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1.01 Statutory Authority

The 1996 Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), Section 412, authorizes Indian tribes to operate Tribal Family Assistance programs.

1.02 Title and Scope

These rules are known and will be cited as the Nez Perce Tribe TANF Policies & Procedures. These rules provide guidance for implementation of the TANF Program.

1.03 Program Administration

The Nez Perce Tribal Executive Committee will have overall authority for the TANF program by resolution, NP 98-263. Program management responsibilities are delegated to the Nez Perce Tribe Social Services Department (hereinafter referred to as the Department).

1.04 Temporary Assistance to Needy Families (TANF)

The Nez Perce Tribe's TANF program is designed to provide:

- Basic temporary assistance while fostering personal and family responsibility, work and self-sufficiency.
- The primary goal of the Nez Perce Tribal TANF program will be to assist Nez Perce families in becoming self-sufficient and responsible for their family and children through gainful employment. The means of measurement of this goal is through our work participation rate.

1.05 Rule Availability

Copies of these rules are available from the Nez Perce Tribe Social Services, TANF Program, P.O. Box 365, Lapwai, Idaho 83540. This is the agency responsible for delivery of program services.

1.06 Confidentiality

The TANF Program will adhere to the Federal Privacy Act, 5 U.S.C. 552 (a) Section. 7(a).

No employee shall disclose privileged information about:

- clients, personnel actions,
- property acquisitions,
- tribal financial transactions,
- policy actions prior to implementation
- Or any other confidential information to unauthorized individuals.
- Per (Nez Perce Tribe Human Resource Manual, Section 4.12)

1.07 Information Exchange with States or Tribes

In accordance with the Memorandum of Agreement/Protocol signed with the State of Idaho or Tribe,

- The Department will be authorized for and have access to specific data necessary for the Nez Perce Tribe TANF Guidelines. Revised: 08/01/2004 administration of the TANF program.
- Information exchanged between programs will provide that a family receiving assistance under the plan may not receive the same services from another state or Tribal program funded under P.L.104-193, to include Medicaid and food stamp benefit.

1.08 Coordination with the States and Other Indian Tribes:

The Department shall coordinate with the states and other Indian Tribes to facilitate other financial support services such as:

- Food stamps,
- Child care,
- Child support,
- And medical assistance.
- Coordination with states and other Indian Tribes shall be conducted specifically for: persons relocating to the Nez Perce Reservation from another TANF service area.

1.09 Fiscal Accountability Assurance

For each fiscal year during which the Nez Perce Tribe receives or expends funds pursuant to a block grant under Section 412 of Title I-Block Grants for Temporary Assistance for Needy Families, the fiscal accountability provisions of Section 5(f) (1) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450c (f) (1)), relating to the submission of a single agency audit report required by chapter 75 of Title 31, United States Code, applies.

1.10 Data Collection and Reporting

The Nez Perce Tribe will comply with all statutory and regulatory data collection and reporting requirements pertaining to the Tribal TANF program.

1.11 Economic Development

To enhance job opportunities/creation for TANF families, to the extent permitted under the TANF statutes and regulations, the Nez Perce Tribe TANF Program may be able to assist if funding is available in the development of:

- Small businesses to aid in the employment of TANF families.
- ACF shall be consulted for guidance prior to any action being undertaken to ensure that the action is permissible.
- Some examples may include: carpentry skills development/training, casket making, childcare center, etc.

1.12 Work Subsidy for Job Development

If funding is available, as provided at 45 CFR 286.10 (b) (2), the TANF Program may provide work subsidies to employers or third parties (i.e. programs, companies, and businesses) in the form of payments to help cover costs of employee wages, benefits, supervision, and training for the purposes of providing jobs to TANF participants.

1.13 Work Subsidy for On-the-Job Training

If funding is available, the TANF Program may provide stipends or incentives to participants involved in On-the-Job Training.

On an individual need basis, the program may also provide participants the following:

- Individual equipment
- Personal tools
- Uniforms
- Work-related supplies

1.14 Youth Development

Under TANF purposes 3 and 4 the TANF program may provide the following for TANF dependents.

The TANF Program may offer TANF dependents opportunities to engage in positive activities, i.e. character building, life and social skills development, and positive reinforcement, aimed at teen pregnancy prevention, developing responsible youth, community involvement and a strong work ethic, including but not limited to:

- Cultural activities such as tanning, drum making, drumming, dancing, making outfits, hunting & fishing field trips, educational Field trips to memorials of Native battlefields, gathering roots and berries or other subsistence foods or items.
- Subsidized employment,
- Education,
- Recreation,
- Community service and
- Job skills training.
- Prevention Activities aimed at preventing negative behaviors and offering positive learned behavior: Workshops, Wellness Conferences, Drug Abuse awareness, Alcohol Abuse awareness, Career Awareness, Steps to positive self esteem, Problem solving, Relationship responsibilities, Credit card awareness, understanding and accepting parental responsibilities, strengthening parenting skills, understanding relationships, budgets, beginning credit counseling, personal etiquette relationship management, health/nutrition. This list is not all inclusive, but the allow ability of additional activities will be confirmed by email with ACF.
- A stipend may also be provided for successful completion of an acknowledged program goal, pre-approved by the TANF Program.

Eligibility criteria will be developed for participation in the activities and guidelines, i.e. amounts, form of payment, qualifying conditions, etc. are defined in the Program's Policies and Procedures Manual.

1.15 DIVERSION SERVICES

If funds are available this service may be available for Nez Perce Tribal TANF or Nez Perce TANF eligible families who:

- Do not need basic job skills, or other supportive services.
- Have been currently employed for at least **45** days,
- **Are at** risk of losing their employment and
- Are strongly considering getting on TANF.
- This service may be used up to but not more than three times a year. Payments must be intermittent and not recurring in consecutive months,
- Household income must not exceed 200% of the current Federal Poverty Level income guidelines.
- Applicants must provide documentation of need and evidence of how this service will assist him/her in retaining employment or prevent job loss.
- There will be a \$1500.00 limit per year/per family.
- These services will not pay traffic fines, bills incurred prior to employment or cost incurred from illegal activities.
- In order to receive this service, a person must complete a Diversion Service Application Form.

The Diversion assistance service will be a preventive measure to aid in maintaining existing employment income of Nez Perce Tribal families.

1.15.01 Family Formation/Fatherhood/Non Custodial Parent Initiatives

This initiative will be a prevention measure for all enrolled Nez Perce as a motivator to increase two parent family involvements for support, education, income, and safety for the family. The TANF program will offer support and a variety of opportunities for fathers to develop the skills and competencies required for the workplace and to support fathers to connect successfully with employers and employment recourses within their communities to develop skills that expand occupation exploration into the workforce and skills development opportunities.

This initiative will encourage the formation and maintenance of:

- Two-parent family support for children,
- Non custodial father involvement in order to increase self-sufficiency for parents.
- Working cooperatively with the Child Support Enforcement Program.
- Employment training may be offered to non-custodial parent(s) and funded by the TANF program if funds are available.

2.01 Definitions

- **Assistance** –Cash, payments, vouchers, and other forms of benefits designed to meet a family’s ongoing basic needs (i.e. for food, clothing, shelter, utilities, household goods, personal care items, and general incidental expenses) given to TANF participants.
- **Payment for childcare and transportation** for families who are unemployed is also Assistance.

- **Applicant.** An individual, representing their family, who applies for Temporary Assistance for Needy Families,
- **Case Management.** Activity of Specialist in assessing the client - problems, case planning, coordinating and linking services for clients, monitor service provisions, client progress, advocacy, tracking and evaluating services and may include resource development and providing other direct services.
- **Department.** The Nez Perce Tribe Social Services Department.
- **Earned Income.** Earned Income is the money amount or in-kind benefit received by a individual as a result of performing services; it is income an individual earns as a result of his/her own efforts. Earned income may come from employment, business, property management, retirement, free housing and utilities, and other sources, which is actually available to meet essential need. Earned income is gross earnings before deductions for taxes or any other expenses. In-kind income means goods or services which are provided in lieu of money for services rendered. In-kind payments for child support shall be documented based on the value established by the child support program for purposes of determining monthly support but shall be passed through to the families and not deducted against monthly eligibility.
- **Unearned Income.** Income received from sources other than employment or self-employment, such as Social Security, unemployment insurance, and worker' compensation. **Child support financial payments** will be reported as an approved dollar amount pass through payment directly to the families.
- **Employability Development Plan (EDP).** An outline of activities the Participant and the Department will complete towards achieving the goal of the family obtaining self-sufficiency, identifying the expectations a family must meet to continue to receive TANF, and identifying the resources available to support the participant's self-reliance plan.
- **Good Cause.** The conduct of a reasonably prudent person in the same or similar circumstances, unless otherwise defined in these rules.
- **TANF Immediate Family Member** An immediate family member is considered one of the following, as related to the child: Mother, Father, Sister, Brother, Son or Daughter, Grandmother, Grandfather, Uncle, or Aunt.
- **Child Only grant** – TANF grant to child only, supportive services for the child of the adult Non-needy caretaker relative or to the non needy caretaker **if** it benefits the child.
- **Non-Needy Caretaker Relative** – Relative as defined in 5.01 who has legal custody of children . Non needy is defined as a family that is not eligible to be on the TANF program because of income.
- **Parent.** The mother or father of the dependent child(ran)
- **TANF Participant.** An individual who has signed an Employability Development Plan. And who has agreed by signing contract to maintain the compliance of the TANF program
- **Caseworker.** The Self-Reliance-Specialist directly working with Participants in assessing, assisting, and addressing the needs of the family.

