

D. Nonfinancial Eligibility Requirements

TANF nonfinancial eligibility requirements include age, residence, alien/citizen status, SSN, school attendance, pursuing assets, deprivation, and pursuing treatment for drug abuse and mental health. In addition, households with noncustodial parent(s) must cooperate with DCS to establish the paternity of the child(ren) and pursue support from the appropriate parent(s) unless there is good cause. The dependent children, on the other hand, must be deprived based on death, continued absence, incapacity, or unemployment of a parent to qualify.

☞ FOR MORE INFORMATION ON DEPRIVATION, SEE TANF-E.

Case Management Opportunity

When asking about school attendance of children and teens, also ask about school performance. Ask about relationship with noncustodial parents when discussing DCS cooperation in order to look for children's issues, past abuse, or sources of support for children.

In situations involving domestic violence, waive or modify TANF eligibility requirements if those requirements make it more difficult for individuals to escape domestic violence or place them at risk of further, future violence.

☞ FOR MORE INFORMATION ON WHEN TO WAIVE TANF REQUIREMENTS IN DOMESTIC VIOLENCE SITUATIONS, PLEASE SEE TANF SECTION K.

Domestic Violence: 461-135-1200

1. Age

To be eligible for TANF, the dependent child must be under age 18, or age 18 and regularly attending school full time. The caretaker relative(s) may be any age. If the caretaker relative is under age 18, the case manager must have determined that there are no other adult relatives to care or be responsible for the well-being of the applicants and that they are living in a safe environment.

Age requirements for Clients to Receive Benefits: 461-120-0510
TANF Eligibility for minor parents: 461-135-0080

Send a timely continuing benefit decision notice to reduce or close benefits the end of the month in which a client who is not in school turns 18, or when a client who is in school, per rule 461-120-0530, turns 19.

Notice Situations; General Information: 461-175-0200

☞ SEE ITEM 5 IN THIS SECTION OR OAR 461-120-0530 FOR SCHOOL ATTENDANCE.

2. Residence

Both the parent(s) or the caretaker relative(s) and the dependent child must:

- Be a resident of Oregon. A person is a resident of Oregon if the person actually lives in Oregon. This includes people who come here looking for work or who have a job commitment, as long as they do not receive TANF from another state. Dependent children do not lose their Oregon residency if they are not living in Oregon because they are attending school in another state.
- Intend to remain in Oregon. People with temporary absences out of state meet this requirement if they intend to return to Oregon when the purpose of the absence is completed.
- Provide either a fixed mailing address to show that they are living in the state or a statement that they intend to live in Oregon.

Residency does not require a:

- Minimum amount of time to live in Oregon.
- Commitment to remain in Oregon for a specific length of time.

Those in Oregon only for vacation do not meet the residency requirement.

Residency Requirements: 461-120-0010

Send a timely continuing benefit decision notice if a TANF client moves out of state and the information is not reported through the MRS. Send a continuing benefit decision notice if the information is reported through the MRS.

☞ SEE TANF SECTION O FOR MORE INFORMATION ON DECISION NOTICES.

Notice Situations; Client Moved or Whereabouts Unknown: 461-175-0210

3. Citizen/Alien Status

To qualify for TANF, the client must be a U.S. citizen or a qualified noncitizen.

A U.S. citizen includes the following people:

- A person born in the U.S.
- A naturalized citizen.
- A person born outside of the U.S. but whose parents (both mother and father) are U.S. citizens.

- A person born outside of the U.S. who is over 18 years of age, but who has at least one parent who is a U.S. citizen. The person must either have a certificate of U.S. citizenship or meet one of the following criteria:
 1. Born on or after December 24, 1952, and prior to November 14, 1986, and their citizen parent was physically present in the U.S. or its outlying possessions for 10 years or more, at least five of which were after age 14.
 2. Born on or after November 14, 1986, and their citizen parent was physically present in the U.S. or its outlying possessions five years or more, at least two of which were after age 14.
- A child born outside of the U.S. who is under 18 years of age and has at least one parent who is a U.S. citizen. The child is residing in the U.S. in the legal and physical custody of the citizen parent pursuant to a lawful admission for permanent residence.
- A person lawfully adopted by U.S. citizens.
- A citizen of Puerto Rico, Guam, the Virgin Islands, the Northern Mariana Islands (Saipan, Tinian, Rota and Pagan), American Samoa, and the Swains Islands.

A qualified noncitizen includes the following people:

- A person lawfully admitted for permanent residence under the Immigration and Nationality Act (INA) (*they are the LPR*);
- A person admitted as a refugee under section 207 of the INA (*they are the REF*);
- A person admitted to the United States under the Trafficking Victims Protection Act of 2000;
- A person granted political asylum under section 208 of the INA (*they are the ASY*);
- A person whose deportation is being withheld under section 243(h) of the INA (*they are the DBW*);
- A person who is paroled under section 212(d)(5) of the INA for a period of at least one year (*they are the PAR*);
- A person who is granted conditional entry pursuant to section 203(a)(7) of the INA as in effect prior to April 1, 1980 (*they are the REF and ASY*);
- Certain battered spouses and dependent children who are in the U.S. on a conditional resident status, as determined by INS (*they are the BCR*);
- Cubans/Haitians who are either public interest or humanitarian parolees (*they are the CUH*); **or**

- A person granted immigration status according to the Amerasian Homecoming Act, section 584(a) of the INA (*they are the REF/AMR*).

The following people also meet alien status requirements for TANF:

- American Indians born in Canada; or
- Noncitizens (regardless of INS status) who are currently victims of domestic violence or are at risk of victimization by domestic violence.

☞ FOR MORE INFORMATION ABOUT WHEN TO WAIVE CITIZEN/ALIEN STATUS FOR TANF DUE TO DOMESTIC VIOLENCE, PLEASE SEE TANF SECTION K.

Citizen and Alien Status Requirements: 461-120-0110

Note: *All lawfully admitted aliens are given an INS document showing their legal status in the U.S. People who are lawful permanent residents are given a Permanent Resident card (I-551). If they entered the U.S. as a lawful permanent resident, they would either have a visa in their passport or an Arrival/Departure Record (I-94) as temporary evidence of their lawful permanent residence.*

Refugees, asylees, and parolees are given an I-94 initially and an I-551 after they have been granted lawful permanent residence. All these documents will indicate they are authorized to work. Some may request an Employment Authorization Document (I-688B) just for that purpose. Whether it is an I-94, I-551, or I-688B, it bears the cardholder's alien registration number.

All eligible noncitizens must have their immigration status verified through SAVE or through the Immigration and Naturalization Services (INS) via a Document Verification Request (G845S) form.

☞ SEE NONCITIZENS WORKER GUIDE 1 (NC WG.1) AND NONCITIZENS WORKER GUIDE 2 (NC WG.2) FOR FURTHER INFORMATION ON CITIZEN/ALIEN STATUS AND EXAMPLES OF IMMIGRATION DOCUMENTATION.

4. Social Security Number

To qualify for TANF, need group members must have a Social Security number or provide proof that they have applied for one.

Requirement to Provide or Apply for SSN: 461-120-0210

If benefits are reduced or denied because of failure to apply for or obtain a SSN, send a continuing benefit decision notice if reported through MRS, and a timely continuing benefit decision notice if not reported through MRS.

Notice Situation; Disqualification: 461-175-0220

5. School Attendance

School-age children are expected to regularly attend school full time. Parents or caretaker relatives are in violation of state statute if school-age children under their care do not maintain regular school attendance. Although school attendance for children is not an eligibility requirement for TANF, caretaker relatives can be required, as an assigned activity for self-sufficiency, to enroll and keep dependent children between the ages of 7 and 18 years who have not completed the twelfth grade in school full time.

Eighteen-year-olds who are not regularly attending school full time as defined by the school are not eligible to receive cash benefits. Regular school attendance means attending high school, GED, vocational or technical training, or the State School for the Deaf or for the Blind. It includes home schooling approved by the local school district. It continues during an illness, family emergency, or vacation, as long as the student intends to return to school.

The student's full-time or half-time status is defined by the school. Students are considered to be attending for the full month in which they complete or discontinue school or training.

Regular School Attendance: 461-120-0530

6. Pursuing Assets

A TANF client must actively pursue any asset for which they have a legal right or claim. *Active pursuit* means the client must apply and satisfy all requirements to receive benefits from other programs. It also means the client will pursue legal remedies to obtain assets from any other source if they can secure legal counsel on a contingency fee basis. Clients are not required to pursue or apply for loans.

Requirement to Pursue Assets: 461-120-0330

☞ SEE THE CHILD SUPPORT CHAPTER FOR MORE INFORMATION.

Note: *A case manager may encourage a TANF client to apply for SSI if they meet SSI disability criteria.*

7. Pursuing Substance Abuse and Mental Health Treatment

Case managers will offer a client a referral to substance (alcohol and drug) abuse or mental health assessment when they determine that it is necessary for the client to function successfully in the workplace. A client who is identified by a professional substance abuse or mental health counselor to be in need of treatment services must cooperate. For JOBS-mandatory clients, cooperation with treatment is a JOBS requirement; noncooperation would make the client subject to a JOBS disqualification (DQ1-DQ4). For clients who are exempt from JOBS disqualification, treatment is an eligibility requirement and the following penalties (MQ1-MQ4) would not be counted against months accumulated for JOBS disqualifications.

Example: If a client (over age 20) who has a DQ1 reaches the ninth month of pregnancy, she is exempt from JOBS disqualification. She is still required to pursue Substance Abuse/Mental Health treatment. If she refuses to do so, she would begin her SA/MH sanction at MQ1, not DQ2.

The penalty for clients who refuse treatment or fail to cooperate with treatment without good cause is as follows:

- (A) At the **first through third levels**, the noncompliant **individual** is removed from the **need group**.
- (B) At the **fourth level**, the **need group receives no cash benefit** in the TANF program.

☞ SEE TANF SECTION F FOR MORE INFORMATION ON COOPERATION AND GOOD CAUSE.

Req. to Attend an Assessment or Evaluation, or Seek Medically Appropriate Treatment for Substance Abuse and Mental Health; Disqualification and Penalties; Pre-TANF, REF, TANF: 461-135-0085
Demonstrating Compliance with Substance Abuse and Mental Health Requirements; Restoring Cash Benefits: 461-135-0089

8. Cooperation With Division of Child Support (DCS)

To qualify for benefits, clients must assign their support rights to and cooperate (unless good cause exists) with DCS. Assignment allows DCS to pursue, collect, and keep child support and spousal support for any members in the benefit group. By signing the application, the client not only assigns support to DCS but also agrees to turn over any rights to health insurance or medical support.

