely, the month in which the change occurred shall be considered a correct payment month even when ineligibility begins in that month.

c) Earned income disregards are not allowed in determining overpayments when an individual failed, without good cause, to report timely. Good cause reasons include:

1. Mail delay,
2. Illness of the employed individual, and

iii. Other unanticipated emergencies.

1. **Treatment of Changes:**
2. A change resulting in an increase in benefits affects the next payment. If the increase cannot affect the next payment the Department shall authorize a corrective payment.

**NOTE:** With the exception of adding individuals, families that report any changes resulting in grant increases shall not receive a corrective payment for the month of report. The corrective payment is prorated from the date that the individual entered the household or met eligibility requirements or complied with ASPIRE or DSER requirements.

1. A change resulting in a decrease in benefits shall affect the next payment depending on timely notice requirements.
2. **TIMELY/ADEQUATE NOTICES**

The Department must provide the recipient with timely and adequate notice when the action is to discontinue or reduce the payment. The Department must provide the recipient with adequate notice when the action is to increase or continue the payment at the same level.

1. Timely notice must be mailed 12 days before the change is effective (10 days for notice - 2 days for mailing).

a) The Department shall use the same procedure when mailing a decision notice or benefit to the designated address of a participant in the Address Confidentiality Program (ACP). The administrators of the Address Confidentiality Program then forward the mail to the ACP participant. Therefore, the ACP participant may experience delays in receiving decision notices and benefits.

b) Timely notice is not required in the following instances:

1. The recipient or the payee dies;
2. The recipient requests in writing that the case be closed;
3. The recipient has been committed to a public non-medical institution;
4. The recipient has been placed in skilled nursing care, intermediate care or long-term hospitalization;
5. The recipient's whereabouts are unknown and departmental mail has been returned; or
6. A child is removed from the home as a result of a judicial determination.
7. Adequate notice includes a statement of—
8. The action the Department intends to take;
9. The reason for the action;
10. The policy citation supporting the action; and
11. An explanation of the right to request a hearing and, if it is requested within 12 days from the date of the notice, the benefit can continue at the previous level until a decision is made after a hearing. If the Agency is upheld, the continued benefit must be repaid.
12. **60 MONTH BENEFIT LIMIT**

A family may not receive TANF/PaS assistance for longer than 60 months in a lifetime except in those cases in which the department has determined that the family qualifies for an exemption, or a hardship extension, or an earnings disregard extension.

Maine law provides that all recipients of TANF cash assistance shall be subject to a lifetime limit of 60 months, whether or not consecutive.

The count for the lifetime limit on assistance begins with June 1, 1997. June is counted as month 1 of the 60 months allowed if, at the beginning of that month, state- or federally-funded cash assistance was received for either parent. The lifetime limit includes any month the family received cash assistance in any other state or territory of the United States.

1. **Exemptions from the Time Limit:**

The time limit shall **not** apply in the instances of:

1. A minor child(ren) living with a single parent who receives SSI benefits, or with two parents who both receive SSI benefits;
2. A minor child(ren) living with a legally responsible non-parent specified relative who is not in the assistance unit;
3. An adult living in Indian Territory or Trust lands (as defined by 30 M.R.S. §§ 6203(2-A – 6, 8 and 9) and 7202(2)) where at least 50 percent of the adults were not employed. The Department uses the most current biennial Indian Service Population and Labor force Estimates Report published by the Bureau of Indian Affairs (BIA), or

any successor report, as default data source to determine if the not-employed rates for areas of Indian country are at least 50 percent. A tribe may provide alternative data based on similar periods to the above referenced report, to demonstrate that the not-employed rate is at least 50 percent;

1. Any month of receipt in which an individual is a pregnant or minor parent who is not the head of household;
2. Any month for which the family received only non-cash assistance such as:
   * 1. Alternative Aid,
     2. Emergency Assistance,
     3. ASPIRE-TANF Support Services,
     4. Whole Family Services,
     5. Food assistance including Transitional Food Assistance and any TANF work supplement programs,
     6. Transitional Services including child care and transportation, or
     7. HOPE, 10-144 C.M.R. 330.
3. **Benefits Which Count Toward the Limit:**

Receipt by a family of TANF/PaS cash assistance from Maine or from any state or territory of the U.S., regardless of the source of funding of the payment, counts as one month toward the 60-month limit when an adult or minor parent head of household is included in the family.

**EXCEPTION:** When a TANF/PaS overpayment has been established for a month, and that month is repaid in full, that month does not count toward the 60-month limit.

1. **Provisions for Extensions to the Time Limit:**
2. A family may receive benefits for more than 60 months if they qualify for an extension. If granted an extension, eligible families are issued monthly benefits according to TANF/PaS cash assistance benefit standards. In addition, these families are—

i. Subject to all TANF/PaS cash assistance eligibility requirements,

ii. Required to participate in Family Contract Amendment activities from the date of application, and

1. Subject to all TANF/PaS reporting requirements.

b) Any non-exempt family who has received TANF/PaS for 60+ months must meet one of the criteria for one of the hardship extensions and must—

i. Sign and be in cooperation with their Family Contract Amendment unless good cause exists,

ii. Continue to meet all other TANF/PaS eligibility requirements, and

iii. Continue to meet the criteria on which the extension was based each month of the extension period.

Failure to meet these requirements shall result in the withdrawal of the extension.

c) All extensions are temporary. An extension may be approved for up to six months.

d) Families who receive an extension have the option to request early termination of benefits and may be eligible for Transitional Services if otherwise eligible.

e) Non-compliance with required activities during an extension period shall result in case closure.

f) Verification:

The adult recipient or the minor parent head of household has the primary responsibility for providing verification to support the extension.

If that recipient cannot supply, or has difficulties in obtaining, the required verification, the Department shall assist them.

g) Extension types:

1. **Earnings Disregard Extension:** The Department shall grant an extension for a household for each month in which a family is eligible to receive TANF/PaS and to receive a Step disregard of either 100% or 75% (See Chapter IV). This extension type is only available for families that have reach reached 60 months on or after October 1, 2019.
2. **Hardship Extension:** 
   1. The Department may extend TANF/PaS cash assistance benefits beyond the 60-month limit when a family is experiencing a hardship outside of their control as defined below.

Additional incremental extensions may be granted for up to six months each unless specified below. Even if the situation of another adult, or minor parent head of household in the same assistance unit, was the basis for approval of an extension, any other adult or emancipated minor who received the benefit of the extension is considered to have received the extension.

* + 1. **Domestic Violence**– An adult, or minor parent head of household, recipient who is a victim of domestic violence may be eligible for an extension of up to six months. Additional incremental extensions of up to six months each may be granted.
       1. For extension purposes, domestic violence situations are defined as follows:

The adult, or minor parent head of household, recipient who is currently involved in or living with the effects of a sexual assault or domestic violence situation, which includes one or more of the following:

1. Physical acts/threats of physical injury,
2. Sexual abuse or assault of a child or caretaker of a child, or
3. Psychological effects of the abuse or assault.
   * + 1. The adult, or minor parent head of household, recipient must provide reasonable and verifiable written evidence of the abuse including but not limited to:
          1. Court, medical, law enforcement, child protective, social services, psychological or other records that establish that the recipient has been a victim of domestic violence;
          2. Sworn statements from persons other than the individual recipient with knowledge of the circumstances affecting the recipient;
          3. A sworn statement from the applicant or recipient may be provided attesting to the circumstances that provide the basis for the Domestic Violence extension; or

(iv) A department issued form may be completed and signed by the applicant or recipient, attesting to the circumstances that provide the basis for the Domestic Violence extension.

(v) Supporting documentation may be required if articulable doubt exists regarding the credibility of the provided statements or forms.

* + - 1. When the Department grants an extension due to domestic violence it shall provide information about the services offered by domestic violence resource centers and referral contact information to the recipient. The Department shall work with the recipient to create an employment plan that includes steps to prepare for employment and economic independence as well as steps to reduce the threat of violence and increase family security. When a recipient has elected to participate in services in a domestic violence resource center, and with the recipient's written consent, the Department may request the involvement of the resource center in the development of the employment plan. Subsequent incremental extensions of up to six months each may be granted.
    1. **Disability**-The adult, or minor parent head of household, recipient who is disabled may be eligible for an extension of up to six months. Additional incremental extensions of up to six months each may be granted.
       1. The adult(s) or minor parent heads of household recipient claiming disability must—

1. Have a significant physical or mental impairment documented by a medical professional on a current medical form provided by the Department or a signed statement from a medical professional (see note below regarding minimum requirements) that supports the recipient’s statement of an inability to engage in

any substantial gainful activity as defined by the Social Security Administration which has lasted or is expected to last of a continuous period of at least 12 months; or

1. If the impairment is believed to be temporary (less than 12 months), the applicant must provide medical information that includes the length of time the applicant cannot be involved in work activities. Temporary disability is intended to cover those incapacities such as a broken limb, recovery from surgery and other short-term disabilities.

**NOTE:** Statements from medical professionals must be signed, dated and provided on company or provider letterhead. The letter must at a minimum contain the adult’s name, date of birth, diagnoses, information regarding any work or functional limitation(s), date of last exam, date for when the limitations began and estimated amount of time the limitation(s) are expected to last.

* + - 1. The request for subsequent incremental extensions must include—

1. An updated medical form or signed statement from a medical professional (see note above regarding minimum requirements) documenting a significant physical or mental impairment and inability to engage in substantial gainful activity. Verification must be provided annually or upon expiration of the most recent medical statement, whichever is sooner,

(ii) Documentation of the active status or documentation of the appeal of a denial of a SSI/SSDI application;

(iii) If the impairment is believed to be temporary (less than 12 months from the original medical statement), medical information including the length of time the applicant cannot be involved in work activities must be provided. Temporary disability is intended to cover those incapacities such as a broken limb, recovery from surgery and other short-term disabilities; and

(iv) If applicable, documentation of ongoing compliance in the disabled recipient’s rehabilitation employment plan as reported by the Office of Rehabilitation Services, or documentation that the disabled recipient was found eligible for vocational rehabilitation services but was placed on a wait list.

* + 1. **Caring for a Significantly Disabled Family Member**- The adult, or minor parent head of household recipient, who is needed to care for a significantly disabled family member and is unable to engage in substantial gainful activity may be eligible for an extension of up to six months. Additional incremental extensions of up to six months each may be granted. For extension purposes all of the following conditions must be met:
       1. The adult, or minor parent head of household, recipient is needed to care for a family member who resides in the home and would be included on the TANF/PaS grant if otherwise eligible;
       2. The person needing care has a temporary or permanent mental or physical illness or incapacity;

(c) The recipient must provide documentation from a qualified medical professional that verifies the person who needs the care is physically or mentally disabled, as determined by medical evidence, and the person who needs the care requires assistance with daily living activities such as eating, personal care, mobility and/or medical attention; or The person who needs care requires supervision to address mental health issues that may result in harm to the person needing care or to others; and

(d) An employment plan must include a requirement that the recipient needed to care for the disabled family member develop a plan for care for the disabled family member to enable a return to employment for the caregiver or the other plan for support in anticipation of the end of cash assistance.

* + 1. **Participation in a Training or Education Program**- An adult, or minor parent head of household, recipient who, is participating in good standing in an approved education program such as vocational education training as defined in 10-144 C.M.R. Ch. 607, ASPIRE-TANF Program Rules, Section (3)(IV)(A)(3)(a) may be eligible for an extension of up to six months. Additional incremental extensions of up to six months each may be granted.
    2. **Working Families –** The adult, or minor parent head of household, recipient may be eligible for an extension of up to six months when that recipient is working at paid employment but is not earning enough to close TANF/PaS.
       1. The adult, or minor parent head of household, who is the single custodial parent or specified relative of a child under age 6 must be working at paid employment at least 20 hours per week.
       2. The adult, or minor parent head of household, who is the single custodial parent or specified relative of a child age 6 and older must be working at paid employment at least 30 hours per week.
       3. Two parent families must be working at paid employment for a combined total of at least 35 hours per week if they do not receive federally funded childcare, or 55 hours per week if they do receive federally funded childcare.
       4. Additional incremental extensions of up to six months each may be granted provided the recipient remains working at least 35 hours per week.
       5. Working families may be eligible for Transitional Services upon case closure following the extended benefits period if otherwise eligible.

**NOTE:** Self-Employed recipients must demonstrate that they are working the minimum hours required per week based on their household and must be earning at least the State equivalent to the minimum wage per hour to be eligible for an extension.

* + 1. **Pregnancy** – The adult or minor parent head of household recipient may be eligible for **one** extension of up to six months when they are the only adult living in the household, and are in their last trimester of pregnancy. This extension is limited to one occurrence in the adult’s lifetime.
    2. **Loss of Job** – The adult, or minor parent head of household, recipient who is terminated from TANF/PaS as a result of the time limit or end of an extension and subsequently becomes unemployed, may be eligible for an extension of up to six months when—
       1. The recipient has been employed for at least 12 months following TANF/PaS closure;
       2. The job loss was through no fault of the recipient; and
       3. The recipient has applied for unemployment benefits..

The extension lasts for up to six months. Additional incremental extensions of up to six months each may be granted.

* + 1. **Occurrence of an Emergency Situation** – A family may be eligible for anextension of up to six months when the family has experienced an emergency situation, which is beyond the control of the family and prohibits them from engaging in employment. Examples of an emergency situation include but are not limited to the following:

1. Death of child, spouse, or parent;or
2. Homelessness or have an active eviction not caused by misuse of property by the tenant, tenant’s family or invitee of the tenant, including: criminal activity, substantial damage caused to the premises, or nuisance within the premises; or
3. Inadequate or unavailable childcare or transportation required to engage in substantial gainful activities; or

(d) Being a victim of violent crime; or

(e) Are experiencing a delay caused solely by a third-party in obtaining non-financial verifications required to make a hardship extension eligibility determination beyond the verification due date (see Ch. I(D)(5), when the applicant, or recipient, initiated attainment of the required documentation prior to the verification due date.

Additional incremental extensions of up to six months each may be granted.

h) **Pre-Termination Notice and Conference:**

* + 1. The family has the right to request a conference prior to termination of TANF/PaS benefits to—
       - 1. Contest the Department’s calculation of the termination date, and/or
         2. Seek to establish the family’s eligibility for a hardship extension.

At the conference, the family has a right to present information and argument, to bring witnesses to testify on the family’s behalf, and to be represented by legal counsel. The pre-termination conference shall be conducted by an ASPIRE worker trained in the procedures set forth in this chapter, who shall determine, based upon the family’s case record and any evidence presented at the conference, the correct termination date for the family’s TANF/PaS benefits and/or whether a hardship extension should be granted.

* + 1. No later than 120 days prior to the end of a family’s 60th month of receiving TANF/PaS, the Department shall send written notice to the family of the opportunity to request a pre-termination conference. The notice must clearly explain—

1. The purpose of the pre-termination conference;
2. That a pre-termination conference may be requested orally or in writing;
3. The name, address, and telephone number of the individual or office the family must contact to request a pre-termination conference;
4. That the pre-termination conference may be conducted by phone or in person; and
5. The time frame in which the family must request a pre-termination conference to ensure continuation of benefits pending the conference.
   * 1. If a pre-termination conference is requested within 10 days of the date of the written notice, the family’s benefits continue until the conference has been held and a determination made, or until the scheduled termination date, whichever occurs later.
     2. If a pre-termination conference is requested more than 10 days after the date of the written notice, the family’s benefits shall be terminated at the end of the 60th month unless the Department determines that the family qualifies for a hardship extension.
     3. When a pre-termination conference is requested by phone, the family may choose to hold the conference at that time or to schedule a date in the future, in which case the ASPIRE worker shall send a letter indicating the date and time of the pre-termination conference.
     4. Whether the pre-termination conference is requested by phone or in writing, the worker shall explain, either verbally or in the scheduling letter, the following to the requesting family:
        + 1. The family’s right to present evidence and argument at the pre-termination conference, and to bring witnesses to provide information on the family’s behalf;
          2. The family’s right to be represented by legal counsel at the pre-termination conference; and
          3. That the family may request to have the pre-termination conference rescheduled or continued for good cause. This request must be made before the scheduled conference.
     5. Following the pre-termination conference, the ASPIRE worker shall issue a letter to the family explaining the Department’s determination and advising them of the right to appeal.
     6. If the family fails to request or complete the pre-termination conference, the Department shall determine whether the family is eligible for a hardship extension based on the information in the family’s case record.

i) **Hardship Extension Decisions:**

All hardship extension decisions and case closures based on the 60-month time limit are made by an ASPIRE worker pursuant to the process detailed above, and must be approved by a Supervisor.

Extension months may be retroactive to the month following TANF/PaS closure, provided the family is eligible and has not already received TANF/PaS benefits in that month. Monthly benefits are issued to eligible households according to TANF/PaS cash assistance benefit standards.

Hardship extensions shall not be granted when—

The adult recipient has rejected offers of employment or quit a job without good cause consistent with the good cause provisions (10-144 C.M.R. Ch. 607, ASPIRE-TANF Program Rules, Section 4(III)(C)) within the last year;

* + - * 1. The adult recipient has failed to cooperate with ASPIRE, Division of Support Enforcement and Recovery (“DSER”), or Quality Control (“QC”) within 12-months of the end of the 60th month, resulting in two or more sanctions; and/or
        2. The adult recipient has an Intentional Program Violation (“IPV”) from the Department of Health and Human Services established in the 36 months prior to the request for extension.

iv. **Extension Approvals:**

When granting an extension, the Department shall also determine the length of the extension and specify when the extension begins and ends. The extension must be a minimum of one month to a maximum of six months. Once an extension is granted, the adult, or minor parent head of household, recipient(s) must meet the criteria on which the extension was based each month of the extension period.

1. All hardship extensions granted require the adult, or minor parent head of household, recipient(s) to sign a Family Contract Amendment, containing steps to be taken, as appropriate, to remove/improve the condition that warranted the hardship extension.
2. The adult, or minor parent head of household, recipient(s) must be actively engaged in an approved activity or process designed to further the family’s goal of self-sufficiency.
3. Formal re-evaluations of hardship extensions must be scheduled.
4. Families that qualify for cash assistance extended benefits must be evaluated any time a change in circumstances occurs which affects the extension. Such changes might include earnings or family composition.

**NOTE**: Earnings of any recipient or minor parent head of household approved for an extension due to a total inability to work shall cause case closure due to failure to meet extension criteria, regardless of the amount of the earnings.

If, during the extension period, the adult recipient or minor parent head of household fails, without good cause, to follow through on requirements established for receipt of the additional months of TANF/PaS, the Department shall withdraw the extension and terminate TANF/PaS benefits. See “End of a Hardship Extension,” below.

v. **End of a Hardship Extension:**

1. All hardship extensions are temporary and may be approved for up to six months. During the hardship extension period the ASPIRE worker shall monitor the case for compliance. The TANF/PaS benefit continues until the extension ends or the family is no longer eligible for TANF/PaS for other reasons.
2. The Department shall provide the family with notice, which shall be consistent with the notice described under Pre-Termination Notice and Conference (see Ch. I, J(3)(h)), at least ten days before the end of the hardship extension. That notice must include an explanation of the right to request a hearing.
3. **A hardship extension ends when—**
4. The extension period has expired: If, at the time of expiration, the adult, or minor parent head of household, recipient has not resolved the situation that led to the extension, the adult recipient may request a subsequent extension. The adult recipient must present documentation that verifies the need for the extension. The Department shall make a decision whether to grant a subsequent extension prior to the TANF/PaS closure;
5. The situation causing the need for a hardship extension has been resolved and the reason for the extension no longer exists. The adult, or minor parent head of household, recipient may request an extension based on other criteria, if it exists, at that time. The Department shall make a decision whether to grant a subsequent extension prior to the TANF/PaS closure; or
6. The adult recipient or minor parent head of household, without good cause, fails to cooperate with their Family Contract Amendment, DSER or QC, during the temporary hardship extension period.

d. Pre-Termination Conference at the End of a Hardship Extension:

A recipient whose hardship extension is ending may request a pre-termination conference to contest the Department’s calculation of the end of the extension or to seek to establish the family’s eligibility for a continued extension. This conference shall be consistent with the process described under Pre-Termination Notice and Conference (see Ch. I, J(3)(h)), with the exception of the timeframe. If a pre-termination conference is requested within ten days of the date of the written notice of the end of a temporary hardship extension, the family’s benefits continue until the conference has been held and a determination made, or until the scheduled termination date, whichever occurs later.

vi. **Good Cause:**

Good cause for non-compliance with an activity in the Family Contract during a hardship extension is allowed consistent with the good cause provisions of ASPIRE-TANF explained in Chapter II(H)(4).

If good cause is found, the individual is allowed to continue receiving benefits and must demonstrate compliance with the Family Contract Amendment.

vii. **Right to Appeal:**

Any adult, or minor parent head of household, recipient whose request for a hardship extension has been denied for any reason may request an Administrative Hearing. Benefits, however, may not be extended beyond the 60th month or be reopened following a 60-month closure while a hearing or a decision by the Hearings Officer is pending. All other rules regarding the Administrative Hearing procedures outlined in Chapter VI apply.

When the Hearing Officer decides that the Department was not correct in its action, the Department shall make a corrective payment, based on all eligibility factors, for the period specified in the hearing decision.

1. **AGE**: For a family to be eligible for TANF/PaS, the specified relative, and the dependent child(ren) must meet the requirements of this section.
   1. **Specified Relative**: The specified relative must be 18 years of age or older unless they meet the maintenance of a home requirements for minor parents. (See E(3)(b)).
   2. **Dependent Child:** The dependent child must be:
      1. Under the age of 18; or
      2. Aged 18 and enrolled as a full-time student in a high school or an equivalent instruction alternative, leading to a high school diploma.
      3. When the student who is the dependent child on the TANF/PaS grant becomes 19, they are not eligible for the federally funded TANF program. They may receive state funded cash assistance until they graduate or become 21 years old, whichever comes first.
2. **RESIDENCE**

All recipients must be living in Maine voluntarily with the intent to make Maine their home.

1. **CITIZENSHIP**

**NOTE:** Unless specified otherwise, all references to the United States Code (U.S.C.) reference the version most currently in effect. The text of these laws can be found at <https://uscode.house.gov/>. Individuals may also request copies by writing to:

Rules Manager

Maine DHHS, Office for Family Independence

11 State House Station

109 Capitol St., Augusta, ME 04333-0011

**1. General Rule**

* + 1. Only U.S. citizens and certain noncitizens are eligible for benefits. The presence of an ineligible noncitizen or individual with unverified status does not prohibit the remaining members of the household from being eligible.

b) Citizenship or noncitizen status must be verified for each household member seeking benefits.

**2. CITIZENS AND U.S. NATIONALS**

a) The following individuals are potentially eligible for federally funded benefits:

i. Individuals born in one of the 50 states, the District of Columbia, Puerto Rico, Guam, the U.S. Virgin Islands, the Northern Mariana Islands (NMI), American Samoa or Swain’s Island,

ii. Individuals born to one or more U.S. citizens. Individuals adopted by one or more U.S. citizens and residing in the United States prior to reaching the age of 16, and

iii. Individuals who have been lawfully naturalized per 8 U.S.C. §§ 1421 and 1448.

a) Acceptable verification of U.S. citizen or a U.S. national status is listed below. Verification from one list is only acceptable if no verification from any preceding list is available. In the absence of an item from List A (Subparagraph i below) separate verification from List B (Subparagraph ii) must be provided. In the absence of items from both Lists A and B, all verifications from List C (Subparagraph iii) must be provided.

* + - 1. List A includes-
         1. A data match showing U.S. citizenship or U.S. national status with a state or national database such as-

the State Data Exchange (SDX),

the Beneficiary and Earnings Data Exchange (BENDEX),

the State Verification and Exchange System (SVES); or

the Systemic Alien Verification for Entitlements (SAVE) system;

b. A U.S. public birth certificate showing birth in one of the 50 States, the District of Columbia, Puerto Rico (if born on or after January 13, 1941), Guam, the Virgin Islands of the U.S., American Samoa, Swain’s Island, or the Northern Mariana Islands (after November 4, 1986 (NMI local time)). The birth record document may be issued by the state, commonwealth, territory or local jurisdiction. It must have been recorded before the person was 5 years of age.