- **Transitional Family** – A TANF family who is transitioning from the program to employment
- **Pending** – Temporarily not active TANF family
- **Prevention Activities** - Activities (as outlined in 1.14) that include TANF participants, community, schools, family and children
- **Support Service** – Support Service is a service in addition to (cash) assistance given to TANF participants.
- **OJT** – On the Job Training
- **Work Experience** – experience received with hands on activities from verified employers or trainers.
- **Reasonable Distance** – 30 miles or less one way
- **Needy** – To be eligible for the TANF program with earned income which is counted at “fifty percent (50%)” the family has to be at or below “six hundred and eighteen dollars (\$618)” per month
- **Family** – Custodial parent and at least one child of 18 or younger and or (a child 19 or if that child is still in high school)
- **Tribal Family** – A Nez Perce Enrolled Tribal member living in a common residence, whose income and resources are considered in determining eligibility and grant amount, and who may be included in the family unit.

2.02 Abbreviations

- **AABD.** Aid to the Aged, Blind and Disabled
- **CSS.** Child Support Services
- **DAP.** Drug & Alcohol Program
- **ECA.** Extended Cash Assistance
- **ECDP.** Early Childhood Development Program
- **EDP.** Employability Development Plan
- **EITC.** Earned Income Tax Credit
- **HUD.** The U.S. Department of Housing and Urban Development.
- **ICWA.** Indian Child Welfare Act.
- **NPTEC.** Nez Perce Tribal Executive Committee
- **NPCSS.** Nez Perce Child Support Service
- **OJT** On the Job Training
- **RSDI.** Retirement, Survivors, and Disability Insurance
- **SSN.** Social Security Number
- **SSI. Supplemental Security Income**
- **SRS.** Self Reliance Specialist
- **TAFI.** Temporary Assistance for Families in Idaho
- **TANF.** Temporary Assistance to Needy Families
- **TERO.** Tribal Employment & Rights Office
- **VA.** Veterans Administration

Application Process

3.01 Receipt of Application

Applications for assistance are made to TANF and TAFI personnel. If needed, other locations may be designated by the Department Director. Following subsection defines process.

.01. The Nez Perce Tribe TANF Program has **21** days from the date the application is complete to make a decision regarding the eligibility of a TANF applicant.

- When there is a special situation requiring more time to make a decision, the TANF Director may approve an extension. Documentation of such situations must be retained in the case file.

.02. The applicant shall be notified in writing and given reasons for an application decision (approval or denial) being delayed more than **21** days from the date of the application.

.03. Applications shall not be held pending beyond **45** days from the date of application.

- Financial assistance will be authorized to begin effective from the date application was complete and conditions of eligibility are met.

3.02 TANF PROGRAM Responsibilities

.01. The Intake staff must:

- Advise the applicant of the TANF eligibility requirements,
- The eligibility determination process and
- The specific applicant information needed for an eligibility decision to be made.

.02. The Intake staff is responsible for contacting other persons who may be able to help in establishing eligibility for TANF when the applicant is unable to participate in the determination of eligibility because of circumstances such as physical or mental disability, or other such difficulties.

.03. The Intake staff shall carefully explain the:

- Applicant's legal responsibility for reporting fully all facts pertinent to eligibility,
- The responsibility for reporting changes promptly, and
- The sanctions for failure to report.
- Also, the Intake staff must explain the applicant's legal right to a hearing if the applicant is dissatisfied with the decision that is made on the application

.04. The application process will include

- written statements advising the applicant of their rights under the Privacy Act (5 U.S.C. 552a) and
- The applicant's responsibility to report all changes in circumstances which may affect eligibility for TANF.

- The applicant will also be informed in writing of the sanctions for failure to report.
- The applicant will receive a written description of the appeal process procedure at the time of application and the process for appealing sanctions and adverse actions taken by the Intake (staff)

.05. The applicant should be considered as the primary source of TANF eligibility information. However,

- The Intake Staff should verify this information through documents supplied by the applicant or through collateral sources.
- When it is necessary to secure information from other sources, the applicant will be requested to sign a release of information form which clearly identifies the sources that will be contacted and the reasons for obtaining information from those sources, e.g., current employment and work history.

.06. The Intake Staff shall inform the applicant

- Of each eligibility condition that must be established and
- The information needed to establish eligibility.
- Assurance shall be given as to the confidentiality of the information and its use for TANF eligibility and related (e.g. TERO, ECDP, A&D) purposes.

.07. The SRS shall provide:

- Information and referral and community resources which the applicant must be encouraged to utilize in resolving particular problems.
- The SRS is responsible for recognizing expressed or implied needs other than the request for financial assistance.
- In all cases, the SRS shall be required to make home visits to further assess the applicant's **RESIDENCY**, needs, and the potential for self- help and self-sufficiency.

.08. The TANF SRS will refer the applicant to:

- a psycho-social assessment,
- Drug testing if required by the TANF program or other programs during the first 30 days of eligibility to the TANF program or as requested by the TANF program.

.09. TANF Caseworker will request from parents:

- Current documentation of Children health/wellness.

.10. REVIEW of Employment Development Plan by caseworker

Each case will undergo a employability development plan (EDP) that will be reviewed at least every 90 days or whenever there is an indication of a change of circumstances.

BASIC ELIGIBILITY

4.01 TANF Eligibility:

NEZ PERCE TRIBE TANF DRAFT PROGRAM PLAN FOR PUBLIC COMMENT 1/1/2017 -12/31/2019
Eligibility for TANF assistance and services is as established in the Tribe's approved TANF plan.

Only needy families, as defined in the TANF plan, may receive: (a) any form of Federally or State MOE funded "assistance" (as defined in 45 CFR 286.10); or (b) any benefits or services pursuant to TANF purposes 1 or 2. "Needy" means financially deprived, according to income and resource (if applicable) criteria established in the TANF plan by the Tribe to receive the particular "assistance," benefit or service.

The Tribe may use segregated Federal TANF funds to provide services (and related activities) that do not constitute "assistance" (as defined in 45 CFR 286.10) to individuals and family members who are not financially deprived but who need the kind of services that meet TANF purposes 3 or 4. Objective criteria will be established for participation in these programs.

Unless the State instructs otherwise, the Tribe may also use MOE funds to pay for non-assistance pro-family activities for individuals or family members, regardless of financial need.

- The applicant or one of the family members in the applicant's household must be an enrolled member of the Nez Perce Tribe
- The applicant must be the legal guardian of the children in the applying household to be considered eligible for the TANF Program..
- To be eligible for a TANF grant, **the applicant** must
 - Sign an application;
 - Provide verification requested by the Department;
 - Negotiate and sign an Employability Development Plan;
 - Participate in work activities; and
 - Meet all other personal responsibility and financial criteria.
- When any applicant adult family member is on strike, the entire family is not eligible. A stoppage or slowdown of work by employees is considered to be a strike.

4.02 Time Limit

- A family may receive TANF benefits for up to 60 cumulative months.
- The Nez Perce Tribe will count all prior months of TANF assistance funded provided by any Tribe or State with TANF block grant funds, except for any month that was exempt or disregarded by statute, regulation, or under any experimental, pilot, or demonstration project approved under section 1115 of the Act.
- In determining the number of months of TANF participation, the Department must not count any month the adult lived in Indian country or an Alaskan Native village during the month that **50%** were not employed, when the most reliable data about the month shows fifty percent **50%** or more of the adults living in Indian country or in the village were not employed.
- A month does not count toward the 60-month limitation when any of the following in Subsection 4.02.01 through .03 is true:

.01 The person is a dependent child in a two-parent family and the principal wage earner dies;

.02 The person was a dependent child, and is now a minor parent who is receiving TANF benefits as a caretaker for their own child;

.03 Revised 11/28/11- a “dependent child” is a child under 18 years of age: or a person under 19 years of age if the person is a full-time student in a secondary school or equivalent vocational/technical training, whether the training can be completed by age 19 or not. A dependent child is not a Temporary Assistance applicant themselves. And all “dependent children” are required to be attending school for them to qualify.

4.03 Residence Exception to Time Limit

In determining the number of months of TANF participation, the Department must not count any month the adult lived in Indian country or an Alaskan Native village during the month that (50%) were Not Employed. The most reliable data about the month shows fifty percent (50%) or more of the adults living in Indian country or in the village were not employed.

4.04 Hardship Exemptions

Hardship exemptions will be limited to 20% of the current caseload.

A person may continue to receive Tribal TANF benefits beyond the 60 cumulative month limit under a Hardship Exemption, if any of the following in Subsections is true:

.01 A member of the family has to care for a family member with a serious health problem; as verified by a competent medical authority.”