Cooperation with DCS includes assisting in establishing paternity, obtaining support cash payments, and pursuing medical support, if available. Noncooperation without good cause will result in denial of cash benefits for applicants, loss of Cooperation Incentive

Payment, reduction, and eventual termination of cash benefits for recipients. The person who fails to cooperate in pursuing medical support will be ineligible for medical benefits.

Application Requirements: 461-115-0020
Assignment of Support Rights; Not BCCM, FS, OHP-CHP, OHP-OPP: 461-120-0310
Medical Assignment: 461-120-0315
Client Required To Help Department Obtain Support From Noncustodial Parent; TANF: 461-120-0340
Clients Required to Obtain Health Care Coverage and Cash Medical Support; EXT, GAM, MAA, MAF, OHP (except OHP-CHP),
OSIPM, SAC: 461-120-0345
TANF Cooperation Incentive Payment: 461-135-0210

☞ SEE SECTION E AND F FOR MORE INFORMATION ON COOPERATION WITH
DCS.

9. Requirement to Live with a Caretaker Relative

In order to be eligible for TANF, a child must live with a caretaker relative. A caretaker relative is the person, regardless of age, who is responsible for the care, control, and supervision of the dependent child and who is related to the child in any of the following ways:

- A biological parent.
- An adoptive parent and any person related to the child through the adoption who meets the degree of relationship specified in rule 461-120-0630.
- A blood relative or half-blood relative. This means sharing one common natural or adoptive parent. This includes siblings, aunts, uncles, first cousins, first cousins once removed, nephews, nieces, and any persons of preceding generations denoted by the prefixes grand, great-, great-great, or great-great-great.
- Stepfathers, stepmothers, stepbrothers, or stepsisters.
- The spouse of anyone listed above.

If any of the above relationships are established through marriage, the relationship remains the same even if the marriage is terminated by death or divorce.

If the relationship of the child's caretaker relative is established through marriage, the relationship remains the same even if the marriage ends by death or divorce. A stepparent who used to be (but no longer is) married to the child's biological or adoptive parent cannot be considered the child's parent, but can be the child's caretaker relative. When a caretaker relative of one child applies for another child in the same household, the groups must be combined. A dependent child can be in only one filing group at a time.

Definitions for Chapter 461: 461-001-0000

Alleged fathers of children may often be the caretaker relative of children for TANF purposes, even if paternity has not been established. If there are documents that verify

that the alleged father is the father of the child, he may be the caretaker relative. If DCS or the DA proves at a later date that he is not the father, he can no longer be the caretaker relative. If there are no documents that verify that the alleged father is the father of the child, he cannot be the caretaker relative until DCS or the DA legally establishes that he is the father or a completed affidavit acknowledging paternity is filed with vital statistics.

A biological parent or other blood relative can be the caretaker relative to a TANF child, even if an adoption exists, when the adoptive parent has given up care, control, and supervision of the child.

The status of caretaker relative ends when care, control, and supervision of the child is given to or accepted by another person for 30 days or more.

Requirement to Live With a Caretaker or Caretaker Relative: 461-120-0630

Note: First cousins once removed are the children of your first cousins. Their children are your second cousins. The children of your great-uncle or great-aunt are also your first cousins once removed, and their children are your second cousins.

10. **Denied from receiving Unemployment Compensation; caretaker relative in the need group**

In order for the need group to be eligible for TANF, a caretaker relative in the need group must not be unemployed from their most recent employment for reasons which would or do result in a denial from receiving Unemployment Compensation (UC) benefits in Oregon.

The most recent employment is:

- The last job the caretaker relative in the need group that meets the two “tests” below:
 1. Was within the past 12 months from the date of request for TANF; and
 2. They worked or were scheduled to work at least 100 hours in the final full calendar month on the job.

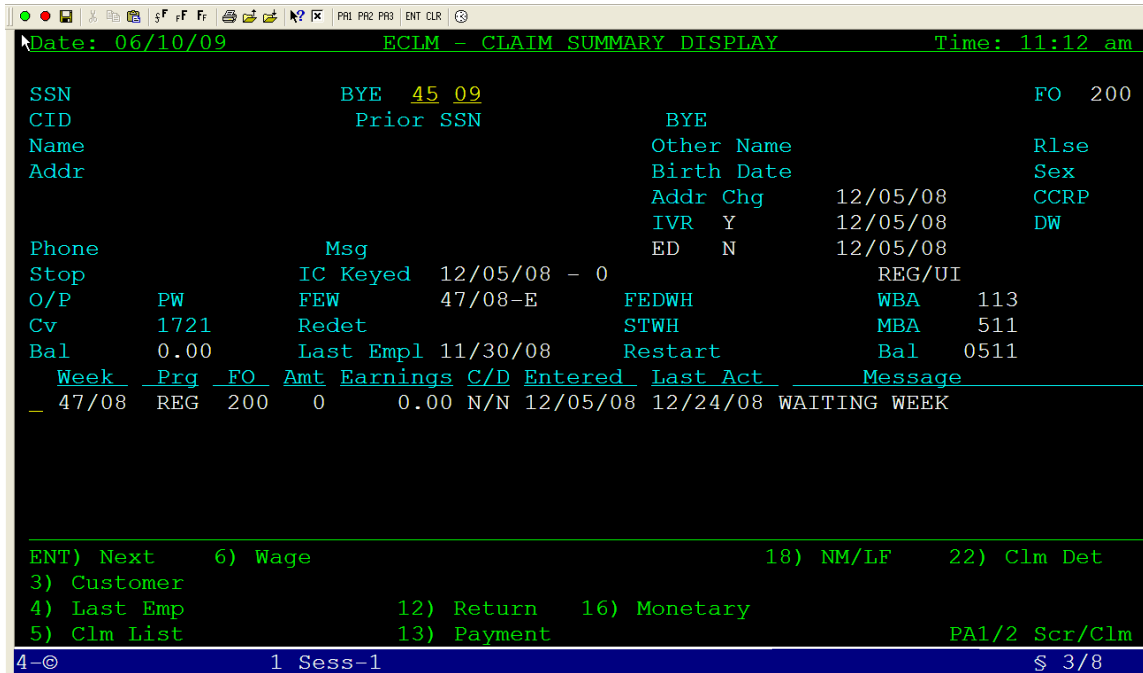
If the answer is **NO** to **either** test 1 or 2 above, the UC Denial rule 461-135-0070 does not apply to this applicant. If the answer is **YES** to **both** test 1 and 2, the UC Denial rule 461-135-0070 would apply. You must now determine whether or not they would be denied unemployment compensation.

Specific Requirements; MAA, MAF, and TANF: 461-135-0070

Determining UC Denial for TANF Eligibility

You will need to use the ECLM screens to determine whether or not a caretaker relative in the need group was denied UC benefits. Keep in mind you will need to make sure the caretaker relative’s job is the one you find on ECLM.

Go to the ECLM screen. Type “ECLM,[SSN]”<enter>. Capital letters are not required.



Once you are there, select “F18” <shift> F6, for the “NM/LF” screen. If the caretaker relative has filed a claim you will find the decision located on this page. See the sample NM/LF screen below.

You will need to look at the status of the claim. You find this under the “St” column. If the status is coded “D” this means the individual was denied UC benefits. Before making a TANF eligibility decision you must first look at two things.

1. You will need to look at the “Start-End” and “Decision Date”. This information will help you determine whether or not the caretaker relative’s job is the one the Employment Department has made a UC decision.
2. If the information from the “Start-End” and “Decision Date” indicate the caretaker relative’s job is the same as the one indicated on the screen you will need to determine whether they were denied UC. Look under the “St” column. You will see one of three codes – “C” (Clear), “D” (Deny), or “I” (Inactive). If the code is a “D” the individual was denied UC. You would then look at the “Dec/Flag” (Decision Flag). There are multiple codes, however you will only need to find one of the following:
 - i) DS (Discharge/Fired – Misconduct)

- ii) LD (Labor Dispute)
- iii) TF (Felony/Theft from Employer)
- iv) VQ (Voluntary Quit)
- v) VQD (Voluntary Quit in anticipation of discharge)
- vi) VQQ (Voluntary Quit in anticipation of quit)

If the code does not match one of those above, you will need to determine whether or not the individual had good cause. **You may need to contact the Oregon Employment Department (OED) for assistance in making your decision.**

Sample: NM/LF Screen

Dec/Flag	Prg	St	Start-End	Amd	FO	Date	Lev	Adj/Ref	Amt	Cnt	I	T	Entered	FO
DS	REG	D	43/##-43/##		###	01/27/##	ADM	JTC						
LD	REG	D	43/##-43/##		###	12/24/##	ADM	JTC						
TF	REG	D	40/##-40/##		###	11/30/##	ADM	JTC						
VQ	REG	D	31/##-31/##		###	09/20/##	ADM	JTC						
VQQ	REG	D	10/##-10/##		###	03/30/##	ADM	JTC						

ENT) Next
 3) Customer
 5) CLM SUM
 12) Return 16) Monetary
 13) Payment
 22) Data Cap
 PA1/PA2) Print

Guidance for determining good cause

First we will look at a list of reasons according to OED, which would **not** be good cause. They include:

- Leaving suitable work to seek other work; (leaving a job before you have another job)
- Leaving work rather than paying union membership dues;
- Refusing to join a bona fide labor organization when membership therein was a condition of employment;

- Leaving work to attend school, unless required by law; (See OAR 461-135-0070 for information regarding Parents as Scholars participants who may not be impacted by leaving work to attend school.)
- Willful or wantonly negligent failure to maintain a license, certificate or other similar authority necessary to the performance of the occupation involved, so long as such failure is attributable to the individual;
- Resignation to avoid what would otherwise be a discharge for misconduct or potential discharge for misconduct;
- Leaving work for self employment.

What if a caretaker relative left a job to accept another job? An individual can leave work to accept an offer of other work and it be considered good cause but only when:

- The offer was definite;
- Work was to begin in the shortest length of time as can be deemed reasonable under the individual circumstances;
- The offered work must have been reasonably expected to continue; and
- Would have paid an amount greater than the work the caretaker relative left.

