

OFFICE OF THE SECRETARY OF STATE

LAVONNE GRIFFIN-VALADE
SECRETARY OF STATE

CHERYL MYERS
DEPUTY SECRETARY OF STATE
AND TRIBAL LIAISON



ARCHIVES DIVISION

STEPHANIE CLARK
DIRECTOR

800 SUMMER STREET NE
SALEM, OR 97310
503-373-0701

PERMANENT ADMINISTRATIVE ORDER

SSP 43-2023

CHAPTER 461
DEPARTMENT OF HUMAN SERVICES
SELF-SUFFICIENCY PROGRAMS

FILED

08/28/2023 8:06 AM
ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: Rule Change about Temporary Assistance to Needy Families (TANF) Eligibility

EFFECTIVE DATE: 08/31/2023

AGENCY APPROVED DATE: 08/24/2023

CONTACT: Jennifer Lay
541-844-6136
jennifer.l.lay@odhs.oregon.gov

2885 Chad Drive
Eugene, OR 97408

Filed By:
Lay Jennifer
Rules Coordinator

AMEND: 461-135-0070

NOTICE FILED DATE: 04/28/2023

RULE SUMMARY: OAR 461-135-0070 is being amended to remove the employment separation eligibility requirement for the Temporary Assistance to Needy Families (TANF) program.

CHANGES TO RULE:

461-135-0070
Specific Requirements; TANF ¶¶

- (1) To be eligible for TANF program benefits:¶¶
- (a) An individual must be one of the following:¶¶
- (A) A dependent child (see OAR 461-001-0000). However, a dependent child for whom foster care payments are made is not eligible while the payments are being made for the dependent child.¶¶
- (B) A caretaker relative (see OAR 461-001-0000) of an eligible dependent child when the caretaker relative:¶¶
- (i) Is receiving TANF program benefits for the dependent child, or¶¶
- (ii) Is applying for TANF program benefits for the dependent child.¶¶
- (C) A caretaker relative of a dependent child, when the dependent child is ineligible for TANF program benefits because of one of the following reasons:¶¶
- (i) The child is receiving Supplemental Security Income (SSI).¶¶
- (ii) The child is in foster care, but is expected to return home within 30 days.¶¶
- (D) A parent (see OAR 461-001-0000) of an unborn, as follows:¶¶
- (i) For the TANF program, any parent whose only child is an unborn child once the pregnancy has reached the calendar month before the month in which the due date falls. The Department waives the requirement for a pregnant individual to have reached late pregnancy if an applicant is at risk of further or future domestic violence (see OAR 461-001-0000).¶¶
- (ii) For the TANF program, the parent of an unborn child, if there is another dependent child in the filing group.¶¶
- (b) The TANF program monthly benefit amount determined under OAR 461-160-0100 must be \$10 or greater.¶¶
- (2) ~~As used in this rule:¶¶~~
- (a) ~~Except as provided otherwise in this section, "good cause" means a reasonable person of normal sensitivity, exercising ordinary common sense under similar circumstances, would have --¶¶~~