.02 Both parents are incapacitated or one parent has to care for the other incapacitated parent; as verified by a competent medical authority.”

.03 The family includes someone who has been a victim of domestic violence.

- Applicants have to be referred by a competent agency who works with domestic violence with a working treatment plan and time limit not to exceed one year unless domestic violence agency requires more time for treatment and TANF skills training to be workable. Any time required by domestic violence program over one year will need to be approved by TANF program and only for six months at a time.

4.05 Alternative Resources

All TANF Families must apply for any other source of income for which they are potentially eligible, which includes but not limited to:

- Food Stamps,
- Unemployment Benefits
- Child Support (if applicable),

- Social Security, etc...
- Failure to do so may result in ineligibility for TANF.

4.06 Application for Assistance

The application form must be signed by an

- Adult participant(s,)
- Legal guardian(s)or
- Representative(s,) if applicant is not able to file under documented reasonable cause
- And must be received by the Department, and will be date stamped upon receipt.

4.07 Effective Date

The effective date for calculation of benefits for participants in the TANF program:

- Is the date of eligibility determination
- The first monthly benefit will be prorated from the date of the eligibility determination.
- In prorating this payment, the eligible grant amount for the month shall be divided by thirty, than multiplied by the number of eligible days in the initial payment period, rounding to the nearest whole dollar.

4.08 Forms and Scheduled Meetings

The family must complete the application process and forms, and must attend all scheduled meetings unless good cause exists.

4.09 Concurrent Benefit Prohibition

If an individual is potentially eligible for either TANF, TAFI or Aid to the Aged, Blind and Disabled (AABD), only “one (1)” program may be chosen.

4.10 Employability Development Plan (EDP)

An Employability Development Plan (EDP)

- Must be developed and signed by the household adults
- And all application requirements must be completed before cash assistance can be provided.
- The family must continue to comply with their ongoing EDP requirements to remain eligible.

ELIGIBILITY CRITERIA

5.01 Eligible Individuals:

Individuals who may be eligible are listed in following subsections.

.01. Children: A child must be under the age of 18 and living with a parent or non-needy adult caretaker relative. The child must also be attending school, per the Nez Perce Tribe Law & Order Code, Subsection 2-4-18.

.02 Parents: Parents must have legal custody of an eligible natural or adopted child

.03 Pregnant Woman: A pregnant woman who is an enrolled Nez Perce Tribal member and in her last trimester of pregnancy.

.04 Non-needly Caretaker Relative: An immediate family member who assumes all responsibility for the child(ren) residing with them, including financial responsibility. Included as caretaker relative are grand parents, and great-grandparents/aunts/uncles, first cousins, step parents, or individuals or family who the tribe considers to be a relative under traditional beliefs and values.

.05 Joint Custody for the TANF Program:

1. The parent designated in a current court order as the primary caretaker for purposes of public assistance.
2. In making an order of joint physical custody or joint legal custody, the court may specify one parent as the primary caretaker of the child and one home as the primary home of the child, for the purposes of determining eligibility for public assistance.
3. When no court order designation exists and only one parent would be eligible for aid, the parent who would be eligible shall be the caretaker relative.
4. When both parents would be eligible, the parents shall designate one parent as the caretaker relative. If the parents cannot reach agreement on the designation of a caretaker relative, the parent who first applied for aid for the child shall be the caretaker relative.

5.02 Eligible Family:

A family is a group of individuals, which must

- Include an Nez Perce enrolled Tribal member living in a common residence, whose income and resources are considered in determining eligibility and grant amount, and who may be included in the family unit
- Unrelated families living in a common residence are considered separate families.
- No individual may be eligible for benefits as a member of more than (1) family in the same month.

5.03 Child Only Grant

Child Only Cases may be eligible for “assistance” under the Nez Perce Tribe TANF Plan. Nez Perce Tribal TANF shall define eligible cases if they meet the following criteria:

- The child is a Nez Perce enrolled member or is in the process of becoming enrolled.
- A family or individual who is taking care this child is defined in the Tribal TANF Plan and by the Nez Perce Tribe as the Non-needly Caretaker Relative.
- Financial eligibility criteria is based on the child-only and not the family as a whole unit.
- Assistance (TANF Grant only) for child-only cases will be limited to the child which is being cared for by the non needy Caretaker Relative.

- Support Service may be provided to the Non-needy Caretaker Relative for the benefit of the child.
- The Non needy caretaker relative is **exempt** from engaging in work activities.

5.04 Married Child Under Age 18:

A married child under age 18

- Is no longer considered a dependent child.
- The child's subsequent separation, divorce or annulment does not change that status.

Unmarried Parent Under the Age of 18:

- Parents must be 18 years of age or married, or emancipated to apply to the Nez Perce Tribe TANF program.

The underage unmarried parent is considered to be a child and shall be the responsibility of his/her parents and not the financial responsibility of the TANF program, unless good cause can be documented according to 5.05.

5.05 Good Cause Not to Live with Parents:

Good cause reasons for unmarried parents under age 18 not to live with their parents are listed in following subsections.

.01. Child of unmarried parent under age 18 conceived by rape or incest.

- a. Documentation is provided that the child of the unmarried parent under age 18 was conceived because of rape or incest, and
- b. The individual who committed the rape or incest is a parent or other individual living in the household, and
- c. The other parent in the home is not taking protective steps established in the Nez Perce Law and Order Code, Section 4-1-88 Child Abuse; Section 4-1-89 Endangering the Welfare of a Minor; or Section 4-1-90 Contributing to the Delinquency of a Minor (pp 247).

02. Abusive parents:

Documentation is provided that the parents of the unmarried parent under age 18 are abusive and the physical or emotional health of the unmarried parent under age 18 or his or her child is jeopardized.

03. Parents not available:

The parents are not available due to incarceration, death or their whereabouts are unknown.

04. Home not available:

The parents refuse to take the child back into the home and no alternative care is available.

.05. Safety threatened:

Documentation is provided that the unmarried parent under age 18 is dangerous to the parents or other household members.

FINANCIAL ELIGIBILITY**6.01 Countable Resources**

Resources are countable

- When the family has a legal interest in the resource and can take action to obtain or dispose of the resource.
- Except for vehicles, the fair market value of the resource less all liens, mortgages, or other encumbrances, is the countable amount of the resource

6.02 Counting Vehicle Value

The fair market value of:

- Vehicle, minus encumbrances, is not counted.
- The fair market value, minus encumbrances, of any additional vehicle, is counted, unless the vehicle is needed to participate in work activities.
- The fair market value, minus encumbrances, of snowmobiles, boats, aircraft or other recreational vehicles is counted.
- The value of one specially equipped vehicle used to transport a disabled family member is not counted in determining resources.

6.03. Resource Exclusions

The resources listed in following Subsections are excluded.

.01 Income Producing Property: Real property that annually produces income consistent with its fair market value.

.02 Equipment Used in a Trade or Business:

- Equipment used in a trade or business or
- Reasonably expected to be used within 1 year from their most recent use.

.03. Contracts:

- A mortgage,
- Deed of trust,
- promissory note,
- Or any other form of sales contract if the purchase price and income produced are consistent with the property's fair market value.

.04 Life Insurance: The cash surrender value of a life insurance policy.

.05 Funeral Agreements: The cash value of an irrevocable funeral agreement.

.06 Individual Money Accounts: The cash value of an Individual Money Account.

.07 Native American Payments. To the extent authorized, payments or purchases made with payments authorized by law based on the participant's enrollment in a federally-recognized tribe

.08 Child Support Payment: Agreed upon amount pass-through or in-kind child support payment collected by the Nez Perce Tribe's Child Support Enforcement Program. Pass through payments of up to "one hundred dollars (\$100)" will be excluded and not counted as household income.

6.04 Countable Income:

Unearned income includes, but is not limited to following Subsection:

.01 Child Support Payments: Child support payments received by the participant if they have received Child Support Income in the month they are eligible for a TANF Grant upon application to the TANF program. Child Support payments not reported to the Child Support program will be counted as income at 100% at intake application into the TANF program. .

.02 Contributions: Recurring contributions actually received in cash, such as

- child support payments and
- Alimony, are to be considered as income available to meet need.

.03 Land Sale Income: Income derived from sale of land with trust status shall be considered as income when

- it becomes available to meet need unless
- set aside for the specific purpose of reinvestment in trust land
- Or a primary residence.

If such income has not been reinvested in trust land or a primary residence by the end of one year from the date it was received, it shall be counted in its entirety as available to meet need.

.04 Income from the Sale of Real or Personal Property: Income derived from the sale of real or personal property,

- unless otherwise restricted, shall be considered as income available to meet need,
- unless proceeds from the sale are reinvested in trust land
- Or a primary residence within one year in accordance with the provisions of above.

.05 Social Security Benefits: Social Security payments,

- including SSI and Death Benefits,
- shall be considered income available to meet need.

.06 Other income: Any other income not excluded in 6.05.

6.05 Excluded Income:

The types of income listed in following subsections are excluded.

.01 Supportive Services: Supportive services payments.