If the document shows the individual was born in Puerto Rico, Guam, the Virgin Islands of the U.S., or the Northern Mariana Islands before these areas became part of the U.S., see Subparagraph iii below.

c. A U.S. passport, including U.S. passport card: a U.S. passport need not be currently valid to be accepted as evidence of U.S. citizenship as long as the passport was initially issued for the full validity period based on the persons age and for a period of five years or more. An expired passport that was initially issued less than the full validity period based on the persons age may be used as proof of identity only.

d. A Report of Birth Abroad of a U.S. Citizen issued by the U.S. Department of State;

e. A Certification of Report of Birth issued by the U.S. Department of State;

f. A Certificate of Naturalization issued by the U.S. Department of Homeland Security (DHS) or its predecessors;

g. A Certificate of U.S. Citizenship issued by the U.S. Department of Homeland Security (DHS) or its predecessors;

h. A U.S. Citizen I.D. Card issued by DHS or its predecessors;

i. A Northern Mariana Identification Card issued by DHS or its predecessors; or

j. An American Indian Card issued by DHS or its predecessors with the classification code “KIC" and a statement on the back denoting U.S. citizenship.

ii List B includes –

a. A religious record recorded in the U.S. within three months of birth showing the birth occurred in the U.S. and showing either the date of the birth or the individual’s age at the time the record was made. The record must be an official record recorded with a religious organization. (Entries in a family bible, for example, are not considered religious records.);

b. A document showing employment by the U.S. government before June 1, 1976;

c. Early school record showing a U.S. place of birth. The school record must show the name of the child, the date of the admission to the school, the date of the birth, a U.S. place of birth, and the name(s) and place(s) of the birth of the applicant’s parents;

d. A federal or state census record showing U.S. citizenship or a U.S. place of birth and the individual’s age or date of birth;

e. One of the following documents that show a U.S. place of birth;

1. Seneca Indian tribal census record;

2. Bureau of Indian Affairs tribal census records of the Navajo Indians;

3. U.S. State Vital Statistics official notification of birth registration;

4. A delayed U.S. public birth record that is recorded more than five years after the person’s birth;

5. Statement signed by a physician or midwife who as in attendance at the time of birth; or

6. Bureau of Indian Affairs Roll of Alaska Natives.

f. A final adoption decree showing the child’s name and U.S. place of birth;

g. In situations where an adoption is not finalized and the state in which the child was born will not release a birth certificate prior to a final adoption, a statement from a state approved adoption agency that shows the child’s name and U.S. place of birth. The adoption agency must state in the certification that the source of the place of birth information is an original birth certificate;

h. A U.S. Military Record showing a U.S. place of birth;

i. An extract of a hospital record on hospital letterhead, indicating a U.S. place of birth. The hospital record must have been established at the time of the person’s birth and created at least five years before the initial application date for TANF. A souvenir “birth certificate” issued by a hospital does not satisfy this requirement;

j. A life, health, or other insurance record showing a U.S. place of birth. The record must have been created at least five years before the initial application date for TANF;

k. Medical (clinic, doctor, or hospital) record showing a U.S. place of birth created at least five years before the initial application date for TANF. (For children under the age of 16, the document must have been created near the time of birth or five years before the date of application.) An immunization record alone is not considered a medical record for purposes of establishing U.S. citizenship.

l. A public birth certificate showing birth in Puerto Rico, prior to January 13, 1941, U.S. Virgin Islands June 28, 1932, Northern Mariana Islands (NMI) or Trust Territory of the Pacific Islands (TTPI) November 5, 1986. The birth record document may be issued by the state, commonwealth, territory or local jurisdiction. It must have been recorded before the person was 5 years of age.

m. For individuals born in Puerto Rico prior to January 13, 1941

1. Evidence of birth in Puerto Rico and the person’s statement that were residing in the U.S., a U.S. possession, or Puerto Rico on January 13, 1941; or

2. Evidence that the person was a Puerto Rican citizen and the person’s statement that they were residing in Puerto Rico on March 1, 1917 and that they did not take an oath of allegiance to Spain.

n. For individuals born in the U.S. Virgin Islands prior to June 28, 1932

1. Evidence of birth in the U.S. Virgin Islands, and the person’s statement of residence in the U.S., a U.S. possession or the U.S. Virgin Islands on February 25, 1927;

2. The person’s statement indicating residence in the U.S. Virgin Islands as a Danish citizen on January 17, 1917 and residence in the U.S., a U.S. possession, or the U.S. Virgin Islands on February 25, 1927, and that the person did not make a declaration to maintain Danish citizenship; or

3. Evidence of birth in the U.S. Virgin Islands and the person’s statement indicating residence in the U.S., a U.S. possession, or Territory or the Canal Zone on June 28, 1932.

o. Northern Mariana Islands (NMI) (formerly part of the Trust Territory of the Pacific Islands {TTPI}):

1. Evidence of birth in the NMI, TTPI citizenship and residence in the NMI, the U.S., or a U.S. Territory or possession on November 3, 1986 (NMI local time) and the person’s statement that they did not owe allegiance to a foreign state on November 4, 1986 (NMI local time);

2. Evidence of TTPI citizenship, continuous residence in the NMI since before November 3, 1981 (NMI local time), voter registration prior to January 1, 1975 and the person’s statement that they did not owe allegiance to a foreign state on November 4, 1986 (NMI local time); or

3. Evidence of continuous domicile in the NMI since before January 1, 1974 and the applicant’s statement that they did not owe allegiance to a foreign state on November 4, 1986 (NMI local time).

If an individual entered the NMI as a nonimmigrant and lived in the NMI since January 1, 1974, this does not constitute continuous domicile and the person is not a U.S. citizen.

p. Evidence, from list A above, of the U.S. citizenship of the individual’s parents, evidence of the relationship of the individual to the parents, and evidence that at least one parent resided in the U.S. or an outlying possession prior to the individual’s birth;

q. Evidence, from list A above, that one of the individual’s parents is a U.S. citizen and that the other is a U.S. citizen parent, and evidence that the U.S. citizen parent resided in the U.S., a U.S. possession, American Samoa or Swain’s Island for a period of at least one year prior to the applicant’s birth.

r. Evidence, from list A above, of the U.S. citizenship of the individual’s mother, evidence of the relationship to the applicant and-

1. For births on or before December 24, 1952, evidence that the mother resided in the U.S. prior to the applicant’s birth, or

2. For births after December 24, 1952, evidence that the mother had resided, prior to the child’s birth, in the U.S. or a U.S. possession for a period of one year.

s. A birth certificate showing birth in the Canal Zone on or after February 26, 1904 and before October1, 1979 and evidence, from list A above, that one parent was a U.S. citizen at the time of the individual’s birth;

t. A birth certificate showing birth in the Republic of Panama on or after February 26, 1904 and before October 1, 1979 and evidence, from list A above, that at least one parent was a U.S. citizen and evidence that the parent was employed by the U.S. government or the Panama Railroad Company or its successor in title.

u. A marriage license showing marriage prior to September 22, 1922, and evidence, from list A above that the spouse was a U.S. citizen.

v. Institutional admission papers from a nursing facility, skilled care facility or other institution, showing a U.S. place of birth, created at least five years before the initial application for TANF.

iii. List C includes-

In the absence of any of the above verifications, all of the following must be provided:

a. A written affidavit of citizenship signed, under penalty of perjury, from a third party indicating a reasonable basis for personal knowledge that the member in question is a U.S. citizen or non-citizen national. The signed statement must acknowledge that the individual signing the affidavit recognizes that providing a false statement may result in penalties including disqualification from Public Assistance and Supplemental Nutrition Assistance Programs, and criminal penalties including a fine of $500 and 11 months of imprisonment.

b. Verification of the identity of the third party who signed the affidavit from List A above.

c. Verification of the citizenship or noncitizen national status of the third party who signed the affidavit from List A above; and

d. An affidavit signed by the individual, their guardian, or their authorized representative explaining why no verification from List A through B above exist or can be obtained.

**3. INDIVIDUALS WHO ARE NOT U.S. CITIZENS OR NATIONALS BUT ARE POTENTIALLY ELIGIBLE FOR FEDERALLY FUNDED TANF/PaS**

a) Acceptable Verification

i. A data match with the United States Department of Homeland Security (DHS) is the controlling verification type. Should there be a discrepancy between this data match and the status attested to by the individual the Department shall-

* + - * 1. Use the status verified through the data match for all eligibility determinations; and
        2. Provide the individual with contact information to resolve the conflict with DHS.

ii. In instances that a particular status type cannot be verified through a data match with DHS, “Supplemental Verifications” may be provided to aid in the data match verification process. All requests for verification will be made in writing in accordance with the “Verification and Documentation” standards as defined in Chapter I, Section D (5).

a. Supplemental Verification serves two purposes:

1. These documents may aid the Department in securing required data matches.

2. In instances where a response from DHS indicates that DHS cannot yet provide a definitive result due to a technical error, the Department shall honor the attested to status on the supplemental verification until such time that a data match response is received from DHS.

b. Unless detailed otherwise within the type below, Supplemental Verification is the most current version of a letter or other document from DHS that includes-

1. a statement that the individual has been granted a noncitizen status,

2. this individual’s full name, and

3. at least one of the following:

(a) the individual’s social security number,

(b) the individual’s immigration related A-Number,

(c) the individual's passport number, or

(d) the individual's date of birth.

b) Individuals with the following non-citizen types are potentially eligible for federally funded benefits

i. North American indigenous people born in Canada.

a. Description

Individuals born in Canada who have at least 50% of their racial heritage from North American indigenous peoples.

b. Special Conditions

Individuals who have this status, who are not considered U.S nationals and who began their residency in the U.S. on or after August 22, 1996 are subject to a 5 year waiting period from their initial date of residency; or meet one or more of the special conditions detailed in the “Special Conditions for Federally Funded TANF/PaS” in Paragraph c below.

c. Supplemental Verification of this type is a Ketchikan Indian Community (KIC) American Indian Card.

ii. Refugees

a. Description

1. Individuals granted and retaining refugee status pursuant to 8 U.S.C. § 1157; or

2. Individuals who were granted refugee status and did not have it terminated pursuant to 8 U.S.C. § 1157 who now have a different status such as Lawful Permanent Resident.

b. Special Conditions

Individuals who have been granted this status and have not had it terminated pursuant to 8 U.S.C. § 1157 have no waiting period or other conditions described in this section to receive benefits, even if they currently hold a different status.

iii. Asylees

a. Description

1. Individuals granted and retaining asylum pursuant to 8 U.S.C. § 1158 or

2. Individuals who were granted asylum and did not have it terminated pursuant to 8 U.S.C. § 1158 who now have a different status such as Lawful Permanent Resident.

b. Special Conditions

Individuals who have been granted this status and have not had it terminated pursuant to 8 U.S.C. § 1158 have no waiting period or other conditions described in this section to receive benefits, even if they currently hold a different status.

iv. Deportees whose deportation is withheld

* 1. Description

Individuals who are not being deported because they meet the conditions of—

1. 8 U.S.C. § 1231(b)(3) or

2. 8 U.S.C. § 1253(a)(3).

b. Special Conditions

Individuals who have been granted this status and have not had it terminated, have no waiting period or other conditions described in this section to receive benefits.

v. Cuban and Haitian Entrants

a. Description

1. Individuals granted and retaining Cuban and Haitian entrant status as defined in the notes of 8 U.S.C. § 1641.

2. Individuals who were granted Cuban and Haitian entrant status as defined in the notes of 8 U.S.C. § 1641 and did not have it terminated who now have a different status such as Lawful Permanent Resident.

b. Special Conditions

Individuals who have been granted this status and have not had it terminated have no waiting period or other conditions described in this section to receive benefits, even if they currently hold a different status.

c. Additional Supplemental Verification

To aid in the verification process, individuals with this non-citizenship status are encouraged to provide—

1. Both—

(a) a Cuban or Haitian Passport or birth certificate and

(b) the most current version of a letter or other document from DHS stating that they have received an application for asylum or a document showing a future court date concerning removal for the individual that contains the individual’s full name and at least one of the following:

(i) the individual’s social security number,

(ii) the individual’s immigration related A-Number,

(iii) the individual’s passport number, or

(iv) the individual’s date of birth.

vi. Certain Amerasian Immigrants

a. Description

1. Individuals granted and retaining lawful presence in the United States per the Amerasian Immigration conditions defined in the notes of 8 U.S.C. § 1101.

2. Individuals who were granted lawful presence in the United States per the Amerasian Immigrations conditions defined in the notes of 8 U.S.C. § 1101 and did not have it terminated who now have a different status such as Lawful Permanent Resident.

b. Special Conditions

Individuals who have been granted this status and have not had it terminated are not subject to a five year waiting period or other conditions described in this section to receive benefits, even if they currently hold a different status.

vii. Iraqi Special Immigrants

a. Description

1. Individuals granted and retaining Special Immigrant Status for Certain Iraqis defined in the notes of 8 U.S.C. § 1157.

2. Individuals who were granted Special Immigrant Status for Certain Iraqis as defined in the notes of 8 U.S.C. § 1157 and did not have it terminated who now have a different status such as Lawful Permanent Resident.

b. Special Conditions

Individuals who have been granted this status and have not had it terminated are not subject to a five year waiting period or other conditions described in this section to receive benefits, even if they currently hold a different status.

viii. Afghan Special Immigrants

a. Description

1. Individuals granted and retaining Special Immigrant Status for Certain Afghans as defined in the notes of 8 U.S.C. § 1157.

2. Individuals who were granted Special Immigrant Status for Certain Afghans and did not have it terminated who now have a different status such as Lawful Permanent Resident.

b. Special Conditions

Individuals who have been granted this status and have not had it terminated are not subject to a five year waiting period or other conditions described in this section to receive benefits, even if they currently hold a different status.

ix. Afghan Humanitarian Parolees

a. Description

Individuals granted Afghan humanitarian parole between July 31, 2021 and September 30, 2023.

b. Special Conditions

Individuals who have been granted this status and have not had it terminated are not subject to a five year waiting period.

Unless they move to another qualifying status, individuals who are eligible based on this status lose eligibility the later of

1. March 31, 2023 or

2. the end of their parole term.

x. Certain Hmong and Highland Laotians

**NOTE:** Most individuals who would be eligible in this category are also eligible as Refugees (See Subparagraph ii above).

a. Description

1. Individuals lawfully residing in the U.S. who were a tribal member of a Hmong or Highland Laotian tribe at the time the tribe assisted the U.S. in a military or rescue operation between August 5, 1964 and May 7, 1975, or

2. The spouse and/or unmarried dependent children of an individual described in 1 above, or

3. The unmarried, surviving spouse and dependent children of a deceased person described in 1 above except that the tribal member does not have to be lawfully residing in the U.S.

b. Special Conditions

Individuals who have this status, who are not considered U.S nationals and who began their residency in the U.S. on or after August 22, 1996 are subject to a 5 year waiting period from their initial date of residency; or meet one or more of the special conditions detailed in the “Special Conditions for Federally Funded TANF/PaS” in Paragraph c below.

c. Additional Supplemental Verification—

1. For the tribal member

(a) A data match with the United States Department of Homeland Security (DHS) showing—

(i) A lawful presence;

(ii) A date of birth prior to May 8, 1975;

(iii) A country of birth of Laos, Thailand, Cambodia, China, Vietnam, The Philippines, Indonesia, Hong Kong, Malaysia, or Singapore; and

(iv) A land date after March 1975.

If the land date is prior to April 1975, the standard is still met if the individual was in the U.S. as a student, for military training, to escape the war, or some similar purpose.

and

(b) Their name is listed on the Refugee Data Center list, or

(c) If they cannot be found on the Refugee Data Center list an affidavit signed by the tribal member or, if they are deceased, their surviving spouse or child swearing under the penalty of law that the individual was a member of a Hmong or Highland Laotian tribe between August 5, 1964 and May 7, 1975.

2. For the current or surviving spouse, or dependent child

(a) verification of the eligibility of a tribal member as detailed in 1 above, and

(b) verification of the relationship to the tribal member such as a birth certificate, marriage license or tax records.

xi. Individuals who have been subject to severe forms of trafficking, their spouses, minor children, parents, and siblings

a. Description

1. Individuals meeting the definition of “victim of a severe form of trafficking in persons” as defined at 22 U.S.C. § 7105(b)(1)(C) or meeting all but the age requirement, and

2. The spouse, minor child, parent or sibling of such an individual who holds a T Visa.

b. Special Conditions

Individuals who have been granted this status and have not had it terminated are not subject to a five year waiting period or other conditions described in this section to receive benefits, even if they currently hold a different status.

c. Additional Acceptable Verification of this type is—

Verification through the trafficking victims’ verification toll-free number, (866) 401-5510.

xii. Certain individuals who have been battered and certain relatives of theirs

a. Description

1. Individuals granted and retaining immigrant status under the conditions of 8 U.S.C. § 1154(a)(1)(A)(iii), (iv), (v)(I)(cc), (vii) or 1154(a)(1)(B)(ii), (iii), or (iv)(I)(cc).

2. Individuals granted immigrant status under the conditions of 8 U.S.C. § 1154(a)(1)(A)(iii), (iv), (v)(I)(cc), (vii) or 1154(a)(1)(B)(ii), (iii) or (iv)(I)(cc) who did not have it terminated and now have a different status such as Lawful Permanent Resident.

**NOTE:** Generally speaking, these are spouses and children of individuals lawfully in the U.S. who were battered while in the U.S. or are the parent or unmarried child of the battered individual. They must not be currently residing with the batterer.

b. Special Conditions

To be potentially eligible for federally funded benefits these individuals must, also meet one or more of the special conditions detailed in the “Special Conditions for Federally Funded TANF/PaS” in Paragraph c below.

c. Additional Acceptable Verification of this type is—

1. A letter or other document from DHS, a court, or a law enforcement agency demonstrating a substantial likelihood that the individual, their parent, or a family member there of that contains the individual’s full name and at least one of the following:

(a) the individual’s social security number,

(b) the individual’s immigration related A-Number,

(c) the individual’s passport number, or

(d) The individual’s date of birth.

And

2. A data match with the United States Department of Homeland Security (DHS) showing a lawful presence.

xiii. Certain individuals who have been lawfully admitted for permanent residence

a. Description

Individuals meeting the definition of “lawfully admitted for permanent residence” as defined at 8 U.S.C. § 1101(a)(20).

b. Special Conditions

To be potentially eligible for federally funded benefits these individuals must, also meet one or more of the special conditions detailed in the “Special Conditions for Federally Funded TANF/PaS” in Paragraph c below.

xiv. Certain individuals who have been paroled into the U.S. for at least one year for urgent humanitarian reasons or significant public benefit.

a. Description

Individuals granted, for at least one year, and currently retaining immigrant status under the conditions of 8 U.S.C. § 1182(d)(5).

b. Special Conditions

To be potentially eligible for federally funded benefits these individuals must, also meet one or more of the special conditions detailed in the “Special Conditions for Federally Funded TANF/PaS” in Paragraph c below.

xv. Certain individuals who were granted conditional entrance prior to April 1, 1980

a. Description

Individuals granted conditional entrance per 8 U.S.C. § 1153(a)(7) as it was in effect May 31, 1980. The text of this law can be found at [https://uscode.house.gov/statviewer.htm?volume=79&page=912#](https://uscode.house.gov/statviewer.htm?volume=79&page=912).

Individuals may also request copies by writing to:

Rules Manager

Maine DHHS, Office for Family Independence

11 State House Station

109 Capitol St.

Augusta, ME 04333-0011

b. Special Conditions

To be potentially eligible for federally funded benefits these individuals must, also meet one or more of the special conditions detailed in the “Special Conditions for Federally Funded TANF/PaS” in Paragraph c below.

c. Acceptable Verification of this type is a data match with the United States Department of Homeland Security (DHS) showing conditional entrance granted prior to April 1, 1980.

xvi. Citizens of countries governed by the Compacts of Free Association (COFA)

a. Description

1. Individuals who reside lawfully in the United States in accordance with section 141 of the Compacts of Free Association between the Government of the United States and the Governments of the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau, as amended by the Consolidated Appropriations Act of 2024, Public Law 118-42.

2. Individuals who were granted COFA status and did not have it terminated pursuant to 8 U.S.C. § 1641 who now have a different status such as Lawful Permanent Resident.

b. Special Conditions

Individuals who have been granted this status and have not had it terminated pursuant to 8 U.S.C. § 1641 as amended by the Consolidated Appropriations Act of 2024, Public Law 118-42, have no waiting period or other conditions described in this section to receive benefits.

c) **Special Conditions for Federally Funded TANF/PaS**

In addition to the requirements of Paragraph b, above, at least one of the following special circumstances must be met for some individuals (as indicated in their “Special Conditions” above) to be potentially eligible for federally funded TANF/PaS:

i. The individual has been continually present in the U.S. with the latest date of entry being prior to August 22, 1996.

ii. The individual has lived in the U.S. for a period of 5 years from the date of entry occurring on or after August 22, 1996.

iii. The individual is a veteran of or on active duty in the United States Armed Forces or is the spouse or unmarried dependent child of a veteran or active service member.

Acceptable verification of this condition is:

a. Documents from the applicable branch of the Armed Services showing current active duty status, other than training, that contains the service member’s full name and either their date of birth or social security number; or

b. Documents from the Veteran’s Administration showing veteran status that contains the veteran’s full name and either their date of birth or social security number, with a discharge characterized as an honorable discharge and not on account of citizenship status.

c. Verification that an individual meets this condition based on being the spouse or dependent child of the service member or veteran is—

1. Documents from the applicable branch of the Armed Services or Veteran’s Administration showing eligibility for military or veterans benefits as a child or spouse that contains the individual’s full name and either their date of birth or social security number; or

2. The verifications detailed in (a) or (b) above, and

(a) For a spouse, a marriage license naming the service member or veteran as the individual’s spouse, or

(b) For a dependent child a birth certificate or adoption record naming the service member or veteran as the individual’s parent and school records naming the individual as a current student.

or

iv. The individual has 40 qualifying quarters of work.

a. This condition must be verified through a data match with the Social Security Administration (SSA).

b. If the initial data match does not show 40 qualifying quarters, the individual states they have 40 qualifying quarters, and the individual is otherwise eligible, the Department shall issue federally funded benefits for up to six months while the individual works with the SSA to rectify the count. If, after six months a data match with the SSA still does not show 40 qualifying quarters, the household will be responsible for repaying the benefits issued in error.

**NOTE:** quarters attributed from a spouse cannot be counted if the individual divorced the spouse prior to the most recent certification for TANF/PaS.

**4. INDIVIDUALS WHO ARE NOT U.S. CITIZENS OR NATIONALS BUT ARE POTENTIALLY ELIGIBLE FOR STATE FUNDED TANF/PaS**

An individual who is not a citizen or national of the United States must present proof of immigration registration from the U.S. Citizenship and Immigration Services (USCIS), Department of Justice (DOJ) or other documents indicating the individual's qualifying noncitizen status.

a) Acceptable Verification

i. A data match with the United States Department of Homeland Security (DHS) or electronic verification through the Department of Justice (DOJ), Executive Office for

Immigration Review (EOIR) are the controlling verification types. Should there be a discrepancy between the data match and the status attested to by the individual. The Department shall—

a. Use the status verified through the data match for all eligibility determinations; and

b. Provide the individual with contact information to resolve the conflict with DHS.

ii. In instances that a particular status type cannot be verified through a data match with DHS or DOJ, “Supplemental Verifications” may be provided to aid in the data match verification process. All requests for verification will be made in writing in accordance with the “Verification and Documentation” standards as defined in Chapter I, Section D (5).

a. Supplemental Verification serves two purposes:

1. These documents may aid the Department in securing required data matches.

2. In instances where a response from DHS indicates that DHS cannot yet provide a definitive result due to technical error, the Department shall honor the attested to status on the supplemental verification until such time that a data match response is received from DHS or DOJ.

b. Unless detailed otherwise within the type below, Supplemental Verification is the most current version of a letter or other document from DHS, DOJ or a signed affidavit from an attorney that includes-

1. a statement that the individual has applied for or been granted a noncitizen status,

2. this individual’s full name, and

3. at least one of the following:

(a) the individual’s social security number,

(b) the individual’s immigration related A-Number,

(c) the individual's passport number, or

(d) the individual's date of birth.

b) Individuals with the following non-citizen types are potentially eligible for state funded TANF/PaS:

i. Any individual with a non-citizen type as described in Subsection 3(b)(xii) through (xv) above except that they do not meet the “Special Conditions for Federally Funded TANF/PaS” described in Subsection 3(c) above.

To be potentially eligible for state funded benefits these individuals must, also meet one or more of the conditions detailed in the “Special Conditions for State Funded TANF/PaS” in Paragraph c below.

ii. Certain asylum seekers

a. Description

Individuals who have filed an application for asylum and for withholding of removal with DHS or DOJ.

b. Special Conditions

To be potentially eligible for state funded benefits these individuals must, also meet one or more of the special conditions detailed in the “Special Conditions for State Funded TANF/PaS” in Paragraph c below.

iii. Certain individuals with temporary protected status

a. Description

Individuals who have been granted and retain temporary protected status per 8 U.S.C. § 1254(a).

b. Special Conditions

To be potentially eligible for state funded benefits these individuals must, also meet one or more of the special conditions detailed in the “Special Conditions for State Funded TANF/PaS” in Paragraph c below.

c) **Special Conditions for State Funded TANF/PaS**

In addition to the requirements of Paragraph b, above, at least one of the following special circumstances must be met for individuals to be potentially eligible for state funded TANF/PaS (as indicated in their “Special Conditions” above):

i. The individual is 65 years of age or older as evidenced by any government issued document.

ii. The individual has a disabling condition

a. Description

The individual meets the definition of blind or disabled per 42 U.S.C. § 1382(c).

b. Acceptable verification of this condition is—

1. The individual receiving disability related cash or medical assistance from OFI,

2. A data match with the Social Security Administration (SSA) showing the individual is receiving disability related cash or medical assistance from them,

3. A letter or other document from SSA showing the individual is eligible for disability related medical or cash assistance, or a favorable disability determination that is dated within the past 90 days and includes the individual’s full name and either their date of birth or social security number; or

4. A favorable disability determination from Maine’s Medical Review Team.

iii. The individual or their parent cannot legally work due to a required waiting period.

a. Description

1. The individual is subject to and within a required waiting period before they can apply for an Employment Authorization Document (EAD),

2. The individual is eligible for an EAD and has applied for it, but has not received it, or

3. The individual is under 18 years of age and one or more of their parents in their household meets (1) or (2) above.

b. Acceptable verification of this condition is—

1. A data match with DHS or EOIR showing that the individual is subject to and within a waiting period to apply for an EAD;

2. A data match with DHS showing that the individual has applied for Employment Authorization, but it has not yet been approved; or

3. Verification that the individual is an asylum seeker (See Paragraph b(ii)(c) of this Subsection) and that same verification shows that the application was received recently enough that the individual is still within the waiting period to apply for an EAD.

4. For a child under 18 years of age verification also includes either—

(a) a birth certificate or adoption record naming the person verified as eligible as the individual’s parent, or

(b) a signed affidavit from the person verified as eligible that the child is theirs.

iv. The individual or their parent was issued an EAD but is currently unemployed

a. Description

1. The individual was issued an EAD but has not found employment;

2. The individual was issued an EAD and lost all forms or employment; or

3. The individual is under 18 year of age and one or more of their parents in the household fits (1) or (2) above.

b. Acceptable verification of this condition is verification of the end of any known employment consistent with Chapter I, Section D(5)(a) and Chapter IV, Section E(1), and—

1. Prior information in the OFI system that the individual received EAD, or

2. A data match with DHS showing that the individual received an EAD.

3. For a child under 18 years of age verification also includes either—

(a) a birth certificate or adoption record naming the person verified as eligible as the individual’s parent, or

(b) a signed affidavit from the person verified as eligible that the child is theirs.

v. The individual’s household is experiencing the effects of domestic violence

a. Description

One or more members of the household are dealing with the effects of domestic violence including—

1. Physical acts/threats of physical injury,

2. Sexual abuse or assault of a child or caretaker of a child, or

3. Psychological effects of the abuse.

b. Acceptable verification of this condition is a letter or other document that indicates the household member is experiencing domestic violence or the effect thereof from:

(a) DHS,

(b) a court,

(c) a law enforcement agency,

(d) a governmental child or adult protective agency,

(e) a licensed social worker,

(f) a medical professional, or

(g) A sworn statement from the applicant or recipient may be provided, or a department issued form can be completed, attesting to the circumstances that provide the basis for the exception. Supporting documentation may be required if articulable doubt exists regarding the credibility of the provided statements or forms.

