



## TANF 201-1 Filing/Assistance Unit

**Supersedes: TANF 201-1 (1/1/18)**

**Reference:** ARM 37.78.206, .207, .208, .222, .402, .406, .407 and .606; SB 29 (2005)

**Overview:** There must be an eligible child living in the household and included in the filing unit for the other related family members to be eligible for TANF cash assistance. An application on behalf of a minor child(ren) must include certain relatives living with the minor child(ren). These family members, related to the minor child(ren) by blood, adoption or marriage to the child's natural/adoptive parent, and the minor child(ren) are considered to be a filing unit.

After it is determined which family members comprise the filing unit; the eligibility determination occurs to establish which of these members, in addition to the minor child, will have their needs included in the benefits. The eligibility determination is made by considering all nonfinancial criteria and all financial criteria of each filing unit member. Those members meeting the criteria will have their needs included in benefits and are collectively referred to as the assistance unit.

### **REQUIRED FILING UNIT MEMBERS:**

Certain related household members living with the minor child are required to be included in the filing unit. The following individuals must be included in the filing unit:

1. Parent(s) of any minor child included in the assistance unit;
2. Spouse of the parent of the minor child; and
3. Blood-related, adoptive, or stepsiblings who are themselves minor children within the age limit.

### **ASSISTANCE UNIT MEMBERS:**

A parent or stepparent of a child must be included in the filing unit (except SSI clients) and they are included in the assistance unit as long as the child remains eligible and the parent or stepparent is otherwise eligible. All other required filing unit members are included in the assistance unit as long as all eligibility criteria are met.

### **MEMBERS EXCLUDED FROM THE ASSISTANCE UNIT:**

Certain individuals, either adults or minor children, must be excluded from receiving benefits because of the provisions of Title IV-A of the Social Security Act and those sections of the Act amended by Public Law 104-193; or by State Law as outlined in ARM.

These individuals may be required filing unit members but cannot receive benefits:

1. SSI (Supplemental Security Income) clients;
  - a. The adult SSI client may qualify as the minor child's specified relative
  - b. SSI 1619B individuals are considered SSI clients
  - c. The SSI child is considered an "eligible child" for purposes of determining eligibility for other related family members with whom he/she is living, even if this is the only child in the household.
2. Minor children receiving state, local or federal foster care payments and whose absence from the TANF cash assistance household is not considered temporary;
  - a. These children are not considered to be an eligible child for purposes of determining eligibility for other related family members.
  - b. A caretaker relative cannot receive foster care payments and TANF cash assistance for the same child for the same month.
3. Aliens who do not meet qualified alien status;
  - a. If the alien is a refugee and not eligible for TANF cash assistance, assistance may be provided through the Refugee Cash/Medical Assistance program.
4. Individuals who are fleeing to avoid prosecution, custody or confinement after conviction for a crime, which is a felony under the laws of the place from which the individual flees;
5. Individuals who have been found to have committed fraud or an intentional program violation;
6. Individuals who have been sanctioned for non-compliance with employment and training related activities;
7. Individuals who have been convicted in Federal or State court of having made a fraudulent statement or representation with respect to the place of residence in order to receive assistance simultaneously from two or more states;
8. Individuals who are incarcerated;
9. Individuals who are violating a condition of probation or parole imposed under Federal or State law; and
  - a. The individual is not considered a probation/parole violator until the court/judge makes a ruling even if the individual states he/she is in violation. The ruling is usually based on the recommendation of the probation/parole officer. If the court ruling is that a violation has occurred, the individual's status is that of "violator" for eligibility purposes and is subsequently disqualified. Once further legal action is taken, such as incarceration, the individual's status is no longer a "violator" and eligibility is re-determined accordingly.

When any of the individuals listed above no longer meet the above conditions, eligibility must be re-determined for the entire filing unit.

**TOTAL HOUSEHOLD INELIGIBILITY:**

Eligibility for the entire household does not exist when a required filing unit member:

1. Has been convicted of a drug-related felony which involves possession, use, or distribution of a controlled substance after August 22, 1996 whose sentence has not been discharged and who is not complying with the conditions of supervision and who is not actively participating in treatment, if required; or
2. Is participating in a strike.
  - a. A person is considered to be a striker if he/she is involved either directly or indirectly in a strike on the last day of the month for which benefits are sought.
  - b. Participation in a strike does not constitute good cause to leave, refuse to seek, or accept employment.
3. Is not in compliance with a Program Compliance review.

Cash assistance is denied or closed for the above households. When the individual no longer meets the above conditions, a new application is required.

**SPECIFIED CARETAKER RELATIVE:**

If the minor child is living with a specified caretaker relative other than his/her parent(s), that relative is a required member only to establish the non-financial requirement that the minor child must be living with a specified caretaker relative. The specified caretaker relative is not required to be included in the assistance unit. All financial and non-financial requirements do not apply to the excluded caretaker relative.

However, the caretaker relative may request to be included in the assistance unit and receive a benefit for him/herself. If he/she chooses to be included, all financial and non-financial requirements apply. If the caretaker relative wants to be included in the assistance unit, his/her spouse cannot be included, but the spouse's income must be deemed to the caretaker relative.

If a caretaker relative requests assistance for more than one child in the household, all children for whom assistance is requested must be included in a single assistance unit.

**PARENTAL RIGHT TERMINATION:**

When a birth parent's parental rights have been terminated and the child has been legally adopted, the child's adoptive parents are his/her parents for determining household composition, child support issues, etc.

Even when the birth parent also resides in the home, he/she is no longer considered the child's parent because his/her parental rights have been terminated.

If the birth parent is related to the adoptive parents, then the birth parent may still be considered a specified relative of the adoptive child.

**PREGNANT WOMAN:**

A pregnant woman with no other natural/adoptive/step-children living with her may be eligible for benefits in her last trimester (three (3) months prior to the expected month of birth) if all financial and non-financial criteria are met. If she lives with the father of the unborn (married or not), the father is a required filing unit member unless excluded per policy. His income must be deemed in determining the pregnant woman's eligibility. Once the child is born, he becomes a required assistance unit member and his income and resources are counted in full.

If the pregnant woman is living with her husband, it is assumed he is the father of the unborn for eligibility purposes.

If the pregnant woman is not married but living with the putative (believed to be) father, he must provide a written statement to establish his filing unit status.

If the pregnant woman is not married or states the man with whom she is living is not the father of the unborn, she must comply with the non-financial child support enforcement requirements.

**PREGNANT TEEN/MINOR:**

A pregnant teen/minor's eligibility is considered the same as a 'pregnant woman' with the additional 'living arrangement' non-financial requirement.

**UNRELATED MEMBERS:**

Any individual who is not related to the minor child either by blood, adoption or marriage, but who lives with the child and his/her specified caretaker relative, is not included in the filing unit. They should only be entered in the case if they are included in another program. His/her income and resources do not count in the eligibility and/or grant determination. However, if this unrelated household member makes a financial contribution to the filing unit, the contribution is counted as unearned income to the filing unit.

**Effective Date:** July 1, 2021