.02 Work Reimbursements: Work-related reimbursements.

.03 Child's Earned Income: Earned income of a dependent child,

- who is attending school or
- on summer vacation.

.04 Loans: Loans with a signed, written repayment agreement.

.05 TANF: Retroactive TANF grant corrections.

.06 Interest Income: Interest posted to a bank account.

.07 Earned Income Tax Credit Payments: Earned Income Tax Credit payments.

.08 Foster Care: Foster care payments.

.09 Adoption Assistance: Adoption assistance payments.

.10 Food Programs: Commodities and food stamps.

.11 Child Nutrition: Child nutrition benefits.

.12 Elderly Nutrition: Elderly nutrition benefit received under Title VII, Nutrition Program for the Elderly, of the Older Americans Act of 1965.

.13 Low Income Energy Assistance: Benefits paid under the Low Income Energy Assistance Act of 1981.

.14 Home Energy Assistance: Home energy assistance payments under Public Law 100-203, Section 9101.

.15 Utility Reimbursement Payment: Utility reimbursement payments.

.16 Housing Subsidies: Housing subsidies.

.17 Housing and Urban Development (HUD) Interest: Interest earned on HUD family self-sufficiency escrow accounts established by Section 544 of the National Affordable Housing Act.

.18 Native American Payments: Payments authorized by law made to people of Native American ancestry.

.19 Educational Income: Educational income,

- Except that Ameri Corps living allowances, stipends and AmeriCorps Education Award minus attendance costs are earned income.

.20 Work Study Income of Student:

- College work study income

.21 VA Educational Assistance. VA Educational Assistance.

.22 Senior Volunteers: Senior volunteers program payments to individual volunteers under the Domestic Volunteer Services Act of 1979, 42 U.S.C. Sections 4950 to 5085.

.23. Relocation Assistance: Relocation assistance payments received under Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

.24. Disaster Relief: Disaster relief assistance paid under the Disaster Relief Act of 1974

- And aid provided under any federal statute for a President-declared disaster.
- Comparable disaster assistance provided by states, local governments and disaster assistance organizations.

.25. Radiation Exposure Payments: Payments made to persons under the Radiation Exposure Compensation Act.

.26. Agent Orange: Agent Orange settlement payments.

.27. Subsidized Income: Wages earned through subsidized employment will be excluded.

.28. Self-Employment:

- Will exclude income for TANF participants who enter into self-employment ventures during the first year of business start-up, not to exceed 300% of the poverty level.
- Supportive services received by the TANF Program will also be excluded income, such as: fees, licensure, marketing costs, and minimal start-up costs.

.29. Seasonal Fire Fighting

- Timber,
- Brush,
- Grass

- Fire fighting income earned up to \$2,000.00

.30. Temporary Seasonal Employment: Any temporary seasonal employment income earned up to \$2,000.

6.06 Determining Eligibility (Re-Determination):

- To determine initial and continuing eligibility, the countable monthly income that is or will be available to the family is used in the calculation of the grant.

6.07 Converting Income to a Monthly Amount

Income received more often than once a month is converted to a monthly amount as listed in following Subsections, if a full month's income is anticipated. Figures are not rounded when income is converted to a monthly amount.

.01 Weekly Payments. The projected weekly amount is multiplied by 4.3.

.02 Biweekly Payments. The projected bi-weekly amount is multiplied by 2.15.

.03 Semi-Monthly Payments. The projected semi-monthly amount is multiplied by 2.

6.08 Averaging Income:

- Income may be averaged for participants who receive income from a contract, from self-employment, or any other income that is intended to cover more than 1 month, if it is expected to continue.
- The income is averaged over the number of months it is intended to cover.
- To be eligible for the TANF program with earned income which is counted at "fifty percent (50%)" the family has to be at or below "six hundred and eighteen dollars (\$618)" per month.
- Non earned income such as social security, counts at a "one hundred percent (100%)" income coming into your household and anything over "three hundred and nine dollars (\$309)" will make family over income. Unless it is the agreed upon amount pass-through or in-kind child support payment collected by the Nez Perce Tribe's Child Support Enforcement Program. Pass through payments of up to "one hundred dollars (\$100)" will be excluded and not counted as household income.

6.09 Calculation of Self-Employment Income

Countable self-employment income is the difference between the gross receipts and the allowable costs of producing the income, if the amount is expected to continue. Self-employment income must be calculated by one of the methods listed in following Subsections.

.01. Self-Employed At Least 1 Year. For individuals who are self-employed for at least 1 year, income and expenses are averaged over the past 12 months.

.02. Self-Employed Less Than 1 Year. For individuals who are self-employed for less than 1 year, income and expenses are averaged over the period of time the business has been in operation

6.10 Self-Employment Allowable Expenses

Operating expenses deducted from self-employment income are listed in following Subsection.

- .01 Labor.** Labor paid to individuals not in the family.
- .02 Materials.** Materials such as stock, seed and fertilizer.
- .03 Rent.** Rent on business property.
- .04 Interest.** Interest paid to purchase income producing property.
- .05 Insurance.** Insurance paid for business property.
- .06 Taxes.** Taxes on income producing property.
- .07 Business Transportation.** Business transportation as defined by the IRS.
- .08 Maintenance.** Landscape and grounds maintenance.
- .09 Lodging.** Lodging for business related travel.
- .10 Meals.** Meals for business related travel.
- .11 Use of Home.** Costs of partial use of home for business.
- .12 Legal.** Legal fees for business related issues.
- .13 Shipping.** Shipping for business related costs.
- .14 Uniforms.** Business related uniforms.
- .15 Utilities.** Utilities for business property.
- .16 Advertising.** Business related advertising.

6.11 Self-Employment Expenses Not Allowed - The following are expenses not allowed to be deducted from self employment income.

- .01 Payments on the Principal of Real Estate.**
 - Payments on the principal of real estate mortgages on income-producing property.

.02 Purchase of Capital Assets or Durable Goods.

- Purchases of capital assets,
- equipment,
- machinery,
- And other durable goods.
- Payments on the principal of loans for these items.

.03 Taxes.

- Federal,
- State, and
- Local income taxes.

.04 Savings. Monies set aside for future use such as

- Retirement or
- Work related expenses.

.05 Depreciation.

- Depreciation for equipment,
- machinery,
- or other capital investments.

.06 Labor Paid to Family Member Labor paid to a family member.**.07 Loss of Farm Income.** Loss of farm income deducted from other income.**.08 Personal Transportation.** Personal transportation.**.09 Net Losses.** Net losses from previous periods.**6.12 Rental Income from Real Property:**

- If a family member is managing the property 20 hours or more per week, the rental income minus rental costs is earned income.
- If a family member is managing the property less than 20 hours per week, the rental income minus rental costs is unearned income.
- Rental costs do not include the principal portion of the mortgage payment, depreciation or depletion, capital payments, and personal expenses not related to the rental income.

6.13 Child Living With Parent and Step-Parent:

When a child lives with a parent and a step-parent

- **25%** of the step-parent's earned and unearned income, minus child support paid is **unearned** income to the family.

6.14 Maximum Grant Amount:

- The maximum grant is \$309.00 and is based on the Idaho State Payment Standard monthly rate.
- The first grant payment will be prorated from the date of the application eligibility determination.
- In prorating this payment, the eligible grant amount for the month shall be divided by thirty, then multiplied by the number of eligible days in the initial payment period, rounding to the nearest whole dollar.

6.15 Maximum Grant Amount for Families with No Income:

- The grant amount for eligible families with no income is the maximum grant minus penalties, if applicable.

6.16 Grant Amount for Families with Unearned Income:

- The grant amount for eligible families with unearned income only is the maximum grant minus the unearned income, and penalties if applicable

6.17 Grant Amount for Families with Earned Income:

All earned income is 50% disregarded before it is applied to income eligibility limits. Firefighting income during the fire season, after the first \$2000.00 is disregarded, will be counted at 50% disregarded earned income.

REQUIREMENTS:**7.01 Citizenship**

- Non-citizens of the United States will not be included in TANF grant.

7.02 Social Security Numbers

- The applicant must supply or apply for a social security card & number.

7.03 Residence

- Individuals must live on or near the Reservation.
- Near reservation locations include the cities of Lewiston, Kendrick, Grangeville and Cottonwood.

7.04 Duplication of TANF Benefits

- Individuals cannot receive TANF benefits from the Nez Perce Tribe TANF program and another state or Tribal TANF program in the same month.
- The Nez Perce Tribe will verify that participants are not receiving assistance from other Tribal TANF or State TANF programs.

- The MOA with the State of Idaho will authorize the Tribe access to specific data necessary to determine duplication of services.