**5. PROCESSING PROCEDURES**

a) General Rules

i. Citizenship, noncitizen status, and the special conditions described in this section must be verified at application or any time a change in these factors is reported by the household or a third party.

ii. The status of any noncitizen must, ultimately, be verified through a data match.

iii. The same Verification and Documentation, Time and Processing Standards, and Application Notification that apply to all other aspects of application or change reporting also apply to citizenship, noncitizen status, and the special conditions described in this section. These standards can be found in Chapter 1, Section D(5) through (7).

iv. Citizenship, noncitizen status and the special conditions described in this section only need to be verified for individuals attesting that such factors make them potentially eligible for benefits. Individuals who state their noncitizen status makes them ineligible do not need to have their status verified. Other information, such as their income or assets may need to be verified.

v. The presence of an ineligible member in the household does not preclude eligible members from receiving TANF/PaS. The countable portion of their income or assets may render the remaining members ineligible. (See Chapter II, Section B(1)(c) and Chapter IV, Sections A, C, D(5), and E(4)(b).)

b) Processing

i. Applicants and recipients are encouraged to provide the following at application or anytime they experience a change in citizenship or noncitizen status or special conditions described in this section:

a. a declaration of their citizenship or noncitizen status and any special conditions described in this section,

b. Their full name and date of birth (citizens naturalized after their date of birth are encouraged to provide their date of naturalization as well) and at least one of the following enumerators:

1. For citizens and noncitizen nationals—

(a) a social security number, or

(b) naturalization/citizenship number.

2. For noncitizens—

(a) an immigration related A-Number,

(b) an 1-94 number,

(c) a card/receipt number from a DHS document,

(d) a passport number from a foreign passport and the name of the issuing country,

(e) a U.S. Visa number,

(f) a Student and Exchange Visitor Information System (SEVIS) number, or

(g) Any documentation that would serve as acceptable or supplemental verification of the declared citizenship, noncitizen status or special conditions as defined in Sections 3 and 4 above for the respective declaration of status or special conditions.

ii. At initial application or a reported change in citizenship, noncitizen status or special conditions the Department shall verify that the individual has provided the items detailed in Subparagraph i above.

iii. If the individual states that they are a citizen or national of the United States the following processes apply:

a. If their status was previously verified with OFI, it is verified;

b. If they provide Acceptable Verification, their status is verified;

c. If they were not previously known to OFI and they do not provide Acceptable Verification the following processes apply:

1. If they do not provide their full name, the date they became a citizen or national, and a social security number:

(a) Their status is not verified; and

(b) The Department shall request this information and documentation in writing.

(i) If they provide documentation, their status is verified.

(ii) If they provide their full name, the date they became a citizen or national, and a social security number or naturalization/citizenship number to the steps outlined in 2 below apply.

(iii) If they do not timely provide documentation or their full name, the date they became a citizen or national, and a social security number or naturalization/citizenship number, they are ineligible for failure to provide required documentation.

2. If they provide their full name, the date they became a citizen or national, and a social security number or naturalization/citizenship number—

(a) their status is temporarily honored; and

(b) the Department shall attempt a data match to verify their status indefinitely.

(i) If the data match is successful, their status is verified.

(ii) If the data match is not successful, the Department shall request documentation from the individual in writing.

1. If documentation is provided, the status is verified.
2. If documentation is not provided timely the individual is ineligible for failure to provide required documentation.

d. If they were previously known to OFI and had declared citizenship, but it had not been verified and they do not provide documentation, the Department shall request documentation from the individual in writing.

1) If documentation is provided, the status is verified.

2) If documentation is not provided timely the individual is ineligible for failure to provide required documentation.

iv. If the individual states they are an eligible non-citizen other than a non-citizen national, the following processes apply:

a. If the only acceptable verification of their status and/or special conditions is a data match the following processes apply to those elements.

1. If the individual has not provided their name, date of birth, and at least one enumerator listed in Subparagraph i(b)(2) above, the Department shall request them and any Acceptable or Supplemental Verification in writing.

(a) If they provide at least their name, date of birth and an enumerator, the appropriate steps per 2 below apply.

(b) If they do not provide at least their name, date of birth and an enumerator timely, they are ineligible for failure to provide required verifications.

2. If the individual provides their name, date of birth, and at least one enumerator listed in Subparagraph i(b)(2) above, the Department shall attempt a data match to verify their status and special conditions.

(a) If the data match supports the declaration(s) of status and special conditions they are verified until a change is reported.

(b) If the data match with DHS does not support the declared noncitizen status or special conditions, the Department shall request documentary verification from the individual in writing (if it has not yet been provided or requested) and attempt subsequent data matches.

(i) If at any point the data match supports the declaration(s) of status and special conditions they are verified until a change is reported.

(ii) If the data match reflects the attested status and conditions but shows a subsequent change of status and/or conditions, the most recent status and conditions reflected in the data match are verified until a change is reported.

(iii) If the household refuses or fails to provide verification timely, the individual is ineligible for failure to provide required documentation.

(c) If documentary verification has been provided, the Department shall attempt a data match in a period not to exceed 7 calendar days from the date the documentary verification is received by the Department. The attested status or special conditions are honored until such time that the data match provides the Department with a response based on the documentary verification provided by the applicant. If otherwise eligible, benefits will be granted until the data match response is received.

b. Special process for declarations that must or can be verified through means other than a data match or documentation (e.g. Individuals who have been subject to severe forms of trafficking).

The Department shall attempt to secure Acceptable Verifications via phone, fax, or other methods prescribed by the verifying agency.

1. If Acceptable Verification is provided, the declaration is verified.

2. If the agency verifies that the declaration is not applicable, the lack of status or special consideration is verified.

3. If additional information is needed to secure verification, the Department shall request it and any related documentation from the individual in writing.

(a) If the necessary information is provided, the Department will attempt to secure the verification again.

(b) If the necessary information is not provided timely, the individual is ineligible for failure to provide required verification.

1. **SOCIAL SECURITY NUMBER**

All individuals applying for or receiving TANF/PaS must furnish the agency with a Social Security Number or proof of application for a Number. The Social Security Number must be furnished to the department when it has been received.

When an individual fails to apply for a Social Security Number or furnish the Number when received, the individual is not eligible. The individual’s income, assets, and needs, will be excluded.

1. When the individual is a stepparent, they are an “excluded stepparent” for eligibility purposes. The individual’s income, assets, and needs, will be excluded. (See Ch. III.)
2. When none of the children has a Social Security Number, or has not made application for one, the household is ineligible. There are no eligible children.
3. **RELATIONSHIP AND MAINTENANCE OF A HOME**

(1) In order to be eligible for TANF/PaS, a child must be living with a specified relative, as provided by subsection (a) below, and living in a home maintained by that specified relative; and both elements must be expected to continue at least 30 days beyond the date of application.

(2) **Relationship**:

a) Only “specified relatives,” people with the following relationships to the child, may apply for and receive assistance on behalf of the child:

i. Biological, legal, adoptive, and step- fathers, mothers, siblings, and half siblings;

a. For purposes of subsection (i), above, the legal guardian(s) of a child as well as an “Indian custodian” as defined in the Indian Child Welfare Act of 1978, 25 U.S.C. §1903 (6) are included within the category “legal” for purposes of qualifying as “specified relatives”.

b. The spouses of any of the above persons, except those detailed in subsection i (a), above, even if the marriage has been terminated by death or divorce;

ii. Biological, legal, adoptive, and step grandparents, uncles, aunts, first cousins, and the spouses thereof even if the qualifying marriage has been terminated by death or divorce (see chart in Appendix page 5);

iii. Biological, legal, adoptive, and step great and great-great grandparents, great and great-great uncle or aunt, first cousins once removed, nephews and nieces;

iv. Minor Parent: If the applicant-child’s parent is a minor, and the minor is not maintaining a home for the child according to 3 (b), below, the specified relative must be the minor parent’s adult specified relative as provided in sections a (i-iii), above, or the representative of a certified, state-approved, adult-supervised supportive living arrangement providing food, shelter, counseling, supervision, and guidance to the minor parent. A child whose minor parent is maintained by a foster care payment is not eligible for TANF/PaS if both are residing in a licensed facility. In those instances, the foster care program must provide for the child as well as the minor parent.

b) A pregnant person who has no other children who meet the non-financial requirements of TANF/PaS in her household, starting with the sixth month of pregnancy, and whose pregnancy has been verified by a medical statement that includes the expected date of birth may be eligible for an adult-only grant.

c) Children placed with specified relatives in Maine under the Interstate Compact on Placement of Children are not eligible for TANF/PaS in Maine. The out-of-state agency that placed the children in Maine continues to be responsible for those children during the placement period.

(3) **Maintenance of a Home:** The specified relative is maintaining a home by providing a safe and healthy environment for the child, and by assuming the responsibility for the day-to-day care of the child, regardless of pending court decisions about legal custody.

a) **Shared Custody**:

i. If the child lives part of the time with each parent, the parent with whom the child lives over 50% of the time must apply for the child.

ii. If the child lives 50% of the time with each parent, either parent can apply for the child but not both.

b) **Minor Parent or a Pregnant Minor**: A minor parent or pregnant minor is maintaining a home within the meaning of this section only if:

i. The minor parent or pregnant minor is married; or

ii. The minor parent or pregnant minor does not live with a specified relative as provided in 2 (a) above and:

a. The minor parent or pregnant minor has no living parent;

b. Neither of the minor parent or pregnant minor’s parent’s whereabouts is known;

c. Neither of the minor parent or pregnant minor’s parents will permit them to live with the parents;

d. The Department has determined that the physical or emotional health or safety of the minor parent and their child, or that of the pregnant minor, would be jeopardized if they live with the parent(s);

e. The minor parent has lived apart from their parent(s) for at least a year prior to the child’s birth; or

f. The minor parent or pregnant minor has a similar justifiable reason for not residing with either parent that has been approved by the TANF Program Manager.

1. **Temporary absence from the home**: Within five days of the date that it becomes clear to a specified relative that a child will be absent from the home for 45 days or longer, the specified relative must notify the Department of the anticipated absence of the child from the home. See (i) below. Failure to notify the Department within the specified period will result in the removal of the specified relative from the grant.
   * + 1. A child who is absent from the home for 45 days or longer and the child’s specified relative remain eligible for TANF/PaS under this section if the specified relative has full responsibility for the supervision and guidance of the child, maintains a home for the child during vacation, and any delegation of authority is temporary, voluntary and revocable. The child or specified relative must return home at the completion of the reason for separation unless the separation continues for a reason below, or another similar reason:
          1. For the child to secure education when high school facilities are not available in the area of residence or when the existing facilities do not meet the child’s educational and/or social needs;
          2. The child is residing in a private treatment center because of physical/emotional problems;
          3. The child is attending a specialized school for children with disabilities, provided there are no services available in the child’s own community;
          4. The child is attending a vocational or technical school, college, or university until the child’s 18th birthday;
          5. The specified relative or child has left the home to obtain necessary medical care for an illness; or
          6. The child has been placed in an approved voluntary foster home by the Office of Child and Family Services and the plan is that the child will return to the home and when there is no foster care payment being made for that child.
2. **FILING UNIT**

(1) **Mandatory Inclusion**: The parent(s), siblings, and half siblings, living in the same home as the child for whom assistance is requested must be included as members of the same filing unit. When an individual is required by the operation of this rule to be in more than one unit, the units must be consolidated. A mandatory member of the filing unit shall be excluded from the assistance group in the following circumstances. The excluded member’s income and/or assets may be considered depending on the member’s relationship to the filing unit. See Chapters III and IV for detail.

a) Recipient of Supplemental Security Income (SSI): A TANF/PaS eligible individual who is also eligible for SSI or State Supplement benefits may choose to receive one or the other but may not receive both TANF/PaS and SSI/State Supplement. If the child chooses to receive SSI/State Supplement the otherwise eligible specified relative may receive TANF/PaS.

b) Receipt of Foster Care or Adoption Assistance: A TANF/PaS eligible individual who is also eligible for a Foster Care or Adoption Assistance payment, whether from federal, state or local funds, may choose to receive either TANF/PaS or foster care or adoption assistance but may not receive both. If the child chooses to receive a foster care/adoption assistance payment, the child is not considered a member of the assistance group when determining eligibility for the remaining filing unit members. The recipient of the foster care/adoption assistance payment may be the specified relative or the child.

c) Ineligible noncitizens;

d) Individuals who have been sanctioned; Section H (3) below.

e) Individuals convicted in federal or State court of having made a fraudulent statement or representation with respect to the place of residence of the individual in order to receive assistance simultaneously from two or more states are ineligible for a period of ten years from the date of conviction;

i. This prohibition from receipt of assistance does not apply to any months following the granting of a pardon of such a conviction by the President of the United States.

1. Individuals fleeing to avoid prosecution, or custody or confinement after conviction, under the laws of the place from which the individual flees, for a crime, or an attempt to commit a crime, which is a felony under the laws of the place from which the individual flees;
2. Individuals who violate a condition of probation or parole imposed under Federal or State law;
3. Strikers: Individuals participating in a strike, or who are absent from work during the strike period without good cause, on the last day of the month make the entire assistance unit ineligible. Good cause reasons for absence include:
4. Vacation;
   * 1. Illness;
     2. Emergency that began prior to the strike and continued into the strike period, if the absent worker intends to return to work whether or not the strike continues; or
     3. The absent worker can prove that return to work would jeopardize their health and safety.

(2) **Optional Inclusion**: The following household members may choose to be included in the filing unit, but are not required to be:

a) Specified relatives and their spouses who are not parents of the dependent child. When specified relatives are excluded but claim the children as dependents for income tax purposes, they have acknowledged that they meet at least half of the child’s needs. The benefit level will be determined using half of the appropriate full need standard for the child as countable unearned income.

b) Stepparents and stepsiblings if there is not a mutual child living in the same home, requiring consolidation under subsection 1), above.

c) Household members who choose to be included in the filing unit are subject to the ASPIRE-TANF requirements of Section H., below, to the same extent as if they were mandatory filing unit members.

1. **ESTABLISHING PATERNITY AND ASSIGNMENT OF RIGHTS TO SUPPORT**

(1) If there is a noncustodial parent, all applicants or recipients must cooperate with the Department in:

a) Identifying and locating the non-custodial parent, and

b) Establishing paternity, and

c) Obtaining support or any other payments, and

d) Must assign to the Department all rights of support on behalf of filing unit members from any legally responsible relative who is absent from the home. This includes any support accrued at the time of the assignment.

(2) As a condition of eligibility, the specified relative must forward to the Department any alimony or child support payments received from the non-custodial parent, beginning the date of the first regular TANF/PaS benefit.

(3) If an applicant or recipient specified relative fails to cooperate with the requirements of this section, the specified relative will be removed from the TANF/PaS grant, and the grant amount will be reduced by the assessed needs of the specified relative or 25% of the grant amount, whichever is greater.

a) If a sanction is applied under this section, eligibility will be determined for the remaining filing unit members, and the TANF/PaS payment will be made to a third party. If there is no appropriate person to act as payee, the payment will continue to be issued to the sanctioned specified relative. The sanction remains in place until the individual complies.

b) **Exceptions**: Unless the sanction is for failure to comply with subsection 2) of this section (above), the specified relative shall be given the opportunity to claim good cause, orally or in writing, for refusing to cooperate. Good cause can be requested at any time. The Department will investigate claims of good cause per the procedures established in this subsection, and sanctions will not be applied nor benefits withheld while a good cause decision by the Department is pending.

i. **Conditions for Good Cause**: The following are the conditions under which Good Cause may be granted:

* + - * 1. The child was conceived as a result of sexual assault:
        2. Legal proceedings for adoption of the child are pending before a court:
        3. For less than three months, the individual has been assisted by a licensed social service agency to decide whether to place the child for adoption; or
        4. The individual or the child is a victim of domestic violence, which includes physical injuries or the psychological effects of abuse, or cooperation would result in physical or emotional harm to the child or other family member.
    1. **Evidence to support a claim of good cause**: The Department will make a good cause determination without further investigation if a claim of good cause is supported with one of the following documents:
       - 1. Birth certificates, medical or law enforcement records that indicate the child was conceived as a result of sexual assault;
         2. Court documents or other records indicating that legal proceedings for adoption are pending before a court;
         3. A written statement from a licensed social service agency showing that the applicant or recipient is being assisted in deciding whether to place the child for adoption;
         4. Court, medical, law enforcement, child protective, social services (including domestic violence shelters), psychological, or other records indicating that a non-custodial parent or putative father might inflict physical or emotional harm on the child or specified relative; or
         5. Sworn statements from individuals other than the applicant or recipient with knowledge of the circumstances that provide the basis for the good cause claim.
         6. A sworn statement from the applicant or recipient may be provided or a department issued form can be completed attesting to the circumstances that provide the basis for the good cause claim. Supporting documentation may be required if articulable doubt exist regarding the credibility of the provided statements or forms.

iii. Determination of good cause will be made only if the evidence provided by the applicant/recipient and/or the investigation of the agency confirms that to cooperate may result in physical or emotional harm to one or more of the household member(s). The Department’s decision on good cause will:

* 1. Be in writing,

b. Contain the agency’s findings and basis of determination,

c. Be entered into the TANF/PaS record, and

d. Be made within 45 days, unless case record documentation indicates that the Department needs additional time because information required to verify the claim cannot be obtained within the time standard or because the claimant did not provide corroborative evidence within 20 days from the day in which the claim was made.

1. **ASPIRE-TANF**
2. Each TANF/PaS specified relative applicant and recipient of TANF/PaS, who is not exempt per subsection (2), below, must participate in ASPIRE and comply with the requirements of that program. Individuals who are exempt may participate on a voluntary basis, and will not be subject to sanction for failing to comply.
3. **Exemptions**: Applicants and recipients are exempt from ASPIRE participation if they satisfy one or more of the requirements of this subsection. The Department will review any previously established exemption at every recertification, as a part of the regular eligibility redetermination.
4. An applicant or recipient who is the only custodial parent of a child under one year of age and is personally providing care for that child, except that this exemption may be claimed for no more than a total of 12 months per custodial parent or specified relative in a lifetime. An applicant or recipient may elect not to claim the exemption, and if the recipient does not elect this exemption, they must participate in ASPIRE-TANF and comply with the requirements of the program.

Specified relatives under 20 years of age who have not completed high school or its equivalent may not claim this exemption, and they must attend courses to complete high school, with an emphasis on education in a traditional high school setting.

1. An applicant or recipient who is a VISTA volunteer under the federal *Domestic Volunteer Service Act of 1973*;
2. An applicant or recipient specified relative who is needed in the home to care for a disabled family member living in the household, provided that the disabled family member is not a full-time student. The need for the TANF/PaS recipient to care for the disabled family member must be verified at least annually through statements by an acceptable medical or mental health source; or

d) An applicant or recipient specified relative who receives Social Security Disability Insurance (SSDI) benefits.

1. **Sanctions**: When an individual required by this section to participate in ASPIRE has failed without good cause to participate in or comply with the regulations of the ASPIRE-TANF program, to sign the Family Contract Amendment or to abide by its provisions, to accept employment, or if the individual has voluntarily terminated employment, or voluntarily reduced earnings, the Department will apply a sanction in accordance with this section.

a) Benefits to the individual will be terminated until the failure to comply ceases. If eligible, benefits for the remainder of the family members may continue.

* + 1. When both specified relatives are required to participate in ASPIRE, each must comply with ASPIRE-TANF, each will be sanctioned separately for failure to comply when called upon to participate.
    2. Prior to a sanction, the adult recipient shall be provided an opportunity to show good cause for non-compliance. The recipient must demonstrate and verify to ASPIRE-TANF that good cause exists, and no sanction will be issued if the Department determines that the recipient had good cause for noncompliance, under the ASPIRE-TANF Program Rules.

d) **Restoring Benefits**: Prior to restoration of benefits, the adult(s) or minor parent head(s) of household must sign a new Family Contract Amendment and verify compliance with the provisions of that contract. The Department must also verify compliance with ASPIRE before closing the sanction. Benefits will be reinstated when the sanction is closed.

e) The beginning date of a sanction is the date that the Department issues the notice of adverse action.

(4) **Good Cause** for failure to comply with ASPIRE-TANF rules include the following:

a) Illness or advanced age of the participant, or illness or incapacity of a household member that requires the participant to provide care in the home. Verification by a physician may be required.

b) Court-required appearance or incarceration.

c) A crisis, special circumstances, or other reason that the Department determines to be Good Cause that causes an individual to be absent from or discontinue a Department activity, about which the Department has been advised, including lack of transportation or childcare necessary for participation when the individual does not have a reasonable alternative to enable the individual to participate.

If an individual has access to transportation that is reasonable under the circumstances through any program at the Department, the individual is ineligible to receive Good Cause based on lack of transportation.

d) Inability to participate due to domestic violence when the individual is unable to participate because of physical injuries or the psychological effects of abuse; because of legal proceedings, counseling or other activities related to abuse; because the abuser actively interferes with the individual’s participation; because the location puts the individual at risk; or for other Good Cause related to domestic violence. Reasonable and verifiable evidence may include, but is not limited to, the following:

i. court, medical, law enforcement, child protective, social services, psychological or other records that establish that the individual has been the victim of domestic violence; or

ii. sworn statements from persons other than the individual with knowledge of the circumstances affecting the individual; or

iii. visual observation by ASPIRE-TANF staff of physical injuries.

(5) **Good Cause Procedure:**

When a participant is notified that they failed to comply with ASPIRE-TANF rules and they claim, either orally or in writing, within five working days of receiving the notification, that they have Good Cause, the Department or the Department’s representative shall offer to meet with the participant.

a) The Department or the Department’s representative will schedule a meeting with the participant. A meeting will be scheduled by:

i. The Department or the Department’s representative contacting the participant by phone and agreeing on a location, date and time which is at least five days from the date of the phone contact; or

ii. A written scheduling notice mailed to the participant, when phone attempts for scheduling are unsuccessful. A written scheduling notice will be mailed to the participant a minimum of seven calendar days prior to the meeting date.

The meeting may be conducted by phone, as scheduled a minimum of five days in advance.

b) **Meeting Requirements:**

The Department or Department’s representative will:

i. Present a notice describing Good Cause and the participant’s rights to request Good Cause; and

ii. Verbally explain to the participant the reasons for which Good Cause may be granted and the participant’s right to apply for Good Cause verbally or in writing; and

iii. Provide an opportunity for the participant to request Good Cause either wholly or in part.

iv. Make a written record of the meeting including documenting that the participant was given the notice describing Good Cause, the opportunity to request Good Cause and the participant’s reason for requesting Good Cause.

c) **Meeting Result:**

i. The Department’s representative shall make a recommendation on the participant’s request for Good Cause, including the basis for the recommendation, in writing.

ii. The Department shall issue a final determination notice approving or denying, wholly or in part, the participant’s request for Good Cause. This notice will include the reasons for the Good Cause decision and the participant’s right to a fair hearing.

iii. The Department may deny Good Cause if the participant fails to attend the scheduled meeting under Subparagraph a above.

**A. ASSETS**

All assets owned whole or in part by the filing unit members must be evaluated for ownership, accessibility and value. All assets are counted unless specifically excluded by rule. The asset limit is $10,000.

* 1. Types of assets:
     1. Liquid Assets: Liquid assets are those that are readily available such as cash, crypto-currency, bank accounts, Certificates of Deposit, lump sum paymentsstocks or bonds, individual retirement accounts, and annuities.
     2. Nonliquid Assets: Nonliquid assets include vehicles, buildings, land, recreational property and the like. Money obtained through the conversion of a non-liquid asset to a liquid asset is considered an asset (such as sale of marital property).
     3. Potential Assets: Potential assets are those that are obtainable but not readily available. The filing unit must show that steps are being taken to obtain any potential assets.
  2. Ownership of an asset is determined by the name stated on the asset or a related document. If there is more than one name listed the asset is considered to be jointly-owned and the asset’s accessibility must be evaluated. Jointly owned assets are considered available in their entirety to each owner unless determined not accessible per (3) (a) below. For an asset which does not have a name stated on the asset or related document, ownership would default to who has possession of the asset.
  3. An asset is not accessible if:
     1. The property is jointly owned, cannot be subdivided and the joint-owner(s) will not agree to sell.
     2. The portion of a joint bank account shown by convincing evidence to have been contributed by someone outside the filing unit and not meant to be a gift.
     3. The asset is an irrevocable trust fund and no one residing in the home can revoke the trust or change the beneficiary. Trust funds are irrevocable when the family does not have the legal ability to convert them.
     4. Portions of settlements that are earmarked and intended to be used for expenses not included in the TANF or PaS grant. See Subsection 5(d) and (n) below.
  4. The value of an asset is the fair market value minus any encumbrances against it.
     1. The equity value of a vehicle that is not excluded is determined using the National Automobile Dealers Association’s (NADA) Used Car Guide Book or the Kelley Blue Book, making appropriate deductions as listed in the guide including, but not limited to, options and special equipment.
        1. A reduction can be made for a vehicle listed in the NADA Used Car Guide or the Kelley Blue Book, in less than average trade-in condition if true value is verified by a reliable source.
        2. A household estimate can be made for vehicles not listed in the car guide unless it appears unreasonable as determined by the Department based on the current used vehicle market in Maine.
  5. Excluded Assets:
     1. One vehicle per licensed driver in the household;
     2. Real property which the filing unit owns and occupies as their place of residence. The home and surrounding lot if not separated by property owned by someone else is exempt, even when left temporarily unoccupied because of employment, job training, education, illness or disaster. If the home is unoccupied, the filing unit must demonstrate the intent to return.
     3. Real property which the household is making a good faith effort to sell, in a newspaper or through a real estate broker, at fair market value.

d) Income representing the change from a non-liquid to a liquid asset;

e) Prepaid burial contracts and burial spaces intended for use by the filing unit;

f) Household goods and personal effects used in the home;

g) Income Producing Property. Property, including real property, used in the production of income. This exclusion includes property not in use because of circumstances beyond the control of the individual, such as temporary disability, care of an ill person, disasters, etc. Likelihood of returning to the same employment must be evident;

h) Livestock used to produce income or intended for family consumption;

i) Any personal loan with an agreement to repay. The agreement must be verified by:

* + - 1. A written agreement signed by both parties to repay the money within a specified time; or
      2. Evidence that the loan was obtained from an individual or establishment engaged in the business of making loans.

j) All educational grants, loans and scholarships from a recognized source to the extent the money is needed for educational expenses. Portions used to fill a need demonstrated to be directly related to successful completion of the Training or Education Program in excess of available funding from all other federal, state, public, private, and institutional sources of aid, excluding loans or federal work study, are also excluded;

1. The cash surrender value of insurance policies;
2. Family Development Accounts. Savings accounts for income eligible families to be used for specific purposes, to the extent that the total balance of the account remains below $10,000 per 22 M.R.S. §3762. Withdrawals may only be made for:
   * + 1. Expenses for education or job training to attend an accredited or approved post-secondary education or training institution;
       2. The purchase or repair of a home that is the family’s principal residence;
       3. The purchase or repair of a vehicle used for transportation to work or to attend an education or training program; or
       4. Capital to start a small business for any family member 18 years of age or older.

m) A one-time cash compensation payment and accrued interest from the Baxter Compensation Authority to former students of the Baxter school for the Deaf, who were found to have been physically or sexually abused before January 2001.

n) Non-reoccuring payments, such as Build HOPE Project Grants, received by a participant when used within 30 days of receipt to meet one of the following needs:

i. Health care costs of a household member that are medically necessary and not covered by public or private insurance, or

ii. To address an emergency that may cause the loss of shelter, employment, educational progress or other basic necessities.

