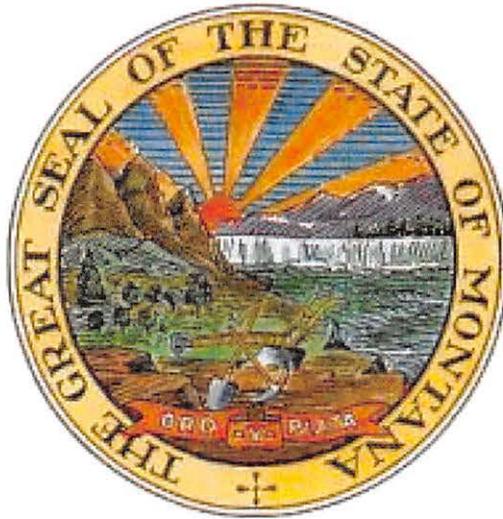


# STATE OF MONTANA



**2018**

**Temporary Assistance for Needy Families (TANF)  
State Plan**

**Department of Public Health and Human Services**

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**I. PREFACE**

The Montana Department of Human Services (DPHHS) is directed to file a Temporary Assistance for Needy Families (TANF) state Plan as required by federal regulations. This plan sets forth criteria for the determination of eligibility and the delivery of benefits, and for the fair and equitable treatment, including an explanation of how the state will provide opportunities for recipients who have been adversely affected to be heard in a State administrative hearing process.

In the administration of its TANF program, the State of Montana will not discriminate based on race, color, national origin, age, sex, physical or mental disability, religion, creed, marital status and political beliefs.

**II. GENERAL PROVISIONS OF TANF**

**A. Intention of the Program**

The Montana Department of Public Health and Human Services (DPHHS) implemented changes to the TANF program January 1, 2017. These changes support the goals and objectives defined by the TANF advisory council in the 2014 TANF strategic plan. The program has broadened its focus to ensure families are meaningfully engaged to accomplish their goals related to family stability, employability, and financial security.

Prior to January 2017, Montana's TANF program was focused primarily on getting parents to work as soon as possible. We evaluated success of families solely on the federal work participation rate requirements. The program didn't have the capacity to consistently focus on underlying issues preventing people from being able to get and keep good paying jobs.

In 2014, DPHHS conducted an in depth needs assessment and strategic planning process, which showed us that the way we were doing things, meaning the systems we set up at the state level, weren't necessarily helping us meet our goals of family unity or self-sufficiency. We heard from clients, contractors, and community stakeholders that the program's rigid structure did not allow families to address barriers in child care, health, mental health, substance use, transportation, education, and housing. We looked to national best and promising practices, and thought about what would work best in Montana to better support families. We spent time thinking about what success looks like, and how we change our system to meet these goals.

The Montana TANF Family Bridge Model is the framework of Montana's TANF program. The design of the Bridge Model aligns with the program goals of family stability, employability, and financial security. The Bridge is an assessment tool used at intake and throughout participation in TANF to help families identify strengths and barriers, to determine short and long term goal setting and barrier reduction approaches.

Montana has moved to a universal engagement model, where families engage in activities to support their journey to self-sufficiency that make sense for their personal or family

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circumstances. The approach is person-centric, using person-centered planning and self-direction principles of leveraging an individual's strengths and desires and addressing her or his unique barriers within employability/service plans. It is also community-centric, leveraging the strengths and assets of a community to collectively support families without duplicating efforts, services, or supports.

Pathways' client advocates will provide strength-based coaching, support, and mentoring for families on achieving person-centered goals. This will include, but is not limited to; assessments, ongoing budgeting, financial coaching, brokering of services, referrals to community services and other services appropriate to reduce barriers.

### III. MONTANA'S TANF PROGRAM

A. Federal, State and Maintenance of Effort (MOE) funds are spent on several assistance and non-assistance programs that meet the requirements of federal law and regulations. These items include:

1. The TANF Cash assistance program is a time-limited program (60-months) designed to provide low-income single, two-parent and caretaker relatives with minor children a monthly cash grant, employment/training activities, and educational opportunities. The State of Montana allocates State non-MOE funding to two parent families unable to participate fully in the program. The goal is to ensure families are stable, able to work and financially secure.
2. January 1, 2017 Montana implemented the Pre-TANF/Introductory period and the Montana TANF Family Bridge Model, the framework of Montana's TANF program. The pre-TANF period allows Pathways up to 30 days from the referral date to conduct screenings, set goals, and determine barrier reduction approaches. Pathways will help eligible TANF cash and TANF non-cash families determine whether they are ready to actively participate in high intensity services and supports associated with the TANF program.

The Montana TANF Family Bridge Model is an assessment tool used at intake and throughout participation in Montana's employment and training program, Pathways. The Bridge outlines factors associated with family stability, employability, and financial security, and has a rating scale to determine the degree each factor represents a barrier to an individual or family. The Family Bridge Model will be used to inform program design, family screening, assessment, goal setting, and supports, and outcome tracking.

3. Beginning January 1, 2008 Montana implemented a Post-Employment Program to provide transitional assistance to families transitioning off TANF Cash assistance due to new or increased earned income and continue to meet all other TANF eligibility. August 1, 2016 Montana enhanced the Post-Employment Program, extending the program from 3 to 12 months and includes access to supportive services, child

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care assistance and a benefit that gradually decreases. The monthly benefit is funded by MOE. The benefit and incentive amounts are as follows:

- Months 1-6, clients receive a \$100 per month Post-employment payment
  - Months 7-12, clients receive a \$50 per month Post-employment payment
  - A \$300 Work Pays Incentive is given in months 1, 7 and 12
4. Beginning January 1, 2017, the Pathways Work Pays Incentive provides a \$10 per month incentive, funded with MOE. Eligible non TANF Cash clients must have income at or below 200% of FPL and have negotiated full activity hours with verified employment.
  5. Beginning July 1, 2005 TANF cash families are eligible to receive a Child Support Supplement Payment. The amount is based on current child support collected from a non-custodial parent, equal to the amount of current child support collected, up to but not exceeding, \$100.00 per month per TANF household.
  6. As of January 1, 2017, TANF employment and training services are provided through contracted partners throughout the state. Montana's Statewide employment and training program is now titled Pathways. Funds are used to provide education and training or other work activities to families who are eligible for TANF Cash assistance or are otherwise TANF eligible with income at or below 200% of FPL. Services and funding are based off the contractor's budget and are funded by MOE and federal dollars. The funds may be used on, but are not limited to:
    - Post-secondary education
    - Specialized training
    - Subsidized employment
    - Financial literacy
    - Matched savings and Individual Development Accounts (IDA)
    - Service brokering
    - Incentives
    - Supportive services, and
    - Other allowable services, on an as need basis, to help individuals and families become stable, able to work and financially secure.
  7. Effective August 1, 2007 Montana implemented a Working Caretaker Relative Child Care Program. This program was the result of legislation contained in HB-2 of the 2007 Montana Legislative Session. This program is designed to assist specified caretaker relatives who are receiving child only TANF grants with child care costs associated with the minor child(ren) for whom they are receiving TANF cash assistance. In order to qualify for the program, the specified caretaker relative must:

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- Pay a \$50 per month co-pay (Effective April 1, 2012)
  - Be receiving child only TANF for a minor child or children
  - Be employed as defined by the state
  - Complete the application packet for the program and submit it to the Child Care Resource and Referral agency; and
  - Beginning October 1, 2009 meet the income eligibility requirement of 250% of the current FPL.
8. Emergency Assistance program provides financial assistance on behalf of families with children under age 21 when an unforeseen event causes or threatens to cause the destitution of the child and/or situations where child abuse and/or neglect of a child has occurred or may occur in the immediate future. This eligibility is the same as that found in the State Emergency Assistance Plan that was in effect as of August 21, 1996. Section 3 of Montana's AFDC State Plan in effect 8/21/96 is attached.
9. The TANF service for Montana is a TANF Information & Referral (I & R) brochure which provides information and referrals to other agencies, programs, organizations and/or community resources that could benefit the entire SNAP household. SNAP federal regulations allow expanding categorical eligibility for SNAP if all members participate in a program, receive a service, or are authorized to receive a service.

If any household member receives the TANF I & R brochure, the whole household may be found expanded categorically eligible because the whole household benefits from the service. This includes elderly, disabled and childless individuals because the TANF I & R brochure is designed to educate and serve all individuals in the community who want to use the services.

10. Montana operates a Supplemental Services Program (SSP) under a separate state program (MOE funded) which provides some mental health and family stabilization and reunification services for youth. Eligibility includes:
- Youth 18 years of age or younger, or if in secondary school, less than 19 years of age and have a Serious Emotional Disturbance (SED).
  - Youth (up to age 20 if in secondary school) who qualifies for Healthy Montana Kids Plus (HMK Plus/Medicaid) or youth (under 18 years of age or less than 19 years of age if in secondary school) who qualifies for Healthy Montana Kids (HMK/CHIP) Extended Mental Health Benefit plan.
  - The requested service is not covered by HMK Plus or HMK Extended Mental Health Benefit plan.
  - Countable income of the youth's family does not exceed 185% of the Federal Poverty level.

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11. Maintenance of Effort (MOE) funding is provided to Tribal TANF programs that are approved by the Federal Department of Health and Human Services after July 1, 1999 and choose to base its share of the federal TANF block grant on the same federal fiscal year 1994 service population. (Montana Code Annotated 53-4-210)

A tribe or combination of tribes may use the MOE share for monthly cash benefits payments or supportive services costs as allowed under the Montana State plan.

12. Effective July 1, 2009 Montana implemented the Second Chance Home Services Support program. The purpose of the program is to provide therapeutic residential services for pregnant and parenting young women up to the age of 21. The objectives of these services are to promote family stabilization by providing assistance to needy families so that children may be cared for in their own homes and to assist in the prevention and reduction of out-of-wedlock pregnancies. These programs promote the creation of healthy relationships within the family.

Services must include:

- An adult-supervised, supportive living arrangement;
- Pregnancy prevention services or referrals;
- A requirement to finish high school or obtain a high school equivalency certificate;
- Access to support services such as child care, health care, transportation, and family counseling;
- Parenting and life skills classes;
- Educational opportunities, nutritional education, job training, and employment services;
- Individual case management and mentoring;
- Services to ensure a smooth transition to independent living,
- Child development; and
- Pre and post-natal education.

13. The Department of Labor and Industry launched a pilot partnership July 1, 2016 to utilize TANF funds to further support clients in HELP-Link, the Montana HELP Plan Medicaid Expansion workforce program. This enhancement funds additional supports and opportunities that will increase clients' earning capacity and provide for economic self-sufficiency.

The Department will fund up to \$250,000 per year in workforce development activities provided by the Montana Job Service system housed at DLI.

The HELP-Link Plus is available to clients who are enrolled in HELP-Link (and therefore the Montana HELP Plan) and who are also eligible for TANF. Help Link + Clients will have access to training, supportive services, and subsidized employment.

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B. TANF Eligible Individuals

Montana has established objective criteria for the delivery of benefits and the determination of eligibility to assure the applicant receives fair and equitable treatment. TANF Cash and TANF non-cash eligibility is outlined below.

Eligible individuals include:

1. Minor children (under age 18 or if age 18 but less than 19, attending secondary school full-time).
2. Specified caretaker relatives with whom the minor child is living such as a parent (natural/adoptive parent or stepparent related by marriage to the child's natural/adoptive parent). Any relation by blood, marriage, or adoption who is within the fifth degree of kinship.
3. The minor child's blood-related/adoptive minor siblings or minor step-siblings living with him/her.
4. Pregnant women in their last trimester who have no other eligible children.
5. Refugees, victims of severe forms of trafficking and other qualified aliens as defined in Title IV of Public Law 104-193 as amended. Aliens (unless excepted by federal law) who enter the United States on or after 8/22/96 are barred from receiving assistance for their first five years in qualified alien status.