What is good cause? The Oregon Employment Department in OAR 471-030-0038 defines good cause for leaving employment as:

“Good cause for voluntarily leaving work under ORS 657.176(2)(c) is such that a reasonable and prudent person of normal sensitivity, exercising ordinary common sense, would leave work. For an individual with a permanent or long-term physical or mental impairment (as defined at 29 CFR 1630.2(h)) good cause for voluntarily leaving work is such that a reasonable and prudent person with the characteristics and qualities of such individual would leave work. For all individuals, the reason must be of such gravity that the individual has no reasonable alternative but to leave work.”

Example 1: Judith is a TANF applicant in the ninth month of pregnancy. She is not required to apply for UC because she is in her ninth month (see OAR 461-120-0330). You find out she left a job three months ago when she was six months pregnant. She was working full time, 100 plus hours per month. You ask why she left and she tells you she was working in a job that required close contact with different types of chemicals. She asked her boss about other positions but none were available. She says she was scared for the health of her unborn and decided, after consulting her doctor, it was best to leave this job.

Was she a reasonable person of normal sensitivity? Was she exercising ordinary common sense? In this example, yes the caretaker relative was a reasonable person exercising ordinary common sense. She left the job to protect the health and safety of her unborn. If you needed to make the good cause decision you would have enough information to say she had good cause for leaving the job.

Example 2: Aaron is applying for TANF assistance. Aaron is a person with a disability. His disability has worsened and he is considering applying for SSI. When reviewing his eligibility for TANF you discover he was working but left his job two months ago. He applied for UC benefits but was denied because he was unavailable for work. This is due to his disability. You find out that Aaron left his job because the accommodations provided by his employer were not sufficient enough for Aaron to do his job. He tried for several months but was unsuccessful.

Was this a reasonable decision? Was Aaron exercising common sense? Yes and Yes. If you needed to make a determination you would find Aaron had good cause.

Remember you have help. Contact the Oregon Employment Department and ask them to help you make a determination. Give them the scenario (do **not** include the applicant's personal information) and ask whether or not this would be considered good cause. You can also contact DHS TANF analysts in Salem to staff these situations.

If the Oregon Employment Department is unable to make the decision within the application processing time frames or the Oregon Employment Department's denial code is not one of those listed above, a good-cause determination must be done.

Keep in mind the caretaker relative's job must have been within the past 12 months of the date of request for TANF and 100 or more hours during the final full calendar month on the job. If you find a claim on ECLM make sure it is a decision for the caretaker relative's job you are reviewing. Remember you can contact the Oregon Employment Department or DHS TANF analysts for assistance.

Example 3: Patricia and her children are applying for TANF. Patricia is a member of the need group. She left her last job and was denied from receiving UC benefits. She was working 120 hours per month. This job ended 13 months before her TANF date of request. She has not worked since that time.

Question: *Is Patricia affected by the requirements of OAR 461-135-0070?*

Answer: *No. Patricia was denied from receiving UC benefits for a job that ended more than 12 months from the date of request for*

TANF. This job does not pass one of the two tests in order to be considered for the UC Denial rule OAR 461-135-0070. Since that time she has not had a job.

Example 4: Marcia, Bobby and their children are applying for TANF. Bobby is a person with a disability who is applying for SSI. Marcia's last job ended four months ago. She was working 130 hours per month. Marcia is not eligible for UC benefits. The coding of ECLM screen does not match one of the examples above. You will need to determine good cause. You ask Marcia why she left her job. She explains she left because she accepted a job with another company at a higher pay and more hours. After she left her job the new employer's business went bankrupt and she lost her new job. When Marcia accepted the new job she was unaware of her new employer's financial trouble.

Question: *Does Marcia have good cause?*

Answer: *Yes. Marcia quit a job to accept a higher paying job with more hours. The new employer went bankrupt and for that reason Marcia lost employment.*

Example 5: Bill and his children are applying for TANF. Bill's last job was six months ago. He worked 150 hours that month. He left his job because he was expecting to be fired. You look up his information and ECLM-NM/LF screen and find the code VQD.

Question: *Is this family eligible for TANF?*

Answer: *No. The code VQD indicates that Bill left his job in anticipation of a discharge. Bill is denied from receiving UC benefits and the family is ineligible for TANF cash assistance.*

Question: *Can the family receive medical assistance such as MAA?*

Answer: *Yes. This policy applies to TANF cash assistance only. The family is still eligible for MAA or MAF. Other eligibility factors will need to be determined.*

Example 6: Zoey has been receiving TANF for a year. It is time to re-determine her eligibility for TANF. She turns in her re-determination packet and you begin your eligibility determination.

Question: *Do you need to determine if Zoey was denied from receiving UC benefits?*

Answer: Yes. *You are re-establishing Zoey's eligibility for TANF. The new policy/rule is an eligibility factor and must be considered.*

Example 7: *Silvia is applying for TANF. You are reviewing her eligibility and are looking at her past jobs. You find her last job. She worked two months ago. She was hired part-time and worked 60 hours that month. Silvia's last job before this one was 18 months ago.*

Question: *Is this job Silvia's most recent employment?*

Answer: No. *This is a job Silvia worked within the past 12 months before applying for TANF benefits. However, she was only working 60 hours a month and not the required 100 or more hours.*

Question: *Would you look at Silvia's job to determine if she would be denied UC benefits?*

Answer: No. *This job does not meet the definition of most recent employment and would not affect her eligibility for TANF.*

Example 8: *Thomas and Maria are applying for TANF benefits. You are determining deprivation and decide Maria is the "Primary Wage Earner" or "PWE." Thomas did work until seven months ago when he left a part-time job at 50 hours per month. Maria's last job was three months ago. She worked 110 hours. Maria's job passes the two tests to be considered a "most recent employment." The job was within 12 months from date of request for TANF, and she worked 100 or more hours in her final full calendar month on the job. You look at the ECLM-NM/LF screen and you see a "C" in the claim status and a "VQ" in the decision line.*

Question: *Was Maria denied from receiving UC benefits?*

Answer: No. *There was a "VQ" code indicating voluntary quit but the status code was marked "C" and not "D," "C" means "Clear." Maria was not denied UC benefits. The family would pass the deprivation test for TANF. Because the requirements are the same for both the deprivation and UC denial rules, Maria would also pass the requirements of the UC denial rule (461-135-0070).*

Question: *Does Thomas have to meet the eligibility requirements of the UC Denial rule 461-135-0070?*

Answer: Yes. *Thomas is subject to the requirements of OAR 461-135-0070. You will need to determine if Thomas has a most recent employment.*

Example 10: You are determining TANF eligibility for Miranda. Looking at the table above, did Miranda have a most recent employment? In month 5 she had a job. She worked 130 hours that month. Once you find a job fitting the definition of most recent employment you would stop looking. This job passes the two tests.

- 1) The job was within the past 12 months of the date of request for TANF; and*
- 2) She worked 100 hours or more in her final full calendar month on the job.*

*You would need to determine if she was denied from receiving UC relating to this and only this job. **When looking at ECLM-NM/LF screen remember to make sure the claim you are looking at matches the job the caretaker relative worked and you are considering.** If she was denied, does the reason on ECLM-NM/LF match one of the following?*

- DS (Discharge/Fired – Misconduct)*
- LD (Labor Dispute)*
- TF (Felony/Theft from Employer)*
- VQ (Voluntary Quit)*
- VQD (Voluntary Quit in anticipation of discharge)*
- VQQ (Voluntary Quit in anticipation of quit)*

***If yes,** Miranda and her family are ineligible for TANF cash assistance. They are still eligible for medical and you would need to continue eligibility determination for MAA/MAF.*

***If no,** you will have to determine had she been eligible for UC, would she have been denied. To do this you will have to find out why she left this job.*

Miranda had a job five months ago. She worked 100 plus hours that month. Miranda said her hours were going to be reduced to 60 hours per month. She said she would not be able to afford to work only 60 hours.

Question: Does Miranda have good cause for leaving this job?

Answer: No. When Miranda left the job she was working 100 hours or more. Her hours were going to be reduced by her employer but she did not wait to see if her hours would go back up again. A person would not be given good cause for leaving a job to search for work.

Remember the Oregon Employment Department and DHS TANF analysts are there to help determine if the caretaker relative in the need group had good cause for leaving their most recent employment.

Use the next table for example number 11

Months from Date of Request (DOR) for TANF:

Month 1	Month 2	Month 3	Month 4	Month 5	Month 6
No	No	Yes – 40 hours – Keep looking	Yes – 70 hours – Keep looking	Yes – 90 hours – Keep looking	Yes – 90 hours – Keep looking
Month 7	Month 8	Month 9	Month 10	Month 11	Month 12
Yes - 160 hours - Stop				UC Denial on job that ended at Month 11	

Example 11: In this scenario Hanna is applying for TANF. She is in her ninth month of pregnancy. You find a job that may meet the “most recent employment” definition. In month 7 she worked 160 hours. You discover this is the same job she worked in month 6 through month 3. By month 3 she only worked 40 hours. She did not file a claim when she left this job because she is unavailable for work. DHS cannot require her to apply for UC because she is in her ninth month. (see OAR 461-120-0330). You do notice on the ECLM-NM/LF screen that she was denied UC due to a job ending eleven months ago (Month 11).

Question: Would you consider the job from month 11?

Answer: No. Hanna’s most recent employment is the job she worked beginning in month 7, which ended in month 3. Once you find that job you are not required to look back any further.

Question: Would the last job that Hanna worked be considered?

Answer: No. Remember you need to see if the job passes the two tests for a job to be considered for the UC Denial rule 461-135-0070. Test 1 – was the job within the past 12 months of applying for TANF? Test 2 – was she working or scheduled to work 100 or more hours in her final full calendar month on the job? The answer must be **YES** to both of these questions. In Hanna’s case the job was within 12 months from the date of request for TANF but she only worked 40 hours in her final full calendar month on the job. At this point Hanna has cleared the requirements of the UC denial rule.

Note: *There will be situations where an applicant had a job within the past 12 months and they did work or were scheduled to work 100 or more hours. However, in their final full calendar month on the job they worked or were scheduled to work less than 100 hours. In these situations you would stop looking back at this job. Any job before this one would not be review. You found the job but in the applicants final full calendar month on the job they only worked 40 hours. At that point the job would no longer be considered for this rule and the applicant would pass these eligibility requirements.*

Example 12: *Brighton and his two sons are applying for TANF benefits. He had a job four months ago but left this job to take a trip with his sister to Alaska. He worked 150 hours in the final full calendar month on this job. This is his most recent employment.*

Question: Does Brighton’s job meet both of the two tests – within the past 12 months from the date of request for TANF and 100 hours or more?