7.05 School Attendance Responsibility

- Children under the age of 18 must be attending school, per the Nez Perce Tribe Law & Order Code, Sect. 2-4-18. Truancy.
- TANF children must attend school or the family may be subject to penalty by sanction or terminated from the program if verified good cause is not shown.
- TANF children must attend twenty hours per week at a minimum if working on GED unless good cause is presented by a verified source.
- Any minor who willfully and unjustifiably fails to attend school when the minor is required to attend may be charged, petitioned and adjudicated with the status offense of being a Truant;
- TANF participants may receive an incentive for completing the GED program or a Vocational program

7.06 Cooperation Responsibility

The plan confirms compliance with CFR 286.75(a)(b) and CFR 286.155. Allowable under 45CFR 286.75 (a) (b) and meet the conditions of 45CFR 286.155 as indicated in section 4.01 TANF Eligibility and the Nez Perce Tribe's Policy and Procedures for Child Support is under NP 09-119. This resolution approves the policies under which the Tribes Child Support Program operates.

For a family to be eligible, the participant(s) included in the grant must:

- Pursue and report child support, unless there is good cause.
- Participants must report child support to the Nez Perce Tribe TANF Program and work with the TANF Specialist for the establishment of paternity when they apply for TANF benefits.
- Failure or refusal to cooperate with the reporting of child support payments to the Nez Perce Tribe or establishment of paternity will result in the family being sanctioned,
- And continued non-cooperation will end in denial of eligibility.
- By signing the application for assistance, the participant agrees to turn over any support payments and benefits to the Nez Perce Tribe.

.01. Child support cooperation exists when:

- The client is cooperating with the TANF Program to establish paternity or enforce a child support order for any and all children in the TANF family.

.02. A referral for counseling may be given, if:

- The TANF SRS believes it will relieve the participant of any impediments in identifying the non-custodial parent.
- Through counseling, it is determined that the participant cannot identify the non-custodial parent, an exemption will be given to the participant. Documentation must be provided to the TANF Program from the counselor.

.03. The TANF SRS/Client Advocate

- Will determine if the participant is not cooperating with the assignment and collection of child support and,
- if necessary, make a determination of non-cooperation.

.04. The TANF SRS/Client Advocate

- will discuss the non-cooperation with the participant and
- Determine whether there is good cause for non-cooperation.

.05. If the participant does not have good cause for not cooperating,

- Then they will become ineligible until cooperation is established.

.06. The TANF Program will be responsible for

- the cost incurred for paternity testing

7.07 Good Cause For Not Cooperating

The participant may claim good cause for not cooperating with the TANF Program and the CSS to establish paternity or collect child support. Good cause for non-cooperation exists when:

.01. Cooperation would result in serious emotional or physical harm to the dependent child.

.02. Cooperation would result in serious emotional or physical harm to the relative caretaker that would reduce the ability to care for a dependent child.

.03. During the regular “90 Day Reviews” process, participation with Child Support will be re-evaluated

.04. One of the following circumstances exists and the TANF Program believes that continuing efforts to obtain support or establish paternity would be detrimental to the dependent child:

- The child was conceived as the result of rape or incest.
- The child was a victim of child sexual abuse or severe emotional or physical abuse.
- The child was conceived as a result of an alcoholic blackout
- The incident took place over five 5 years ago
- Birth, medical or law enforcement records as evidence of incest, abuse or

.05. Evidence of good cause for refusal to cooperate will be presented by the participant to the TANF Specialist within:

- “One (1)” month of claim of good cause by the participant.

Evidence for non-cooperation includes:

- Sworn statements from other individuals other than the client with personal knowledge of the circumstances that provide the basis of the good cause claim.
- Court records or other legal records or written statements from a public or licensed social welfare agency.

7.08 Review of Good Cause Request

If good cause for not cooperating with CSS is claimed but the Department determines there is not good cause,

- The participant may appeal the decision and present supporting documents,
- And must be given the opportunity to withdraw the application within 90 days or have the case closed.

7.09 Paternity Not Established Within Twelve Months

If the information is provided but paternity is not established within twelve months from the effective date of the application or the birth of the child, whichever is later, the TANF Caseworker must determine if the participant is cooperating with pursuing child support.

.01. If the non-custodial parent cannot be located with the minimum information provided,

- Ask the participant to provide additional information.

.02. If the participant currently has no additional information, but shows a continuing effort to obtain additional information,

- do not sanction the participant for failure to cooperate.
- A participant who contacts the non-custodial parents, friends or former employers to obtain information on the non-custodial parent is showing a continuing effort to obtain additional information.

.03. Although the custodial parent would not be sanctioned for failure to cooperate,

- The family’s grant must be reduced by half if paternity is not established in twelve months, despite the custodial parent’s effort to provide additional information.

EMPLOYABILITY DEVELOPMENT PLAN

EMPLOYMENT OPPORTUNITY

Employment:

Employment opportunities on or near the Nez Perce Tribe's service area will be identified by regular contact with the local JOB Services, Tribal Personnel Department, Tribal Enterprises and all other available employers on or near the service area.

The Nez Perce Tribe is the dominate employer in the small city of Lapwai, with approximately 298 employees. The Nee Mee Poo Health clinic currently employees approximately 125 employees with plans for expansion in the near future. The Bureau of Indian Affairs (BIA) currently employees approximately 30 or more people, which is also located in Lapwai. The Lapwai School District employs approximately 100 people or more.

Currently, the Tribe operates several enterprises: two Tribal convenience stores (Nez Perce Express I and Nez Perce Express 11), the It'seYeYe Casino in Kamiah and the Clearwater River Casino near Lewiston which employee approximately 332 employees. Expansion of the Tribal stores and casinos is underway expanding and building which will create more jobs in the casino for this coming year.

The Nez Perce Tribe has ten Tribal departments which employ a wide array of positions: laborer to professional. The Nez Perce Tribe is pursuing implementation of a Nez Perce Biological Control Enterprise. The NPFPE (Forestry) and the NPLE (Land) have enlisted contracts for timber harvest, road construction and traffic control..

The largest employer of significance to the local region is Potlatch Corporation with 2,400 or more employees. Potlatch is located at Lewiston, 16 miles from Lapwai and is outside the Nez Perce reservation. Other major employers in the Lewiston area to seek employment opportunities include ATK which is the maker of ammunition, St. Joseph Regional Medical Center, Lewiston Independent School District, and Lewis Clark State College, each with 500 or more employees.

Agriculture is the number one industry in the state, which generates close to three billion dollars annually. Some 10.5% of the state's jobs are agriculture related, including about 17,500 in the food processing industry and 32,000 in farming and ranching.

The Nez Perce Tribe and its members are developing interest in reclaiming leased tribal land for individual owners or a Tribal farm. The development of the Nez Perce Appaloosa is expanding and opportunities exist in breeding, training and sales of the animals. The horse industry is traditional to the Nez Perce Tribe and will only continue to grow. Currently there are 30 Indian owned business on or near the Nez Perce reservation.

Travel and tourism is the Idaho state's third largest industry. The Nez Perce Reservation and surrounding areas are located in prime tourism areas. Along with a National Park located on the Reservation, the beautiful scenery is prime for hiking and camping. The rich history of the Tribe contributes to the area as well as the living culture that provides an international interest in

NEZ PERCE TRIBE TANF DRAFT PROGRAM PLAN FOR PUBLIC COMMENT 1/1/2017 -12/31/2019
visiting. Opportunities for individual businesses as well as Tribal enterprises are being explored in this area.

Forest products is Idaho's fourth largest industry, producing about 5.6% of the nation's softwood lumber and about 2.3% of its plywood and structural panels. It is concentrated in northern Idaho. The Nez Perce Forest Products Enterprise provides a significant contribution to the Tribal economy. The Tribal enterprise produces 12 million board feet annually. Because of the richness of natural resources in the area, more opportunities in the field will develop. The Nez Perce Tribe has developed a fish hatchery that will require skilled laborers. The Tribal Water Resources department developed a waste recycling plant and it will require trained skilled individuals. Natural resources will continue to provide a significant portion of the local and Tribal economy.

Most common occupations in the area by percentage

Other production occupations including supervisors (11%)
Other management occupations except farmers and farm managers (7%)
Agricultural workers including supervisors (7%)
Fishing and hunting, and forest and logging workers (6%)
Laborers and material movers, hand (6%)
Building and grounds cleaning and maintenance occupations (5%)
Top executives (4%)

Most common industries in 2005-2009 (%)

Arts, entertainment, and recreation (30%)
Public administration (22%)
Administrative and support and waste management services (10%)
Educational services (9%)
Manufacturing (8%)
Retail trade (6%)
Health care and social assistance (5%)

Compared city data

Lapwai which is known as the home town of the Nez Perce is located approximately 16 miles from Lewiston had a household income \$38,339.00. Lewiston is the nearest good sized city to the Nez Perce reservation which offers employment and across the river is Clarkston Washington which is in itself a fairly large city.

In reviewing information on income Lapwai is \$10k below Idaho median income which is \$44,926.00. Lewiston is \$3k below. Plummer/Worley is about \$7k below. Other area towns (Cottonwood, Troy and Deary) were at or slightly above the Idaho median.

Lapwai compared to Idaho state average:

- Median household income below state average.

- Unemployed percentage above state average.
- Black race population percentage significantly below state average.
- Hispanic race population percentage below state average.
- Median age significantly below state average.
- Foreign-born population percentage significantly below state average.
- Percentage of population with a bachelor's degree or higher below state average.