(6) Assets Excluded by Federal Statute:

a) Grants, loans and scholarships to graduates or undergraduate students made under any program administered by the U.S. Secretary of Education, such as Pell, SEOG, NDSL, Perkins, Work Study;

b) Federal Tax Refunds, including refundable credits, such as EITC, are excluded for 12 months from the month of receipt. P.L. 111-312;

c) Child Nutrition Act and National School Lunch Act - Value of supplemental food assistance;

d) Title VII, Nutrition Program for the Elderly-Older American Act benefits;

e) USDA Supplemental Nutrition (WIC) Program and/or Donated Commodities benefits;

f) Tax-exempt portions of payments made under the Alaskan Native Claims Settlement Act;

1. Payments made under Annual Contributions Contract under U.S. Housing Act;
2. Relocation assistance or allowance under the Housing Act: Also excluded are payments made under Title II of the Uniform Relocation and Real Property Acquisition Policy;
3. Agent Orange Settlement payments;
4. WIOA, Job Corps, or AmeriCorps payments of all types;
5. Payments resulting from Congressional action which specifically exclude such payment;
6. Maine Indian Land Claims Settlement payments;
7. Domestic Volunteer Services Act payments made to volunteers serving as foster grandparents, senior health aides or companions;
8. HUD community development block grant funds and escrow accounts in the Family Self Sufficiency Program;

o) Home Energy Assistance Program (HEAP) benefits or any other federal program providing energy assistance;

p) Title I payments to volunteers such as VISTA: Payments that exceed the minimum wage are not excluded;

q) Radiation Exposure Compensation Act settlements for injuries or death from nuclear testing or uranium mining;

r) Assets owned solely by an excluded stepparent;

s) Property of no saleable value;

t) Nazi Persecution Victims Eligibility Benefits - Payments made to victims of Nazi persecution excluded from consideration per P.L. 103-286.

**B. INCOME**

Consider the income of all members of the filing unit including excluded stepparents, sponsors of noncitizens, specified relatives, and all persons who are required to be members of the child’s assistance group except insofar as they are excluded from the assistance group for a reason such as lack of U.S. citizenship or the imposition of a sanction or disqualification.

* 1. Types of Income.
     1. Earned Income: Money earned in exchange for labor or services and received in cash or in-kind for wages, tips, commissions, crypto-currency or net profit from activities in which the individual is engaged as self-employment. The gross income before deductions for taxes, personal or employment expenses, or garnishments. This includes:
        1. Seasonal Income: Money earned in exchange for labor or services not required year around such as fishing, clamming, worm digging, logging, harvesting and the like;
        2. Contract Income: Money earned in exchange for labor or services in a period shorter than one year and not paid on an hourly or piecework basis to workers, such as school teachers or bus drivers.
        3. Wages that are garnished or diverted by an employer (see exceptions in (d) below).
     2. Unearned Income: Unearned income is money (including crypto-currency) that is not produced by labor or services. It includes benefits such as Social Security, Veterans benefits, pensions, unemployment compensation, Worker’s Compensation, dependent allotments, contributions, support payments, annuities, dividends, interest, and regular

withdrawals from trust funds. Unearned income may be garnished or diverted (see exception in (d), below).

* + 1. Deemed Income: A portion of the income of certain individuals who have a legal obligation to members of the assistance group must be considered through the deeming process. The deemed amount is counted as unearned income to the assistance group. (See Ch. IV(C) for treatment of deemed income.) Examples of individuals whose income may be deemed:
       1. Individuals such as parents who, although required to be included in the assistance group, are ineligible due to non-financial criteria and therefore are not members of the assistance group;
       2. Excluded stepparents;
       3. Sponsors of noncitizens and their spouses.
    2. Garnished Income: Garnishment to earned or unearned income is not considered income in the following instances:
       1. Income is garnished to fulfill the terms of court ordered support/alimony or Title IV-D support orders; or
       2. Income is garnished/recouped by the same agency that issued the income, such as unemployment benefits being recouped to satisfy a prior overpayment.
    3. Potential Income: Money which could be received if action were taken to obtain it, such as from Social Security, Unemployment or VA benefits or by asserting a legal claim such as inheritance.
  1. Excluded Income.
     1. Child Support
        1. Collections which are retained by the Department; and
        2. The first $50 per month received by the filing unit.
     2. ASPIRE support services payments;
     3. HOPE support service payments as defined in 10-144 Chapter 330;
     4. General Assistance, Emergency Assistance, HUD, FMHA utility reimbursements and other supplemental assistance from public or private agencies to help the assistance unit meet their basic needs;
     5. Income of children not in the assistance unit;
     6. Wages of dependent children in the assistance unit if they are full-time students or part-time students not employed full time;
     7. Income-In-Kind, Vendor Payments, Outside Contributions: These are payments or contributions toward budgeted items from organizations or people not in the assistance group paid directly to a third party;
     8. When an involuntary separation occurs where the client or spouse enters a medical institution, the income of the institutionalized spouse will be considered for that person only. This treatment of income applies in the following situations:
        1. The spouse is placed in an Intensive Care Facility or Specialized Nursing Facility;
        2. The spouse is hospitalized in a general hospital for more than 60 days; or
        3. The spouse is hospitalized for a kidney transplant.
     9. Any personal loan from any source providing there is clear evidence of an agreement to repay. The following is acceptable evidence:
        1. A written agreement signed by both parties to repay the money within a specified time; or
        2. Evidence that the loan was obtained from an individual or establishment engaged in the business of making loans.
     10. Reimbursements for job related expenses to the extent they do not exceed actual expenses;
     11. Gifts of money not to exceed $150 per household in a three-month period ending with the month of receipt;
     12. Portions of all educational grants, scholarships, and other awards from a recognized source to either graduates or undergraduates not already totally excluded by Federal statute (Subsection 3(a) below) with the exception of:
         1. The portion of any assistance given to students which is not used on actual educational costs; and
         2. Any dependent portion of VA educational assistance.
     13. Monies received as a match on deposits a recipient makes in their Family Development Account or Separate Identifiable Account set up as authorized by statute at 22 M.R.S. §3762 up to the $10,000 cap. Accrued interest on these accounts is also excluded as income.
     14. A one-time cash compensation payment and accrued interest from the Baxter Compensation Authority to former students of the Governor Baxter School for the Deaf, who were found to have been physically or sexually abused before January 2001.

o) Non-reoccurring lump sum payments in the month they are received. Including but not limited to Build HOPE Project Grants, personal injury awards, lottery winnings and inheritances.

* 1. Income Excluded by Federal Statute.
     1. Grants, loans and scholarships to graduates or undergraduate students made under any program administered by the U.S. Secretary of Education, such as Pell, SEOG, NDSL, Perkins, Work Study;
     2. Federal Tax Refunds, including refundable credits, such as EITC, are excluded for 12 months from the month of receipt. P.L. 111-312;
     3. Child Nutrition Act and National School Lunch Act - Value of supplemental food assistance;
     4. Title VII, Nutrition Program for the Elderly-Older American Act benefits;
     5. USDA Supplemental Nutrition (WIC) Program and/or Donated Commodities benefits;
     6. Tax-exempt portions of payments made under the Alaskan Native Claims Settlement Act;
     7. Payments made under Annual Contributions Contract under U.S. Housing Act;
     8. Relocation assistance or allowance under the Housing Act: Also included are payments made under Title II of the Uniform Relocation and Real Property Acquisition Policy;
     9. Agent Orange Settlement payments;
     10. WIOA, Job Corps, or AmeriCorps payments of all types;
     11. Payments resulting from Congressional action which specifically exclude such payment;
     12. Maine Indian Land Claims Settlement payments;
     13. Domestic Volunteer services Act payments made to volunteers serving as foster grandparents, senior health aides or companions;
     14. HUD community development block grant funds and escrow accounts in the Family Self Sufficiency Program;
     15. Home Energy Assistance Program (HEAP) benefits or any other federal program providing energy assistance;
     16. Title I payments to volunteers such as VISTA: Payments that exceed the minimum wage are not excluded;
     17. Radiation Exposure Compensation Act settlements for injuries or death from nuclear testing or uranium mining;

r) Nazi Persecution Victims Eligibility Benefits - Payments made to victims of Nazi persecution under P.L. 103-286.

1. **PROSPECTIVE BUDGETING:** Eligibility and benefit levels are calculated for all assistance groups using prospective budgeting. Prospective budgeting is a method by which benefit levels are calculated using a best estimate of income, disregards, deductions and other circumstances of individuals who are the members of the assistance group and individuals whose income must be deemed to the assistance unit. For purposes of determining the amount of the TANF payment and the amount of income to be counted, the payment month and budget month are the same. The following definitions are used in this chapter:
   1. Prospective eligibility means that eligibility for any given month is determined by estimating, as accurately as possible, whether all eligibility factors will be met during that entire month.
   2. Income is available when it is received or can be reasonably anticipated. Reasonably anticipated means that the amount of income can be estimated, and the date of receipt is known.
   3. Best Estimate: The best estimate is based on the Department’s reasonable expectation and knowledge of current, past, or future verified circumstances. In making this determination the concepts of significant and non-significant income changes and averaging must be used.
   4. Significant Income Changes: Changes in sources or amounts of income which are expected to continue long enough to be reflected in at least one check, such as starting or losing a job or a new source of unearned income, or changes in hours and wages.
   5. Non-Significant Income Changes: Changes that are temporary, short term and not part of the ongoing pattern, such as fluctuations due to irregular overtime or unpaid days off and other changes not expected to continue beyond the month of occurrence. Variations in income caused by non-significant changes are not considered underpayments or overpayments.
2. **INCOME DISREGARDS**: Income disregards are certain income amounts subtracted from the filing unit’s countable gross income to determine the total countable income amount. For self-employment the income is annualized, and the applicable disregards are deducted from the monthly average.
   1. Disregards will not be applied to, and any Step disregard month forfeited by, any individual for any month in which the individual, without good cause, terminates their employment or reduces their earned income within the 30 days preceding that month; refuses to accept employment when offered within 30 days preceding that month; fails to report an increase in earned income within 10 days from the date of income receipt; or are sanctioned for noncompliance of any TANF/PaS requirement.
   2. Work Related Disregards. These disregards are applied to applicants to determine initial eligibility and to program recipients in the assistance group who are employed.
      1. Earned Income Disregard. Each individual in the filing unit who is employed, including self-employed, is eligible for the following disregards from earned income:
         1. One hundred eight dollars; and
         2. Fifty percent of the remaining earnings.
      2. Child or Dependent Care. After applying all the other disregards, the cost of care for each dependent child or incapacitated adult needing care while the TANF recipient works. Deduct the actual cost up to $175 per month per dependent or $200 for children under the age of 2. Dependent care is not allowed as a deduction if paid to anyone living in the home.
   3. Step Disregard: The following disregard is applied to the individual’s earned income when determining benefit levels for the assistance group when the individual included in the assistance group meets the following criteria. They are:
      1. A current recipient with new employment that was obtained while actively participating in, and in compliance with, the TANF/PaS and ASPIRE programs; or
      2. A current recipient with an increase in earned income; and
      3. The increase in earned income occurred while actively participating in, and in compliance with, the TANF/PaS and ASPIRE programs.
         1. The Step disregard is applied to each applicable recipient with earnings as defined above. The two-steps included in the Step disregards are each restricted to a three-month maximum. When Step one is activated the Step disregard will continue for the maximum six months consecutively unless the recipient reports that all earned income for that recipient has ended, or they meet the conditions included in (d) below. When earned income has ended the Step month count will end the month following the month the Step disregard is used to determine benefits. The Step disregard is applied as follows:
            1. Step one: 100% of earned income for the individual is disregarded for a maximum of three months for either an applicant with earned income or for a recipient with a change of earned income.
            2. Step two: 75% of earned income for the individual is disregarded for a maximum of three months following exhaustion of Step one months during a period of TANF and/or PaS eligibility.
      4. In the event that the Step disregard does not increase the TANF/PaS benefit beyond the benefit amount determined by the use of the Work Related ((2) above) and Other disregards((4) below); then the Step disregard is not applied, and the Step disregard usage month is not counted for the individual.
      5. For any period in which a household’s food supplement assistance is reduced below $50 as a result of the use of the Step disregard; the household will be issued a TANF Earnings Food Benefit of up to $50. This benefit is issued as a food assistance benefit, not a cash benefit, and may be used only as permitted by Maine’s Supplemental Nutrition Assistance Program (SNAP) (10-144 C.M.R. Ch. 301). The combined food assistance benefit is not to exceed $50 in a benefit month.
      6. The Step disregard is not used to determine TANF countable income for the purpose of determining eligibility for a Special Need Housing Allowance or Gap child support payments.
      7. The Step disregard is not used when determining eligibility or benefits levels for Emergency Assistance, Alternative Aid, Transitional Child Care or Transitional Transportation.
   4. Other Disregards. The following disregards may be applied to individuals with earned or unearned income. When the recipient has both earned and unearned income, the applicable disregards are allowed once.
      1. Dependent Allocation. If an adult member of the assistance group is legally responsible for the support of others living in the home who are not included in the of TANF or PaS assistance group and who do not have assets more than the allowable limit, allocate the appropriate full need standard from the adult’s remaining income. This does not include the needs of individuals required to be in the filing unit but who have been sanctioned. The dependent allocation applies to both earned and unearned income.
      2. Child Support/Alimony Deduction. If an adult member of the assistance unit is legally responsible for and actuallypaying alimony to a former spouse or child support, the support payment is allowed as a deduction. This deduction is only allowed if the payee is living outside the home.
3. **DEEMED INCOME:** The income of certain individuals who live with and are related to the minor child, must also be considered through the deeming process. The deemed amount is counted as unearned income to the assistance unit.
   1. Individuals whose income is deemed:
      1. Excluded Stepparent: When the stepparent has chosen to be excluded from the assistance group, the disregards and allocations in (B) above, will be applied to their gross monthly income. The remainder of the excluded stepparent’s income is budgeted as unearned income to the assistance group. Assets solely owned by the excluded stepparent are not considered available to the filing unit even if the legal parent is included on the grant.
      2. Lump Sum Income of Excluded Stepparent: The lump sum income of the excluded stepparent is considered an asset and not as income in the month received.
   2. Sanctioned specified relatives: Specified relatives of a child in the filing unit living in the home and are disqualified from receiving TANF benefits. When the specified relative has been sanctioned and removed from the assistance group, they are not eligible for any disregards. Income and assets of the sanctioned specified relative are counted in full.
   3. Sponsors of noncitizens and their Spouses: These are people who have signed an affidavit of support as an noncitizen's condition of entry into the United States. Sponsors may or may not live with the unit. See (D) (5), below.
4. **TREATMENT OF SPECIAL INCOME:**
   1. Income of specified relatives and their spouses who are not parents of the dependent child. When specified relatives are excluded but claim the children as dependents for income tax purposes, they have acknowledged that they meet at least half of the child’s needs. The benefit level will be determined using half of the appropriate full need standard for the child as countable unearned income.
   2. Self-Employment Income: Self-employment income is income earned by individuals engaged in their own business enterprises. Self-employment income is averaged over a 12-month period. This applies even when the income is received in a shorter period. If the 12-month average is not an accurate reflection of circumstances or if a business has been in operation less than a year, income will be averaged for the months in operation or treated like any other fluctuating income based on verification provided. Seasonal self-employment which supplements other income shall be averaged over the season.
      1. Verification: Self-employment is verified in the following method:
         1. Income tax returns; provided the business has been operating long enough to have filed and the prospective year is anticipated to be similar to the year reflected in the taxes.
         2. Business records may be provided for those that have been operating less than one year or when it is claimed that circumstances are different than during the previous tax year.

b) Determination of Income.

i. Use all gross self-employment income including the full amount of capital gains and depreciation claimed on the tax return.

ii. Subtract the cost of producing the income.

a. The following expenses may not be subtracted:

1. Payments on the principal of the purchase price of income producing real estate, capital assets, equipment, machinery or other durable goods. Interest on these payments is allowed.

2. Net losses from prior periods.

3. Federal, state and local income taxes, retirement plans, and work-related personal expenses such as transportation to and from work.

4. Depreciation.

b. The following expenses must be subtracted:

1. Cost of labor including, FICA, State and Federal taxes.

2. Cost of materials.

3. Rent.

4. Interest.

iii. Divide the net earnings by the number of months over which the income is to be averaged.

iv. Apply disregards and treat the net self-employment income as any other earned income.

* 1. Income from Boarders and Roomers: The cost of producing income by providing “board and room” will be the actual cost of providing meals and a room per month per individual. “Room” only is the actual cost of providing a room per month. “Board” only is the actual cost of providing meals per month.

Non-Recurring Lump Sum Income: Non-recurring lump sum income may be in the form of retroactive payments such as Social Security, Workers’ Compensation, Unemployment, VA or other benefits, settlements, inheritance, lottery winnings, pay raises, divorce settlements and the like. Non-recurring lump sum income shall be considered an asset in the month received, and not as income.

(4) Income representing the change from a non-liquid to a liquid asset, such as the sale of marital property is considered an asset, not a lump sum.

(5) Income of Sponsors of Noncitizens: A sponsored noncitizen is a person lawfully admitted for permanent residence to the U.S. for whom a person (the sponsor) has executed an affidavit of support (USCIS Form I-864, Affidavit of Support under Section 213A of the Act”) on behalf of the noncitizen. The date of entry or admission is the date established by the USCIS as the date the noncitizen was admitted for permanent residence.

a) Deeming income of the sponsor: Sponsor deeming is a process used to determine the eligibility for and amount of TANF benefits that a sponsored noncitizen may receive. These deeming rules only apply to sponsored noncitizens who have executed the legally binding, I-864 Affidavit. The deeming period continues until the sponsored noncitizen becomes a U.S. citizen, has earned, or can be credited with, 40 qualifying quarters of coverage as defined in Title II of the Social Security Act (42 U.S.C. 401 et seq.), departs the U.S. permanently, or dies.

i. Noncitizens Required to File an I-864 Affidavit: Most family-based noncitizens, including immediate relatives, family preference noncitizens, and some orphans, must submit an affidavit of support on USCIS Form I-864 if they file adjustment of status or noncitizen visa applications on or after 12/19/97. In addition, an employment-based immigrant who is coming to work for a relative or for a company where a relative of the immigrant owns 5% or more of the company must file an I-864 Affidavit. These are noncitizens who have lawful permanent resident (LPR) status. Immigration through a family member or through employment are two paths to lawful permanent residency. The I-864 becomes enforceable at the time the noncitizen becomes an LPR. Noncitizens in these categories who have earned, or can be credited with, 40 qualifying quarters of coverage as defined in Title II of the Social Security Act, are not required to submit an I-864 Affidavit.

ii. The sponsor and the sponsor’s spouse’s income are counted in its entirety and is available to the sponsored noncitizen in determining the sponsored noncitizen’s eligibility for benefits. No deductions are given. If a sponsor is liable for more than one noncitizen, the deemed income and assets shall be divided equally among the sponsored noncitizen.

iii. Exceptions to sponsor deeming: Sponsor deeming would not apply for a 12-month period if:

* + - * 1. The sponsored LPR or certain family members have been determined to be victims of domestic violence or extreme cruelty. The 12-month period can be extended if the abuse or cruelty is recognized by a court order, an Administrative Law Judge, or the INS, AND the victim does not live with the batterer.
        2. The sponsored LPR would be indigent (unable to obtain food and shelter without government assistance). If determined indigent, then only the amount of income and assets provided by the sponsor or the sponsor’s spouse would be deemed to the LPR. Each indigent determination is renewable for additional 12-month periods.

(6) Attributed Tips: The recipient is responsible for maintaining a daily log of actual tips, which will be used to verify countable tip income for budgeting purposes. Tips attributed or allocated to employees by their employers on paystubs or W-2 forms are not considered actual tips and shall not be used in computing TANF and PaS payments.

(7) Child Support Paid by the Non-Custodial Parent: Payments from a non-custodial parent are considered child support and are the income of the child for whom the support is paid. When TANF is granted the household must surrender all court ordered or voluntary child support payments to the department.

1. Child Support collected by the department: Child support is considered unearned income for the dependent child. Child support paid for an adult child over age 18 who no longer lives in the home is countable unearned income to the adult receiving the payment.
2. Pass Through Payments: Up to the first $50 per month per assistance unit of child support collected on the monthly support obligation for the assistance unit will be paid to the assistance unit. This payment is excluded as income and an asset in determining need and the amount of the payment. The pass-through payment amount will not be considered as part of any overpayment when support is received directly by the recipient and is not forwarded to the State.
3. TANF Supplemental Payments (Gap): When there is a deficit (gap) between the maximum TANF payment and the Standard of Need, the assistance unit may be eligible to receive a gap payment. Gap payments are made from the prior month’s total child support collections, less the pass-through, if any. The maximum gap payment is the amount of the unmet need less countable income.
4. Excess Payments: When child support collected exceeds the debt owed by the non-custodial parent the excess amount may be paid to the family if there is no outstanding overpayment debt.
5. When current child support is collected and occasionally exceeds the total of the pass through, gap, and the benefit amount, the recipient is sent the excess and eligibility for TANF continues.
6. When it can be anticipated that the child support collected will routinely exceed the total of the pass through, gap, and benefit amount, eligibility for TANF ends.

**E. INCOME CALCULATION:**

(1) All income received in the four weeks immediately preceding the application or review must be verified.

**Exception**: When income stops, the Department will verify the termination and verify only the income received in the month of application and thereafter. This may be less than four weeks of income.

(2) Determine if there were any significant income changes or anticipated significant income changes.

a) Continuous changes will be used in determining the on-going estimate.

b) Anticipated significant income changes will be used only if they must be acted on now.

(3) Income Averaging: Convert the income not received or paid monthly to a monthly amount using the following methods:

a) Multiply weekly amounts by 4.3;

b) Multiply biweekly amounts by 2.15;

c) Multiply semimonthly amounts by 2; or

d) Average amounts received for a period of more than one month.

e) When less than a full month’s income is anticipated, the actual monthly income will be used.

(4) Determine Gross Income: Gross income is income available during the budget month and is calculated before the application of any disregards and includes:

a) The total of earned and unearned income, of those individuals in the assistance group; and

b) The portion of any income deemed to the assistance group (see C, above).

(5) Apply Disregards in the following order:

a) For the initial income determination:

i. Earned Income Disregard

ii. Dependent Allocation

iii. Child Support/Alimony Deduction

iv. Child or Dependent Care

b) For the second income determination:

i. Step Disregard

ii. Dependent Allocation

iii. Child support/Alimony deductions

iv. Child or Dependent Care

* + - * 1. **INCOME ELIGIBILITY TESTS:**

(1) This test is used for determining eligibility for applications.

a) When the assistance group’s initial income determination, E (5)(a) above, exceeds the Standard of Need there is no eligibility for TANF/PaS.

b) When the assistance group’s initial income determination, E (5)(a) above, is less than or equal to the Standard of Need, proceed to the calculation of the payment.

(2) This test is used for determining ongoing eligibility.

1. When the assistance group’s initial income determination, E (5)(a) above, and applicable second income determination, E (5)(b) above, both exceed the Standard of Need there is no eligibility for TANF/PaS.
2. When the assistance group’s initial income determination, E (5)(a) above, or applicable second income determination, E (5)(b) above, is less than or equal to the Standard of Need, proceed to the calculation of the payment.
   * + - 1. **CALCULATION OF PAYMENT:**

(1) Calculate the Basic TANF Grant: Subtract the initial income determination, E (5)(a) above, from the Standard of Need (SON) using the appropriate chart in the Appendix. The benefit is the difference between the two figures up to the payment maximum (see appendix).

(2) If eligible for a Step Disregard, B (3)(c, e and f) above, Calculate the alternative Basic TANF Grant: Subtract the second income determination, E (5)(b) above, from the Standard of Need (SON) using the appropriate chart in the Appendix. The benefit is the difference between the two figures up to the payment maximum (see appendix).

(3) Use the correct Basic TANF Grant amount from 1 or 2 above per the stipulations for the application of the Step Disregard, B (3)(c, e and f) above.

(4) Special Need Housing Allowance (SNHA):

1. TANF assistance groups that incur housing costs that equal or exceed 50% of their countable income may be eligible for a SNHA payment of up to $300 per month. A separate application for SNHA is not required. The TANF or PaS application or redetermination is considered a request for SNHA. A person can receive an SNHA even if not receiving a TANF basic grant. Assignment of child support and ASPIRE participation is required in this circumstance. Child only assistance units may be eligible for the SNHA.

b) Countable Housing Expenses: The total expenses that the TANF or PaS assistance unit is responsible for even when they have been unable to pay that amount. These expenses must be verified.

i. Rent, lot rent, mortgage payment, property taxes and homeowner’s insurance.

ii. Any housing costs paid by General Assistance are considered the responsibility of the assistance unit.

iii. Subsidized housing situations: The portion of rent used in the SNHA calculation is the portion allocated to the individual and does not include the portion paid by the housing entity.

iv. Shared housing costs: When the TANF recipient resides in a home with others who are not included in the filing unit (see Chapter II) the responsibility for housing costs is determined by who is responsible for the tenancy at will agreement, lease, or mortgage.

* + - * 1. Count all of the housing costs if the individual responsible for the housing costs is in the filing unit. Any contributions to housing costs by individuals outside of the filing unit will be treated as unearned income to the individual;
        2. Count a prorated share of the housing costs if:

1. The individual responsible for the housing costs is a caretaker relative receiving a child only payment; or

2. The individual responsible for the housing costs is a parent or child excluded from the assistance unit because of receipt of SSI or State Supplement.