Individuals not eligible:

1. A minor child or a specified caretaker relative, who is temporarily absent from the home for a period of time greater than 90 consecutive days with the following exceptions:
  - The absent member is away from home for medical treatment and is otherwise eligible.
  - The child's absence is for the sole purpose of attending a boarding school and the child is expected to return to the home at the end of the school term.
  - The absent adult is away from home for a specific short-term training or employment.
2. Minor children who are receiving Title IV-E Foster Care payments and whose absence from the home is not considered temporary.
3. Individuals who are in violation of a condition of his/her probation or parole imposed under state or federal law.

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4. Individuals fleeing to avoid being prosecuted for a felony or fleeing to avoid custody or confinement after conviction of a felony.
5. All members of a household which includes an individual who has been convicted after August 22, 1996, of any offense which is classified as a felony in the jurisdiction where the offense occurred and which has an element the possession, use, or distribution of a controlled substance as defined in section 102(6) of the Controlled Substances Act [21 U.S.C. 802 (6)] unless the individual is complying with the conditions of supervision, is actively participating in treatment if required, or the sentence associated with the felony conviction has been discharged.
6. Unqualified aliens. Aliens (unless accepted by federal law) who enter the United States on or after 8/22/96 are barred from receiving assistance for their first five years in a qualified alien status.
7. Individuals receiving Supplemental Security Income (SSI) under Title XVI of the Social Security Act.
8. All members of a household which includes specified caretaker relatives who do not assign certain child support rights to the State, cooperate in establishing paternity, or obtain child support as required under Title IV-D.
9. Teenage parents who are not living with a specified caretaker relative within the fifth degree of kinship and who are not approved to live independently or in an alternative adult supervised setting as defined by the State.
10. Individuals found to have fraudulently misrepresented residence in order to obtain assistance in two or more states.
11. All members of a household which includes an adult who has received assistance for 60 months or more, unless the adult has applied for and been approved for Extended TANF Cash benefits under special circumstances outlined by the state.
12. All members of a household which includes individuals who fail or refuse to negotiate an Employability/Service plan.
13. All members of a household which includes an individual who has been sanctioned for a second or subsequent time and the sanction results in an ineligibility period.
14. Individuals who are incarcerated, even if the individual is expected to return to the home within 90 days.
15. An individual who is serving an intentional program violation.

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16. All members of a household which include a specified caretaker relative who fails or refuses to comply without good cause with eligibility requirements including providing information and verification necessary to determine eligibility.

C. Resource limitations for the TANF Cash program are \$3000. The family's resources are evaluated and the equity value of countable resources as defined by the State cannot exceed \$3000. TANF non-cash services do not have a resource limit.

D. Income Standards

Effective July 1, 2013 the TANF Cash income standards are:

- The benefit standard is set at 30% of the 2011 federal poverty index.
- The gross income standard is 185% of the net income standard.
- The net income standard is determined by dividing the benefit standard by 78.5%.

Effective October 2005, a payment standard was implemented. The payment standard has evolved as follows:

- October 2005: 33% of the 2005 FPL
- July 2007: 33% of the 2007 FPL
- July 2009: 33% of the 2009 FPL
- July 2013: 33% of the 2011 FPL
- July 2015: 35% of the 2015 FPL
- July 2016: 35% of the 2016 FPL

Effective January 1, 2017, TANF Pathways non-cash services income standard is 200% of the federal poverty index.

E. Budgeting Methodology – TANF Cash

Countable earned and unearned income is tested prospectively against the Gross Monthly Income Standard (GMI) and the Benefit Standard for the household size and circumstances. If the family passes the GMI standard, income disregards are subtracted in a specific order from the monthly gross income to establish the family's countable monthly income. If the family's income equals or exceeds either of these standards, the family is not eligible for benefits. If the family's income is less than the Benefit Standard, the cash assistance grant amount is determined by subtracting the total countable income from the Payment Standard.

The income (subject to certain disregards) of certain individuals is deemed when determining eligibility. These individuals who live in the home and are related to the

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minor child by marriage or parentage, but whose needs are not included in the benefits and/or grant are:

1. The qualified alien's sponsor and sponsor's spouse.
2. The spouse or the father of the unborn pregnant woman (in the last trimester of her pregnancy) who has no other eligible child in the home.
3. The spouse of the caretaker relative whose needs are included in the assistance unit's grant and who is not the natural or adoptive parent of the dependent child.

F. TANF Cash Income Disregards

1. Before receiving any disregards, TANF cash assistance applicant's/client's income must be less than the GMI standard.
2. If the income is less than the GMI standard, earned income disregards are subtracted from the countable earnings of each wage earner. The TANF Cash earned income disregards are:
  - a. \$200 work expense.
  - b. Twenty-five percent (25%) of the balance; and
  - c. A maximum of \$200 per month per child for child care expenses.
  - d. The obligated disregard of legally-binding child support payments expected to be paid for dependents not living with the family.

G. TANF Post-Employment Program Disregards

1. To determine eligibility for the TANF Post-Employment Program, 100% of the monthly gross countable earned and unearned income of the new wage earner or wage earner with increased income is disregarded.

H. Nonfinancial Eligibility

1. Minor child age limitations.
2. Minor child must live with a specified caretaker relative within the 5th degree of kinship.
3. Furnish a social security number or verification that one has been applied for.
4. Be a U.S. citizen or qualified alien.
5. Montana resident.
6. Cooperate with Child Support Enforcement.
7. Cooperate with Program Compliance reviews.

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8. All work eligible TANF clients must negotiate and sign an Employability/Service Plan (E/SP).
9. Provide verification that any individual in the household who has been convicted of a drug-related felony after August 22, 1996, is actively complying with conditions of supervision, actively participating in treatment, if required, or provide documentation that the sentence has been discharged.
10. The 60-month time clock has not been exhausted.
11. Teen parent living in an approved adult supervised setting, unless he/she is approved to live independently.