Answer: Yes. *Brighton’s job does meet both of the tests. You would need to look at a possible UC denial.*

You look at the ECLM-NM/LF screen for Brighton. You find he was denied UC (“St” code “D”) and the “DEC/FLAG” code is “VQ” or voluntary quit.

Question: Are Brighton and his sons eligible for TANF?

Answer: No. *He was denied UC and it was on the job you determined was his most recent employment. You will still need to determine eligibility for MAA/MAF as the family is still eligible.*

Example 13: *Let us change Example 12’s scenario a little. What if Brighton left the job because his sister was dying and he needed to be there to help care for his sister’s children? His sister had no other support in the area. When you look at ECLM-NM/LF screen the decision code is “AAA” which does not match one of the five codes above. You will have to determine had Brighton been eligible for UC would he have been denied the benefits.*

Above we discussed what the Oregon Employment Department considered to be good cause, which talked about a reasonable and prudent person, exercising ordinary common sense. In this example did Brighton exercise ordinary common sense? Sure, he left the job to help care for his sister’s children. By Brighton helping the children, it may have prevented them from entering foster care.

*Was Brighton a reasonable person exercising good common sense? Most likely under his circumstances **yes**. This would be considered good cause.*

Example 14: Sandy moves with her family from Alabama. She was working but left her job and moved to Oregon. Sandy applies for UC benefits through Alabama and is denied.

Question: Would you use the UC denial from Alabama to determine eligibility for TANF in Oregon?

Answer: No. *The determination of eligibility for the UC denial rule is based on Oregon law and not the laws of other states.*

You will have to determine whether or not the job meets the definition of “most recent employment.” Was it within the past 12 months of applying for TANF benefits? Did she work or was scheduled to work 100 or more hours. Once you answer those questions you may need to find out why she left and make a determination whether or not she had good cause for leaving that job.

Example 15: Jennie has come into your office to apply for TA-DVS. She is attempting to escape an abusive relationship. You remember that certain requirements can be waived when applicants are escaping domestic violence. (see OAR 461-135-1200).

Question: Can you waive the UC Denial rule (461-135-0070) when considering Jennie’s application for TA-DVS?

Answer: Yes. *You are able to waive the requirements of the UC Denial rule when considering an application for TA-DVS. In fact, OED, by law, is able to grant good cause for an individual leaving a job due to domestic violence. However, for DHS we can waive the requirements of the rule and it would not matter why the applicant left their job.*

Question: You were able to waive the UC Denial rule requirements for TA-DVS but are you able to waive those requirements for Jennie’s application for TANF?

Answer: Yes. *You are able to waive the requirements of the UC Denial rule when considering Jennie’s an application for TANF. The reason you can do this is because of the risk to Jennie if we deny TANF, which could force her back to the abuser.*

Jobs excluded from the UC Denial rule 461-135-0070

There are certain types of jobs, which will be excluded from review for the UC Denial rule. They include:

- JOBS Plus assignment related to a JOBS case plan
- Work Experience related to a JOBS case plan
- Sheltered Work related to a JOBS case plan
- On-the-Job Training (OJT) related to a JOBS case plan
- Volunteer or unpaid employment
- Temporary or limited duration employment to include but not limited to WIA summer jobs, jobs connected to federal or state stimulus funding, etc.

E. Deprivation

Case Management Opportunity

When asking about frequency of contact with the noncustodial parent, also ask about the client's and children's current relationship with the noncustodial parent and whether it is positive; if the noncustodial parent or relatives offer any support to aid in self-sufficiency; and if parental absence, incapacity, or current relationship has caused issues that need to be addressed.

1. Determining Deprivation for a Child

In order to receive TANF, a dependent child must be deprived of parental support or care because of the absence, death, incapacity, unemployment, or underemployment of a parent.

When a child lives with one parent or does not live with a parent, the basis of deprivation is the continued absence or death of a parent. When a child lives with both parents, the basis of deprivation is either the unemployment, underemployment, or incapacity of a parent. If a child meets deprivation on more than one basis, the case manager may choose which reason to use. However, the choice cannot adversely affect the child's eligibility.

Evidence of Deprivation Based on Continued Absence; MAA, MAF, TANF: 461-125-0130 |

Note: Not all children in a TANF need group will have the same basis of deprivation.

2. Determining Deprivation for a Child/Unborn Without Legal Paternity

If the mother and the alleged father of the dependent child or unborn are living together, and either the mother or the alleged father claims the alleged father is, in fact, the father and no other man has been identified as the father, deprivation for the child is based on two parents in the household: i.e., incapacity or unemployment. Both parents must cooperate with DCS to establish paternity. The parent who refuses to cooperate will be disqualified according to the rule on DCS disqualifications.

Determining Deprivation for Child/Unborn Without Legal Paternity: 461-125-0050 |

3. Deprivation Based on Death

If either parent of a child is deceased and the other parent has not remarried, or has remarried but the stepparent is not living in the home, the child meets deprivation based on death.

Deprivation Based on Death: 461-125-0060

4. Deprivation Based on Continued Absence

Continued absence may exist when the child lives with only one parent or does not live with any parent **and** the absent parent has been or is expected to be gone from the household for at least 30 days. The parent is considered absent when any of the following is true:

- He/she lives in a separate residence and does not visit the child in the child's home more than four times or 30 hours per week.
- He/she is confined to an institution and the confinement is anticipated to last more than 30 days.
- He/she is living in the child's home only to serve a court-imposed sentence by performing unpaid public work and unpaid community service during the workday.
- The dependent child is adopted by a single parent and the parent is not living with a spouse.
- More than one person is identified as the child's father and legal paternity has not been established.

The parent is not considered absent when:

- The absence is due to the parent's participation in the uniformed services of the U.S.
- Both parents, though not living together, make day-to-day decisions about the child's life and the child sleeps at least 30 percent of the time during the calendar month in the home of each parent.
- The absence is due to employment, education, or training. For example, the parent is gone looking for work outside the area of their residence or their employment, education, or training takes them out of their residence.

Deprivation Based on Continued Absence of a Parent: 461-125-0090

Situations of Deprivation Based on Continued Absence: 461-125-0110

Situations of No Deprivation Based on Continued Absence: 461-125-0120

Evidence of Deprivation Based on Continued Absence; MAA, MAF, TANF: 461-125-0130

5. Deprivation Based on Incapacity

Deprivation based on incapacity exists when one parent is unable to work or has a physical or mental condition that is expected to last at least 30 days and substantially reduces the parent's ability to provide adequate care or support for the child. The condition must be verified by medical documentation. Deprivation based on incapacity is considered met when a child lives with both parents and at least one parent is receiving SSI or SSB based on disability or blindness.

Deprivation Based on the Incapacity of a Parent: 461-125-0230 |

6. Medical Documentation

Deprivation based on incapacity exists when there is medical documentation that a client's physical or mental condition prohibits them from being employable for at least 30 days from the date the client requests benefits. Medical documentation must be in writing and contain all the following:

- A diagnosis in medical terminology, including an explanation of whether the impairment limits the individual's ability to perform normal functions, and if so, how.
- A prognosis, including an expected recovery time frame.
- Clinical evidence from physical examination, psychiatric evaluation, X-rays, or laboratory procedures. This evidence must include objective findings: i.e., specific data supporting diagnosis of a condition that causes unemployability or incapacity, either on a medical or psychiatric basis.

To determine eligibility, the division will accept medical evaluations from medical and osteopathic doctors, visual evaluations from optometrists, and mental evaluations from licensed clinical psychologists and psychiatrists. For case planning, the division will accept evaluations from licensed social workers, physical capacity evaluations from licensed physical therapists and licensed occupational therapists.

A client whose mental condition was initially documented by a physician who is not a psychiatrist or licensed clinical psychologist must submit documentation from a psychiatrist or licensed clinical psychologist to establish the condition beyond an initial 60-day period (up to 90 days if approved by the medical review team [MRT]).

An MRT is comprised of staff assigned by the division. It provides medical expertise in comparing the client's medical condition with the medical eligibility requirements. The MRT determines whether a person meets the incapacity or unemployability criteria based on the following:

- The nature of the impairment.
- The medical documentation and, when appropriate, the social summary.

- The specific medical eligibility requirements of the applicable program.

An MRT authorizes medical/psychiatric examinations necessary to obtain supplemental medical documentation. The MRT will complete a medical review whenever it is determined necessary.

Using Administrative Medical Examinations: 461-125-0810
Medical Documentation; Disability and Other Determinations: 461-125-0830

7. Deprivation Based on Unemployment

Deprivation based on unemployment exists when a child lives with two parents and the household meets the following criteria:

The Primary Wage Earner (PWE) is unemployed or underemployed. The PWE is the parent who earned the most money in the 24 months before requesting TANF. The PWE is considered unemployed or underemployed if their monthly earned income is less than the countable income limit for the need group.

Determining Primary Wage Earner (PWE); MAA, MAF and TANF: 461-125-0150
Unemployment or Underemployment of the ADC-PWE: 461-125-0190

The PWE is not participating in a labor dispute.

The PWE is not unemployed from their most recent employment for reasons that would or do result in being denied from receiving unemployment compensation (UC) benefits in Oregon.

The most recent employment is:

The last job the PWE had prior to receiving TANF benefits that meets the two tests below.

1. The job was within the past 12 months from the date of request for TANF, and
2. The PWE worked or was scheduled to work at least 100 hours in their final full month on the job.

If the answer is **NO** to either test 1 or 2 above, the family has cleared deprivation based on under or unemployment. If the answer is **YES** to both test 1 and 2 above, the job must be reviewed to determine whether or not the PWE would have been denied unemployment compensation.

Deprivation Based on Unemployment or Underemployment of the ADC-PWE: 461-125-0170

Note: Once a parent is determined to be the PWE, their status cannot change while the family remains continuously eligible for TANF, unless:

- The other parent later provides evidence that they should have been the PWE at the time of application; OR
- The parent who is the PWE is out of the household group for at least one full calendar month. If so, the branch office must redetermine which parent is the PWE.