* + - * 1. Count none of the housing costs if the individual responsible for the housing costs, is not in the filing unit. Any voluntary contributions to housing costs made by the TANF individual to the holder of the rental/mortgage agreement are not considered countable for the SNHA.

c) Payment Determination

i. Determine eligibility for the basic TANF or PaS grant as in (G) (1) above.

ii. When the assistance unit is eligible for TANF or PaS, administer the 50% Test:

a. Add the basic TANF or PaS grant amount plus child support (minus $50 pass-through), plus countable income.

b. Determine total shelter costs

c. Divide total shelter costs (b) by the total of the basic grant plus child support plus countable income (a).

d. When the amount obtained in (c) is equal to or greater than 50% subtract the TANF or PaS countable income from the Special Need Full Standard of Need. The grant amount is the deficit up to the maximum Special Need payment for the size of the assistance group.

(5) If the result is less than $1 before application of any recoupment or proration, no benefit is issued.

(6) Round the benefit down to the next whole dollar.

(7) The TANF assistance group will receive the highest level of TANF benefits they are eligible to receive as defined in Section G.

* + - * 1. **TOTAL BENEFITS PACKAGE:** A TANF recipient with child care needs has the option of:

(1) Receiving their TANF payment plus the child care assistance, up to the maximum market rate as determined by OCFS, as a “total” benefit” or

(2) Receiving their TANF payment and having the child care assistance paid directly to the child care provider. Unless specified by the recipient, the child care payment would be paid to the child care provider.

1. **TRANSITIONAL CHILD CARE (TCC)**
   1. **Transitional Child Care (TCC)** provides child care benefits to eligible families who received TANF/PaS in any one of the three months immediately preceding the month of ineligibility.
      1. TCC benefits are only available during the time the specified relative works and only for—
         1. Children under the age of 13 needing care while their specified relative works at paid employment.
         2. Children aged 13 through 19 who are physically or developmentally incapable of caring for themselves. The physical or developmental impairment must be verified by a physician, certified nurse practitioner, or licensed psychologist;
         3. Children receiving SSI or IV-E Foster Care;
         4. Children who enter the household, and for whom the former TANF/PaS specified relative has legal responsibility, during the transitional period and otherwise meet all requirements.

b) In a two-parent household at least one parent must be working at paid employment in order to receive TCC benefits. If only one parent is employed, the other parent must be, either—

i. Enrolled in an education or training program as verified by a copy of the parent’s class schedule or

ii. Unable to care for the children due to having a disabling condition as verified by medical evidence.

* 1. **Eligibility Criteria:** The family must meet the following criteria:
     1. TANF/PaS Closure: The TANF/PaS case must have closed because—
        1. There was an increase in earned income, except in the following situations:
           1. The case closed because of increased earnings of the excluded stepparent required to deem income to the assistance group (Ch. IV, C, Deemed Income); or
           2. The specified relative with earned income was excluded from the TANF/PaS assistance group;
        2. There was an increase in child support;
        3. The family voluntarily closed the case; and/or
        4. The family reached the 60-month lifetime limit.
     2. Income:
        1. At TANF/PaS closure one or both parents must be working at paid employment; and
        2. The family’s gross weekly income must be equal to or less than 250% of the Federal Poverty Level (FPL) for their family size. The income of all members of the filing unit is counted.
     3. Non-Financial Requirements:
        1. The family must reside in Maine.
        2. The child(ren) must be a U.S. Citizen or noncitizen potentially eligible for federally funded assistance as defined in Chapter II.
  2. **Eligibility Process:**
     1. The Department shall open TCC, beginning the month following receipt of the last TANF/PaS benefit, for families who were receiving child care services through ASPIRE-TANF at the time of TANF/PaS closure and who meet the eligibility requirements for TCC , without additional request.

Families who were not receiving child care services through ASPIRE-TANF at the time of TANF/PaS closure may request TCC verbally or in writing. This request must be made within 12 months of TANF/PaS closure. TCC begins on the day of request if eligible. There is no retroactive TCC payment.

* + 1. A child care disregard used in the calculation of the TANF/PaS benefit (Chapter IV § B(2)(b)) ends the month following the month of TANF/PaS receipt.
    2. Parent Fee Requirement:The parent fee will be waived for any family with a gross weekly income equal to or less than 250% FPL.
  1. **TCC Benefit Calculation:**
     1. TCC benefits are calculated prospectively for a seven-day period beginning on Sunday.
     2. TCC benefits are based on the market rate cap and are derived from the 75th percentile rate charged in the county where child care is provided. The Office of Child and Family Services determines the Market Rate (see Appendix, page 4).
     3. TCC benefits are calculated in the following manner:
        1. Calculate the gross weekly income: If the gross income is greater than 250% of the FPL, there is no TCC eligibility. When the gross income is less than or equal to 250% of the FPL, proceed to (ii), below;
        2. Calculate the Parent Fee:The parent fee will be waived for any family with gross weekly income equal to or less than 250% FPL.
        3. Calculate each child’s TCC payment.
           1. For each child, identify the Market Rate Cap based on the following:

1. Child’s age group:

Infant: birth through 12 months

Toddler: 13 months through 36 months

Preschool: 37 months through 60 months

School Age: 61 months (or younger if attending kindergarten) through 19 years

1. Type of child care facility:
2. Licensed child care center
3. Licensed family child care
4. Legal Unregulated child care
5. County where the child care is located
6. Number of hours of child care needed: The Department may only authorize child care for the number of hours the parent works each week. The number of work hours is used to determine the applicable Market Rate Cap percentage for payment as defined below:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Child Age Group** | **Full-time Fee**  **100% of Cap hour requirement** | **Three-quarter time Fee**  **75% of Cap hour requirement** | **Half-time Fee**  **50% of Cap hour requirement** | **One-quarter time Fee**  **25% of Cap hour requirement** |
| **Infant Toddler Preschool** | 30+ hours per week | 20-29 hours per week | 10-19 hours per week | Less than 10 hours per week |
| **School Age** | 30+ hours per week | 11-29 hours per week | 6-10 hours per week | Less than 6 hours per week |

1. Night-Time Employment: Parents who are employed at night may be approved for a maximum of eight additional hours of child care for sleep time. Children shall not remain in care longer than 18 hours within a 24-hour period.
2. Parents who are required to travel to the child care provider may be approved for additional hours to accommodate for the time spent driving to the child care provider on the most direct route to and from work.

b. Compare the provider’s cost to the Market Rate Cap. The Department pays the actual cost charged by the provider or the Market Rate Cap, whichever is less. This figure is considered the cost of care.

Special Needs Child Care: The Department may pay child care rates in excess of the market rate cap for children requiring specialized care due to a physical or mental impairment. Verification of the impairment and the need for specialized care is required.

c. Subtract the parent fee from the cost of care the Department will pay, the difference is the TCC benefit.

1. **TCC Payment Issuance:** The Department shall divert the TCC benefit to the child care provider unless the recipient requests otherwise.
2. **Reporting Responsibilities**: TCC payments remain constant until a redetermination is completed, or until the recipient or child care provider reports a change that affects the amount of TCC benefits.

a) TCC recipients are required to report the following changes within ten days of occurrence:

i. Employment ceases,

ii. The second parent in the home no longer is a student, has a disability, or is employed,

iii. A child leaves the home,

iv. It becomes known to the family that the child will not receive services from the provider for a period of two or more days,

v. A change in child care providers takes place,

vi. A change occurs to the number of child care hours needed due to changes in employment or travel time, or

vii. A change in income causing the gross income to exceed 250% of the Federal Poverty Level.

Otherwise, recipients must report income changes at least annually through the eligibility redetermination process.

b) TCC providers are required to report the following changes within ten days of occurrence:

i. It becomes known to the provider that the child will not receive services from the provider for a period of two or more days,

ii. A change in child care providers takes place, or

iii. A change occurs to the number of child care hours provided.

1. **Redetermination:** All TCC cases must have a benefit eligibility redetermination at least once every 12 months as defined in Chapter I(F). The redetermination date aligns with a Medicaid and/or Food Supplement redetermination whenever possible. An interview is not required to determine ongoing TCC eligibility.
2. **Termination of Benefits**: TCC benefits terminate, without 10 days’ notice, when—
3. A redetermination is not completed;
4. Employment ceases;
5. The TCC family fails to provide requested verification;
6. There are no eligible children in the home;
7. The TCC family is determined to be income ineligible; or
8. Nonpayment of Parent Fee: See Subparagraph 4(c)(ii) above. Upon notification by the child care provider and confirmation by the Department that the parent failed to pay the parent fee, the Department shall end the TCC. If the parent has made a good faith effort to make payment, or has entered into a payment plan with the provider and evidence has been provided that the parent is in compliance with that plan, the Department may continue TCC.
9. **Application for TANF/PaS**: If a TCC recipient’s hours are reduced and the recipient then reapplies for TANF/PaS, the recipient may continue to receive TCC until ASPIRE makes a determination about the suitability of child care supports. There must not be a duplication of receipt of child care benefits.
10. **Break in Assistance**: When TANF/PaS has been closed for more than 12 months and there has been a break in receipt of TCC of 90 days or less due to the following reasons, the family remains eligible for TCC.
11. The family member loses a job for good cause as defined in 10-144 C.M.R. Ch. 607, ASPIRE-TANF Program Rules, Section 4(III)(C) but secures another job prior to reopening of a TANF/PaS grant;
12. There is a break in employment due to seasonal or planned layoff;
13. Maternity leave; or
14. Medical leave.
15. **Child Care Providers**:
16. Providers must be 18 years of age or older.
17. The provider cannot be a parent, stepparent or guardian of the child or reside in the same household as the TCC recipient;
18. Unlicensed providers and all adult members of their household must undergo a background check every two years. The background check must be completed before any funds are released to that provider.
19. The Department reserves the right to disapprove a provider chosen by the parent with cause, as determined by the TANF Program Manager.
20. **Overpayments**: Overpayments occur when the amount paid exceeds the amount that would have been paid if the benefit had been calculated correctly on actual circumstances reported, verified and acted on in a timely manner. Overpayments can occur as the result of agency, specified relative, or child care provider error. A party in wrongful receipt of a TCC benefit shall be responsible for repaying the overpayment. TCC benefits issued to the specified relative and not used to pay a child care provider are considered an overpayment which must be repaid by the specified relative. A child care provider that receives payment and either fails to render services or fails to satisfy the Reporting Requirements articulated in Section 6 of this chapter shall be liable for reimbursement and any related costs, including interest.
21. **Recovery of Overpayments**:

a) Errors caused by the Department or the specified relative: The Department may recover the value of any outstanding TCC overpayment. Such actions can include, but are not limited to

i. offsetting future TANF/PaS benefits,

ii. seeking recoupment from a child care provider, or

iii. referring the matter to the Department’s Fraud, Investigation and Recovery Unit for collection.

1. Overpayments caused by the child care provider: The Department may recover the value of any outstanding TCC overpayment regardless of any other debt the specified relative may owe to the provider. The Department may, to the extent allowed by law, take whatever action is deemed appropriate to recover such overpayment.
2. **TRANSITIONAL TRANSPORTATION (TT)**
   1. **Transitional Transportation (TT)** provides benefits to eligible families, to include:
      1. Families who received TANF/PaS in any one of the three months immediately preceding the month of TANF/PaS ineligibility, are working at paid employment, and are financially eligible may qualify for TT.

i. TT is available for up to 18 months when requested within twelve months of TANF/PaS closure.

ii. The Department shall notify individuals of the possibility of transportation reimbursement and of the necessity to submit an application if interested at the time of TANF/PaS closure.

iii. These Families must meet the criteria detailed in Subsection 2(a) below.

b) Other families working at paid employment may qualify for TT:

i. They include those who—

a. have not received TANF/PaS in the last three months, or

b. had TANF close in the last three months but do not meet the criteria defined in Subsection 2(a).

ii. The following conditions apply to these families:

a. TT is available for up to 18 months within a 36 month period starting from the month of TT application, dependent on funding availability. Months accrued in this section and section a) above are cumulative.

b. The Department may provide, at its discretion, up to $1,400,000 annually for each state fiscal year (SFY) from Maine’s Temporary Assistance for Needy Families block grant for families eligible under this paragraph.

1. When the Department determines that the funding limit will be reached or exceeded, the Department may close all current cases eligible under the provisions of this paragraph providing timely and adequate notice as described in Chapter I(I).

2. When the current SFY funding limit has been reached or the Department determines that the funding limit will be reached or exceeded in the current or next assistance month it may deny all applications eligible under the provisions of this paragraph that would be subject to this limit. The Department shall issue a written notice of decision in accordance with the application process described in Subsection 3 below.

3. A new, $1,400,000 period begins each state fiscal year which begins July 1 and ends June 30.

(a) If Households apply in June and would be denied based on the funding limit, the Department shall simultaneously determine eligibility for June and July.

(b) Households who applied prior to June 1 and were denied or closed, must reapply for a determination to be made for July.

c. The eligibility criteria detailed in Subsection 2(b) below apply.

* 1. **Eligibility Criteria:** The family must meet one of the following criteria:
     1. TANF/PaS Closure Families: the specified relative must meet the following criteria:

i. The TANF/PaS case must have closed because—

a. There was an increase in earned income except in the following situations:

1. The case closed because of increased earnings of an excluded stepparent required to deem income to the assistance group (Ch. IV, C, Deemed Income);

2. The specified relative was excluded from the TANF/PaS assistance group; or

3. The adult member(s) of the TANF/PaS assistance group are no longer eligible for TANF/PaS due to not being a U.S. Citizen or noncitizen potentially eligible for federally funded assistance as defined in Chapter II;

b. The TANF/PaS recipient has earned income but has requested their benefits be terminated; or

c. The TANF/PaS case has reached or exceeded the 60 month lifetime limit and the TANF/PaS recipient is employed during the month of TANF/PaS closure.

and

ii. The family must have gross monthly income equal to or less than 250 percent of the Federal Poverty Level for their family size. The income of all members of the filing unit is counted.

* + 1. Non-TANF/PaS Closure Families: The specified relative must meet the following criteria:
       1. They must have a dependent child(ren) under age 18 in the household;
       2. They must be working at paid employment;
       3. They must incur an employment related transportation expense;
       4. They must be a U.S. citizen or noncitizen potentially eligible for federally funded assistance as defined in Chapter II; and

v. The family must have gross monthly income equal to or less than 200 percent of the Federal Poverty Level for their family size.

* 1. **Application Process:**
     1. Eligibility for TT is determined upon receipt of a written request for TT on a form required by the Department. The request must include the applicant’s name, address, and signature. The application date is the date the paper or electronic document is received by the Department.
     2. Missing documentation and verification must be requested by the Department in writing. Applicants have at least 10 days from the date of the letter to provide requested information to the Department. Failure to provide requested verifications within this timeframe results in denial of the application.
     3. The Department shall issue a written decision within 30 days of receiving a completed application. If the decision is to deny the application, the notice of decision must state the reason(s) for the denial and notify the individual of their right to appeal the decision.
     4. Appeals of Department denials must be filed within 30 days of the date of the Department’s written decision. All other rules regarding the Administrative Procedures outlined in Chapter VI apply.
  2. **Payment Calculation:**
     1. Payment is calculated by determining how many miles the participant travels to and from work each day multiplied by the anticipated number of working days in the month.

**NOTE**: Mileage is for the most direct route to and from the recipient’s home and their place of employment. Mileage includes necessary trips to a child care provider and to the home of car pool passengers.

* + 1. Effective January 1, 2025 mileage is reimbursed consistent with the State of Maine mileage reimbursement rate set by the Department of Administrative and Financial Services Office of the State Controller found at <https://www.maine.gov/osc/travel/mileage-other-info>.
    2. TT mileage reimbursement shall not exceed $20 per day.
  1. **Payment**: Payment is made monthly, on the first day of the month. Payment is for travel costs incurred in the month of payment. TT is paid as long as a transportation expense is incurred, no matter the method of transportation.
  2. **Reporting Responsibilities:** TT payments remain constant until a redetermination is completed, or until the recipient reports a change that affects the amount of TT benefit.
     1. Within ten days of its occurrence, TT recipients must report all changes that affect eligibility, including—
        1. Employment ceases,
        2. A change in the distance driven to work or to child care provider,
        3. A change in the number of working days per month,
        4. A household member leaves the home, and
        5. An increase in gross income beyond the applicable income limit.
  3. **Redetermination:** All TT cases must have benefit eligibility redetermined following the first twelve months of receipt. In some situations, the Department may shorten the redetermination period to coordinate with an anticipated change that would affect eligibility.
     1. Benefits automatically terminate when—
        1. a scheduled redetermination is not completed,
        2. employment ceases,
        3. the last eligible child leaves the home, or
        4. the TT family is determined to be income ineligible.
  4. **Overpayments**: Overpayments occur when the amount paid exceeds the amount that would have been paid if the benefit had been calculated correctly on actual circumstances reported, verified, and acted on in a timely manner. Overpayments can occur as the result of errors on the part of the agency or a specified relative. The specified relative shall be responsible for repaying the overpayment.
  5. **Recovery of Overpayments**: The Department may recover the value of any outstanding TT overpayment by offsetting future TANF/PaS benefits, or by referring the matter to the Department’s Fraud, Investigation and Recovery Unit for collection.

**FAIR HEARINGS/ADMINISTRATIVE HEARINGS**

A TANF or PaS assistance group has an opportunity for a fair hearing when it disagrees with actions affecting their benefits. Any request for a hearing must be made within 30 days of the date of action. The Department may waive time limits. Requests for hearings may be made orally or in writing at the Regional Office or at the Central Office. All decisions of fair hearing officers are binding on the Department with the exception of cases involving an Order of in which case the Commissioner reserves the right to make the final decision.

**NOTE**: Recipients who are dissatisfied with any action will upon request be given the opportunity to discuss their case with the immediate supervisor. The assistance group will be advised that this meeting with the supervisor is optional and will not delay or replace the fair hearing. The basis for this meeting will be a review of the case situation to determine any available resolution of the problem.

**Time Limits on Hearings**

The 30 day time limit on requesting a hearing may be extended at the discretion of the Department for one of the following reasons:

1. the recipient has registered a prior complaint on the same action

2. the recipient was unable to request earlier due to circumstances beyond their control

The decision to extend the request deadline is made by the Administrative Hearings Unit. A fair hearing need not be granted when either State or Federal law requires automatic grant adjustments for classes of recipients (mass changes) unless the reason for the request is incorrect budget computation.

**FAIR HEARINGS**

The Department has 60 days from the date of the initial request to hold the hearing, render the decision and notify the household. Decisions will be implemented promptly.

**NOTE**: When an Order of is requested the time period is extended to 90 days (See Administrative Hearings Manual, Chapter VI, Section B, page 5).

**NOTE**: There may also be an extension of this 60 day time limit in the instance when a continuance is requested.

**Departmental Responsibilities on Hearing Requests**

1. Provide documents and records requested by the recipients or their representatives,

2. Advise the recipient that they may present their own case or may have the aid of others including legal counsel,

3. Advise the recipient of legal services available.

4. Provide the recipient with adequate opportunity to:

a. examine the contents of the case file and all documents and records to be used by the Department at the hearing at a reasonable time before the date of the hearing as well as during the hearing;

b. present witnesses in their own behalf;

c. subpoena witnesses;

d. establish pertinent facts;

e. advance any arguments without undue interference; and

f. confront and cross-examine adverse witnesses.

**Denial/Dismissal**

The Administrative Hearings Unit cannot deny or dismiss a recipient's or applicant's hearing request unless:

1. the request is not received within 30 days of the action;

2. the request is withdrawn by the recipient or their representative in writing;

3. the recipient or their representative fails to appear at the scheduled hearing, and does not present evidence that their absence was beyond their control; or

4. the request is where the sole issue is one of State or Federal law requiring automatic grant adjustments for classes of recipients.

**Continuation of Benefits**

When a TANF or PaS household requests a hearing within 10 days of the date of the termination or reduction notice, benefits will be restored to the immediate prior amount unless the household waives restoration of benefits.

The continuation of benefits may be terminated if the hearings officer decides the sole issue is one of policy or if other changes occur which effect the grant following the request for a hearing.

When the hearing request is not made within 10 days, benefits must be reduced or terminated, as stated in the notice.

**Notification of Hearing**

The time, date and place of the hearing must be arranged taking the convenience of the household into consideration. Written notice must be provided at least 10 days prior to the hearing. The notice shall:

1. give the time, date and place of the hearing;

2. give the address and telephone number of the Administrative Hearings Unit;

3. explain that the request shall be dismissed if the household or its representative fails to appear without good cause;

4. include the hearing procedures;

5. include the purpose of the hearing;

6. include the rights to present evidence, cross-examine opposing witnesses, be represented by legal counsel, to subpoena witnesses, and to have the hearing rescheduled or continued for good cause; and

7. include the rights to judicial review under Maine Rule 80C if dissatisfied with the results of the hearing.

**Consolidation of Hearings**

TANF and PaS Administrative Disqualification Hearings may be combined with a fair hearing or a Food Supplement Program Disqualification Hearing, when the factual issues arise out of the same or related circumstances, and the recipient receives prior notice that the hearings will be combined. If hearings are combined, the time frames for conducting Administrative Disqualification Hearings will be followed unless the household waives the 30 day notice requirement for a disqualification hearing (explained under Intentional Program Violation).

**The Hearings Officer**

Hearings are conducted by a Department hearing officer. The hearing officer:

1. administers oaths to all witnesses;

2. ensures that all relevant issues are considered;

3. requests, receives, and makes part of the record, all necessary evidence;

4. regulates the hearing consistent with due process;

5. records proceedings for filing; and

6. renders a decision based on evidence or testimony presented.

**Attendance at the Hearing**

The hearing must be attended by a representative from Eligibility Staff as well as a representative from the agency responsible for the action under appeal, if different. Participation could involve representation from ASPIRE-TANF or DSER. There must also be at least one TANF or PaS household representative or the request for a hearing will be considered abandoned by the assistance group.

**Household's Rights**

1. The TANF or PaS household will be given an opportunity, upon request, to examine all evidence at a reasonable time before the hearing, as well as at the hearing. The contents of the case file will be made available.

**EXCEPTION**: The following will not be disclosed:

a. names of persons who have provided information about on the household and want to remain anonymous;

b. information pertaining to pending criminal prosecution;

c. information that is protected from release, such as IEVS information.

2. They may present the case itself or have it presented by legal counsel or other person.

3. They may bring witnesses.

4. They may advance arguments without undue interference.

5. They may submit evidence to establish all relevant facts and circumstances in the case. (When the hearing involves medical issues, a medical assessment other than that of the person involved in the original decision may be requested by the household at the expense of the agency.)

6. They may subpoena witnesses.

**The Hearing Decision**

The decisions of the Hearings Unit must comply with Federal and State law and regulations, and be based on the hearing record. This record must be available, upon request, to the TANF or PaS household or its representative at any reasonable time for copying and inspection at no cost to the client.

Decisions of hearings officers are binding on the Department with the exception of cases involving an Order of Reference where the Commissioner reserves the right to make the final decision.

Within 5 days of the decision by the hearing officer, a copy of the decision, its basis, and the TANF or PaS household's rights to judicial review under Maine Rule 80C, will be mailed to the client.

In situations where the benefits have been continued at the previous level and the decision is that the Department was correct in its action, an overpayment will be established for the additional benefits received from the date of the change to the date of the adjustment after the hearing.

In situations where the benefits have not been continued at the previous level and the decision is that the Department was not correct in its action, a corrective payment shall be made for the period specified in the hearing decision.

**TYPES AND METHOD OF PAYMENTS**

**GENERAL RULE:** The TANF, PaS and RCA benefits will be issued using one or more of the following methods:

1. Direct Deposit (DD) System;

2. Electronic Benefit Transfer (EBT) System; or

3. Check.

Beginning April 1, 2003, Cumberland and York County applicants and recipients will have their benefits delivered by an electronically coded debit card known as The Pine State Card, unless the applicant or recipient elects to have their TANF, PaS or RCA benefits electronically deposited directly into a personal bank account. The rest of the state will participate in the EBT system beginning June 1, 2003 or shortly thereafter.

When an applicant or recipient asks the Department to send a portion of a benefit to a vendor, such as a landlord, on the applicant’s or recipient’s behalf, the vendor payment will be sent by check.

A creditor cannot attach any portion of the TANF, PaS or RCA payment, regardless of the method of delivery.

A regular payment is unrestricted and gives the recipient the right to be responsible for and free to select, purchase and pay for goods and services, except as otherwise prohibited herein.

A restricted payment gives the agency permission to direct payment to a third party. Restricted payments are limited to:

1. Vendor Payment: a TANF or PaS payment made directly to a landlord, a utility, or another vendor of goods and services. Requests for vendor payments must be made in writing by the recipient. The agency will confirm in writing to the recipient when and where payment(s) will be sent. A request for change must come from the recipient.

**EXCEPTION**: While most vendor payments are voluntary payments which are requested by the recipient, minor parent or pregnant minor must receive TANF or PaS benefits in the form of vendor payments unless they are married minors living with spouses. In these cases, the minor parent or pregnant minor will receive direct TANF or PaS payments.

**TYPES AND METHOD OF PAYMENTS**

These mandatory monthly vendor payments will pay for rent and utility payments first.

When a request for a vendor payment or a change in vendor payment is received by the 10th day of the month, it is effective the next month. Requests received after the 10th day of the month are effective not later than the month following the next month's payment.

A vendor payment will not be authorized when the requested payment is more than the grant amount. When a vendor payment is less than the grant amount the balance will be sent to the recipient unless the recipient is a minor parent described at item 2.b.

**NOTE:** When either the vendor payment or the payment to the third Party payee is less than $5, they must be adjusted to comply with State law requiring a $5 minimum for all checks issued.

2. **Protective payment**: a TANF or PaS payment made to a guardian, conservator, or other third party on behalf of a recipient (third party payee). The third party payee is responsible for the accounting of the disbursement of funds to the agency. A protective vendor payment shall be made when:

a. there is non-compliance with ASPIRE-TANF or DSER. The agency have final approval in the selection of a third party payee. (See ASPIRE-TANF policy at Chapter II, and DSER policy at Chapter II .)

b. a minor parent or pregnant minor is head of the TANF or PaS household. No TANF or PaS benefit will be sent directly to the minor parent or pregnant minor. **All** TANF or PaS benefits will be sent in the form of a voucher/vendor payment in the following instances:

 shelter payments are sent directly to vendors.

 utility payments (preferably a standard payment plan) are sent directly to vendors.

 balances remaining are sent to third party protective payees who must manage and use the money on behalf of the minor parent and their children.