I. Benefit Issuance

Monthly TANF Cash benefits are issued by state warrant, direct deposit or electronic benefit transfer payable to the minor child's caretaker relative unless the caretaker relative has clearly demonstrated an inability or unwillingness to use the payment to meet the basic needs of the minor child as determined by a Department employee of the division which provides protective services to children. Under these circumstances, the Department will designate a protective payee with the caretaker relative's assistance. The protective payee may not be anyone directly involved in the determination and authorization of eligibility and/or benefits.

J. Redetermination of Eligibility is completed:

1. Monthly on the basis of anticipated changes in the family's situation;
2. Promptly after a report is obtained which indicates changes in the family's circumstances that may affect the amount of the TANF Cash payment or may make the family ineligible; and
3. By conducting a face-to-face or phone review of all eligibility every twelve months for all TANF Cash and TANF non-cash clients.

K. Employability/Service Plan

Each work eligible (TANF Cash and TANF non-cash) parent/caretaker relative, teen parent or minor child (age 16 or 17) not attending secondary school or other equivalent training program must develop an Individual Responsibility Plan know as an Employability/Service Plan (E/SP). The E/SP is intended to eliminate the barriers that brought about the families need for public assistance. It sets forth a plan for moving the family into a path for family stability, employability and financial security. The Employability/Service Plan includes:

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1. The results of the Montana bridge assessment and outlines the activities negotiated to support the client's goals. The client signs the E/SP agreeing to comply with all activities stated therein. The Pathways Client Advocate also signs the E/SP on behalf of the State, acknowledging its obligation to assist the individual in his or her efforts to become self-supporting. Each E/SP is specifically tailored to address the family's needs and the client's employment goals and responsibilities.
2. When developing the E/SP with an individual, the Pathways Client Advocate will consider a clients' disability or their Limited English proficiency (LEP) and make reasonable accommodations when negotiating work activities and to ensure successful program compliance.

L. Re-engagement and Sanction process

January 1, 2017, Montana implemented a re-engagement process to reconnect the client with their E/SP, goals and steps needed to address self-sufficiency. Client Advocates offer all screenings and review the Montana Family Bridge goals with the client to establish why the client is unable to participate in their negotiated activities and to address any barriers to participation. Clients are given every opportunity in the re-engagement process to participate prior to a sanction being imposed.

January 1, 2008, Montana implemented a progressive sanction policy for failing to comply with an E/SP is as follows:

1. The first non-compliance (sanction) will result in the loss of an amount equal to the sanctioned individual's portion of cash assistance for one month. This is referred to as a penalty month.
2. The second non-compliance (sanction) will result in total household ineligibility for a period of one month. This is referred to as an ineligibility period.
3. The third non-compliance (sanction) will result in total household ineligibility for a period of three months. This is referred to as an ineligibility period.
4. The fourth or subsequent non-compliance (sanction) will result in total household ineligibility for a period of six months. This is referred to as an ineligibility period.

The ineligibility period will follow the household members even if they move to another household and apply for benefits as part of that household, with the following exceptions:

1. The children are removed from the sanctioned household by Child and Family Services and are determined eligible for child only TANF in another household;  
or

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2. The children are determined eligible for child only TANF in another household.

The 60-month time clock continues to tick, if appropriate, for the sanctioned individual during the first non-compliance penalty period. The time clock will not tick for anyone in the family for a second or subsequent non-compliance because no benefit will be issued.

For a first non-compliance, if the sanctioned individual is a “work-eligible” individual, they are required to negotiate an E/SP and agree to participate in allowable work activities during the sanction penalty month. Failure to do so will result in case closure as the negotiation of the E/SP is an eligibility requirement. If the sanctioned individual is not a “work-eligible” individual, they are not required to negotiate an E/SP and agree to participate in allowable work activities during the sanction penalty month. However, they must negotiate an E/SP for the following month prior to the end of the sanction penalty month, or the case will be closed for failing an eligibility requirement.

Non-compliance (sanction) does not apply for those individuals who are receiving TANF cash assistance through the Post-Employment Program; instead the entire household becomes ineligible for TANF cash assistance.

#### M. Work Activities and Participation requirements

Pathway’s Client Advocates assist clients in identifying their needs and build on client’s strengths while supporting them in meeting their goals to self-sufficiency. Activities are based on the results of the Montana Family Bridge assessment and the client’s goals and interests. Client advocate staff will take into consideration a client’s disability or Limited English Proficiency (LEP) and child care and make reasonable accommodations to assist in negotiating and completing work activities based on a client’s ability and availability of child care. A temporary breakdown in child care arrangements will be considered a possible good cause reason for non-compliance with allowable work activities.

Participation hours for TANF Cash work activities are set forth in Title I of Public Law 104-193. Section 407 (a) (1) and (2). Montana will disregard from the state’s work participation rate calculation those individuals who are participating in a Tribal NEW program. Other tribal clients not participating in a Tribal NEW program will continue to count toward the state’s participation rate.

Allowable TANF Cash work activities are based on federal activities allowed at 45 CFR 261.30 with the limitations and special provisions listed in 45 CFR 261.31 through 45 CFR 261.35 and on the TANF Reauthorization Regulations contained in the Deficit Reduction Act of 2005. Montana’s allowable work activities are:

1. Employment (Unsubsidized or Subsidized) – Unsubsidized employment activity means full or part-time employment or self-employment in the public or private sector that is not subsidized by TANF or any other public program. Subsidized

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employment is defined as employment for which the employer receives a subsidy from TANF or other public funds to offset some or all of the wages and costs of employment of a recipient.