Determining Primary Wage Earner (PWE); MAA, MAF and TANF: 461-125-0150

Determining UC denial for TANF eligibility

You will need to use the ECLM screens to determine whether or not the PWE was denied UC benefits. Keep in mind you will need to make sure the PWE's most recent employment is the one you find on ECLM.

Open the ECLM screen for the PWE. Look at the "NM/LF" screen (<shift>F6). If the PWE has filed a claim you will find the decision located on this screen.

If you find a claim matching the PWE's most recent employment, you will need to determine the status of the claim. Under the "St" column there are three possible codes including: "C" Clear; "D" Deny; and "I" Inactive. If you find a "D," the PWE has been denied UC benefits and you must determine the reason. Under the "Dec/Flag" column, you will need to identify one of the following codes:

- DS (Discharged/Fired – Misconduct)
- LD (Labor Dispute)
- TF (Felony/Theft from Employer)
- VQ (Voluntary Quit)
- VQD (Voluntary Quit in anticipation of discharge)
- VQQ (Voluntary Quit in anticipation of quit)

Some clients may be ineligible for UC benefits for such reasons as not enough earnings. In those instances, DHS will need to determine if the PWE would have been denied from receiving UC benefits if they had been eligible. It may be necessary to contact the Oregon Employment Department (OED) to help make this determination. If the OED is unable to make the decision within the application processing time frames or the OED's denial code is not one of those listed above, a good-cause determination must be done. Focus only on the PWE's last job they had prior to applying for TANF where they worked or were scheduled to work at least 100 hours in their final full calendar month on the job.

Guidance for determining good cause

First let us look at a list of reasons according to OED, which would **not** be good cause. They include:

- Leaving suitable work to seek other work; (leaving a job before you have another job)
- Leaving work rather than paying union membership dues;
- Refusing to join a bona fide labor organization when membership therein was a condition of employment;
- Leaving work to attend school, unless required by law;
 - See ORS 461-135-0070 for information regarding Parents as Scholars participants who may not be impacted by leaving work to attend school.
- Willful or wantonly negligent failure to maintain a license, certificate or other similar authority necessary to the performance of the occupation involved, so long as such failure is attributable to the individual;
- Resignation to avoid what would otherwise be a discharge for misconduct or potential discharge for misconduct;
- Leaving work for self employment.

What if a caretaker relative left a job to accept another job? An individual can leave work to accept an offer of other work and it is considered good cause but only when:

- The offer was definite,
- Work was to begin in the shortest length of time as can be deemed reasonable under the individual circumstances;
- The offered work must have been reasonably expected to continue; and
- Would have paid an amount greater than the work the caretaker relative left.

What is good cause? The Oregon Employment Department in OAR 471-030-0038 defines good cause for leaving employment as:

“Good cause for voluntarily leaving work under ORS 657.176(2)(c) is such that a reasonable and prudent person of normal sensitivity, exercising ordinary common sense, would leave work. For an individual with a permanent or long-term physical or mental impairment (as defined at 29 CFR 1630.2(h)) good cause for voluntarily leaving work is such that a reasonable and prudent person with the characteristics and qualities of such individual would leave work. For all individuals, the reason must be of such gravity that the individual has no reasonable alternative but to leave work.”

Example 1: Judith and Kelly are TANF applicants. Judith is in the ninth month of pregnancy. You determine she is the PWE. Judith is not required

to apply for UC because she is in her ninth month (see OAR 461-120-0330). You find out she left a job three months ago when she was six months pregnant. She was working full time, 100 plus hours per month. You ask why she left and she tells you she was working in a job that required close contact with different types of chemicals. She asked her boss about other positions but none were available. She says she was scared for the health of her unborn and decided, after consulting her doctor, it was best to leave this job.

Was she a reasonable person of normal sensitivity? Was she exercising ordinary common sense? In this example, yes, the caretaker relative was a reasonable person exercising ordinary common sense. She left the job to protect the health and safety of her unborn. If you needed to make the good cause decision you would have enough information to say she had good cause for leaving the job.

Example 2: Thomas and Maria are applying for TANF benefits. You are determining deprivation and decide Maria is the “Primary Wage Earner” or “PWE.” Thomas did work until seven months ago when he left a part-time at 50 hours. Maria’s most recent employment was three months ago. She worked 110 hours. Maria’s job passes the two tests for this rule; within 12 months from date of request for TANF, and worked 100 or more hours in her final full month. You look at the ECLM-NM/LF screen and you see a “C” in the claim status and a “VQ” in the decision line.

Question: Was Maria denied from receiving UC benefits?

Answer: No. There was a “VQ” code indicating voluntary quit but the status code was marked “C” and not “D.” “C” means “Clear.” Maria was not denied UC benefits. The family would pass the deprivation test for TANF.

Question: Does Thomas have to meet the eligibility requirements of the UC Denial rule 461-135-0070?

Answer: Yes. Thomas is subject to the requirements of OAR 461-135-0070. You will need to determine if Thomas has a most recent employment.

Unlike the deprivation rule, if a family is denied TANF benefits because of the UC denial rule (OAR 461-135-0070), they are still eligible for medical (MAA/MAF).

Question: Does Thomas have a most recent employment? Remember the two tests – within past 12 months and worked or scheduled to work 100 hours or more.

Answer: No. Thomas did have a job which was within the past 12 months. However, Thomas was not scheduled and did not work more than 100 hours that month.

Example 3: Sandy and Michael move with their family from Alabama. Sandy is the PWE. She was working but left her job and moved to Oregon. Sandy applies for UC benefits through Alabama and is denied.

Question: Would you use the UC denial from Alabama to determine deprivation eligibility for TANF in Oregon?

Answer: No. The determination of eligibility for deprivation based on unemployment and UC denial is based on Oregon law and not the laws of other states.

You will have to determine whether or not the job meets the definition of “most recent employment.” Was it within the past 12 months of applying for TANF benefits? Did she work or was scheduled to work 100 or more hours. Once you answer those questions you may need to find out why she left and make a determination whether or not she had good cause for leaving that job.

Question: Would you have to determine whether or not Michael has a job that fits the definition of most recent employment?

Answer: Yes. Michael must past eligibility requirements for the UC Denial rule (461-135-0070). Did he have a job meeting the definition of most recent employment? Did he leave that job for reasons, which would lead to a UC denial based on Oregon law?

Unlike the deprivation rule, if a family is denied TANF benefits because of the UC denial rule (OAR 461-135-0070), they are still eligible for medical (MAA/MAF).

What if the applicant was self-employed? Are they subject to the requirements in OAR 461-135-0070?

Individuals, who are self-employed, regardless of where they were self-employed, are also affected by UC Denial eligibility requirements. You will need to determine how much money the individual made in the last month they were self-employed; determine how many hours they worked; and find out the reason why the self-employment ended. If the caretaker relative’s last self-employment job was within the past 12 months we will

use their income from the last month of self-employment to accurately determine the number of hours they worked.

Example 4: Joey and Sheila are applying for TANF benefits. Joey, the PWE, was self-employed. He last worked five months ago. He was selling goods at Saturday market. He earned \$600.00 in the final month. You will need to figure out the number of hours he worked. For self-employed, the hours worked is based on the income divided by Oregon minimum wage. Divide $\$600 / \$8.40 = 71.4$ hours, which are less than 100 hours.

Question: Would Joey's self employment meet the criteria for DHS to look at UC denial?

Answer: No. Joey's job (self-employment) was 71.4 hours, which is under the 100 hour minimum. This means Joey and Michelle meet the deprivation rule for TANF eligibility.

Question: Will you need to look at Sheila's work history to determine TANF eligibility requirements of the UC Denial rule OAR 461-135-0070?

Answer: Yes. You will need to see if Sheila has a most recent employment.

Unlike the deprivation rule, if a family is denied TANF benefits because of the UC denial rule (OAR 461-135-0070) they are still eligible for medical (MAA/MAF).

You ask and find out Sheila also worked five months ago. She was working 120 hours per month. She had to stop working due to high-risk pregnancy. She is due soon but remains unable to work.

Question: Can DHS require Sheila to apply for UC benefits?

Answer: No. Sheila would be exempt from the JOBS program. Individuals who are exempt from JOBS are not required to pursue UC benefits. (See OAR 461-120-030.)

You will need to determine if Sheila had good cause for leaving her job. You may need to contact OED or a TANF analyst for assistance.

Question: Would Sheila have good cause for leaving her job five months ago?

Answer: Yes. *Sheila was and still is under doctor's orders for bed rest due to a high-risk pregnancy. She left her last job due to this condition. Sheila would have good cause.*

Specific Requirements; MAA, MAF, and TANF: 461-135-0070

Remember, the local OED office or TANF analysts may be able to help with interpretation of good cause. If good cause existed, document the information and decision in the case record and proceed with the eligibility decision. If there was no good cause, issue a denial notice for any persons from the need group who are not eligible as a result of not having UN deprivation. If there are no eligible people in the filing group, deny the application or close the case.

8. Change in Basis of Deprivation

When a change occurs that could affect a child's deprivation status, give the filing group 45 days from the date that the household reports the change to re-establish their eligibility using a different basis of deprivation. The client's report of the change must be timely in order to get the 45-day extension. Send them a timely continuing benefit decision notice form *Notice of Decision and Action Taken* (DHS 456) that ends benefits on the last day of the month in which the 45-day period expires or reduces benefits on the first of the month following the month in which the 45-day period expires.

If they establish eligibility, supplement benefits back to the date that all eligibility factors are met and verified.

If they do not establish eligibility, end TANF benefits at the end of the month in which the 45-day time limit expires if the change results in closure of TANF benefits. If the change results in a reduction in benefits, make the change effective the first of the month following the month in which the 45-day time limit expires.

Change in Basis of Deprivation; TANF: 461-125-0255

☞ SEE MEDICAL CHAPTER B.5 FOR INFORMATION ABOUT MEDICAL PROGRAM REDETERMINATION AND DECISION NOTICE REQUIREMENTS.

it progresses to the next level. The client is not entitled to a hearing on progression of the disqualification.

Req. to Attend an Assessment or Evaluation. or Seek Medically Appropriate Treatment for Substance Abuse /Mental Health;
Disqualifications and Penalties: 461-135-0085

Send a timely continuing benefit decision notice if the grant is reduced, closed, or the payment method changes and the information was not reported through MRS. If the information is reported through MRS, send a continuing benefit decision notice.