- ~~(A) Quit work, including in anticipation of discharge;¶¶~~
- ~~(B) Participated in behavior leading to the individual's discharge; or¶¶~~
- ~~(C) Voluntarily reduced work hours.¶¶~~
- ~~(b) For an individual with a physical or mental impairment (as defined at 29 CFR 1630.2(h)), except as provided otherwise in subsection (c) of this section, "good cause" for leaving work means that a reasonable person with the characteristics and qualities of such individual under similar circumstances would have --¶¶~~
- ~~(A) Quit work, including in anticipation of discharge;¶¶~~
- ~~(B) Participated in behavior leading to the individual's discharge; or¶¶~~
- ~~(C) Voluntarily reduced work hours.¶¶~~
- ~~(c) There is no "good cause" if the reason for separation from employment is a labor dispute.¶¶~~
- ~~(3) Except as provided under section (4) of this rule, a need group (see OAR 461-110-0630) is not eligible for TANF program benefits for 120 days from the date a parent or caretaker relative was separated from or voluntarily reduced work hours at their last employment in which a parent or caretaker relative in the need group was hired to work 100 or more hours per month or worked or was scheduled to work 100 or more hours in the last full calendar month of employment. This applies at initial certification, recertification, and is a condition of ongoing eligibility (see OAR 461-001-0000).¶¶~~
- ~~(4) A need group may not be reduced or denied TANF program benefits based on section (3) of this rule if the parent or caretaker relative is one of the following:¶¶~~
 - ~~(a) A teen parent (see OAR 461-001-0000) returning to high school or equivalent.¶¶~~
 - ~~(b) An individual fleeing from or at risk of domestic violence.¶¶~~
 - ~~(c) An individual who is pregnant and the pregnancy has reached the first of the calendar month prior to the month in which the due date falls.¶¶~~
 - ~~(d) An individual who is pregnant and experiencing medical complications due to the pregnancy that prohibit participation in activities of the program and are documented by a qualified and appropriate professional.¶¶~~
 - ~~(e) An individual unable to work due to a disability or medical condition documented by a qualified and appropriate professional, and which is expected to last for 30 days or more from the filing date for TANF program benefits.¶¶~~
 - ~~(f) An individual who was separated from employment for a reason the Department determines is good cause as defined in section (2) of this rule.¶¶~~
 - ~~(g) An individual who was separated from employment as a result of a layoff.¶¶~~
- ~~(5) Members of The Klamath Tribes may apply for either The Klamath Tribes TANF program or the ODHS TANF program.¶¶~~
 - ~~(a) A Level 1 or Level 2 Klamath Tribes TANF program benefit disqualification does not establish an ODHS TANF program disqualification.¶¶~~
 - ~~(b) For families whose Klamath Tribes TANF program benefits have been closed due to failure to comply with program requirements:¶¶~~
 - ~~(A) The Klamath Tribes TANF program shall decide if the family may receive TANF from the ODHS TANF program (if eligible under Chapter 461).¶¶~~
 - ~~(B) If the Klamath Tribes TANF program decides the family may receive TANF from ODHS, the ODHS TANF benefits shall be initially approved with no ODHS TANF program disqualification.¶¶~~
- ~~(63) For the Confederated Tribes of Siletz Indians of Oregon, a family is ineligible for ODHS TANF program benefits if all of the following subsections apply to the family:¶¶~~
 - ~~(a) A parent, caretaker relative, or child is a member of The Confederated Tribes of Siletz Indians of Oregon and lives in one of the eleven service area counties: Benton, Clackamas, Lane, Lincoln, Linn, Marion, Multnomah, Polk, Tillamook, Washington, or Yamhill counties.¶¶~~
 - ~~(b) The family includes members who are living in the same household and at least one of the following paragraphs applies:¶¶~~
 - ~~(A) A two-parent family with one enrolled Siletz Tribal member with a shared dependent child.¶¶~~
 - ~~(B) A single-parent family with one enrolled Siletz Tribal member.¶¶~~
 - ~~(C) A non-needy caretaker relative or essential person with one enrolled Siletz Tribal member who is a minor.¶¶~~
 - ~~(D) A pregnant enrolled Siletz Tribal member in their eighth month of pregnancy.¶¶~~
 - ~~(c) The family is eligible for The Confederated Tribes of Siletz Indians of Oregon TANF program or would be eligible for the Siletz Tribes TANF program if not for the failure of the family to cooperate with Siletz TANF program requirements.¶¶~~
- ~~(74) If a parent or caretaker relative covered by section (63) of this rule fails to follow through with a Department referral to The Confederated Tribes of Siletz Indians of Oregon TANF program, the entire filing group is ineligible for ODHS TANF program benefits.¶¶~~
- ~~(85) Notwithstanding sections (63) and (74) of this rule, a family who requests to apply for TANF through the ODHS TANF program rather than The Confederated Tribes of Siletz Indians TANF program due to a safety~~

concern is not ineligible for ODHS TANF program benefits.

Statutory/Other Authority: ORS 409.050, 411.060, 411.070, 411.400, 411.404, 412.006, 412.016, 412.049, 412.124

Statutes/Other Implemented: ORS 409.010, 411.060, 411.070, 411.400, 411.404, 412.006, 412.016, 412.049, 412.064, 412.124