8.01 Review of employability Development Plan (EDP) and eligibility.

- The EDP and eligibility are reviewed on an ongoing basis every 3 months
- Eligibility is determined by eligibility into the TANF program

8.02 EDP Modifications

If the participant cannot meet the required EDP provisions,

- The participant shall meet with the TANF SRS for any revisions, changes, or modifications.
- Either the participant or the Department may initiate renegotiation or modification of the EDP when conditions change.

8.03 Not Complying with Conditions of EDP

If the participant does not comply with a requirement of the EDP, without good cause,

- The penalty specified in the rules addressing the activity is imposed.

WORK ACTIVITIES

9.01 Applicant Job Search/Work Activities

Before the application can be approved:

- Adult applicants will be required to engage in job search and/or work activities, unless good cause is established.

9.02 Applicant Voluntary Quit

The applicant is not eligible for 2 weeks.

- From the date any adult family member has **voluntarily** quit the most recent job of 40 or more hours per week without good cause, from the date the TANF application was complete.

9.03 Work Activities Responsibility

Participants receiving Tribal TANF assistance will be required to participate in

- Work activities, unless good cause is established as specified in Subsections 9.10, or the participant is exempted by criteria specified in Subsections 9.05, of this plan.
- All adult applicants are required to participate in work activities at a combined minimum of 20 hours per week, per applicant household. If an assistance Unit does not complete

the required amount of work activity hours per month a cash deduction sanction may be placed on the monthly TANF grant.

- A child between the ages of 16 and 18, who is not attending school, must participate in assigned work activities.

A single custodial parent of a child less than **6** years of age is not required to participate in a work activity if one of the reasons listed in following Subsection is not available:

.01. “Reasonable Distance”. Appropriate child care is not available within a reasonable distance of 30 miles or less from the participant’s home or work site.

.02. “Suitable informal care” is in-home providers approved by the Nez Perce CCDF Child Care

.03. “Appropriate” is child care facilities and home licensed by the State of Idaho or approved by the Nez Perce CCDF Child Care Program.

.04. “Affordable” is considered child care not above the State of Idaho ‘s child care rates.

9.04 Exemption Criteria for Work Activities

Conditions and circumstances that may exempt participants from the TANF work participation requirements defined in following subsection.

.01 Pregnant females who are in their last trimester of pregnancy if a doctors verification states that there may be danger to the mother or child they will be exempt from work activities, the expectant mother will be required to attend prenatal health class if it presents no danger to mother or child.

.02 Females during the first (12) months after giving birth to a child are exempt from work activities, but are not excluded from awareness training such as: parenting class, home making class, child care, drug and alcohol classes, and other classes that pertain to the family individual or unit. The mother after giving birth to a child will be required to attend postnatal and health care classes.

.03. Persons who must do the following to participate in the TANF activities:

- Travel an unreasonable distance from their home
- Or remain away from their home overnight.

.04 Persons age **60** or over.

.05 Persons determined to be unable to participate in TANF activities due to:

- Their documented individual conditions
- Or circumstances (e.g. care for disabled children, elder care, etc.).

.06 Males who are required to provide family care during child’s first **12** months, but:

- are not excluded from awareness training such as parenting class,
- home making class,
- child care,

- drug and alcohol classes
- And other classes that pertain to the family individual or unit.

.07 Exceptions to work activity participation will not exceed 25% of the TANF program caseload.

9.05 Work Participation Rates

The Nez Perce Tribe believes that the following participation rates represent realistic and appropriate standards in light of such factors as a high rate of education/training deficiencies, high unemployment and slow economy in the area, a substantial long-term unemployment rate and high under-employment of Native Americans and, specifically , in the TANF participant population

**ALL FAMILIES PARTICIPATION RATE
Program Year Minimum Participation**

<u>FY2017</u>	<u>36%</u>
<u>FY2018</u>	<u>36%</u>
<u>FY2019</u>	<u>36%</u>

9.06 Work Activities Countable for Participation Rates:

Tribal TANF participants are required to participate in work activities. The Nez Perce Tribe has developed **four categories of work activities** to fit the needs of the participants.

- The **first category** focuses on **barriers** that participants may have.
- The **second category** covers **training and education**.
- The **third category** will focus on **employment and job retention**.
- The **forth category** will be other. The TANF work activities include, but are not limited to:

CATEGORY WORK ACTIVITIES:

BARRIERS

- * Counseling - To include, but not limited to: substance abuse, mental health, domestic violence, etc.
- * Chemical dependency treatment
- * Family counseling
- * Anger management
- * Time management
- * Parenting skills
- * Credit counseling
- * Family Resource Centers and household management

TRAINING AND EDUCATION

- * High School
- * Reading Skills
- * Adult Basic Education and GED course work

- * Participation in a job readiness program
- * Interviewing skills, resume writing, application completion
- * Life skills training
- * Basic job search skills
- * Actual job search and job retention
- * ***Vocational/Technical training & Higher Education (two years or less)*** – All clients pursuing tech training or higher education pertaining to employment will be required to
 - Complete a Federal Financial Aid Application
 - And apply through the Nez Perce Tribe Higher Education Department and Nez Perce Tribal Scholarships for funding.
- * Job skills training
- * Education related to employment with successful milestones
- * Internships

EMPLOYMENT AND JOB RETENTION

- Employment Subsidized work in private sector
- Non-paid tribally approved work experience activities
- Short term work site training to enhance current work, references, and opportunity to develop specific job skills).
- On the job training.
- Job search activities
- Sheltered/Supported work (work site job skills and job readiness couple with intensive supervision and counseling).
- OTHER
- Self-employment
- Non-traditional activities such as: Learning etiquette at the dinner table, dressing for formal business meeting, grooming for business interviews, awareness of other cultures customary manners, poise & presence, learning how to communicate successfully with all types of people in all kinds of situations,
- Traditional activities, for example: hunting, fishing, beadwork, etc.
- Traditional subsistence gathering
- Provides child care for another TANF recipient engaged in work requirements. If that individual is a certified child care provider with a back ground check completed.
- Teaching cultural activities.
- Transportation:
 - Travel counted as a work activity when the work activity site is 30 miles or more from the participant's home.
- Community Service
- A TANF program participant will not displace any other employee.

9.07 Alcohol/Drug Evaluation Policy

An Alcohol and Drug evaluation is required within six weeks of participation in the program. The assessment and recommended activities will be incorporated into the EDP. Random drug tests for participants may be a part of the TANF program. All TANF “On the Job Trainees” and “TANF Trainees” will be subject to Drug and Alcohol testing before starting training.

9.08 Psycho-Social Assessment

If the program has services within reasonable distance.

Other issues which may be identified are:

- child abuse/neglect,
- mental health,
- family counseling,
- anger management,
- self-esteem,
- self-confidence,
- problem solving,
- time management,
- understanding and accepting parental responsibilities,
- strengthening parenting skills,
- understanding relationships,
- family budgets,
- credit counseling,
- personal etiquette
- relationship management,
- family nutrition,
- family resource centers
- and household management, this list is not all inclusive

9.09 Reporting

The participant must submit every Monday

- A Work Activities Time sheet.
- TANF Participant contact may be made on a weekly basis if the TANF program determines a need for weekly contact.

9.10 Not Complying with Work Activities

Each time a household does not comply with work activity requirements in the EDP, without good cause,

- It is counted as a sanction.
- The family is subject to penalties.

9.11 Documentation and verification by reliable source required for Good Cause Criteria for Failure to Participate in Assigned Tribal TANF Activities

.01. Transportation

- A. Good cause will be excused on temporary basis only, until transportation problem is resolved by 9.11.01B or 9.11.01C
- B. If transportation breaks down notify the TANF program and request assistance with car repair
- C. If Transportation is unavailable because of participant is not legal to drive, or does not own a vehicle transportation will be provided by the TANF program.

.02. Child care arrangements

- A. Good cause for non-participation for lack of child care is applicable only to a single-parent family and must conform to 45 CFR 286.150 and will be resolved by 9.11.02B or 9.11.02C
- B. If child care becomes unavailable the TANF participant needs to notify the TANF program and request child care on a temporary basis until permanent child care is established.
- C. Or if child care is unavailable the participant can contact the State Child Care program and request child care. Or contact the Tribal Wrap Around Program for child care.

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.03. Mental or:

- Physical illness.

.04. Schedule conflicts with

- Required court appearances.

.05. Severe weather that

- Impedes or
- Prevents travel.

.06. Family circumstances or

- Issues preventing participation as evaluated
- Approved by the Director of the TANF Program.

9.12 Documented and verified by reliable source for Good Cause Criteria for Failure to Accept or Maintain Employment Because:

.01. The work adversely affects:

- The person's health. This must be verified by a competent physician.

.02. The work site violates:

- Health
- Safety standards.

.03. The wage does not meet

- The minimum wage
- Work standards.

.04. Required hours of work are:

- In excess of what is customary for the job and does not include normal properly compensated overtime.

.05. The job is vacant due to:

- Strike,
- Lockout
- Or other labor dispute.

.06. Joining a union is required and:

- The participant has a religious objection.

.07. The job conflicts with:

- The participant's current union membership.