Notice Situation; Disqualification: 461-175-0220

If a client who is exempt from Employment Program disqualification loses that exemption while serving an eligibility disqualification for Alcohol & Drug/Mental Health noncooperation, the client continues in the Alcohol & Drug/Mental Health disqualification until they cooperate.

Notice Situation; Disqualification: 461-135-0200

23. Counting the Disqualification/Noncooperation Penalty Months

For Employment Program disqualification or penalty for failure to cooperate with substance abuse/mental health treatment, count as a month of disqualification any month in which the client is disqualified for even one day, and the month in which a disqualification would have become effective, if the client had not successfully demonstrated cooperation before the effective date per rule 461-130-0335.

Disqualifications; FS, Pre-TANF, REF, TANF: 461-130-0330
Req. to Attend an Assessment or Evaluation. or Seek Medically Appropriate Treatment for Substance Abuse /Mental Health;
Disqualifications and Penalties: 461-135-0085

24. Penalty for Failure to Cooperate With Support (Cash and Medical)

- For applicants: denial of application for cash benefits for the entire family and medical benefits for the person who fails to cooperate.
- For recipients: the net monthly cash benefit amount, after income deductions and reductions for JOBS noncooperation are applied (where applicable), shall be reduced by the following percentages:
 - 25 percent for the first month following the month in which failure to cooperate is determined.
 - 50 percent for the second month.
 - 75 percent for the third month.

- 100 percent (total ineligibility for cash benefits) for the fourth and subsequent months.
- Loss of Cooperation Incentive Payment in any month the client is serving a DCS disqualification.
- The person who fails to cooperate with support requirements is ineligible for medical benefits and the benefit group also loses their Cooperation Incentive Payment when the person continues not to cooperate.

Note: There is no requirement to cooperate with child support (and no penalties for noncooperation) for recipients in the two-parent program or the State Family Pre-SSI/SSDI program.

Client Required To Help Department Obtain Support From Noncustodial Parent; TANF: 461-120-0340

Send a basic decision notice if applicants are denied TANF due to failure to cooperate with child support programs. Send a timely continuing benefit decision notice for child support disqualification if the information that leads to the grant reduction is not reported through the MRS. Send a continuing benefit decision notice if the information that leads to disqualification is reported through the MRS.

Notice Situation; Disqualification: 461-175-0220

25. Penalty for Not Pursuing Available Assets

- For applicants: denial of the application.
- For recipients: termination of TANF cash and medical benefits after a timely continuous benefit decision notice is sent.

Requirement to Pursue Assets: 461-120-0330

26. Ending Employment Program Disqualification

End the disqualification when one of the following happens:

- The disqualification was applied in error. Do not count that disqualification.
- It becomes known that the failure to cooperate was based on previously unknown domestic violence issues.
- The disqualified person is no longer a member of the household group. The disqualification follows the person.
- There is a break in TANF benefits. A break in benefits is when the family is not receiving TANF cash assistance because the TANF case is closed.

A break in TANF benefits is not the same thing as a case with an active DQ4. When a case reaches DQ4 there is no cash grant but the family is still considered to be on TANF. The DQ4 remains on the case in the Need Resource on the CM system. The individual with an active DQ4 would need to complete two consecutive weeks of cooperation to have their cash grant restored.

Example 1: Louis was serving an active DQ4 disqualification. On June 30, the family's TANF benefits ended because they moved to Idaho. In August, Louis and his family returned to Oregon and applied for TANF. Louis' DQ4 is not active at this time. There is no two consecutive week cooperation period requirement for Louis in order to be eligible for TANF. As long as Louis and his family meet all other eligibility requirements they may receive TANF.

Example 2: Remmy is currently an active DQ1. She failed to turn in her redetermination packet for TANF. Her case closed at the end of the month. She returns a month later and submits an application for TANF. Eligibility is cleared and her case opens on October 1. Remmy and her family did not receive TANF benefits in September. This would be considered a break in TANF program benefits. The disqualification would not be active. There would be no two consecutive weeks eligibility requirement. When the case is opened, there should be no DQ in the need resource on the CM system. However, there would be a DQ1 in the case descriptor (history) on the CM system.

Note: When a TANF case closed, the needs resource DQ code should be removed.

- The disqualified person is no longer required to complete the JOBS activities. The disqualification ends on the first of the month in which the change occurs or DHS becomes aware of the change, whichever occurs later.
- The disqualified person demonstrates two consecutive weeks of cooperation.
- Prior to the effective date of a proposed disqualification, a client who states to an appropriate employee of the department a desire to cooperate with participation requirements must be assigned a cooperation period of two consecutive weeks. The client must complete a new or revised case plan, or agree to complete each activity in the current case plan. The disqualification ends after the client participates for two consecutive weeks, at which time the cash benefits are restored. If the first day of the month occurs during the two consecutive weeks, benefits will be restored retroactive to the first of the month.

Example: Mary came in June 5 and agreed to cooperate after receiving the notice that a disqualification would take place on July 1. Mary and her worker complete a new case plan the same day. Mary begins cooperation immediately. During the second week of cooperation,

Mary's father died and she had to go out of town to the funeral and missed two days of her activity. Mary provides documentation and is given good cause. Mary continues cooperating with her activity and finishes her two consecutive week cooperation period (June 5 through June 19 because she had good cause) on June 19. Because Mary has shown two consecutive weeks of cooperation, the financial penalty is not imposed. However, the DQ case descriptor will remain.

- On or after the date the disqualification was proposed to take effect, a client who states to an appropriate employee of the department a desire to cooperate with participation requirements must be assigned a cooperation period of two consecutive weeks. The client must complete a new case plan before cash benefits are restored. The disqualification ends after the client participates for two consecutive weeks. The grant is resorted back to the date the client notified an appropriate employee of the department a desire to cooperate.

Example: During the re-engagement process and at each step of disqualification attempts were made to re-engage Chelsea but she continued to indicate that she thought she should be able to stay at home to care for her children.

As a result of JOBS disqualification, a DQ4 on the first of the month, Chelsea did not receive a TANF cash benefit. On March 5, Chelsea stated she wanted to cooperate and Chelsea and her worker completed a new plan the same day. Chelsea began an activity the next day. After two days, she failed to show up for her activity. Several attempts were made to contact Chelsea. On March 10, the worker finally connected with Chelsea. Chelsea said she would like to start again and did not have a good reason she had not attended other than she was not used to getting up so early.

The worker helped Chelsea identify some of her strengths and weaknesses related to cooperation. He also encouraged her to keep in touch with him if issues came up. The plan created on March 5 was reviewed and agreed upon by both Chelsea and her worker.

On March 20, Chelsea called her worker to see when her benefits would be restored. Chelsea had started back in her activity on March 11. She did not attend on March 12 but had been fully participating since March 13. The worker congratulated Chelsea on making progress. The worker shared with Chelsea that once she had completed two consecutive weeks, her benefits would be restored. On March 27, Chelsea's benefits were restored back to March 13 (the day she began fully cooperating), as she successfully completed her two consecutive weeks of cooperation.

- If the disqualified person demonstrates cooperation during this period, do not impose the disqualification penalty. Count the month in which the disqualification penalty was to be imposed as a disqualification month.
- It becomes known that the failure to cooperate was based on an aspect of a previously known or unknown disability.
- A required accommodation or modification which would allow a disabled client to participate was not provided.

Note: Meet with a client indicating they want to cooperate as soon as possible.

Removing Disqualifications; Effect on Benefits: 461-130-0335
Domestic Violence: 461-135-1200

27. Ending Alcohol & Drug/Mental Health Treatment Disqualification

End the disqualification when one of the following happens:

- The disqualification was applied in error. Do not count that disqualification.
- It becomes known that the failure to cooperate was based on previously unknown domestic violence issues.
- The disqualified person is no longer a member of the household group. The disqualification follows the person.
- There is a break in TANF benefits. A break in benefits is when the family is not receiving TANF cash assistance because the TANF case is closed.

☞ SEE SECTION TF-F.26, EXAMPLES 1 AND 2 UNDER “THERE IS A BREAK IN BENEFITS...” PARAGRAPH.

- The disqualified individual demonstrates two consecutive weeks of cooperation.
 - Prior to the effective date of a proposed disqualification, a client who states to an appropriate employee of the department a desire to cooperate with participation requirements must be assigned a cooperation period of two consecutive weeks. The client must complete a new or revised case plan, or agree to complete each activity in the current case plan. The disqualification ends after the client participates for two consecutive weeks at which time the cash benefits are restored. If the first day of the month occurs during the two consecutive weeks, benefits will be restored retroactive to the first of the month.
 - On or after the date the disqualification was proposed to take effect, a client who states to an appropriate employee of the department a desire to

cooperate with participation requirements must be assigned a cooperation period of two consecutive weeks. The client must complete a new or revised case plan, unless the current case plan is still valid, before cash benefits are resorted. The disqualification ends after the client participates for two consecutive weeks. The grant is resorted back to the date the client notified an appropriate employee of the department a desire to cooperate.

Cooperation assignments must comply with the following:

- For all levels of penalty, if an appropriate activity is not available within two consecutive weeks or there is a cost to the client, a client's statement of intent to cooperate will serve as the demonstration of cooperation.
- In order to end a penalty imposed under OAR 461-135-0085, a client must state to an appropriate department employee a desire to cooperate with participation requirements and complete a cooperation period of two consecutive weeks. The client must demonstrate a willingness to participate in treatment required under OAR 461-135-0085 if treatment is still a requirement.

Req. to Attend an Assessment or Evaluation. or Seek Medically Appropriate Treatment for Substance Abuse /Mental Health;
Disqualifications and Penalties: 461-135-0085
Demonstrating Compliance with Substance Abuse and Mental Health Requirements; Restoring Case Benefits: 461-135-0089

28. Ending DCS Disqualification

- End the support noncooperation penalties when the client cooperates by completing the necessary forms, providing requested information, scheduling an appointment with DCS, or taking whatever other actions are required to indicate cooperation or a determination of good cause has been made. Supplement the grant back to the date the client cooperated by taking whatever other actions were required to indicate cooperation.

Client Required To Help Department Obtain Support From Noncustodial Parent; TANF: 461-120-0340
Clients Required to Obtain Medical Coverage: 461-120-0345

29. Pursuing Assets

No cash or medical benefits will be approved if clients fail to pursue assets without good cause.