In situation b, the agency will have final approval in the selection of a third party payee. The payee must be a responsible adult who can make responsible financial decisions. Additionally, the payee must agree to demonstrate to the agency (at any time) how the protective payments have been spent on behalf of the minor parent and their children.

c. there is a court appointed guardian or conservator. The Eligibility Worker is responsible for referring to the Bureau of Child and Family Services reports of persistent mismanagement of the TANF or PaS payment which threatens the health and safety of a child. Children not properly fed, clothed, sheltered or other lack of care is evidence of mismanagement. This referral process may lead to court action resulting in the appointment of a guardian or conservator.

Prior to the effective date of the intended change, the recipient must be notified in writing.

Procedure for Payment to a Vendor/Protective Payee.

The third party payee name, address and amount will be entered into the computer.

The check will be paid to the order of the third party payee on behalf of the client. The stub must reflect this information.

**SUBJECT**: Types of Information Required and Source Agencies

**GENERAL RULE**: Federal regulations require that each state maintain and use an Income and Eligibility Verification System (IEVS). Wage and benefit information is requested from the following sources:

1. Wage information maintained by the Maine Employment Security Commission (MESC);

2. Information about net earnings from self-employment, wages, and payments of retirement income maintained by the Social Security Administration (SSA) - "BEERS”;

3. Federal retirements and survivors, disability, SSI and related benefit information available from SSA - "BENDEX" AND "SDX";

4. Unearned income information from the Internal Revenue Service (IRS); and

5. UIB claim information from MESC.

Information will be requested from the appropriate agencies about members of the household as follows:

1. Quarterly, from MESC on wages. Such requests must include all assistance groups which participated in any month of the corresponding quarter.

2. Monthly, from SSA data bases and not later than the second month of the eligibility period.

3. Annually, from IRS for all current recipients. This request must be made as soon as practicable after the latest year's data is available from IRS.

4. Weekly, from MESC on UIB benefits for all participating assistance groups.

**Verification**: Action must be taken without independent verification based on Social Security and SSI benefit information from SSA and UIB information from the Maine Employment Security Commission obtained through IEVS. This information is considered verified upon receipt.

**NOTE**: When it appears that the IEVS information about a particular household is questionable, the information must be considered unverified and must be independently verified before taking action to terminate, deny, or reduce benefits. Such unverified information is:

unearned income from IRS;

wage information from the Maine Department of Labor and SSA (BEERS);

questionable information as noted above.

Verification shall be obtained by means of contacting the household and/or the appropriate asset or income source.

The household must be informed in writing of the information the Department has received.

**Worker Responsibilities**

**GENERAL RULE**: Case action on IEVS information about recipient households must be complete within 45 days of receipt of that information.

Case action includes:

1. Review of the information, and comparison of it to information in the case record.

2. For all new or previously unverified information received, contact with the household and/or the appropriate assets or income source to resolve discrepancies.

3. When discrepancies warrant, action to begin reduction of benefits or termination of eligibility (advance notice sent).

Appropriate case action and dates must be noted on the IEVS document and filed in the case record with the exception of documents containing IRS information. All documents generated from IRS source data must be destroyed once case action is completed. A master file of IRS documents will be maintained at Quality Control. BEERS data contains IRS information and is subject to the same security.

**OVERPAYMENTS**

**GENERAL RULE**: Whenever federal, state, or support money is issued incorrectly as a result of an agency or client error, an overpayment shall be calculated for each month federal, state or support money was misdirected. The amount of the overpayment is the difference between what was received and what should have been received.

Misdirected federal, state, and support money includes, but is not limited to, benefits issued as:

Temporary Assistance to Needy Families (TANF)

Parents as Scholars (PaS)

Refugee Cash Assistance (RCA)

Alternative Aid Assistance (AAA)

Emergency Assistance (EA)

Transitional Child Care (TCC)

TANF of PaS Child Care Disregard

TANF or PaS Child Care Support Services

Transitional Transportation (TT)

Pass Through (Pass Thru)

TANF Supplemental Payment (GAP)

Excess Child Support (also, alimony, childcare)

ASPIRE Support Services

Other money issued

Whenever there is a TANF or PaS recalculation, the Eligibility worker shall consider the possibility of a TANF Supplement GAP overpayment.

NOTE: A TANF or PaS overpayment due to a recipient keeping child support shall be calculated minus the Pass Thru.

NOTE: When it appears that an overpayment resulted from a willful client error, the Eligibility Worker must proceed with steps described in Intentional Program Violation.

When overpayments are due to incorrect Pass Thru, Excess Child Support or Alimony payments (Excess over), or other misdirected payments (payment to the wrong person), the Eligibility Specialist will be notified by DSER/Staff.

When overpayments are due to incorrect ASPIRE, Support Services, or other misdirected payments, the Eligibility Specialist will be notified of the overpayment amount by ASPIRE Staff.

**Overpayments to sponsored aliens:** Aliens and their sponsors are jointly and separately liable for any overpayment made to the alien during the three years after the alien's entry into the U.S. due to the sponsor's failure to provide correct information, except when the sponsor is without fault or good cause exists or the sponsor signed a new affidavit under PRWORA. When a sponsor signs an affidavit under

PRWORA, the duration of joint and separate liability exists until an alien becomes a citizen or the alien earns 40 quarters of coverage under the Social Security System.

It is the Eligibility Specialist’s responsibility to correct errors relating to all misdirected federal, state, or support monies. The Eligibility Specialist must attempt to recover overpaid money from the recipient by sending notice which explains the cause of the overpayment a choice on how the overpayment can be repaid, and the right to a hearing.

**NOTE**: All types of overpayments are subject to adequate noticing which includes fair hearing rights.

**NOTE**: Repayment shall take place through direct payment or benefit reduction and will be recovered from:

- any assistance group which was overpaid,

- any assistance group of which a member of the overpaid assistance group has subsequently become a member, or

- any individual members of the overpaid assistance group whether or not currently a recipient. See exceptions for minors below.

**Priority for Recovering Overpayments**

1. The agency is required to first seek recovery from the caretaker relative who was a member of an overpaid assistance group (or the caretaker relative’s current assistance group).

2. If the caretaker relative and all other adults of an overpaid assistance group cannot be located, are deceased, were not a member of the overpaid assistance group, or have had the overpayment discharged in bankruptcy, the agency must seek recovery from other members of the overpaid assistance group. See exceptions to minors below.

### Other

The Federal Government requires the collection of AFDC (Aid to Families with Dependent Children) overpayments before TANF overpayments.

#### **Exceptions to Collecting Overpayment from Minors**

*AFDC overpayments occurring prior to 10/01/96*: An AFDC overpayment must be collected from any individual, including a minor, who was in the household at the time the overpayment accrued. **However,** **the Department will only collect AFDC overpayments from former AFDC minor dependents when the former AFDC minor receives federally funded public assistance as an adult.**

*All other overpayments*: Overpayments, other than AFDC overpayments occurring prior to 10/01/96, must not be collected from individuals who were a minor dependent in the household at the time the overpayment accrued.

**Recovery**

Overpayments, regardless of their cause, must take place over as short a period of time as possible without recovering more than the maximum recovery amount. The maximum recoupment of overpayments from a recipient eligible for maximum TANF or PaS payment is 10% of the payment standard, and for those eligible for less than the maximum TANF or PaS, 30% of the payment standard.

Recoupment of overpayments will be made by direct repayment or through a reduction in the amount of

**NOTE**: Households can pay faster than the 10% or 30% rate by written request.

**NOTE**: An Eligibility Worker's decision to recover overpayments at a rate of less than the maximum amount must be explained clearly in the case record.

**NOTE**: When the recoupment of an overpayment reduces an TANF or PaS payment to under $5, the amount of the recoupment must be adjusted to comply with State law which requires a $5 minimum on checks issued.

If an applicant with an outstanding overpayment becomes eligible, recoupment must take place considering the current payment amount.

**Recovery on Closed Cases**

When a case is closed and there is an outstanding overpayment, there must be an automatic referral to Fraud, Investigation and Recovery (FIR) staff who will contact the former recipient regarding an agreement to repay. FIR may also attach State Income Tax returns to offset the remaining debt.

**INTENTIONAL PROGRAM VIOLATION**

**GENERAL RULE**: A determination of an intentional program violation (IPV) is made either through a court of law or a hearing process. The hearing process is known as an Administrative Disqualification Hearing (ADH). Sanctions are imposed on recipients found to have committed an IPV.

**Definition**

An IPV is an action by a recipient for the purpose of establishing or maintaining the family's eligibility for TANF, PaS or any other Bureau program or service such as, Emergency Assistance, Alternative Aid Assistance, Transitional Childcare, Transitional Transportation, ASPIRE support services and any other misdirected money, for increasing or preventing a reduction in the amount of the grant, which stem from the following intentional act:

1. false or misleading statements or misrepresentations, concealment, or withholding of fact. For example when a recipient intentionally states no income on an application review or change report form when there is income in his household.

OR

2. an act intended to mislead, misrepresent, conceal, withhold facts or propound a falsity. For example, when a recipient gets a baby-sitter to lie about the amount of child care expense. Another example is when a recipient signs a forgery affidavit requesting that an TANF OR PAS check be replaced when they signed and cashed the original.

**Pre-hearing Review and Initiating an ADH**

The Department must review the evidence at hand to determine if an allegation that a recipient has committed an IPV is valid. When the Eligibility Specialist believes that documentary evidence substantiates the allegation, the Eligibility Specialist should:

1. initiate an Administrative Disqualifications Hearing, and

2. correct the on-going benefits when they are wrong.

**NOTE**: Continued eligibility and benefit level must be determined as for any other household pending the hearing.

**NOTE**: A fair hearing request resulting from the benefit adjustment can be combined with the ADH. See Consolidation of Hearings.

**NOTE**: Collection activities on overpayments do not begin until a determination has been made as to whether or not an IPV has occurred. See Absence of IPV and Finding of IPV.

**Non-Referrals**

When the following situations occur, do not refer suspected IPV to an ADH:

1. a prior alleged IPV referral is at the Attorney General's office,

2. a case has been through the court system and was dismissed or determined not guilty, or

3. the alleged IPV occurred prior to 10/4/93 and did not continue thereafter.

**NOTE**: Alleged Intentional Program Violations occurring on 10/4/93 and thereafter can be referred to an ADH even when the alleged IPV began prior to that date.

**Time Limits**

The Department has 90 days from the date the hearing notice is received to hold the hearing, render the decision, and notify the household. However, failure to comply with this time limit will not bar a finding that the person committed an IPV.

**Scheduling of the ADH**

Written notice to the person accused of the violation must be mailed at least 45 days in advance of the scheduled hearing in order to assure that the notice is received 30 days prior to the hearing. The notice, a copy of the hearings procedures, and the opportunity to waive the right to a hearing is mailed "CERTIFIED/RETURN RECEIPT REQUESTED/RESTRICTED DELIVERY."

The notice must contain:

1. The date, time, and place of hearing.

2. The charges against the recipient believed to have committed the IPV.

3. A summary of the evidence, and how and where it can be examined.

4. A warning that if the accused recipient fails to appear for the hearing without good cause, the decision will be based on the evidence provided by the Eligibility Worker at the hearing.

5. A statement that the accused recipient may request a postponement of the hearing provided that the request is made to the Administration Hearings Unit at least 10 days prior to the date of the scheduled hearing.

If the recipient fails to appear and later requests that the hearing be rescheduled, they must present good cause for failure to appear within 10 days of the date of the hearing.

6. A warning that if the hearing decision determines that an intentional program violation has occurred, a disqualification period will be imposed according to the appropriate schedule on page 30 of this chapter.

7. A statement that the State may still prosecute the household member in civil or criminal court action and collect the over issuances.

8. A listing of individuals or organizations that provide free legal representation to recipients alleged to have committed an IPV.

9. A statement that the accused recipient has the right to remain silent concerning the charges and that anything said or signed by the recipient concerning the charges may be used in a court of law.

10. An explanation that the accused recipient may waive their right to appear at an ADH. (See Waiver)

**Returned Notice**

When the notice is returned marked "undelivered" or accepted by someone other than the addressee, personal service shall be arranged by any other method which provides proof of receipt at least 30 days to the hearing.

This means that the local DHHS office must request that the ADH be rescheduled allowing another 45 days.

**NOTE**: A personal service restricts delivery of the notice to the addressee and guarantees proof of receipts. Examples include:

1. Certified Mail with "Return Receipt Requested and Restricted Delivery."

2. Delivery by a Sheriff's Department with "Return Receipt Requested and Restricted Delivery."

3. Delivery by a Detective Agency with "Return Receipt Requested and Restricted Delivery."

When the notice is returned marked "refused," it must be assumed that the addressee received notice.

**Failure to Appear**

Should the accused recipient fail to appear at the hearing, and the notice was received or refused at least 30 days prior to the hearing date, the hearing will still be conducted. The hearing officer will base the decision on the evidence presented by the Department.

When a recipient fails to appear at the scheduled hearing, but notifies the Administrative Hearing Office of the reason for not attending not more than 10 days after the hearing date, they may claim good cause for the failure to appear.

Good cause for failure to appear is defined as an emergency circumstance that is beyond the control of the recipient and that prevents the recipient from being able to appear at the hearing.

**NOTE**: The following situations do not constitute good cause:

1. Forgetting about the hearing

2. Lack of transportation, unless the lack of transportation was the result of an emergency situation such as the recipient's vehicle breaking down on the way to the hearing.

**Postponement of Hearing**

A recipient may request a postponement of the scheduled hearing if the request is made to the Administrative Hearing Office at least 10 days in advance of the scheduled hearing.

Only the Hearing Officer is authorized to postpone a hearing. When the hearing is postponed, the time limits for processing will be extended for the number of days between the initial scheduling and rescheduling not to exceed 120 days.

**Withdrawal of the Request for an ADH by the Department**

When, at any time prior to the date of an Administrative Disqualification Hearing, the Department feels that there is insufficient evidence on which to conduct a hearing, the Administrative Hearings Officer and the recipient should be contacted immediately to notify them that the hearing has been canceled and that the case had been administratively withdrawn.

**Consolidation of Hearings**

Bureau Program or Service Administrative Disqualification Hearings may be combined with a fair hearing or a Food Supplement Program Disqualification Hearing, when the factual issues arise out of the same or related circumstances, and the recipient receives prior notice that the hearings will be combined. If hearings are combined, the time frames for conducting Administrative Disqualification Hearings will be followed unless the household waives the 30 day notice requirement for a disqualification hearing.

**Waivers**

When a waiver of the right to an Administrative Disqualification Hearing (ADH) is signed by the recipient, the appropriate disqualification penalty is imposed, even when there is no admission to the charges.

The waiver notice contains the following information:

1. The date by which the signed waiver must be received by the local office of the Department.

**NOTE**: This date is the date of the hearing. This allows recipients to waive their right to an ADH at the hearing.

2. A blank for the signature of the accused recipient and the head of household along with a statement that the head of household must also sign if the accused is not the head of household.

3. A statement that the recipient has the right to remain silent concerning the charges and that anything said or signed by the recipient concerning the charges may be used in a court of law.

4. The fact that the signed waiver will result in disqualification for the appropriate period of time even if the recipient does not admit to the charges.

5. An opportunity for the person either to admit the charges or to waive the hearing without admitting to the charges.

**The Administrative Disqualification Hearing**

The Eligibility Worker (or Supervisor when the Eligibility Worker is absent) is responsible for representing the agency at the hearing.

The recipient accused of IPV or a person they designate in writing to represent them may review the case record and/or represent them at the hearing. The statement designating the representative must be kept in the case record and a copy must be forwarded to the Administrative Hearing Office. The designated representative will receive a copy of all correspondence regarding the hearing proceedings.

During the hearing, the recipient has the right to:

1. examine the contents of the case record which includes all documents and records to be used by DHHS at the hearing;

2. bring witnesses to present testimony on their behalf during the hearing;

3. present their case or have it presented by legal counsel or other person;

4. advance arguments without undue interference;

5. question or refute any testimony or evidence including the opportunity to confront and cross examine adverse witnesses; and

6. submit evidence to establish all pertinent facts and evidence in the case.

**Conducting of the Hearing**

The Hearing Officer will conduct the hearing in accord with the pertinent statutes and regulations. The Hearing Officer will:

1. administer the oath to all witnesses who will present testimony;

2. request, receive, and make part of the record all evidence determined necessary to decide the issues being raised;

3. insure that an unrepresented recipient feels at ease and assist in presenting facts relevant to his/her defense;

4. advise the accused recipient of his/her right to refuse to answer questions during the hearing; and

5. regulate the conduct and course of the hearing consistent with due process to insure an orderly hearing.

**Standard of Evidence**

The Department will present evidence that the recipient:

1. made a false or misleading statement or misrepresentation, concealed facts, or withheld facts, or acted with the intent to mislead, misrepresent, conceal, or withhold facts or propound a falsity;

2. did it intentionally; and

3. did it in order to receive Program or Service benefits to which they were not entitled.

**Decision**

The Hearing Officer shall, based upon clear and convincing evidence in the hearing record, issue a written decision stating whether or not the accused recipient knowingly committed an IPV, specify the reasons for the decision, and identify the supporting evidence and regulations as defined earlier in this chapter.

**Notice of ADH Decision**

The Administrative Hearings Officer will issue a decision within 90 days of the date of the notice scheduling the ADH unless the hearing has been rescheduled and the time frames extended. The Administrative Hearings Officer will send a copy to the local DHHS office.

**Absence of IPV**

When the AHO determines the facts do not support an IPV or a court determines the client is not guilty, the Eligibility Worker:

1. enters the overpayment on the computer; and

2. follows procedures for collection as a client unintentional error (or agency error).

**Finding of IPV**

When the AHO determines that an IPV occurred, the Eligibility Worker:

1. refers the case to the Fraud Investigation and Recovery (FIRU) for collection of the overpayment and for potential prosecution by entering the overpayment on the computer as an intentional error.

**NOTE**: When the AG's office considers a case for prosecution, Eligibility staff will be asked to recompute the overpayment allowing work related disregards because the courts do not recognize the sanctions. The Department will recover both the court-ordered overpayment and the additional overpayment which results when sanctions are applied.

2. provides the client with written notification of the Disqualification sanctions before they are imposed, and the disqualification notice will note the date the Disqualification period begins and ends;

3. imposes the sanctions; and

4. establishes the overpayment.

**Disqualifying Sanctions/Penalties**

The following periods of Disqualification will be imposed against the recipient who committed the violation:

If the offense occurred before 9/1/97:

1. Six months for the first violation.

2. Twelve months for the second violation.

3. Permanently for the third violation.

If the offense occurred on or after 9/1/97:

1. One year for the first violation

2. Two years for the second violation

3. Permanently for the third violation

**NOTE**: Sanctions will always begin no later than the second month following the date the household member is sent written notification of the hearing decision or a waiver to forfeit an administrative hearing is signed. The disqualification period for recipients determined to have committed a program or service intentional program violation will not be postponed when households are ineligible for benefits.

Actions taken as the result of an IPV require adequate and timely notices. The sanctioned recipient's needs will not be included in the standard of need when determining eligibility and amount of assistance for the remaining family members. The sanctioned recipient's income and assets will be considered. The following disregards will be applied to the income:

1. an amount equal to the standard of need for the support of any non-categorically eligible individuals living in the same household and claimed by the sanctioned parent as dependents for IRS purposes;

2. any actual payments of alimony or child support to persons not living in the home;

3. any actual payments being paid by the sanctioned parent to individuals not living in the home, but who are claimed or could be claimed as dependents for IRS purposes.

**Duration of Penalty**

No further administrative appeal procedure exists after an Administrative Disqualification Hearing decision finds an IPV. The determination of IPV made by an ADH Officer cannot be reversed by a fair hearing decision.

The recipient, however, is entitled to seek relief on the findings of IPV in a court having appropriate jurisdiction, but in no event shall the duration or the period for which such penalty is imposed be subject to review by the Hearing Officer.

**Applicability of Penalty**

A disqualification penalty imposed on a recipient by one IV-A State agency may be used in determining the appropriate Disqualification penalty for the recipient by another IV-A State agency. When a recipient with a prior violation moves from one state to another and has been found to have committed an Intentional Program Violation, the Department will impose the penalty based on the number of such violations committed in other states.

In cases where a Disqualification penalty and other sanctions or penalties apply:

1. The Disqualification penalties in this section must be imposed subsequently to, and cannot be substituted for, any other sanctions or penalties which may be imposed by law for the same offenses; and

2. The Disqualification penalties imposed under IPV only affect the recipient concerned. Other members of the Assistance Group cannot be substituted.

**Collection of the Overpayment**

There is no distinction between collections of intentional overpayments or unintentional overpayments. Refer to the Overpayments section for procedures.

**UNDERPAYMENTS**

**GENERAL RULE**: Underpayments are benefit or service payments issued for less than the amount the assistance group should have received.

The Department shall take action within 30 days from when the underpayment becomes known to correct the payments to current or former clients. The corrective payment shall not be counted as income or asset in the month it is received nor in the month following its receipt.

Corrective payments are a means of rectifying an agency error, delay or as a result of court order. They are not made when the client fails to notify the agency of changes.

Corrective payments shall be made for the entire period of error.

**NOTE**: If an assistance group has both an underpayment and an overpayment one shall be offset against the other before issuing a corrective payment.

**Lost, Stolen, Destroyed or Forged Checks**

**GENERAL RULE**: When a recipient reports a check has been lost, stolen or destroyed prior to cashing, the Department has the responsibility to replace it with reasonable promptness. In the instances when there is reason to believe there has either been a forgery or duplicate checks have been received and cashed by the recipient, the following procedures have been established.

**Lost, Stolen or Destroyed**

1. The worker checks the returned check list on or after the 12th of the month. If the check has been returned to the Division of Financial Services then the address is corrected by the Eligibility Worker on the computer and the Worker requests is made for remailing.

2. If the name is not on the returned check list, the Worker does the following:

a. Completes a SWIM-050 (Stop-Payment). The original is sent to the Division of Financial Services. The copy is for the record.

b. Completes a SWIM-051 (Application for a Duplicate Check). The original is sent to the Division of Financial Services. The copy is for the record.

**NOTE**: Both the SWIM-050 and the 051 are sent to the Division of Financial Services together.

**Forgeries**

When the photocopy of the original check is sent to the worker, the Worker has to meet face-to-face with the recipient to determine whether or not the signature is the recipient’s. If the recipient states it is not, then 2 separate original Forgery Affidavits will be completed (SWIM-052),one original is sent to FIR and the second original is sent to Division of Financial Services. A copy is retained for the record. This initiates an investigation to determine who cashed the check.

If the recipient agrees that the signature on the original check is theirs, the worker will initiate collection activities or refer for fraud.

**Exchanging a Check**

When a household presents a mutilated check which a bank refuses to cash, the worker will take the following steps:

1. Complete a SWIM-050 (Stop Payment);

2. Complete a SWIM-051 (Application for a Duplicate Check);

3. Void the mutilated check; and

4. Forward the original forms and the mutilated check to the Division of Financial Services. A copy is retained for the record.

**Agency Error/Emergency Situation**

When TANF or PaS grants are reinstated after check selection because of termination caused by an agency error or when a fair hearing is requested timely but after check selection, the following procedure shall be required:

1. Upon request from the recipient the replacement check will be authorized within 3 to 5 working days from the determination that there is an emergency situation. Emergency is defined as follows:

a. The TANF or PaS check for the month will likely not be received until after the 5th business day of the month; and

b. As a result of the delay the TANF or PaS family may lose basic necessities. For example, the family may:

1. be evicted from their home (e.g., there is an eviction notice and the grace period in which to pay the rent will expire; or

2. be in default on a loan because of expiration of the period in which to make a payment on the household's automobile or other installment loan used to purchase a basic necessity; or

3. be faced with the expiration period in which to pay for a necessary utility and as a result the service will be shut off; or

4. suffer because of the inability to purchase a basic necessity.

Basic necessity is defined as shelter (housing and/or utilities), food, clothing, or essential medical care. In these situations, the recipient must be without their own resources to meet the need and there must be no other source of assistance available which is adequate to meet the emergency. These other sources do not include the Emergency Assistance Program or Energy Crisis Intervention Program because they are limited. The recipient shall be required to apply for General Assistance unless receipt of that assistance will require a household member to perform workfare.

When the Worker determines that an "emergency" exists, a request to issue an expedited replacement check will be made through the TANF and PaS Supervisor. The Worker may request verification from the recipient or others that the "emergency" exists. The check will usually be available within 3 to 5 business days after the TANF and PaS Program Director approves the request for expedited payment.

**ELECTRONIC BENEFITS TRANSFER (EBT) SYSTEM**

* 1. TANF, PaS and RCA applicants and recipients will receive benefits by an electronic coded debit card known as the Pine Tree Card. The card will be used to access benefits from a point of sales (POS) device at retail stores or an automatic teller machine (ATM).
     1. Under some circumstances benefits may be issued by direct deposit or vendor payment. See pages 8-11 of this Chapter;
     2. Each Assistance Group case head will be issued an EBT card and a Personal Identification Number (PIN); and
     3. Each Assistance Group will be allowed a maximum of two (2) payees/cardholders to access cash benefits.
  2. Fees
     1. Purchases and cash withdrawals made through a POS device will not incur fees.
     2. Withdrawals or balance inquiries made at an ATM will get two (2) free transactions. All subsequent transactions will cost 65¢, in addition to the bank’s ATM surcharge and will be subtracted from the cash benefits at the time of the transaction. If the total of the transaction amount is not available in the recipient’s EBT account at the time of the transaction, the transaction will be rejected.
  3. Lost or stolen cards - Recipients must report lost, stolen or damaged cards to the EBT Customer Service Help Desk.
  4. Dormant Benefits – Benefits become dormant when they have not been accessed for 90 days.
     1. When benefits have not been accessed for 60 consecutive days the recipient is notified that if benefits are not used within 30 additional consecutive days, they will become dormant on the 91st day.
     2. Benefits can become available between the 91st through 180th day if the recipient contacts the department to request activation.
     3. Benefits are expunged on the 181st day.
  5. Purchases

Cardholders can make purchases from participating retailers and if funds are available, the balance on the card is reduced by the exact amount of the purchase.