.08. The job referral or employer is:

- Discriminatory.

.09. The person quit a job

9.13 Applying Penalties for Not Complying with Work Activities

At the beginning of each month, a participant who does not comply or meet the minimum work activity hours for the previous month will be given:

- Notice that the first sanction will begin on that following month. This will begin the sanction process, as defined in Subsections 10.03.

PENALTIES/PROCESS FOR NOT REPORTING

10.01 Family Reporting Responsibilities

The family must report changes in circumstances to the Department either verbally or in writing, within 10 calendar days from the date the change becomes known, unless good cause is established. Determination of the good cause will be reviewed at TANF program staffing and decided upon at that time.

10.02 Penalty for Failure to Report

When a family member does not report a change in:

- Income,
- Resources
- Or family composition,

Without good cause, the family is subject to the sanction listed in following subsections.

10.03 Sanctions

.01. \$25 grant reduction:

A \$25 grant reduction can be imposed by the TANF Caseworker, when:

- A participant who has experienced a first level sanction fails to correct the sanction causing behavior
- Or when a participant commits a substantial program violation.

When this sanction is imposed, the participant is:

- Issued a written reprimand specifying the reason(s) for the sanction
- And the corrective action(s) that must be taken to end the sanction.

This sanction can be imposed for:

- A maximum of 2 months.
- The participant can end the sanction at any time during the sanction period by demonstrating cooperation with TANF program requirements.

.02 Suspension:

Participants who fail to correct their first level sanction causing behavior

- Within 2 months
- Or who commit a flagrant program violation may cause the suspension of their families' monthly cash grant.

Before this action is implemented,

- The TANF Specialist will assess its potential impact on the affected family.

If children are placed at risk,

- The sanction may be modified to allow for direct provider payments for basic need (e.g. shelter, food, and clothing).

The maximum duration for this sanction is 2 months.

- Participants can end the sanction at any time
- By demonstrating to the satisfaction of the TANF Caseworker that they intend to begin, and will continue, cooperating with the TANF program requirements.

.03. Termination:

Participants who have been subject to a suspension sanction for 2 months

- And fail to correct the sanction causing behavior(s)

- Or who commit an extreme program violation(s) may cause the termination of their families' monthly cash grant.

The termination remains in effect

- For minimum period of 2 months.

During this period,:

- The families' basic needs may be met on an emergency basis
- If the children are at risk,
- Upon the recommendation of the TANF Specialist and concurrence of the TANF Director or if ethical situations exist from the Social Services Manager.

After the minimum period of 2 months of termination,

- The participants may re-apply for the TANF benefits and services.

The participant will be

- Required to comply with the EDP
- For a period of 14 days,
- Before receiving cash assistance benefits.

.04. Termination Due to Fraud:

In cases where there has been a termination for flagrant fraud:

- (e.g., collecting TANF benefits from multiple sources,
- Knowingly providing fraudulent information when participant was receiving SSI or was employed independently),
- The TANF program, at the discretion of the TANF Director and Social Services Manager, may declare the participants ineligible for a period up to 12 months or declare a lifetime ban from TANF assistance.

10.04 Changes Affecting Eligibility or Grant Amount

If a family reports a change that results in an increase,

- The grant will be increased effective the month after the month of the report.
- If a family reports a change that results in a decrease, the grant is decreased or ended effective the first month after advance notice to the family, unless the change does not require advance notice.

10.05 Underpayment

If the Department is at fault for issuing a payment less than the family should have received,

- The Department issues a supplemental benefit for the difference.

10.06 Fair Hearing Request

A family may request a fair hearing

- To contest a Department decision listed in following Subsection.
- The family must make the request for a fair hearing within 30 days from the date the notification was mailed by the Department.

A claimant may have a hearing on a case decision if any of the following applies:

.01. The Department:

- Has not acted on a request or application for TANF within 21 days of the application.

.02. The Department:

- Claims that an earlier TANF payment was an overpayment.

.03. The participant:

- Is protesting the Department's decision to deny, reduce or close benefits.

10.07 Hearing Procedure:

The following Subsection is the grievance procedure applicant's must follow.

.01 If participant/applicant's are dissatisfied with a decision,

- They must first request an informal hearing with the Social Services Manager within 10 days of the date of notice.
- The request must be in writing.

.02. If an applicant is dissatisfied with the Manager's decision,

- The applicant may request a hearing within ten 10 days before the Appeals Panel.
- The applicant may be represented, at their own cost, at the hearing.
- The applicant request must be in writing.

.03. If applicant is dissatisfied with the Appeals Panel decision,

- They may request an administrative review with the Nez Perce Tribal Court, according to the Nez Perce Tribal Law & Order Code 2-5, Subsection 2-5-12, (pp. 156).
- The applicant may be represented, at their own cost, at the hearing.
- The applicant must request the hearing within 10 days of the decision of the Appeals Panel.
- The applicants request must be in writing.

.04. The date of filing the applicant's notice of appeal:

- Is the date it is postmarked
- Or the date it is personally delivered to this office.
- The notice of appeal must include applicants name, address, and telephone number.
- It should clearly identify the decision being appealed. If possible, attach a copy of the decision to the notice of appeal. The notice and the envelope in which it is mailed should be clearly labeled "Notice of Appeal." The applicant's notice of appeal must list the name and address of the interested parties known to the applicant, and the applicant must certify that they have sent interested parties copies of the notice. If the applicant is not

represented by an attorney, they may request assistance from this office in the preparation of their appeal.

- .05. If no appeal is filed according to the time frame above,
- This decision will become final for the Nez Perce Tribe at the expiration of the appeal period.
 - No extension of time may be granted for filing a notice of appeal.

10.08 Continuation Pending Local Hearing Decision

The family may continue to receive assistance during the hearing process

- If the Department receives the request for continued benefits within 10 days from the date the notification was mailed.
- Assistance will be continued at the current month's level while the hearing decision is pending, unless the 60 month limit is reached
- Or another change affecting the family's eligibility occurs.

10.09 Application of TAFI Penalties to TANF

- TAFI disqualifications/sanctions will not apply for Nez Perce Tribe TANF participants.

10.10 Overpayments

An overpayment

- Is the portion of a monthly TANF payment issued to a family that exceeds the amount for which the family is eligible.
- The overpayment may result in a sanction established as described in Section 10.03.

10.11 Overpayment and Earned Income

If the Sanction is the result of the family's failure to report earned income,

- The Department must use **100%** of the family's earned income to calculate the overpayment.

10.12 Overpayment Collection

The Department must:

- Take all reasonable steps to collect an overpayment.
- The remaining adult family members are responsible for an overpayment resulting from one member's Sanction, regardless of the family's current TANF eligibility.

10.13 Notice of Overpayment

The Department must notify the participant when an overpayment exists. The notice must inform the participant of mandatory recovery, the right to a hearing, the method for repayment and the need to arrange a repayment interview.

11.01 Support Service

BENEFITS AND SERVICES

ASSISTANCE

The regulations at 45 CFR 286.10 (a) defines assistance in the following manner:

The term basic assistance includes

- cash,
- payments,
- vouchers,

And other forms of benefits designed to meet a family's ongoing basic needs are considered assistance when the adult(s) are not employed:

- food,
- clothing,
- shelter,
- utilities,
- household goods,
- personal care items,
- and general incidental expenses).
- Transportation and child care provided to a family that is not employed (but is engaged in TANF work activities) are included under assistance.

Support services such as:

- Gas vouchers,
- Job training fees,
- Vocational education costs,

Are non assistance by definition, they are not intended to meet basic ongoing family needs. As provided in the regulations at 45 CFR 286.10 (a) (1) Revised 3/4/2011

- The same transportation and child care provided to participants who are employed (but eligible for non-assistance support services by definition in plan) are support services.

The Nez Perce Tribe will use:

- State,
- Federal,
- County
- And other resources that are available to Tribal TANF participants, before exhausting Tribal resources.

Support Services Payments:

- May be issued to the TANF participant or directly to the vendor, to enable them to engage in assigned TANF activities

- And/or accept and maintain employment.
- There will be a limit of \$1500 per year per assistance until for support services. This amount may be adjusted at the discretion of the TANF Program Director when needed.

The Nez Perce Tribe may expend funds on, but not limited to, the following items listed in Sub Section:

.01. Mileage reimbursement:

- for travel to and from an approved work activity. Mileage reimbursement will be **\$.50** per mile. Maximum allowable per year will be \$500. Participants will be encouraged to use public transportation.

.02. Minor car repair:

- Deemed necessary to enhance reliability of vehicle to get TANF participants to maintain satisfactory progress in work activities and job search.
- Minor car repair may be authorized on an as needed basis,
- Car repair will be processed through a tribal purchase order payable to the vendor.
- Maximum allowable per year, \$1500.

.03. Transportation:

- Public Transportation including fares for bus or taxi.
- Transportation also includes the purchase or repair of bicycles.
- Maximum per year, \$500

.04. Work-related clothing:

- Appropriate for work activities.
- Interview clothing
- Grooming or cosmetic costs will be an allowable expense for preparation for labor market entry through job interviewing or placement in subsidized or unsubsidized employment. The cost will be processed by a tribal purchase order payable to vendor.
- Maximum per year, \$250.