Requirement to Pursue Assets: 461-120-0330

☞ FOR INFORMATION ON NOTICES, SEE TANF SECTION O, (TF O.).

C. Requirement to Cooperate, Noncooperation Penalties, and Good Cause

1. Requirement to Cooperate with DHS and DCS in Obtaining Support Payments, Health Care Coverage Through an Absent Parent, and Cash Medical Support

Child Support for TANF Applicants. To be eligible for TANF, caretaker relatives must cooperate (unless good cause exists—see items 3 through 6, below) with DHS and with DCS in establishing paternity and obtaining support payments for all children in the benefit group.

Child Support for TANF Recipients. TANF recipients must also cooperate (unless good cause exists, see items 3 through 6 below) with DHS and DCS in establishing paternity and obtaining support payments for all children in the benefit group. (This does not apply to TANF recipients in the SFPSS or Post-TANF programs.) When a TANF recipient who is required to cooperate does not cooperate (and does not have good cause for the noncooperation), the recipient will be subject to the penalties in item 8 below (CS C.8).

Client Required To Help Department Obtain Support From Noncustodial Parent; TANF: 461-120-0340(1) |

Cash Medical Support. To be eligible for all programs except ERDC, FS, OHP-CHP, and REFM, Medicaid recipients must cooperate (unless good cause exists, see items 3 through 6 below) with DHS and DCS in establishing paternity and obtaining cash medical support for all children in the benefit group.

- Medicaid applicants at initial application and Medicaid recipients at redetermination need only sign the application. Do not require completion of a paternity affidavit as a condition of Medicaid eligibility at initial application or at redetermination.

Health Care Coverage Through an Absent Parent. To be eligible for all programs except ERDC, FS, OHP-CHP, and REFM, the client must cooperate, unless good cause exists (see items 3 through 6, below), in establishing paternity and obtaining health care coverage through an absent parent.

- For TANF, Medicaid, and REF, the caretaker relative must cooperate for the dependent children in the benefit group.
- Medicaid applicants at initial application and Medicaid recipients at redetermination need only sign the application. Do not require completion of a paternity affidavit as a condition of Medicaid eligibility at initial application or at redetermination.
- For EA and EA medical, clients are required to cooperate only if health care coverage through a noncustodial parent can be made available in time to meet the emergent medical need.

Client Required To Help Department Obtain Support From Noncustodial Parent; TANF: 461-120-0340
Clients Required to Obtain Health Care Coverage and Cash Medical Support; EXT, GAM, MAA, MAF, OHP (except OHP-CHP), OSIPM, SAC: 461-120-0345 |

2. Evidence of Cooperation

Cooperation with child support, health care coverage through an absent parent, and cash medical support exists when the client provides information that DHS and DCS need or request to establish paternity, or to establish, modify, or enforce a child support order, for the child(ren) in the TANF or Medicaid benefit group.

Note: Medicaid applicants at initial application and Medicaid recipients at redetermination need only sign the application. Do not require completion of a paternity affidavit as a condition of Medicaid eligibility at initial application or at redetermination.

The client demonstrates cooperation by doing all of the following:

- Supplying sufficient information to enable DCS to proceed with appropriate action. *Sufficient information* includes, but is not limited to, as many of the following elements of information as the client knows (or can reasonably be expected to find out) regarding any and all noncustodial parents of such dependent children:
 - Full legal name and nicknames.
 - Social Security Number.
 - Current or last known address.
 - Current or last known employer, including name and address.
 - If a student, current or last known school.
 - Criminal record, including where and when incarcerated.
 - Date of birth, or age.
 - Race.
 - Date and place of each child’s conception (if paternity is not established).
 - Any known group or organizational affiliations of the noncustodial parent.
 - Names and addresses of close friends or relatives.
- Any other information DHS or DCS may request that would help locate or identify a noncustodial parent of a child in the benefit group.
- Supplying documentation or explanation of efforts to get information requested by DHS or DCS (if unable to provide any necessary information listed above).
- Keeping appointments with DHS and DCS related to establishing paternity.

- Returning telephone calls or responding to correspondence when requested by DHS or DCS.
- Otherwise demonstrating a good faith effort to obtain necessary information and to locate and identify each alleged parent or noncustodial parent, establish legal paternity, establish and enforce a support order, and obtain support payments, to the full extent possible allowing for the client's individual circumstances.

Client Required To Help Department Obtain Support From Noncustodial Parent; TANF: 461-120-0340 |

3. Good Cause for Failure to Cooperate; Child Support, Health Care Coverage Through an Absent Parent, and Cash Medical Support

A client may claim good cause for not cooperating with DHS and/or DCS to establish paternity or to collect child support, health care coverage through an absent parent, and cash medical support.

Note: Caretaker relatives of OHP-CHP, or REFM children are not required to cooperate with DCS for cash child support, health care coverage through an absent parent, or cash medical support.

- *Good cause* for failure to cooperate with support, health care coverage through an absent parent, and cash medical support requirements exists when any of the following are true:
 - Cooperation is reasonably anticipated to result in emotional or physical harm to the child(ren) in the family.
 - Cooperation is reasonably anticipated to result in emotional or physical harm to the client or to other caretaker relatives of the child(ren) involved.
 - One of the following circumstances exists and DHS believes that continuing efforts to obtain support would be detrimental to the child(ren):
 - (a) The child was conceived as a result of incest or rape.
 - (b) Legal proceedings for adoption are under way before a court.
 - (c) The parent is being helped by a public or licensed private social agency to resolve the issue of whether to release the child for adoption. This good cause reason is limited to three months.
- If good cause is found, DCS will take no action to establish paternity or child support or to enforce child support.
- When DCS determines that a client is not cooperating and there is an open TANF or Medicaid case, DCS will tell the DHS branch office. The DHS branch office is

responsible for determining if the client had good cause or if noncooperation penalties shall be applied.

On a closed TANF or former ADC case where past-due support remains assigned to Oregon or to another state, and the former client is not cooperating, DCS may determine if the former client has good cause for not cooperating. DCS will make this determination pursuant to all DCS rules and policy regarding good cause. If DCS determines that the former client has good cause for not cooperating, DCS will not pursue collection of assigned arrears if doing so could lead to harm to the former client or to the children. If the former client does not have good cause for not cooperating, DCS will continue to pursue assigned arrears (but there will be no reduction of TANF benefits, since the former client is no longer receiving TANF).

- If good cause is found on an open TANF or Medicaid case, DHS should:
 - 1) Code the case with good cause.
 - 2) Notify the appropriate DCS worker that the case has been coded good cause by phone or email.
 - 3) Check the following day that the child support case has good cause coding. When the child support case has good cause coding, the SJ7F screen will contain a grid stating “Good Cause.”
- The need for continued good cause coding should be reviewed at each redetermination.

Clients Excused for *Good Cause* from Compliance with OAR 461-120-0340 and -0345: 461-120-0350

4. Good Cause; Branch Office Responsibilities

The DHS branch office is responsible for informing clients of their right to claim good cause, both when the client applies for assistance and at each redetermination of eligibility. When the client applies for TANF, Medicaid, or OSIPM, and one or both parents of any child in the benefit group are absent from the benefit group, the branch office will:

Explain to the client that unless the client has good cause for not cooperating:

- Cooperation in efforts to obtain child support payments, health care coverage through an absent parent, and cash medical support is a condition of eligibility for TANF.
- Cooperation in efforts to obtain health care coverage through an absent parent and cash medical support is a condition of eligibility for Medicaid, except for medical benefits for a pregnant female.

- Ask the client to read and sign a *Cooperating with Child Support Enforcement and Pursuing Third Party Resources* form (DHS 428A), except for medical benefits for a pregnant female who chooses not to cooperate with DCS.

Note: For OHP, this requirement is met by having the client sign the “Oregon Health Plan Rights and Responsibilities” Application for the Oregon Health Plan (OHP 7210).

- Explain to the client the purpose of the referral to DCS, and encourage the client to cooperate with DHS and DCS for the benefit of the children.

Confidentiality of Client’s Address. Explain to clients that under state law, certain information that is confidential under DHS rules could be released during legal proceedings. For example, the client’s home address could be revealed to the noncustodial parent if the address appears in the noncustodial parent’s copy of a support order.

Contact Address. If the client does not want their address revealed, determine if there is good cause for not pursuing support per rule 461-120-0350. If the client does not want to claim good cause but does not want their address known to the noncustodial parent, the client may ask DCS to use a contact address. The contact address must be in Oregon and will be used for child support purposes only. The contact address will only be used once DCS adds the address to the DCS computer system. If the contact address was not requested at the time the child support case was created, the home address may have already been included on child support paperwork sent to the other party on the case or to court.

If DHS knows the client would like to use a contact address, DHS should notify DCS of this by calling or emailing the appropriate DCS worker.

Cautions:

- Due to the nature of the linkage between the DHS (CM) computer system and DCS’s Child Support Enforcement Automated System (CSEAS), the client’s address on CSEAS will show the same address as on CMS. The only place the contact address will appear on the CSEAS system is on a separate screen in CSEAS, accessible to DCS staff.
- If a contract address has been in place for six months, DCS will attempt to contact the client to ask if the address of record is still valid prior to initiating a new legal action. The contract address will stay in effect until retracted by the client.
- It is very important that clients be alert to picking up mail at their contact address. If clients do not pick up their DCS mail, they may lose an opportunity to establish paternity or to help determine a proper monthly support or arrearage amount. If the client does not respond to a mailed notice, DHS could also determine that they have failed to cooperate with the support requirement.

- Even if the client claims good cause per rule 461-120-0350, the client may want to designate a contact address (for mailing support information only). This is because support enforcement agencies are required by law to provide services (including establishment of paternity) not only to custodial parents but also to *noncustodial parents*—including self-alleged fathers—who apply for services. If the only address on the case is the DHS address, this is the address that will be on the legal documents during any subsequent proceedings. If the client claiming good cause wants to use another address, proceed as above.
- DCS **cannot** guarantee that the client’s actual home address will not be revealed during enforcement or court proceedings. Designating a contact address simply decreases the likelihood of this occurring, and enables DCS to proceed on what could otherwise be a good cause case.

Nondisclosure of Information based on a Claim of Risk. Also tell the client that DCS has further protections available for clients who would cooperate if their personal identifying information will not be revealed. This is known as the “nondisclosure of information” process.