* 1. Restrictions on the use of the EBT system

A recipient may not expend benefits using their EBT card or money obtained through the EBT system for the purchase of the items listed below (all references are to the Maine Revised Statutes, Title 22, unless another title is indicated):

* + 1. Tobacco products, as defined in section 1551, subsection 3;
    2. Imitation liquor or liquor, as defined in Title 28-A, section 2, subsections 13 and 16, respectively;
    3. Gambling activity, as defined in Title 8, section 1001, subsection 15;
    4. Lotteries conducted by the State pursuant to Title 8, chapter 14-A or the Tri-State Lotto Commission pursuant to Title 8, chapter 16;
    5. Bail, as defined by Title 15, section 1003, subsection 1;
    6. Firearms, as defined by Title 12, chapter 901, section 10001;
    7. Ammunition, defined as a cartridge case, primer, bullet, or propellant powder designed for use in any Firearm;
    8. Vacation or travel services, defined as any transportation service (vehicle, air, train, bus, boat) that is incurred for an extended period of recreation or holiday, or any other costs incurred for such purpose.
    9. Publications, services or entertainment that contain or promote obscene matter, as defined in Title 17, section 2911, subsection 1, paragraph D;
    10. Tattoos, as defined by Title 32, section 4201, or body art; or
    11. Retail marijuana and retail marijuana products as defined by Title 7, section 2442.
  1. Penalty for misuse – When a recipient is suspected of using the EBT system to purchase a restricted item or service as defined in f) above, a referral will be made to the Fraud, Investigation and Recovery Unit (FIRU).
     1. When the recipient has, based on clear and convincing documentary evidence as determined by the Department, knowingly purchased a product or service in violation of f) above, the recipient is deemed to have received an overpayment in the amount of the prohibited purchase.
     2. The recipient is also subject to the following penalties:
        1. For the first offense, the recipient shall be disqualified from receiving benefits for a period of 3 months;
        2. For the second offense, the recipient shall be disqualified from receiving benefits for a period of 12 months; and
        3. For the third and subsequent offenses, the recipient shall be disqualified from receiving benefits for a period of 24 months.
     3. When the department has determined that a recipient has violated f) above, the Department must initiate a Fair Hearing on behalf of that recipient. The notice of hearing and fair hearing will be conducted according to the policy in this Chapter.
  2. Restricted Locations – A recipient may not use an EBT card at the locations listed below:
     1. A retail establishment where 50% or more of the gross revenue of the establishment is derived from the sale of liquor;
     2. A gambling facility, except that use of the electronic benefits transfer system is permitted in any portion of the premises of a gambling facility that is set aside separately for the sale primarily of staple foods; and
     3. A retail establishment that provides adult-oriented entertainment in which performers disrobe or perform in an unclothed state for entertainment.
  3. Use of the EBT card at a restricted location listed in h), above will result in an Intentional Program Violation (IPV) and, a referral to the Fraud Investigation Unit for further review and recovery.
  4. Lost, Stolen or Damaged EBT Card
     1. Clients will report lost, stolen or damaged cards to the EBT Customer Service Help Desk by calling the toll free number, 1-800-477-7428.

EBT Help Desk Staff will “status” the card as lost, stolen, or damaged.

* + 1. After the EBT Help Desk Staff gets identification to appropriately identify the client, a replacement card will be issued this way:
       1. If the client lives at the same address known to DHHS/BFI and the client has enough money in the EBT account to pay for the card replacement fee, the help desk will authorize the replacement card, which will be mailed out on the next DHHS/BFI business day.

The client can continue to use the same PIN or may change the PIN by using the same toll free EBT Help Desk number, or they may go to a local office.

* + - 1. If the client’s address has changed or there is not enough money in the client’s EBT account to pay for the card replacement fee, the EBT Help Desk will not authorize a card replacement. The client will be told to contact a local office to report the new circumstances. After the client’s case record is updated, the client must follow procedures explained in paragraph 1.
  1. EBT Card Replacements and Fees
     1. No fee will be charged for either the original card or the first replacement card within a 12-month period.
     2. The following fees will be charged for the second and subsequent replacement cards within a 12-month period:

|  |  |
| --- | --- |
|  | **** 2nd replacement = $1.00 fee  **** 3rd replacement = $2.00 fee  **** 4th replacement = $3.00 fee  **** 5th replacement = $4.00 fee  **** 6th replacement = $5.00 fee  **** Subsequent replacements = $5.00 fee |

* + 1. The fee must be paid at the time the card is issued. It can be paid by check, money order or through the client’s EBT account. Cash will not be accepted.
    2. Card fees can be waived by Program Administrators or their designee when hardships exists.

**END OF CHAPTER**

1. **WHOLE FAMILY ECONOMIC SECURITY** **INITIATIVES:**
   1. General: The Department will annually provide a maximum of $2,000,000 from Maine’s Temporary Assistance for Needy Families block grant to community action agencies as defined in 22 M.R.S. §5324 or other community-based organizations to assist parents of minor children in their pursuit of stable employment or education intended to lead to employment.
   2. Organization Qualification: The organization must demonstrate to the Department that it has the resources and capacity to implement evidence-based practices to provide services.
   3. Family Eligibility: Selected vendors may provide services to parents and minor children whose monthly gross household income is less than 200% of the nonfarm income official Federal Poverty Limit.

Current FPL amounts are issued annually by the U.S. Department of Health and Human Services and can be found on the Internet at: <https://aspe.hhs.gov/poverty-guidelines>**.**

An individual can also receive a copy of the current FPL amounts by contacting his/her local DHHS office, or by writing to:

OFFICE FOR FAMILY INDEPENDENCE

11 State House Station, 19 Union Street

Augusta, Maine 04333-0011

and requesting a copy. Department staff making eligibility determinations will also have current FPL information and can share that information with an applicant upon request.

* 1. Contract requirements and process:
     1. The Department shall select vendors to provide these services.
     2. The Department shall review the contracts annually.

The Department shall include in this annual review the evaluation of:

i. Performance measures;

ii. Participant satisfaction and well-being; and

iii. Fiscal and administrative accountable.

* + 1. Vendors will be required to demonstrate the items outlined in (4) (b) as a contractual requirement.

**LEGAL BASIS**: In addition to the basic TANF and PaS programs, the Department of Health and Human Services administers a limited program of Emergency Assistance. The program was originally authorized by the 111th Legislature . In the event of lack of funds as outlined by the Legislature, the program will end.

**GENERAL RULE**: Payment of services through the Emergency Assistance program is limited to children and their families who are threatened by destitution or homelessness because of emergency situations. The program does not cover all emergencies.

Authorization in the 30 day period may be made for any combination of covered payment or services within the limitations of payment maximums for some services.

The Emergency Assistance program is not a substitute for the locally administered General Assistance program, although it can be a supplement to that program and a potential resource. Eligibility is not dependent upon denial of General Assistance or the complete expenditure of General Assistance benefits prior to application.

There must be a reasonable expectation that the emergency can be alleviated through the use of Emergency Assistance funds.

**TIME LIMITS**: Payment of services through EA is limited to those services authorized during the 30 days following the date of initial authorization. Applications for families or individuals may be approved only once during any 12 consecutive month period. The twelve month period begins with the day following the day of the initial approval of Emergency Assistance.

**Example**: Initial Emergency Assistance payment authorized on 1/1/94; twelve month period is 1/2/94 through 1/1/95; family is potentially eligible again on 1/2/95.

Families which have not received Emergency Assistance benefits during the 12 consecutive month period may receive services even if a child living with the family has received services within the 12 month period. In this situation, eligibility and services provided for the child who has received Emergency Assistance during the past 12 months must have been provided while the child was living away from the family, the family's income (and assets) must not have been considered in determining this child's eligibility and another child who is eligible for Emergency Assistance services but has not received them during the 12 month period must be residing with the family.

**PROGRAM REQUIREMENTS**: In order to be eligible for Emergency Assistance, all of the following criteria must be met:

1. The child must be under the age of 21;

2. The child must be living with an individual described in the TANF and PaS programs as a "specified relative" or must have lived with a specified relative within the six months prior to the date of application. Women in their last trimester of pregnancy who have no other children living with them are potentially eligible. The focus of the Emergency Assistance program is the child.

**NOTE**: Services may be provided to a child who has been absent from the family for less than 6 months.

**NOTE**: Services cannot be authorized for the child's family unless the child is living with them at the time of application.

3. The child and family must meet income eligibility requirements. If the child is living alone or with a specified relative other than the child's parent and, if payment is to be made by the Emergency Assistance program only for services authorized for the child, only the child's resources are to be taken into account. If the child is living with parents, the income of the parents must be taken into account.

**Income Limit**: Payment for services through this program is available to families which do not have income available to provide the needed emergency care of services. For all services provided through the Emergency Assistance program, the following income limits must be met:

a. a family's income must be below 100% of the Federal Poverty Level, or

b. families must receive TANF or PaS, SSI, or Food Supplement Program benefits.

**NOTE**: Every household member applying for EA must receive at least one of the benefits listed above.

In determining the amount of income available to the family, the same work related disregard including the child care disregard allowed in the TANF and PaS cash programs are used.

The definitions of excluded income used in the TANF and PaS programs apply to the Emergency Assistance program.

4. All bills must be in either the applicant's name or the name of other adults or children listed on the application who meet Emergency Assistance requirements.

5. Refusal, without good cause, of a family member to accept employment or training must not have caused the circumstance requiring Emergency Assistance.

6. Payments will be made only to vendors. No reimbursements or third party payments will be approved. Copies of approvals will be made for the applicant, vendor, DHHS Accounting Office and the case file unless authorized electronically. Applicants will be notified of eligibility decisions in all circumstances.

7. All non-financial eligibility factors of the TANF and PaS cash programs must be met unless excluded below or elsewhere in this Chapter. Excluded requirements of the Emergency Assistance program are:

- Assignment of Rights to Support

- ASPIRE-TANF participation

- Third Party Liability

- Assets

- Lump Sum Income (consider any portion of the lump sum not excluded as described in Chapter III, Lump Sum as an asset)

- Income (see Income Limit and FPL in Appendix)

- Child's Age Limit (under 21 years)

**Scope of Service**: Assistance will be in the form of vendor payments for current or past expenses. Payment will not be authorized to other governmental or private organizations offering the same or similar services (Red Cross, Salvation Army, municipalities). Applications must be received within 30 days of receipt of the actual disconnection notice, eviction notice, foreclosure notice or lien expiration or after 30 days in situations when the crisis continues to exist. In the case of repairs or replacement the application must be received within 30 days of the date the crisis occurs or after 30 days when the crisis continues to exist. If the request is for special equipment due to handicap, the 30-day rule does not apply.

A tentative agreement has been reached between the vendor, the client and the Department when it is determined the payment will resolve the vendor's dispute. Payment will be authorized if the services have been provided in accordance with the agreement and the vendor has provided the Department with an appropriate bill.

Assistance will be limited to one consecutive 30-day period in any consecutive 12-month period. Although needs and costs may be higher, a maximum limit of $600 per family is established for services described in categories 1 through 5. Additional maximums for particular items or services are identified in later sections.

If assistance reaches the maximum before the consecutive 30-day period expires, eligibility ceases. If the consecutive 30-day period expires, eligibility also ceases, even if the maximum assistance has not been reached.

Assistance shall be used as indicated to cover needs resulting from specific types of emergencies. Evidence that the emergency occurred and details of the situation must be documented in the case record.

1. **Disasters**: Situations involving disaster such as fire, flood, storm causing damage and/or loss of property and goods.

Assistance may be used to provide or replace necessary household items destroyed or rendered unusable. Some items that may be considered are clothing, repairs or replacement of essential household equipment, repairs of structure (if owned or being purchased by applicant), food, emergency shelter, moving or storage of essential household equipment. This includes plumbing, electrical and carpentry work and rental of new living arrangements including a security deposit if required. Maximum payment is $350.

The applicant, adults and children listed on the application who meet Emergency Assistance/AFDC requirements must be the owner of or purchasing the property which was damaged at the time of the disaster which needs to be repaired or replaced.

Application for assistance must be received within 90 days of the disaster.

**Procedure for Emergencies Involving Disasters**

a. The estimate from the vendor will be used as a basis for determining which items will be approved for payment.

b. Once approval has been made a copy of the estimate indicating which items have been approved will be sent to the vendor with a letter explaining the Department’s decision.

c. If assistance is requested for plumbing, electrical, carpentry, or other similar work, estimates must be made by a reputable person in the appropriate field of work. Payment will be made only after the work has been completed by a reputable repairman, carpenter, electrician, etc. When necessary, the completion of work and the safe conditions which result are to be verified.

2. **Repair/Replace**: Situations involving crisis due to inadequate, broken or worn conditions of a well, chimney, septic system, furnace, heating stove, or a related essential service which infringes upon a family's ability to cope with the elements. In these situations the structure, facility or item requiring service must be owned or must be in the process of being purchased by the applicant. Approval will be made for repairs or replacement. No approval will be made for repairs or replacement of property owned by other even though such property is being used by the applicant.

Assistance may be authorized for repair of chimneys, roofs, plumbing, electrical work, furnace or other heating, septic systems and wells. In order to repair or replace heating stoves they must be the primary source of heat and not a back-up system. Maximum payment is $500.

When authorizing the purchase of a stove for heating purposes, the following is needed:

a. A statement from the fire department that the chimney and hook-up are safe and that the existing stove is unsafe and needs replacing;

b. If the request is for repair or replacement of furnace, proof of ownership of the home is needed.

**NOTE**: Purchase of stoves and furnaces will be limited to no more than one per household in a five year period.

Prior to authorization an estimate of the cost of repairs is required from a reputable dealer or repairman licensed for such services.

Authorization may include estimated costs. However, they must be within the overall maximums listed above.

3. **Emergency Housing**: Situations involving the need for housing due to condemnation of structure, domestic violence, unsafe or unhealthy conditions for the child(ren) which has been certified by a public official, or actual eviction not caused by misuse of property or other types of willful disturbance by applicant, relatives or their guests. The eligibility worker must contact the landlord to investigate the condemnation or circumstance giving rise to an actual eviction. If the landlord alleges misuse of property or other types of willful disturbance by the applicant or a guest, the eligibility worker will make every reasonable effort to investigate further to determine if the allegation is true. Where the alleged misuse of property has been caused by an abuser in a domestic violence situation, the abused person will not be denied assistance.

In this category of assistance, a maximum of $250 toward back rent, a security deposit on a new rental property, and court costs associated with evictions is allowed.

a. **Evictions**: When the situation involves an eviction, application must be accompanied by an eviction notice, court eviction order, or statement from the landlord or attorney that an eviction is taking place, or has taken place within the 30 days prior to application or other credible evidence that an eviction (lawful or unlawful) is or has occurred within the 30 days prior.

In instances of eviction, the applicant, other adults or children listed on the application must have the actual tenant/landlord relationship.

If the need for housing is caused by domestic violence, or unsafe or unhealthy conditions, the application must be accompanied by documents necessary to prove the situation.

The reason for the eviction must be established. In a case of nonpayment of rent, if the notice does not specify the date due and amount, the worker will ascertain this information to ensure that the eviction notice will be rescinded even if assistance does not cover all the back rent and the landlord is willing to make arrangements for a plan whereby the applicant will pay the balance in installments or through use of other resources.

b. **Security Deposits**: Security deposits will only be authorized only in cases described below.

1. There must be a definite landlord/tenant relationship, which can be verified by either a lease, rent receipts, or other credible information and the tenant must be actually facing eviction or must have been evicted within 30 days prior to the date of application.

2. The building is being or has been condemned.

3. The building has not been condemned but it can be verified by a public official that the facility is harmful to the health and physical wellbeing of the child(ren).

4. A lease which requires no written notice expires and the landlord refuses to extend it.

5. Domestic violence has occurred.

6. The rental property must be within the State of Maine.

c. **Mortgage Payments**: Past due mortgage payments will be paid if the party holding the mortgage assures that the $250.00 will prevent foreclosure even if it does not cover the entire amount due.

Past due real estate taxes will be paid to prevent foreclosure or after foreclosure if the town agrees to quit claim the property back to the client even if the $250.00 doesn't cover the amount due and if the client still lives in the property.

4. **Utilities**: Situations involving actual or potential shut-off of electricity, gas, bottled gas, or water and sewer bills. Potential shut-off shall means receipt of termination of service notice from the respective utility. Termination of service must be in accord with rules and regulations in Chapter 81, "Rules and Regulations for Disconnection and Deposit Regulations for Residential Utility Services", P.U.C.

In instances of potential or actual disconnection, the utility must be in the applicant's name, or n the name of the adults or children listed on the application who meet Emergency Assistance/AFDC requirements. In the event that the utility is in another person's name, the applying family unit is not responsible for payment of the bill. If the applicant, requests assistance to establish service in their name due to a disconnection of service, assistance may be provided to pay a prior bill in the name of the applicant.

Assistance for sewer bills will be granted at the time the lien put on the property for this purpose is maturing.

In such situations a maximum of $150 will be made toward arrearage of the bill. Approval of payment of the utility expense must be established with the applicant and utility vendor that shut-off will not take place even if the assistance does not cover all the back bill and that arrangements can be made for establishing a plan to pay the balance in installments directly or through use of other resources.

**NOTE**: In addition, on a utility with an arrearage of less than $150 the client should apply to C.A.P. for benefits before applying for Emergency Assistance. Maximum payment is $150.

NOTE: In the situation where more than one utility is to be disconnected, upon written verification additional assistance for this may be provided up to the $150 maximum not used against the first utility.

**Example**: $150 maximum payment

- xx authorized payment on first utility

= xxx maximum payment which can be

authorized for the second utility.

5. **Special Medical Equipment or Clothing**: Situations involving inability to perform daily living functions due to a physical or mental incapacity requiring special clothing or equipment not covered by Medicaid or Vocational Rehabilitation.

In such situations assistance may be authorized for items such as corrective shoes, leg braces, bandages, special stockings, back braces, adjustment of living arrangements, etc. The maximum payment is $250 per individual.

**NOTE**: Eye glasses are not covered for adults.

**Scope of Service**: Applications will be available through all Department regional offices and its Central Office. In addition, municipal officials and other social service agencies will be supplied with applications upon request. Such agencies, through assisting client in completing the application, are not required to verify information on the application. Any verification they document will be accepted by the Department.

Eligibility for Emergency Assistance will be determined by a Department of Health and Human Services Eligibility Worker. If clarification is needed, the applicant will be contacted by phone or mail. The applicant will be notified in writing whether he or she is eligible or ineligible. If eligible, notification will state the service and the amount. Hearing rights will also be outlined in the letter.

Approval will be made for one consecutive 30 day period per 12 month period. Decisions shall be made within 10 working days unless the applicant has failed to provide needed verification of information necessary to determine eligibility or asks for the application process to be extended.

**Right To Hearing**: Any person aggrieved by a decision, act, failure to act or delay in action concerning the application under this chapter shall have the right to an appeal. The same policy and procedure used in the TANF and PaS programs applies to Emergency Assistance with regard to hearings except that a hearing shall be held by the Administrative Hearings Officer within 10 working days following the receipt of an oral or a written request from the applicant for an appeal.

**FAMILY HOUSING STABILIZATION PROGRAM**

**LEGAL BASIS**: In addition to the basic TANF and PaS programs, the Department of Health and Human Services administers a limited temporary program called Family Housing Stabilization. This program is authorized through the *American Recovery and Reinvestment Act* (AARA) and is time limited. The Program will end on 9/30/2010 or when funding is exhausted, whichever occurs first. The Family Housing Stabilization Program is available to eligible clients who have been referred to the Department by the MaineHousing Homeless Diversion and Prevention Program administered as part of the Homelessness Prevention and Rapid Re-Housing Program funded under the *American Recovery and Reinvestment Act of 2009*.

**GENERAL RULE:** Payment of services through the Family Housing Stabilization (FHS) Program is limited to children and their families who are at risk of imminent homelessness due to lack of stable housing and lack of housing security. The program does not cover all situations.

In order to meet the definition of imminent risk of homelessness which is needed to qualify for assistance, the applicant must have at least one of the risk factors listed below:

1. **Eviction from a private dwelling** – The tenant has received termination notice in the form of either a Notice to Quit or a Summons and Complaint in a forcible entry and detainer action;
2. **Foreclosure from a privately owned dwelling** – the homeowner has been served a Writ of Possession issued by the court in a foreclosure proceeding;
3. Impending termination of a housing arrangement provided by family or friends that is not sustainable;
4. Discharge within two weeks from an institution in which the person has been a resident for more than 180 days (including prisons, mental health institutions, hospitals) and met the McKinney-Vento definition of homelessness at admission; or
5. **Housing that is not fit for human habitation**

**Renter** – Residency in a rental unit that is not fit for human habitation where the landlord is unwilling or unable to remedy unsafe or unfit living condition(s).

**Private Dwellings** – Residency in a privately owned dwelling that is not fit for human habitation in a manner that would force the owner to quit the premises within a two-week period.

Examples of unsafe or unfit living conditions include undrinkable water, no heat or too little heat in the winter, an inoperative septic system or a combination of problems, such as leaking ceilings, unsafe heating system, broken windows, and roaches.

Authorization in the eligibility period may be made for any combination of covered payments or services within the limitations of the payment maximum of $2,500 per family.

The FHS Program is not a substitute for the locally administered General Assistance program or for the DHHS Emergency Assistance or Alternative Aid Programs, although it can be a supplement to those programs and a potential resource. Eligibility is not dependent upon denial of General Assistance, Emergency Assistance or Alternative Aid or the complete expenditure of General Assistance, Emergency Assistance or Alternative Aid benefits prior to application.

**SUSTAINABILITY STANDARD:** There must be a reasonable expectation that the assistance will alleviate the risk of housing instability and that the family will be able to maintain housing security for at least the next six month period after receiving FHS assistance. The determination of the ability to maintain housing for six months following the receipt of assistance will be made by one of the designated agencies for the MaineHousing Homeless Diversion & Prevention Program.

**TIME LIMITS:** FHS assistance is a once in a lifetime benefit.

**PROGRAM REQUIREMENTS:** In order to be eligible for FHS, all of the following criteria must be met:

1. The child must be under the age of 21;
2. The child must be living with an individual described in the TANF and

PaS programs as a “specified relative”. Women in their last trimester of pregnancy who have no other children living with them are potentially eligible. The focus of the FHS program is to help families with children obtain housing security.

**NOTE:** Services cannot be authorized for the child’s family unless the child is living with them at the time of application.

1. The child and family must meet income eligibility requirements. If the child is living with parents, the income of the parents must be taken into account.
2. Income Limit: Payment for services through this program is available to families which do not have income available to provide the needed services. For all services provided through the FHS program, the following income limits must be met:

a. a family’s income must be below 185% of the Federal Poverty Level, or

b. families must receive TANF or PaS, SSI, or Food Supplement.

**NOTE:** Every household member applying for FHS must receive at least one of the benefits listed above.

In determining the amount of income available to the family, the same work related disregards, including the child care disregards, allowed in the TANF and PaS cash programs are used.

The definitions of excluded income used in the TANF and PaS programs apply to the Family Housing Stabilization Program.

1. All bills must be in either the applicant’s name or the name of other adults or children listed on the application who meet FHS requirements.

6. Refusal, without good cause, of a family member to accept employment or training must not have caused the circumstance requiring Family Housing Stabilization benefits.

7. A family in which the adult is under ASPIRE sanction must remedy the sanction and sign a Family Contract Amendment with the Department.

1. Payments will be made only to vendors. No reimbursements or third party payments will be approved. Payment will not be authorized to other governmental or private organizations offering the same or similar services (Red Cross, Salvation Army, municipalities).

9. All non-financial eligibility factors of the TANF and PaS cash programs must be met unless specifically excluded. Those requirements excluded from consideration in FHS program eligibility include Deprivation, Assignment of Rights to Support, and Third Party Liability. There is no asset limit for this program, and lump sum income (as described in this manual at Chapter III, page 25) where not excluded is considered an asset and therefore not subject to a limit. And as indicated in this chapter in #1 above, the child must be under age 21, and the income limits for the FHS program are specified in #4 above.

**SCOPE OF SERVICE:** Assistance will be in the form of vendor payments for current or past expenses.

A tentative agreement has been reached between the vendor, the client and the Department when it is determined the payment will resolve the housing issue. Payment will be authorized if the services have been provided in accordance with the agreement and when the vendor has provided the Department with an appropriate bill.

Although needs and costs may be higher, a maximum limit of $2,500 per family is established for services directly related to housing expenses. Payments to vendors may include, but are not limited to, payment for rent or mortgage, including arrearages; security deposits necessary to secure housing; delinquent property taxes; liens; plumbing, electrical, carpentry, or other similar work; the repair or replacement of chimneys, roofs, windows, doors, major appliances, furnace or other heating system, septic system or wells; and any other expenses necessary to sustain the housing security of the family.

Payment of services through the Housing Stabilization Program is limited to those services authorized during the 30 days following the date of initial authorization. Bills must be received by the Department within sixty (60) days of the date of initial authorization.

If assistance is requested for plumbing, electrical, carpentry, or other similar work, estimates must be made by a reputable person in the appropriate field of work. Payment will be made only after the work has been completed by a reputable repairman, carpenter, electrician, etc. The Department may request verification that the work has been completed and has resulted in safe conditions.

Expenses related to transportation are not covered by this program.

Expenses for repair, replacement or eviction caused by misuse of property or other types of willful disturbance by the applicant, relatives or their guests are not covered by this program.

If assistance reaches the maximum before the eligibility period expires, eligibility ceases.

**PROCEDURES:**

The applicant family makes contact with one of the designated agencies for the MaineHousing Homeless Diversion & Prevention Program administered as part of the Homelessness Prevention and Rapid Re-Housing Program funded under the *American Recovery and Reinvestment Act of 2009*.

Housing Stability Specialists, also called case managers, located at the designated agencies, will assess families for program eligibility and work together with the family to connect with all resources that will help the family stabilize housing.

Housing Stability Specialists will make determination that if the family has services provided, the family will have sufficient income and resources to cover expenses for the following 6 months.

Resources that the family needs to connect with might include mortgage or rental assistance, weatherization, heating system repairs, credit counseling, and any other resource directly related to housing stabilization that will assist the family.

Once all other resources are exhausted, the stability specialist will refer the applicant to DHHS for additional assistance. DHHS will make the final determination of a family’s eligibility for the Family Housing Stabilization Program.

**LEGAL BASIS**:

The 117th Legislature authorized the Department to establish an Alternative Aid program. 22 M.R.S. § 3763(8) requires the department to provide alternative aid to eligible applicants who seek short-term assistance in order to obtain or retain employment; and establish eligibility requirements. It limits alternative aid to no more than 3 times the value of the monthly TANF grant and aid no more than once during any 12-month period. It requires a family who reapplies for TANF within three months of receiving alternative aid to repay any alternative aid received in excess of the amount that the family would have received on TANF via the method used for the repayment of unintentional overpayments in the TANF program.