2. **Work Experience (WEX)** - The work experience activity means placement in a formal job site training experience that provides an individual with an opportunity to acquire the general skills, training, knowledge and work habits necessary to obtain employment. All work experience placements have a detailed training plan. The main purpose of work experience is to improve the employability of those who cannot find unsubsidized employment.
3. **Job Search and Job Readiness Assistance** – The Job Search/Job Readiness activity means the act of seeking or obtaining employment, preparation to seek or obtain employment, including life skills training, and substance abuse treatment, mental health treatment or rehabilitation activities. Such treatment or therapy must be determined to be necessary and certified by a qualified medical or mental health professional.
4. **Community Service** – The Community Service activity includes structured programs and embedded activities in which the client performs work for the direct benefit of the community under the auspices of public or nonprofit organizations.
5. **Vocational Educational Training** – The Vocational Educational Training activity means organized educational programs, up to a Baccalaureate or advanced degree, that are directly related to the preparation of individuals for employment in current or emerging occupations requiring training.

Effective 8/1/2011 Montana implemented the revised Parents As Scholars (PAS) program as a result of Senate Bill 385 (2011 legislature). PAS allows approval of Vocational Educational Training or continuation of studies to obtain a High School Equivalency Certificate (HI SET) as an allowable work activity above and beyond the restrictions noted in federal regulation (12 months of Vocational Educational Training and primary/secondary limitations for HI SET studies.) The PAS program is limited to 25 eligible TANF clients. Montana recognizes these individuals are not considered to be meeting the work participation rate due to the federal restrictions on these activities and are reported as such.

6. **Job Skills Training (Directly Related to Employment)** – The Job Skills Training activity means training or education for job skills required by an employer to provide an individual with the ability to obtain employment or to advance or adapt to the changing demands of the workplace.
7. **Education directly related to employment** in the case of a client who has not received a high school diploma or a certificate of high school equivalency means education related to a specific occupation, job or job offer. This may include

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education leading to a high school equivalency diploma, adult basic education, and ESL.

8. Satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalence, in the case of a client who has not received a high school diploma or a certificate of high school equivalency means regular attendance, in accordance with the requirements of the secondary school or course of study at a secondary school, or in a course of study leading to a certificate of general equivalence.
9. Family Stability Activities assist families in overcoming barriers that may prevent them from achieving stability, working and being financially secure. This activity is used to help stabilize families so they meaningfully participate in work activities. Montana recognizes client's engaged in family stability activities will be included
10. Assessment activities can be used in conjunction with the above allowable work activities. The assessment activity provides an individual with the opportunity to assess and develop the skills that are needed to obtain employment.

N. Non-displacement on work site/grievance procedure

1. Non-displacement at Work Experience and/or Subsidized Employment work sites is established (prior to placement) through the negotiation of an agreement between the State's contractor and the employer.
2. A grievance procedure is in place to resolve complaints of alleged violations of the displacement rule and work site employers are informed of this procedure during the negotiation of the site agreement.

O. TANF Cash Time-Limited Benefits

1. Time limited benefits

A family may not receive TANF Cash assistance in excess of 60 months in the adult's lifetime. Montana's electronic eligibility determination system, Combined Healthcare Information and Montana Eligibility System (CHIMES), maintains time clocks for all adults receiving cash assistance. CHIMES will not allow authorization of cash assistance beyond the adult's 60-month time limit unless an extension has been granted. A household may apply to receive an extension to the 60-month time limited benefits as allowed in Sec. 264.1 (c) of the CFR.

The CHIMES maintains the 60-month limit for federal purposes and reflects every non-excluded month of cash assistance received by an adult in Montana beginning February 1, 1997 (TANF State Plan effective date) and from another state or states beginning no earlier than October 1, 1996 nor later than July 1,

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1997 depending on when that state's TANF State Plan became effective. Federal TANF exclusions stop this clock.

2. Clients not subject to the TANF 60-Month federal time limits are:
  - a. Minor children under the age of 18 or up to age 19 attending school full-time and living with a specified caretaker relative.
  - b. Teen parent, not head-of-household
  - c. Adult parent, not head-of-household, unmarried
  - d. Disqualified parent
  - e. Disqualified spouse

3. TANF 60-month time limit exclusion

In determining the number of months for which an adult (regardless of race) has received cash assistance, the State excludes any month during which an adult (regardless of race) lives within the exterior boundaries of an Indian reservation if, during the month, at least 50% of the adults were not employed. Joblessness is evaluated using the standards established jointly by the Administration for Children and Families and the tribe relying on the most reliable federal data available with respect to such month.

4. TANF Cash 20% hardship exemption

Montana will extend TANF cash assistance payments beyond the Federal 60-month limit to households which apply for Extended Benefits, are otherwise eligible for TANF cash assistance, and where all adult household members meet one of the following Extension Reason criteria:

- a. Physical/mental illness or incapacity of a caretaker (this could be temporary or permanent) that prevents the individual from working.
- b. Physical/mental illness or incapacity of a caretaker due to domestic violence (this could be temporary or permanent) that prevents the individual from working.
- c. Needed in the home full time as the primary caretaker for a household member who is suffering from a physical/mental illness or incapacity (if alternative care is available, this is not an allowable for an extension).
- d. Dealing with a current domestic violence situation (this extension may be granted up to six-months).

**P. Supportive Services**

Funds are available to pay expenses that are, or may be, incurred by a client to comply with his/her Employability/Service Plan (E/SP) activities. Each request is evaluated

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based on situation and the need for assistance. In all instances, care is taken to prevent client dependency on the availability of these funds. Clients must be eligible for TANF Cash or TANF non-cash services and actively participating in Pathways.

#### IV. REQUIREMENTS

##### A. Out-of-wedlock pregnancies/teen pregnancies

###### 1. Interagency Coordinating Council

Montana continues its statewide efforts to prevent and reduce unintended pregnancies, with special emphasis on teenage pregnancies. The Interagency Coordinating Council (ICC) for State Prevention Programs is authorized in MCA 2-15.225, which outlines membership and duties of the Council.

