



1503-1 Notices/Adequate and Timely

Supersedes:	TANF 1503-1 (01/01/06)
References:	ARM 37.5.505 and 37.78.102
Overview:	<p>GENERAL RULE—Timely and/or adequate notice must be given in all instances of adverse action. An adverse action is action intended to discontinue, terminate, disqualify/sanction, or reduce assistance or to impose such conditions as protective payments or participation requirements.</p> <p>Prior to notifying the individual, all computer match information must be independently verified to confirm its accuracy.</p> <p>NOTE: Once benefits have been issued (fourth working day before the end of the month), they cannot be changed or terminated</p>
COMPLETE NOTICE	<p>Complete Notice – A written statement that informs the applicant or recipient of the:</p> <ol style="list-style-type: none"> 1. Action taken and/or the eligibility period, 2. Reason for the action, 3. Specific agency policy and state and federal regulations supporting the action, 4. Date the action will occur, and 5. Person’s right to request a hearing. <p><u>All notice must contain the above information.</u></p>
TIMELINESS REQUIREMENTS	<p><u>Adequate Notice</u> – Written notification as stated above, to be received by the individual no later than the date of action or the date benefits would have been received. Notices must be mailed no more than two working days after cutoff to meet adequate timeframes.</p> <p><u>Timely Notice</u> – Written notification as stated above, mailed at least ten (10) day prior to the date of the action.</p> <p><u>Ten (10) Day Notice Period</u> – the ten (10) consecutive days beginning the date the notice was mailed.</p> <p>NOTE: Notices are mailed the next working day after they are sent, and are not mailed on weekends or holidays.</p> <p>NOTE: Mass changes that cause a decrease or termination of benefits require a timely notice.</p>
PROBABLE FRAUD NOTICE	<p>The agency may shorten the period of advance notice to five (5) days if:</p> <ol style="list-style-type: none"> 1. The agency has facts indicating possible fraud by the applicant/participant; and

	<p>2. The facts have been verified, if possible, through secondary sources.</p>
<p>EXCEPTIONS TO TIMELY NOTICE REQUIREMENTS</p>	<p>The State or County may dispense with timely notice but must send a complete adequate notice, to be received no later than the date of the intended action or the date benefits would have been received, in the following situations:</p> <ol style="list-style-type: none"> 1. Application is denied. 2. Death of Participant (or Payee)--Factual information confirms the death of a participant and there is no relative to serve as a new payee. 3. Participant Knowingly Provides Information Affecting Benefits--The participant provides all information necessary to determine benefits on signed HCS 260, "Change Report Form" or a signed HCS -272, "Redetermination Form" which informs him/her of the possible consequences of providing such information. <p>NOTE: Participants cannot be required to report all changes on a signed change report form.</p> <ol style="list-style-type: none"> 4. Participant No Longer Wishes Assistance and Requests Closure of Case-- The participant makes a verbal request or submits a signed statement that he/she no longer wishes to receive TANF cash assistance and requests case closure. 5. Participant Admitted or Committed to an Institution--The participant has been admitted or committed to an institution (e.g., prison or mental hospital), and further benefits to that individual do not qualify for federal financial participation. 6. Participant's Whereabouts Are Unknown--The case is being closed because conclusive evidence proves that there has been a loss of contact. (e.g., State or County mail has been returned by the Post Office). 7. Participant Moves to Tribal TANF or Another State-- A participant has applied for benefits in a new jurisdiction and the fact has been established by phone, FAX or written contact from either the other jurisdiction or the participant. <p>NOTE: During the application process, if the participant has provided information and verification regarding a change in household composition that results in a decrease and/or closure of TANF benefits in an existing case, adequate notice must be given to the existing case.</p> <ol style="list-style-type: none"> 8. Participant applies for benefits in another county or as a separate household in the same county--The participant has applied for benefits in another county within the state or has applied for benefits as a separate

	<p>household and during the application process has provided information and verification regarding a change in household composition that results in a decrease and/or closure of TANF benefits in an existing case.</p> <p>9. Participant Placed in Long Term Care--The participant has been placed in skilled nursing care, intermediate care, or long term hospitalization and the absence is not considered temporary (see TANF 302-1 for temporary absence policy).</p> <p>10. Participant Placed in Foster Care --A minor child is removed from the home as a result of a judicial determination, or voluntarily placed in foster care by his legal guardian and the absence is not considered temporary (see TANF 302-1 for temporary absence policy).</p>
Date Revised	January 1, 2007