**B. GENERAL RULE**:

The Alternative Aid voucher payment is assistance to applicants who seek short-term help to obtain or retain employment. The intent of the program is to help families remain self-supporting by providing voucher payments worth up to three months of the TANF benefits for which they are eligible. The expectation is that by providing a larger amount of benefits in a shorter time period, the family is able to obtain or retain a job and will not become dependent on the TANF program.

Assistance includes, but is not limited to, help with car repairs, child care, resolution of a housing-related problem, uniforms, or other items necessary to assist a person in obtaining or retaining employment.

**C. PARTICIPANTS**:

Applicants statewide may volunteer to receive Alternative Aid. Alternative Aid is not available to families who are currently receiving TANF.

**D. PAYMENT:**

The Department shall pay vendor payment(s) for the application month and the two subsequent months for which the family is eligible. The Department shall authorize benefits within 30 days of application. No cash benefit is paid to the family. Vendor payments are authorized after the expense has been confirmed.

**E. ELIGIBILITY REQUIREMENTS**:

The rules that govern the TANF payment, including the asset limit, income limit and the budgeting process, apply to Alternative Aid assistance with the following exceptions:

(1) The initial gross income test is 133% of the Federal Poverty Level.

(2) Child support payments received minus the first $50, are counted as unearned income in determining eligibility for and the amount of the Alternative Aid benefit. (See item e.)

(3) The Alternative Aid benefit may be issued only once in any 12 consecutive month period. The 12-month period begins with the day following the day of the initial approval of Alternative Aid.

(4) The specified relative or parent must be employed or looking for work.

(5) The family is not required to assign child support, comply with ASPIRE-TANF requirements, or participate in a TANF orientation meeting.

(6) Receipt of Alternative Aid Assistance does not count towards the 60 month time limit.

(7) When the family’s income passes the pretests, the wages which would count in the grant calculation of TANF or PaS benefits are excluded income in the grant calculation of Alternative Aid Assistance.

**F. receipt of alternative Aid does not count as receipt of TANF:**

Periods of receipt of Alternative Aid do not constitute receipt of TANF benefits for purposes of eligibility for Transitional Food Assistance, TANF Earnings Food Benefit, Transitional Child Care, or Transitional Transportation.

**G. Prohibitions against Duplicate Participation:**

If during the 3 month eligibility period in which a family is receiving the Alternative Aid benefit the family applies for and is determined eligible for TANF or PaS, the family must repay any Alternative Aid received for any period which was covered by both Alternative Aid and TANF. The repayment method is the same as that used for the repayment of unintentional overpayments in the TANF program.

Families who receive Working Families Supplement Benefit (WSB) cannot receive Alternative Aid during the same time. WSB recipients can apply for Alternative Aid. If a WSB recipient applies for Alternative Aid and is found eligible, WSB can be suspended during the period of Alternative Aid eligibility and shall be reinstated after the eligibility period has ended if otherwise eligible.

**H. INFORMING TANF APPLICANTS**:

The Department shall explain Alternative Aid to all TANF applicants. Families may apply for Alternative Aid if they think the program will help them retain or obtain employment.

A family may apply for Alternative Aid instead of TANF by completing an application and consent form agreeing to comply with the terms of Alternative Aid.

**LEGAL BASIS:** The 118th Legislature authorized the Department to establish a student financial aid program based on need for up to 2000 participants known as the Parents as Scholars Program, (PaS) to aid needy students who have dependent children and who are matriculating in post-secondary undergraduate 2-year and 4-year degree-granting education programs. Enrollees in the program are provided with a package of student aid that includes aid for living expenses in an amount equivalent to TANF recipients. A family that ceases to receive aid under this chapter as a result of increased child support or increased hours of, or increased income from, employment is eligible to receive transitional support services. The program must be supported with funds other than federal block grant funds provided under the United States Social Security Act, Title IV-A. The program begins 8/1/97.

The 121st Legislature enacted law to allow the Department to use the Federal TANF Block Grant to fund twelve months of a family's PaS benefits beginning on or after July 1, 2003.

**GENERAL RULE:** Recipient and applicant families who qualify for TANF assistance on or after 6/20/97 may apply to participate in the PaS program instead of TANF. Individuals with marketable bachelor’s degrees are ineligible for the Parents as Scholars.

**PROGRAM REQUIREMENTS:** Eligibility for and the amount of assistance for PaS is determined in accordance with all the eligibility criteria and procedures used in the TANF program including assignment of child support, with the following exception:

1. Individuals applying to the program must be assessed in accordance with the provisions of the ASPIRE-TANF/PaS rules. To the extent that program resources and space permit, enrollment in the program must be granted if the ASPIRE-TANF/PaS assessment results in findings as follows:

a. the individual does not possess the necessary skills to obtain employment that will enable that individual to support a family at 85% of the median family income in the State for a family of the same size;

b. considering potential employment opportunities and local labor market conditions, the postsecondary education sought by the individual will significantly improve the ability of the family to be self-supporting; and

1. the individual has the aptitude to complete the proposed post-secondary program successfully.

**NOTE:** PaS participants are subject to the 60-month TANF time limit regardless of the funding source of the benefits. PaS participants may be eligible for a temporary extension of benefits if they meet the requirements listed in Chapter 1, Time Limits.

**PARTICIPATION REQUIREMENTS:** An enrollee must participate in a combination of education, training, study or work-site experience for an average of 20 hours per week in the first 24 months of the program. Aid under this chapter may continue beyond 24 months if the enrollee remains in an educational program and agrees to participate in either of the following options which are the result of Legislative action which becomes effective on September 18, 1999:

A. Fifteen hours per week of work-site experience in addition to other education, training or study; or

B. A total of 40 hours of education, training, study or work-site experience.

The Department must present both options to enrollees and permit them to choose either option. For the purpose of this subsection, work-site experience includes, but is not limited to, paid employment, work study, practicums, internships, clinical placements, laboratory or field work directly related to the enrollee's employment goal or any other work activities that, as determined by the Department, will enhance the enrollee's employability in the enrollee's field. In the last semester of the enrollee's educational program, work-site experience may also include resume preparation, employment research, interviews and other activities related to job placement.

The Department must make reasonable adjustments in the participation requirements in this subsection for good cause.

**Good Cause:**

For the purpose of this subsection, "good cause" means circumstances in which the required participation would cause the enrollee to seriously compromise academic performance. "Good cause" includes, but is not limited to:

1. a verifiable need to take care of a family member with special needs;

2. a physical or mental health problem, illness, accident, death; or

3. a serious personal or family problem that necessitates reduced participation or time off from education, training or work.

An enrollee receiving aid under this chapter must make satisfactory progress in the enrollee's educational program. Rules defining satisfactory academic progress are found in the ASPIRE-TANF manual. The Department may not disapprove an educational plan based solely on the length of the educational program.

1. The Working Families Supplement is part of the Temporary Assistance for Needy Families (TANF) program and provides a food benefit to households consisting of employed parents with minor children who receive food supplement benefits and who meet TANF work requirements. The goal of the benefit is to help transition these families to self-sufficiency.

This benefit is a food assistance benefit, not a cash benefit, and may be used only as permitted by Maine’s Food Supplement Program.

1. Eligibility Criteria
   1. Eligibility is determined automatically on a monthly basis based on data in the Automated Client Eligibility System (ACES). For the household to receive the benefit, data in ACES must show that during the benefit month the household:
      1. Received food supplement benefits; and
      2. Did not include a member who is also receiving TANF cash assistance; and
      3. Included a minor child whose biological or adoptive parent(s) reside in the same household; and
      4. Met the following work requirements:
         1. One parent household with a child(ren) over the age of six – 30 hours per week.
         2. Single parent with a child under age six – 20 hours per week.
         3. Two parent household – 35 hours per week or 55 hours if receiving federally funded childcare subsidies; and
   2. Except as provided above, all other TANF requirements or limitations including time limits on receipt of TANF, child support assignment and participation with ASPIRE, do not apply to this program.
2. Amount of Benefit

The amount of the Working Families Supplement benefit will be determined by the Department and will be the same amount for each eligible household. No more than one benefit may be issued to a household per month. The Department may, at any time, suspend the Working Family Supplement or reduce the benefit amount.

1. Notice of Eligibility

Eligible households will receive monthly notice of their eligibility for the Working Families Supplement. When a household that has previously received the benefit becomes ineligible, a notice will be sent informing the household of the change in its eligibility, the reason the change, and the right to appeal.

1. Issuance

The Working Families Supplement benefit will be issued to eligible households on their existing food supplement electronic benefit transfer (EBT) card. The benefit will be issued during the first five business days of the month based on the prior month’s work hours.

**Table of Percentages for First Month Payment**

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **28 Day** | **Month**  **Percent** | **29 Day** | **Month**  **Percent** | **30 Day** | **Month**  **Percent** | **31 Day** | **Month Percent** |
| 1 | 100.00 | 1 | 100.00 | 1 | 100.00 | 1 | 100.00 |
| 2 | 96.43 | 2 | 96.55 | 2 | 96.67 | 2 | 96.77 |
| 3 | 92.86 | 3 | 93.10 | 3 | 93.33 | 3 | 93.55 |
| 4 | 89.29 | 4 | 89.66 | 4 | 90.00 | 4 | 90.32 |
| 5 | 85.71 | 5 | 86.21 | 5 | 86.67 | 5 | 87.10 |
| 6 | 82.14 | 6 | 82.76 | 6 | 83.33 | 6 | 83.87 |
| 7 | 78.57 | 7 | 79.31 | 7 | 80.00 | 7 | 80.65 |
| 8 | 75.00 | 8 | 75.86 | 8 | 76.67 | 8 | 77.42 |
| 9 | 71.43 | 9 | 72.41 | 9 | 73.33 | 9 | 74.19 |
| 10 | 67.86 | 10 | 68.97 | 10 | 70.00 | 10 | 70.97 |
| 11 | 64.29 | 11 | 65.52 | 11 | 66.67 | 11 | 67.74 |
| 12 | 60.71 | 12 | 62.07 | 12 | 63.33 | 12 | 64.52 |
| 13 | 57.14 | 13 | 58.62 | 13 | 60.00 | 13 | 61.29 |
| 14 | 53.57 | 14 | 55.17 | 14 | 56.67 | 14 | 58.06 |
| 15 | 50.00 | 15 | 51.72 | 15 | 53.33 | 15 | 54.84 |
| 16 | 46.43 | 16 | 48.28 | 16 | 50.00 | 16 | 51.61 |
| 17 | 42.86 | 17 | 44.83 | 17 | 46.67 | 17 | 48.39 |
| 18 | 39.29 | 18 | 41.38 | 18 | 43.33 | 18 | 45.16 |
| 19 | 35.71 | 19 | 37.93 | 19 | 40.00 | 19 | 41.94 |
| 20 | 32.14 | 20 | 34.48 | 20 | 36.67 | 20 | 38.71 |
| 21 | 28.57 | 21 | 31.03 | 21 | 33.33 | 21 | 35.48 |
| 22 | 25.00 | 22 | 27.59 | 22 | 30.00 | 22 | 32.26 |
| 23 | 21.43 | 23 | 24.14 | 23 | 26.67 | 23 | 29.03 |
| 24 | 17.86 | 24 | 20.69 | 24 | 23.33 | 24 | 25.81 |
| 25 | 14.29 | 25 | 17.24 | 25 | 20.00 | 25 | 22.58 |
| 26 | 10.71 | 26 | 13.79 | 26 | 16.67 | 26 | 19.35 |
| 27 | 7.14 | 27 | 10.34 | 27 | 13.33 | 27 | 16.13 |
| 28 | 3.57 | 28 | 6.90 | 28 | 10.00 | 28 | 12.90 |
|  |  | 29 | 3.45 | 29 | 6.67 | 29 | 9.68 |
|  |  |  |  | 30 | 3.33 | 30 | 6.45 |
|  |  |  |  |  |  | 31 | 3.23 |

**Maximum Benefit and Standard of Need**

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| HH Size | Grant Type | | FFY 2021 | FFY 2022 | FFY 2023 | FFY 2024 | FFY 2025 |
| Oct 20 - Sep 21 | Oct 21 – Sep 22 | Oct 22 –  Sep 23 | Oct 23 –  Sep 24 | Oct 24 – Sep 25 |
| 1 | Adult Included | SON | $358 | $362 | $379 | $407 | $489 |
| Max Grant | $294 | $298 | $315 | $343 | $425 |
| Child Only | SON | $212 | $214 | $224 | $241 | $290 |
| Max Grant | $176 | $178 | $188 | $205 | $254 |
| 2 | Adult Included | SON | $563 | $569 | $597 | $640 | $769 |
| Max Grant | $463 | $469 | $497 | $540 | $669 |
| Child Only | SON | $404 | $409 | $429 | $460 | $553 |
| Max Grant | $334 | $339 | $359 | $390 | $483 |
| 3 | Adult Included | SON | $755 | $763 | $800 | $858 | $1,030 |
| Max Grant | $620 | $628 | $665 | $723 | $895 |
| Child Only | SON | $598 | $605 | $634 | $680 | $817 |
| Max Grant | $493 | $500 | $529 | $575 | $712 |
| 4 | Adult Included | SON | $950 | $960 | $1,006 | $1,079 | $1,296 |
| Max Grant | $781 | $791 | $837 | $910 | $1,127 |
| Child Only | SON | $790 | $798 | $837 | $897 | $1,077 |
| Max Grant | $649 | $657 | $696 | $756 | $936 |
| 5 | Adult Included | SON | $1,141 | $1,153 | $1,209 | $1,297 | $1,557 |
| Max Grant | $936 | $948 | $1,004 | $1,092 | $1,352 |
| Child Only | SON | $985 | $995 | $1,043 | $1,119 | $1,344 |
| Max Grant | $810 | $820 | $868 | $944 | $1,169 |
| 6 | Adult Included | SON | $1,334 | $1,348 | $1,414 | $1,516 | $1,820 |
| Max Grant | $1,094 | $1,108 | $1,174 | $1,276 | $1,580 |
| Child Only | SON | $1,177 | $1,190 | $1,247 | $1,338 | $1,607 |
| Max Grant | $966 | $979 | $1,036 | $1,127 | $1,396 |
| 7 | Adult Included | SON | $1,528 | $1,544 | $1,619 | $1,736 | $2,085 |
| Max Grant | $1,254 | $1,270 | $1,345 | $1,462 | $1,811 |
| Child Only | SON | $1,370 | $1,385 | $1,452 | $1,557 | $1,870 |
| Max Grant | $1,125 | $1,140 | $1,207 | $1,312 | $1,625 |
| 8 | Adult Included | SON | $1,722 | $1,740 | $1,824 | $1,956 | $2,349 |
| Max Grant | $1,413 | $1,431 | $1,515 | $1,647 | $2,040 |
| Child Only | SON | $1,562 | $1,579 | $1,656 | $1,775 | $2,131 |
| Max Grant | $1,282 | $1,299 | $1,376 | $1,495 | $1,851 |
| Add Member | Adult Included | SON | $192 | $195 | $204 | $219 | $263 |
| Max Grant | $157 | $160 | $169 | $184 | $228 |
| Child Only | SON | $192 | $195 | $204 | $219 | $263 |
| Max Grant | $157 | $160 | $169 | $184 | $228 |

For Special Need Housing Households, add $300 to each figure.

**WORKSHEET FOR CALCULATING TCC PARENT FEES AND SUBSIDY PAYMENTS**

**Effective February 5, 2023 through February 3, 2024**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | | **WEEKLY GROSS INCOME BY FAMILY SIZE** | | | |
| **% of FPL to 250%** | **% of Weekly Gross Income** | **1** | **2** | **3** | **4** |
| **Up to 25%** | **2%** | 0 – 71 | 0 – 96 | 0 – 121 | 0 – 146 |
| **26 to 50%** | **4%** | 71.01 – 142 | 96.01 – 192 | 121.01 – 241 | 146.01 – 291 |
| **51 to 75%** | **5%** | 142.01 – 212 | 192.01 – 287 | 241.01 – 362 | 291.01 – 437 |
| **76 to 100%** | **6%** | 212.01 – 283 | 287.01 – 383 | 362.01 – 482 | 437.01 – 582 |
| **101 to 125%** | **8%** | 283.01 – 354 | 383.01 – 478 | 482.01 – 603 | 582.01 – 727 |
| **126 to 150%** | **9%** | 354.01 – 424 | 478.01 – 574 | 603.01 – 723 | 727.01 – 873 |
| **151 to 200%** | **10%** | 424.01 – 566 | 574.01 – 765 | 723.01 – 964 | 873.01 – 1,163 |
| **201 to 250%** | **10%** | 566.01 – 707 | 765.01 – 956 | 964.01 – 1,205 | 1,163.01 – 1,454 |
|  |  | **5** | **6** | **7** | **8** |
| **Up to 25%** | **2%** | 0 - 171 | 0 – 196 | 0 – 221 | 0 – 245 |
| **26 to 50%** | **4%** | 171.01 – 341 | 196.01 – 391 | 221.01 – 441 | 245.01 – 490 |
| **51 to 75%** | **5%** | 341.01 – 511 | 391.01 – 586 | 441.01 – 661 | 490.01 – 735 |
| **76 to 100%** | **6%** | 511.01 – 682 | 586.01 – 781 | 661.01 – 881 | 735.01 – 980 |
| **101 to 125%** | **8%** | 682.01 – 852 | 781.01 – 976 | 881.01 – 1,101 | 980.01 – 1,225 |
| **126 to 150%** | **9%** | 852.01 – 1,022 | 976.01 – 1,172 | 1,101.01 – 1,321 | 1,225.01 – 1,470 |
| **151 to 200%** | **10%** | 1,022.01 – 1,363 | 1,172.01 – 1,562 | 1,321.01 – 1,761 | 1,470.01 – 1,960 |
| **201 to 250%** | **10%** | 1,363.01 – 1,703 | 1,562.01 – 1,952 | 1,761.01 – 2,201 | 1,960.01 – 2,450 |
|  |  | **9** | **10** | **11** | **12** |
| **Up to 25%** | **2%** | 0 – 270 | 0 – 295 | 0 – 320 | 0 – 345 |
| **26 to 50%** | **4%** | 270.01 – 540 | 295.01 – 590 | 320.01 – 640 | 345.01 – 690 |
| **51 to 75%** | **5%** | 540.01 – 810 | 590.01 – 885 | 640.01 – 960 | 690.01 – 1,034 |
| **76 to 100%** | **6%** | 810.01 – 1,080 | 885.01 – 1,180 | 960.01 – 1,279 | 1,034.01 – 1,379 |
| **101 to 125%** | **8%** | 1,080.01 – 1,350 | 1,180.01 – 1,474 | 1,279.01 – 1,599 | 1,379.01 – 1,723 |
| **126 to 150%** | **9%** | 1,350.01 – 1,620 | 1,474.01 – 1,769 | 1,599.01 – 1,919 | 1,723.01 – 2,068 |
| **151 to 200%** | **10%** | 1,620.01 – 2,160 | 1,769.01 – 2,359 | 1,919.01 – 2,558 | 2,068.01 – 2,757 |
| **201 to 250%** | **10%** | 2,160.01 – 2,699 | 2,359.01 – 2,948 | 2,558.01 – 3,198 | 2,757.01 – 3,446 |
|  |  | **9** | **10** | **11** | **12** |
| **Up to 25%** | **2%** | 0 – 270 | 0 – 295 | 0 – 320 | 0 – 345 |
| **26 to 50%** | **4%** | 270.01 – 540 | 295.01 – 590 | 320.01 – 640 | 345.01 – 690 |
| **51 to 75%** | **5%** | 540.01 – 810 | 590.01 – 885 | 640.01 – 960 | 690.01 – 1,034 |
| **76 to 100%** | **6%** | 810.01 – 1,080 | 885.01 – 1,180 | 960.01 – 1,279 | 1,034.01 – 1,379 |
| **101 to 125%** | **8%** | 1,080.01 – 1,350 | 1,180.01 – 1,474 | 1,279.01 – 1,599 | 1,379.01 – 1,723 |
| **126 to 150%** | **9%** | 1,350.01 – 1,620 | 1,474.01 – 1,769 | 1,599.01 – 1,919 | 1,723.01 – 2,068 |
| **151 to 200%** | **10%** | 1,620.01 – 2,160 | 1,769.01 – 2,359 | 1,919.01 – 2,558 | 2,068.01 – 2,757 |
| **201 to 250%** | **10%** | 2,160.01 – 2,699 | 2,359.01 – 2,948 | 2,558.01 – 3,198 | 2,757.01 – 3,446 |

**Effective February 4, 2024 June 03, 2024**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | | **WEEKLY GROSS INCOME BY FAMILY SIZE** | | | |
| **% of FPL to 250%** | **% of Weekly Gross Income** | **1** | **2** | **3** | **4** |
| **Up to 25%** | **2%** | 0 – 73 | 0 – 100 | 0 – 126 | 0 – 152 |
| **26 to 50%** | **4%** | 73.01 – 146 | 100.01 – 199 | 126.01 – 251 | 152.01 – 303 |
| **51 to 75%** | **5%** | 146.01 – 219 | 199.01 – 298 | 251.01 – 376 | 303.01 – 454 |
| **76 to 100%** | **6%** | 219.01 – 292 | 298.01 – 397 | 376.01 – 501 | 454.01 – 605 |
| **101 to 125%** | **8%** | 292.01 – 365 | 397.01 – 496 | 501.01 – 626 | 605.01 – 756 |
| **126 to 150%** | **9%** | 365.01 – 438 | 496.01 – 595 | 626.01 – 751 | 756.01 – 907 |
| **151 to 200%** | **10%** | 438.01 – 584 | 595.01 – 793 | 751.01 – 1,001 | 907.01 – 1,210 |
| **201 to 250%** | **10%** | 584.01 – 729.76 | 793.01 – 990.46 | 1,001.01 – 1,251.16 | 1,210.01 – 1,511.62 |
|  |  | **5** | **6** | **7** | **8** |
| **Up to 25%** | **2%** | 0 - 178 | 0 – 204 | 0 – 230 | 0 – 256 |
| **26 to 50%** | **4%** | 178.01 – 355 | 204.01 – 407 | 230.01 – 459 | 256.01 – 511 |
| **51 to 75%** | **5%** | 355.01 – 532 | 407.01 – 610 | 459.01 – 689 | 511.01 – 767 |
| **76 to 100%** | **6%** | 532.01 – 710 | 610.01 – 814 | 689.01 – 918 | 767.01 – 1,022 |
| **101 to 125%** | **8%** | 710.01 – 887 | 814.01 – 1,017 | 918.01 – 1,147 | 1,022.01 – 1,278 |
| **126 to 150%** | **9%** | 887.01 – 1,064 | 1,017.01 – 1,220 | 1,147.01 – 1,377 | 1,278.01 – 1,533 |
| **151 to 200%** | **10%** | 1,064.01 – 1,419 | 1,220.01 – 1,627 | 1,377.01 – 1,835 | 1,533.01 – 2,044 |
| **201 to 250%** | **10%** | 1,419.01 – 1,772.32 | 1,627.01 – 2,033.02 | 1,835.01 – 2,293.72 | 2,044.01 – 2,554.41 |
|  |  | **9** | **10** | **11** | **12** |
| **Up to 25%** | **2%** | 0 – 282 | 0 – 308 | 0 – 334 | 0 – 360 |
| **26 to 50%** | **4%** | 282.01 – 564 | 308.01 – 616 | 334.01 – 668 | 360.01 – 720 |
| **51 to 75%** | **5%** | 564.01 – 845 | 616.01 – 923 | 668.01 – 1,001 | 720.01 – 1,080 |
| **76 to 100%** | **6%** | 845.01 – 1,127 | 923.01 – 1,231 | 1,001.01 – 1,335 | 1,080.01 – 1,439 |
| **101 to 125%** | **8%** | 1,127.01 – 1,408 | 1,231.01 – 1,538 | 1,335.01 – 1,669 | 1,439.01 – 1,799 |
| **126 to 150%** | **9%** | 1,408.01 – 1,690 | 1,538.01 – 1,846 | 1,669.01 – 2,002 | 1,799.01 – 2,159 |
| **151 to 200%** | **10%** | 1,690.01 – 2,253 | 1,846.01 – 2,461 | 2,002.01 – 2,670 | 2,159.01 – 2,878 |
| **201 to 250%** | **10%** | 2,253.01 – 2,815.11 | 2,461.01 – 3,075.58 | 2,670.01 – 3,336.27 | 2,878.01 – 3,596.97 |

**FEDERAL POVERTY LEVELS**

Federal Poverty Levels are updated periodically in the Federal Register by the U.S. Department of Health and Human Services under the authority of 42 U.S.C. § 9902(2) and can be found on the Internet at: <https://aspe.hhs.gov/poverty-guidelines>**.**

An individual can also receive a copy of the current FPL amounts by contacting their local DHHS office, or by writing to:

OFFICE FOR FAMILY INDEPENDENCE

11 State House Station, 109 Capitol Street

Augusta, Maine 04333-0011

and requesting a copy. Department staff making eligibility determinations also have current FPL information and can share that information with an applicant upon request.

The market rate caps that apply to Transitional Child Care are updated periodically by the Maine Department of Health and Human Services Office of Child and Family Services under the authority of 22 M.R.S. § 3737(4) and regulation at 10-148 C.M.R. ch. 6 §§ 5 and 11. They may be found at: maine.gov/dhhs/ocfs.

**RELATIONSHIPS**

5.| great-great-great-grandparent

|

4.| great-great-grandparent

|Ì

3.| great-grandfather/grandmother 5. great-granduncle/

| grandaunt

|Ì

2.| grandfather/mother 4. granduncle/grandaunt

| |

| 5. 1st cousin (once removed)

|

|Ì

1.| father/mother 3. uncle/aunt

| |

| 4. 1st cousin

| |

| 5. 1st cousin (once removed)

|

|Ì

| self 2. brother/sister

| |

1.| son/daughter 3. nephew/niece

| |

2.| grandson/daughter 4. grandnephew/niece

| |

3.| great grandson/daughter 5. great-grandnephew/niece

|

4.| great-great grandchild

|

5.| great-great-great grandchild

STATUTORY AUTHORITY: 22 M.R.S. §§ 42(1),

AMENDED:

November 14, 2018 – filing 2018-244

December 22, 2019 – filing 2019-243

April 29, 2020 – filing 2020-098

October 01, 2021 – filing 2021-191

December 10, 2022 – filing 2022-234

June 04, 2024 – filing 2024-135

September 01, 2024 – filing 2024-208

October 13, 2024 – filing 2024-233

January 13, 2025 – filing 2025-003

July 01, 2025 – filing 2025-137