Designated members of the Council are:

- Attorney General
- Director of the Department of Public Health and Human Services
- Superintendent of Public Instruction
- Presiding officer of the Montana Children's Trust Fund board
- Administrator of the Board of Crime Control
- Commissioner of Labor and Industry
- Director of the Department of Corrections
- State Coordinator of Indian Affairs
- Director of the Department of Transportation
- Commissioner of Higher Education
- Two people appointed by the governor who have experience with private or nonprofit prevention programs and services
- Designated representative of a state agency who wants to participate and is acceptable to a majority of the other members

One of the five ICC goals is “reducing teen pregnancy and sexually transmitted diseases by promoting the concept that sexual activity, pregnancy, and child rearing are serious responsibilities.”

The provision of family planning services throughout the state provides affordable, confidential education and birth control to 26 communities throughout the state. These services have contributed to the previous stability of the rate of births to Montana teens. One of the WMHS shared vision for Montana Family Planning program is to reduce unintended pregnancies, including focusing on teen pregnancy prevention. While no single approach can fully address or solve the complex problem of teen pregnancy, early and comprehensive teen pregnancy prevention strategies remain exceedingly more cost effective than the choices available once pregnancy occurs.

###### 2. Montana Personal Responsibility Education Program (MT PREP)

The WMHS has received \$250,000 of federal funds through fiscal year 2017. The goal of Montana PREP is to educate adolescents on both abstinence and contraception to prevent pregnancy and sexually transmitted infections (STIs), including HIV/AIDS, and to help Montana teens go on to lead healthy, productive lives. Key activities of this grant include the provision of funds to six contractors across Montana which includes county health departments, community service centers, and other agencies that serve at-risk teens. Agencies accomplish this by providing middle and high school students with the following evidenced-based curriculum proven to teach refusal skills and change risk-taking behavior:

*Draw the Line/Respect the Line curriculum* helps middle-school students develop personal sexual limits and practice the skills needed to maintain those limits when challenged. Healthy sexual limits will keep youth safer from HIV, other STIs and unplanned pregnancy.

*Reducing the Risk and Making Proud Choices curriculum* are designed for high school students and takes an active approach to prevention of teenage pregnancy and protection against HIV and other STIs that motivates students to change their high-risk behaviors.

#### B. Education and training on rape

Montana continues to provide education and training regarding rape and sexual assault. Montana receives federal funding from the National Injury and Violence Prevention Center administered through the Centers for Disease Control.

Montana received \$231,016 for FY2017. The program objectives are designed to strengthen sexual violence prevention efforts by supporting a primary prevention model providing education and training to young men and boys, and those serving those populations. Currently, there are five (5) contractors (all colleges) funded to provide services. The funds are used for the following:

1. Educational seminars;
2. Training programs for professionals;
3. Preparation of informational materials;
4. Education and training programs for students and campus personnel designed to reduce the incidence of sexual assault and statutory rape at colleges and universities;
5. Education to increase awareness about drugs used to facilitate rape or sexual assault; and,
6. Other efforts to increase awareness of the facts about, or to help prevent, sexual assault and statutory rape, including efforts to increase awareness in under-served communities and awareness among individuals with disabilities (as defined in Section 12102 of the Americans with Disabilities Act of 1990).

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Montana also received \$42,000 for SFY 2017 in federal funding from the Preventive Health Services Block Grant administered through the National Centers for Disease Control. The program objectives are to prevent sexual assaults and to provide trainings on primary prevention of sexual assault on 5 college campuses to students and faculty/staff.

1. Maintaining a 24-hour answering service for those who have been assaulted;
2. Providing immediate support services to survivors of sexual assault;
3. Training volunteers;
4. Presenting educational programs regarding sexual assault prevention and services; and,
5. Purchasing materials for education.

The Family and Community Health Bureau, Women's and Men's Health Section administers the funding and contracts.

C. Restricted use/disclosure of information

Montana will continue to restrict the use and disclosure of information about individuals and families receiving cash assistance consistent with state and federal law. A release form is used by the Department and its contractors to ensure adherence to the maintenance of confidential information. Recipient information may be provided and used for the following purposes:

1. Reporting child abuse and neglect to the appropriate authority (MCA 41- 3-205).
2. Conducting child support enforcement activities.
3. Establishing eligibility and administering (including audits, investigations, prosecutions, etc.) federal programs or federally-assisted programs which provide assistance (cash, in-kind, or services) directly to individuals based on need.
4. Releasing the client's address to a federal, state, or local law enforcement officer who presents a written request for information for individuals who are fleeing to avoid prosecution, custody or confinement for a felony; are violating a condition of parole or probation; or have information necessary for the officer to conduct official duties.
5. Notification of an appropriate person, authority or other entity that an applicant or client is making threats to harm himself or herself or to harm others, in order to prevent or lessen the threatened harm.
6. Access to the Department's electronic eligibility system adheres to strict security measures to assure employees not directly involved in the administration of public assistance programs do not access recipient information. Requests for information about current or past clients that do not meet the above criteria must be submitted in writing to the Public Assistance Bureau, Central Office. When there is a

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question about a breach of confidentiality, the Central Office will refer the request to the Office of Legal Affairs.

**D. Electronic Benefit Transfer Restrictions**

The State of Montana has implemented policies and procedures as necessary to prevent access to assistance provided under the State program, funded under this part through any electronic fund transaction in an automated teller machine or point-of-sale device located in a place described in section 408(a) (12), including a plan to ensure that recipients of the assistance have adequate access to their cash assistance.

Effective February 1, 2014, the State of Montana has updated its policy to restrict use of and access to TANF cash benefits in an Electronic Benefit Transaction (EBT) at casinos, gaming establishments, liquor stores, and retail establishments that provide adult-oriented entertainment.