.05. Meal assistance:

- To support the concept of providing two nourishing meals per day for TANF participants engaged in a work activity located within an unreasonable distance from their home.
- Maximum per year, \$500.

.06. Liability insurance:

- May be provided if the TANF participant is in non-compliance with state law requiring liability coverage during a period where private vehicle is utilized to maintain satisfactory progress with an employment education, training or employment activity.

- The Nez Perce Tribe TANF program will allocate funds for the first six months to start-up a liability insurance plan with check payable to insurance carrier submitting lowest bid/quote for services.
- To be determined by actual cost from Insurance company.

.07. A TANF Participant volunteering services:

- At a job site, may be given a monthly incentive, based on the number of hours worked multiplied by minimum wage.
- This incentive will be in the form of a tribal purchase order, payable to the vendor of their choice, to purchase household goods, clothing, and hygiene supplies.
- Maximum per client of \$500.

.08. Reinstatement fees:

- Will be provided on a one-time basis if the TANF participant is eligible for reinstatement based on a misdemeanor offense e.g. 1st/2nd DUI/DWP, lack of liability insurance for the purposes of removing a barrier to employment and/or training.
- Fee is payable to the vendor and determined by the vendor.

.09. Education attainment incentives:

- For successful documented completion of an approved EDP activity.
- Not to exceed \$1500 in a year.

.10. Fees to purchase required identification:

- To comply with I-9 certification based on Immigration Control Act of 1986.
- Fees payable to the vendor will be processed for state identification and driver's license, or birth certificate when necessary to remove a barrier to employment and/or training,
- Or to qualify for TANF or other forms of Public Benefits.
- Amount to be determined by vendor.

.11. Tools and equipment:

- Necessary for work activities.
- Purchases not to exceed **\$750** will be made payable to the vendor with the lowest bid price for items required in the workplace.

.12. Fees for licensure and certification:

- Including state, federal and local licensure or certification.
- Also assist with some marketing costs and minimal start-up costs for self-employment that are reasonable and necessary to start a business (will be reviewed by the TANF Program for appropriateness).

.13. Required union fees:

- Not to exceed **1/3** of the cost of initiation due and first month dues (payable prior to first full paycheck).

.14. Relocation expenses for employment:

- Not to exceed **\$1,000**
- Will be an allowable expense to cover the cost associated with rental to haul household goods;
- Gasoline,
- Meals,
- Lodging en route;
- A stipend based on need for basic needs, e.g. rental deposit, food, utility hook- up, until first paycheck for permanent or full-time employment.

.15. Rent:

May be an allowable expense which can be used once per year not to exceed \$1500.00 per year. If the following situations apply: The TANF family has entered subsidized / unsubsidized employment.

- The TANF family has entered into Job Training or preparation
- **The TANF family has needs for rent/deposit assistance in cases of emergency, such as domestic violence to be determined by the TANF Program).**

.16. Medical exams:

- Not covered by Medicaid or Ni Mee Puu Health,
- Required for work activities.
- Cost determined by vendor.

.17. Substance abuse and mental health:

- Counseling (if not otherwise covered by other resources). In-patient or out patient to be determined by need.
- Costs determined by vendor.

.18. Eye glasses:

- If not covered by Medicaid or Ni Mee Puu Health in a reasonable amount of time.
- Costs determined by need.

.19. Work Experience Stipend:

- An incentive may be provided to a TANF participant for successful completion of an approved work experience.
- Not to exceed \$500 in a year.

.20. Child(ren) School Clothing:

- may be available to TANF Children in the form of Purchase Order to local vendors that work with the NPT TANF Program
- Not to exceed \$300.

.21. Child Only Grant:

When a Case Worker identifies that family reunification is desired and deemed reasonable by Nez Perce Children's Protection Services and/or Tribal courts, TANF funds can be allocated for employment services for either parent to facilitate child being returned to birth parent(s).

11.02 DIVERSION SERVICES

If funds are available this service may be available for Nez Perce Tribal families who:

- Do not need basic job skills, or other supportive services.
- Have been employed for at least **45** days,
- **Are at** risk of losing their employment and
- Are strongly considering going on TANF.
- This service may be used up to but not more than three times a year. Payments must be intermittent and not recurring in consecutive months,
- Household income must not exceed 200% of the current Federal Poverty Level income guidelines.
- Applicants must provide documentation of need and evidence of how this service will assist him/her in retaining employment or prevent job loss.
- There will be a \$1500.00 limit per year/per family.
- These services will not pay traffic fines, bills incurred prior to employment or cost incurred from illegal activities.
- In order to receive this service, a person must complete a Diversion Service Application Form.

The Diversion assistance service will be a preventive measure to aid in maintaining existing employment income of Nez Perce Tribal families.

11.03 Nonrecurring Short Term Benefits

Nonrecurring Short term Benefits are in essence "emergency assistance" provided to current TANF recipients.

As defined at 45 CFR 286.10 (b) (1) Nonrecurring Short term Benefits must meet three basic criteria:

- Designed to deal with a specific crisis situation or episode of need
- Are not intended to meet recurrent or ongoing needs
- Will not extend beyond four months

These benefits are specifically excluded from the definition of "assistance" as provided at 45 CFR 286.10 (a) and are considered / reported as support services.

This “emergency assistance” can be provided to TANF participants to meet extraordinary needs in addition to any monthly assistance and support services received, without affecting their income and resource level and eligibility status.

11.04 Transitional Support Services:

Tribal TANF participants may be eligible for support services payments for:

- up to **365** days after they become employed
- And are not eligible for the TANF cash grant due to excess income (e.g. income that exceeds the Tribal TANF eligibility standards).
- Job Retention Incentives may be provided for individuals transitioning from a cash grant benefit who are able to maintain employment (and provide verification) at the following intervals: Upon reported and verified employment – “**six (6)**” months **\$500**; and “**twelve (12)**” months - **\$1,000**. This incentive is given in voucher form to a local retailer of their choice.

Incentives may NOT be used to purchase

- ALCOHOL,
- TOBACCO,
- FIREARMS.

Job Incentives will be allowed:

- Only once upon verified employment,
- Unless good cause for failure to retain employment is established.

11.05 Child Care

Families are eligible for

- The Idaho Child Care Program, IDAPA 16.06.12, if child care is needed for a parent or caretaker relative to participate in Employability Development Plan activities.

NOTIFICATIONS

12.01 Department Notification Responsibility

Written notices must be provided

- To a family whenever eligibility or the grant amount changes.
- The notification must state the effective date and the reason for the action, the rule that supports the action, and the family’s appeal rights.

12.02 Advance Notification Responsibility

Whenever a reported change results in a grant closure or decrease,

- The Department must provide written notification at least 10 calendar days before the effective date of the action.

12.03 Advance Notification Not Required

Notification must be provided by the date of the action, but advance notification is not required when a condition listed in following Subsection exists.

.01 Family Requests:

- The family requests closure of the grant in writing

.02 Family Members in Institution:

- A family member is admitted
- Or committed to an institution.

.03. Family's Address Unknown:

- The family's whereabouts are unknown and Department mail is returned showing no known forwarding address.

.04. TANF Received in Another State: A family member is receiving TANF in another state.

.05. Child Removed: A child family member is removed from the home due to a judicial determination.

.06. Intentional Program Violation (IPV): An IPV disqualification begins the first month after the month the member receives written notice of disqualification

.07. When Family does not report changes in circumstance such as

- Income,
- Resources
- Or family composition.

12.04 Temporary Absence

Eligible individuals:

- May be temporarily absent from the home for a reasonable period not to exceed 30 days, but will not be included in grant.

12.05 Notification Requirement

The Department will notify the household, in writing, of the approval or denial of the application and the right of appeal, if applicable, within **21** days of received application.

12.06 Retrocession.

If the Nez Perce Tribe ever needs to retrocede the program, they will comply with all applicable TANF regulations and related laws as specified in 45 CFR 286.30

12.07 Fiscal Accountability: For each fiscal year during which the Nez Perce Tribal TANF Program receives or expends funds pursuant to a block grant under Section 412 of Title 1 – Block Grants for Temporary Assistance for Needy Families, the fiscal accountability provisions of Section 4(f)(1) of the Indian Self-determination and Education Assistance Act (25 U.S.C.450C9(f)(1), relating to the submission of a single agency audit report required by chapter 75 of Title 31, United States Code, applies. Citation 45CFR286.75(h)

12.08 Data collection and reporting: Nez Perce Tribe will comply with all statutory and regulatory data collection and reporting requirements pertinent to the TANF Program 45 CFR 286.245

12.09 45 Day comment Period:

We held a 45 day comment period from Sept 14 thru Oct 28, 2016 in accordance with 45CFR286.75(a)(6) There were no comments.

12.10 Safeguards in place to prevent TANF participants from displacing other workers.

A TANF participant cannot take a job which will displace another employee. If this happens, notice is to be made to the TANF Program Manager, who will evaluate the situation and take the appropriate corrective action. Citation 45 CFR 286.100