Effective January 15, 2014, Montana took steps which include:

1. Informing TANF Electronic Benefits Transaction (EBT) card holders in writing of the policy changes informing them it is against federal law for benefits to be accessed at any of the above locations;
2. Updating eligibility approval and redetermination notices to include the EBT transaction restrictions, ensuring all TANF cash households receive notice of the location usage restrictions;
3. Clients that choose EBT as the method of payment are informed of the EBT location usage restrictions during their interview and must sign a form indicating the type of payment method (EBT, Direct Deposit or Warrant) which includes the EBT restrictions;
4. All new and replacement EBT cards include a notice of the restricted usage in the above-listed locations;
5. Posters are displayed statewide at the Office of Public Assistance locations and at TANF Employment and Training offices informing clients of the restricted usage in the above locations.
6. Effective July 1, 2014, Montana began imposing penalties on recipients who are found to have violated the EBT restriction policy on three (3) or more occasions. Clients subject to penalty are restricted from receiving TANF funds on an EBT card for six (6) months. They instead have the option to receive TANF cash benefits either by direct deposit or paper warrant.

**E. Access to using or withdrawing assistance with minimal fees or charges**

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To ensure recipients have adequate access to their cash assistance, recipients have the option to receive TANF benefits via Electronic Benefit Transfer (EBT), direct deposit into the client's bank account or issuing TANF benefits via paper check. TANF recipients may access cash benefits through point-of-sale (POS) devices at some retailers and at participating Automated Teller Machines (ATM's). TANF recipients are not charged for a POS cash purchase or purchase with cash back. TANF recipients who choose to use an ATM to access their cash benefits incur any bank surcharges. TANF recipients receive information regarding the fees and surcharges related to accessing TANF cash benefits in the "EBT Brochure".

**V. SPECIAL PROVISIONS**

**A. Migration from State-to-State**

Montana will not treat U.S.-domiciled families moving into the State differently than families currently residing in the State and wishing to make application for assistance.

**B. Assistance to Non-citizens**

Montana does not intend to provide assistance to individuals who are not citizens of the United States unless they meet the criteria set by federal law for qualified aliens.

**C. Administrative appeal process**

Montana will continue to provide the opportunity for clients who have been adversely affected to be heard in an administrative appeal process. A client who wishes to appeal may file a request for an administrative hearing before a state Fair Hearing Officer. Following final action, an individual may seek judicial review of this decision.

**D. Community service after two months**

Montana has opted not to require a parent or caretaker relative, after receiving assistance for two months under the TANF cash assistance program, to participate in community service employment. These individuals will continue to participate and comply with E/SP activities.

**E. Training and Employment in elder care/long-term care facilities**

In order to assist individuals in training for and seeking employment in the elder care workforce, Montana will approve the following as allowable work activities: work experience (WEX) placements in facilities that provide elder care; education and training for employment opportunities in the elder care workforce as well as employment in the elder care workforce arena. These types of activities will assist individuals to train for, seek and maintain employment in the eldercare workforce, including providing direct care in long-term care facilities or in other occupations related to elder care.

**VI. EXECUTIVE CERTIFICATIONS**

- A. THE STATE WILL OPERATE A CHILD SUPPORT ENFORCEMENT PROGRAM** under the State Plan approved under Part D.
- B. THE STATE WILL OPERATE A FOSTER CARE AND ADOPTION ASSISTANCE PROGRAM** under the state plan approved under Part E, and the State will take such actions as are necessary to ensure that children receiving assistance under such part are eligible for medical assistance under the State Plan under Title XIX of the Social Security Act.
- C. THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES** will administer and supervise the program in all political subdivisions of the State and assure that local governments and private sector organizations have been consulted regarding the plan and design of welfare services in the State and have had at least 45 days to submit comments so that services are provided in a manner appropriate to local populations.
- D. THE STATE WILL PROVIDE INDIANS WITH EQUITABLE ACCESS TO ASSISTANCE.** The State will provide each member of an Indian tribe, who is domiciled in the State and not eligible for assistance under a Tribal Assistance Plan approved under Section 412, the opportunity to make application for assistance under the State program funded under this part through a local office of public assistance, Application is made by one of the following methods:
1. Completing Form HCS-250, "Application for Assistance" and submitting it to the Office of Public Assistance (OPA) in person, by fax or by mail;
  2. Submitting an online application through [www.apply.mt.gov](http://www.apply.mt.gov); or
  3. Completing a Statement of Facts (SOF) interview by calling the Public Assistance Help Line (PAHL) at 888-706-1535.
- E. THE STATE HAS ESTABLISHED AND WILL ENFORCE STANDARDS AND PROCEDURES TO ENSURE AGAINST PROGRAM FRAUD AND ABUSE.** The State has established standards and procedures concerning nepotism, conflicts of interest among individuals responsible for the administration and supervision of the State program, kickbacks, and the use of political patronage.
- F. OPTIONAL FAMILY VIOLENCE CERTIFICATION**

Montana has adopted the Family Violence Option as stated in below:

1. All work-eligible clients are screened for the occurrence of domestic violence through a self-identification questionnaire and self-assessment. When domestic violence is identified, a referral is made to the Montana Coalition Against Domestic and Sexual Violence or other appropriate counselor/entity dealing with domestic violence/family safety and stabilization issues.

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- a. It is the client's responsibility to meet with the Coalition counselor/other entity that will make an assessment of the situation and either make a referral to other appropriate resources or continue to serve the client.
2. In identified domestic violence situations, only that information necessary to refer to services and to determine eligibility for benefits or exemptions is required at the time of disclosure and any custodial parent information is suppressed when contact with the non-custodial parent(s) is necessary to meet child support enforcement requirements.
3. The state may exempt a family from the application of subparagraph (A) of Section 408 (a)(7) by reason of hardship or if the family includes an individual who has been battered or subjected to extreme cruelty as defined in (iii) of this subparagraph.
4. At this time, work-eligible clients are screened for incidents of domestic violence. At this time no individuals are exempted from work participation activities as Montana uses a universal engagement model.
5. An individual may be approved for extended benefits based on their involvement in a current domestic violence situation and/or by suffering from temporary or permanent mental or physical illness or incapacity as a result of domestic violence.

CERTIFIED BY THE CHIEF EXECUTIVE OFFICER OF THE STATE:



Steven Bullock, Governor

14 Dec. 2017

Date

IV-A STATE OF MONTANA  
EMERGENCY ASSISTANCE TO NEEDY FAMILIES WITH CHILDREN

Section 3

EMERGENCY ASSISTANCE (AFDC 1996 State Plan – to allow TANF expenditures for services authorized solely under prior law)

Sections

233.120

406(e)

- A. Emergency assistance to needy families with children with children under the age of 21 is provided in accordance with 45 CFR 233.120.

No (Paragraphs B.- D. of this Section does not apply.)

Yes, as specified below:

B. Families of migrant workers are covered.

No

Yes, on a statewide basis.

Yes, but only in the following areas of the State:

C. Other eligibility requirements are in effect.

No

Yes, as specified below:

D. The kinds of emergency situations which are covered by this program and the kind of assistance and services provided to meet the emergency situations are detailed in Attachment 3-A.

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EMERGENCY ASSISTANCE TO NEEDY FAMILIES WITH CHILDREN

Section 3

ELIGIBILITY CONDITIONS

A family is eligible for this program in Montana if all of the following conditions are met:

1. An application is filed by the parent of the child in need, when the parent(s) is/are absent or unwilling to apply on behalf of the child, another adult relative or the state agency or its contractor acting on behalf of the child may file the application.
  - a. The FA-250, "Application for Assistance" or DFS/SRS-FA-020, "Emergency Assistance Request" is to be used by the Title IV-A agency (DPHHS).
    1. An emergency, as defined below, exists in the family and the emergency did not arise out of a parent's refusal without good cause to accept employment or training for employment.
    2. The child if (or within 6-months prior to the month of application, has been) living with a specified relative in a place of residence maintained as the child's home.
    3. All accessible liquid resources have been or can be applied to the emergency need. In the case of another adult relative or the state agency or its contractor making application for the child, the child's income alone is considered in the above test.
    4. Non-residents of Montana, transients and migrant workers with families may make application, and assistance will be given in the same manner as residents.
    5. Authorization is limited to one period of 30 consecutive days in any twelve consecutive months. Assistance given for situations involving abuse and/or neglect of the child is limited to a maximum duration of 364 days or less and must be authorized within the 30-day period.

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EMERGENCY ASSISTANCE TO NEEDY FAMILIES WITH CHILDREN

Section 3

CITATIONS 233.120

TREATMENT OF INCOME

A. KINDS OF EMERGENCIES COVERED

1. Emergency assistance (EA) may be provided when an unforeseen event causes or threatens to cause the destitution of a child.
  - a. An unforeseen event is one in which the applicant could not anticipate that the event would occur and was not able to avoid its outcome. EA is not provided to pay for any basic need or service that an applicant has chosen not to pay with currently available means.
  - b. If actual or projected expenditures total \$1,000 or more, review by Child and Family Services Division staff prior to approval is required.
2. Situations involving abuse and/or neglect of the child may be covered.
  - a. These situations may require the removal of the child from the home, placing a social worker in the home to prevent the need for the child's removal, expediting the early return of the child to the home, or preventing the need for protective services.
  - b. Assistance for these kinds of emergencies is limited to a maximum duration of 364 days or less as necessary and must be authorized within the 30-day period.
3. Households receiving Title XIX Medicaid are not eligible for medical assistance under Title IV-A Emergency Assistance.

B. KINDS OF ASSISTANCE PROVIDED TO MEET EMERGENCY SITUATIONS:

1. Basic needs such as food, clothing, shelter (rent or temporary lodging), utilities, household supplies, and personal care items; temporary transportation; replacement of necessary appliances such as refrigerators; or replacement of necessary household furnishings such as beds and bedding.
2. Family support including social services delivered in the family home to those families whose children have been abused or neglected or are in immediate danger of becoming abused or neglected. This family support is intended to eliminate the need for protective services; prevent the need for placement; or expedite the early return of the child to the family home.

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EMERGENCY ASSISTANCE TO NEEDY FAMILIES WITH CHILDREN

Section 3

3. Substitute care to youth who are removed from or are without the care and supervision of their parents or guardians provided on a temporary basis while striving to reunite the child(ren) with his or her family as soon as possible. Substitute care is full-time care of a youth in a residential setting for the purpose of providing:

- a. food
- b. shelter
- c. security
- d. safety
- e. guidance
- f. direction
- g. in-patient physiological services
- h. treatment

4. Emergency assistance is not allowed to pay for the following:

- a. legal fees
- b. property taxes
- c. Insurance - home, auto, life
- d. Burials
- e. Reimbursements
- f. rental/utility deposits
- g. mortgage payments
- h. medical services – Exception: prior approval of Child and Family Services Division, Public Assistance Bureau Central Office Staff
- i. medical past-due bills
- j. past-due bills
- k. purchase of vehicle
- l. any travel that would qualify under Medicaid Travel, AFDC Transition-To-Work Allowance, or JOBS Supportive Services.

C. KINDS OF SERVICES PROVIDED TO MEET EMERGENCY SITUATIONS

1. Medical Services:

- a. Medical services must be approved by Child and Family Services Division, Public Assistance Bureau Central Office Staff

2. Family Support deemed appropriate by DPHHS such as:

- a. home based services
- b. family based services
- c. homemaker services

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EMERGENCY ASSISTANCE TO NEEDY FAMILIES WITH CHILDREN

Section 3

- d. day care
  - e. counseling
  - f. psychological or other evaluations of families
  - g. therapy
  - h. training
  - i. community based services
3. Substitute care services deemed appropriate by DPHHS:
- a. shelter care
  - b. family foster care
  - c. group home care
  - d. transition centers
4. Social services on an "as needed" basis.
- a. Information, referral to other agencies, counseling, securing family shelter, legal services, homemaker service, and other service needs that arise from the emergency situation.
5. In addition, DPHHS staff will engage in activities incidental to and necessary for the proper and efficient administration of the identified services involving abuse or neglect of the child.