Advise the client that, before initiating any court proceedings, DCS will notify the client in writing that:

- DCS must include the client’s personal identifying information in any motions, pleadings, petitions, orders, or other legal documents filed with the court; **and**
- To avoid having their personal identifying information revealed in court documents, the client may file a “nondisclosure of information” request with DCS. To file a “nondisclosure of information” request, the client must provide a contact address.

If the client files a “nondisclosure of information” request in response to receiving notification from DCS of a forthcoming legal action, DCS will reveal the client’s personal identifying information to the court only in the form of sealed documents submitted to the court. These documents do not become “Public Record.”

- The client can contact DCS to request nondisclosure of information. However, if DHS knows the client would like to request nondisclosure of information, DHS should:
 - 1) Code the case with good cause until DCS has coded the child support case as “nondisclosure of information.” (Once the child support case has been coded with Claim of Risk, a grid with “COR” will display on the SJ7F screen).
 - 2) Notify the appropriate DCS worker of the “nondisclosure of information request” by phone or email.
 - 3) Have the client fill out the *Do Not Release Information Based on Claim of Risk* (DHS 8660B) and fax to the appropriate DCS office.

Case Management Opportunity

If the client claims “good cause” due to a domestic violence situation, discuss with the client any crisis intervention or domestic violence counseling services that may be locally available.

Clients Excused for *Good Cause* from Compliance with OAR 461-120-0340 and -0345: 461-120-0350
Confidentiality -- Finding of Risk and Order for Nondisclosure of Information: 137-055-1160

5. Evidence of Good Cause; Child Support, Health Care Coverage Through an Absent Parent, and Cash Medical Support

Evidence of good cause for noncooperation includes, but is not limited to:

- A client’s statement, for clients who believe that pursuing support will put their safety or the safety of their child(ren) at risk.
- Birth, medical, or law enforcement records as evidence of incest or rape.
- Court records, other legal records, or written statements from a public or licensed private social agency or an attorney regarding possible or pending adoption of the child(ren) in question.
- Sworn statements from individuals, other than the client, with knowledge of the circumstances that provide the basis of the client’s claim of good cause.

6. Encouraging Cooperation

To encourage clients to cooperate, emphasize these points:

- Support from the noncustodial parent could help lessen the child’s feelings of abandonment or desertion.
- Establishing paternity can entitle the child to receive SSB or veteran’s benefits on the alleged father’s account, should the alleged father die or become entitled to disability benefits.
- Support payments can help families pay for living expenses and become self-sufficient, especially after the family is no longer eligible for TANF or Medicaid.
- If the client is interested in good cause, also inform the client that there may still be options for safely collecting support, such as by establishing an “address of record” and/or filing a “nondisclosure of information” request – see item 4, (CS C.4), above. Give the client a copy of the *Safety Packet* (DHS 8660) to aid in the discussion of options for safely collecting support.

7. Determining Noncooperation

DHS or DCS may determine if a client is not cooperating. DCS must advise DHS whenever they determine noncooperation. DHS shall then:

- If the client claims good cause under rule 461-120-0350 for not cooperating, ask the client for further information and work with the client to determine if the client qualifies for a good cause exception.
- If the client does not claim good cause under rule 461-120-0350 for not cooperating, or if the client claims good cause and DHS determines that the client does not have good cause, apply penalties per items 9 or 10 (CS C.9 OR CS C.10), below.

8. Penalties for Noncooperation; Child Support

The penalties for failure to cooperate with support requirements are:

- For benefit groups **not currently receiving** TANF, where the failure to cooperate occurs during the process of applying or reapplying for TANF, total ineligibility for the filing group.
- For benefit groups **receiving** TANF when failure to cooperate is determined, the net monthly TANF benefit amount, after income deductions and reductions for JOBS noncooperation are applied (where applicable), shall be reduced by the following percentages:
 - 25 percent for the month following the month in which failure to cooperate is determined.
 - 50 percent for the second month following the month in which failure to cooperate is determined.
 - 75 percent for the third month following the month in which failure to cooperate is determined.
 - 100 percent (total ineligibility for the benefit group) for the fourth month following the month in which failure to cooperate is determined, and all subsequent months in which failure to cooperate continues.

Note: *Before applying the 100 percent level of penalty, use the existing grant termination staffing process to assess the family's situation. When appropriate, involve community partners in the family assessment.*

Note: *There is no requirement to cooperate with child support (and no penalties for noncooperation), for clients in the SFPSS or Post-TANF programs.*

- Once a penalty has ended (see Section C.10. of this chapter), any subsequent penalties for noncooperation with DCS will start at the first level (25 percent, per above) for clients who were previously disqualified or penalized for noncooperation but later had full benefits restored.
- For TANF-related medical, no eligibility for the person who fails to cooperate.
- For FS, when a TANF payment is reduced or ends due to DCS noncooperation, count the amount the TANF benefit payment would have been if not reduced for noncooperation, for the duration of the penalty.

Client Required To Help Department Obtain Support From Noncustodial Parent; TANF: 461-120-0340(4) |

9. Penalties for Noncooperation; Health Care Coverage Through an Absent Parent and Cash Medical Support

The penalty for failure to cooperate with health care coverage through an absent parent or cash medical support is:

- For all programs except OHP, removing the needs of the person who refuses to cooperate.
- For OHP, removing the person who refuses to cooperate from the benefit group.
- Additionally, when calculating FS benefits, if a cash payment is reduced or ends due to this penalty, count the amount the cash payment would be if the penalty had not been imposed for the duration of the penalty.

Client Required To Help Department Obtain Support From Noncustodial Parent; TANF: 461-120-0340(4) |
Clients Required to Obtain Health Care Coverage and Cash Medical Support; EXT, GAM, MAA, MAF, OHP (except OHP-CHP), OSIPM, SAC: 461-120-0345(3) |

10. Ending Support Penalties When Client Cooperates

End the support noncooperation penalties when the client cooperates by completing the necessary forms, providing requested information, scheduling an appointment with DCS, or taking whatever other actions are required to indicate cooperation as listed above.

Client Required To Help Department Obtain Support From Noncustodial Parent; TANF: 461-120-0340(5) |
Clients Required to Obtain Health Care Coverage and Cash Medical Support; EXT, GAM, MAA, MAF, OHP (except OHP-CHP), OSIPM, SAC: 461-120-0345(4) |

11. Pregnant Women—Special Considerations

- For EXT, GA, MAA, MAF, OHP, OSIP, and REF, there is no penalty for pregnant clients who fail to cooperate.

- A pregnant woman may be eligible for Medicaid even if she does not pursue support.

Clients Required to Obtain Health Care Coverage and Cash Medical Support; EXT, GAM, MAA, MAF, OHP (except OHP-CHP), OSIPM, SAC: 461-120-0345(3)

12. Special Considerations; Support

- Explain to clients that under state law, certain information that is confidential under DHS rules, such as the client's address, may be released during legal proceedings. Refer to Section D, (CS D.), for more information on DCS referrals.
- If any clients who are not required to pursue child support want help getting the support, refer them to their local county district attorney (or to the DCS branch office for those counties where DCS provides such services in lieu of the district attorney).

13. Coordination on Cases Excused from the Requirement to Pursue Child Support, Health Care Coverage Through an Absent Parent, or Cash Medical Support

General

Self-Sufficiency and Child Welfare agree to work together, and with other impacted agencies, such as the Division of Child Support (DCS) and the Oregon Youth Authority, on cases that have been granted good cause or a permanent exemption and that transition from one program to another.

- TANF and Medicaid Assistance – Clients receiving TANF or Medicaid assistance are excused from the requirement to pursue child support (OAR 461-120-0340 (1)) and the requirement to pursue medical coverage (OAR 461-120-0345 (1) (a)) if:
 - Helping the Child Support Program could result in emotional or physical harm to the child or to the caretaker relative;
 - The child was conceived as a result of incest or rape and efforts to obtain support would be detrimental to the child; or
 - The parent is working with a public or private social agency to help decide whether to release the child for adoption.
- Child Welfare – Clients receiving services from Child Welfare are excused from the requirement to pursue child support if:
 - The biological mother conceived the child as a result of incest or rape and efforts to obtain support would be detrimental to the child;
 - The biological parents have signed a relinquishment of parental rights or have been terminated of parental rights by a court action;

- A child who has been adopted through the State of Oregon comes back into state care because of emotional or physical treatment needs; or
- The Assistant Director of Children, Adults and Families, or their designee, determines that pursuit of child support is not in the best interest of the child.

Coordination on Cases

In order to support the transition and coordination of cases that have been excused from the requirement to pursue child support or medical support because of good cause or a permanent exemption, Child Welfare and Self-Sufficiency agree that:

- Whichever program makes a determination of good cause or permanent exemption “owns” the determination until or unless that program is no longer providing services. This means only the program that made the determination of good cause or permanent exemption may change the determination until or unless that program is no longer providing services.
- A determination of good cause or permanent exemption applies to all open cases that involve the same obligee and obligor without regard to which program made the determination of good cause or permanent exemption and whether the children are receiving multiple services. This means, for example, that if a Self-Sufficiency client were excused from pursuing child support for good cause, that client would also be granted a permanent exemption for not pursuing child support if the client subsequently opens a case with Child Welfare.
- Once a case closes, or services are no longer provided by a program, that program may not change a determination of good cause or permanent exemption that it made prior to the case closing.
- When there has been a determination of good cause or permanent exemption and services are closed with one program, such as Self-Sufficiency, and opened with another program, such as Child Welfare, the new program providing services will follow steps (1) through (3) set out below.
 1. The new program providing services will determine whether good cause or permanent exemption is still appropriate by contacting the person who originally claimed good cause or permanent exemption.
 - 2.(a) If it is determined after contact with the person who originally claimed good cause or permanent exemption that there are still safety or other issues that continue to make good cause or permanent exemption appropriate, the new program providing services will code the newly-opened case with good cause or permanent exemption.
 2. (b) If it is determined after contact with the person who originally claimed good cause or permanent exemption that there are no

longer safety or other issues, the new program providing services will not code the newly-opened case with good cause or permanent exemption and will notify DCS that good cause or permanent exemption coding should be removed from the Child Support case and pursuit of child or medical support resumed.

3. If, pursuant to (2)(b) above, it is determined after contact with the person who originally claimed good cause or permanent exemption that there are no longer safety or other issues, the new program providing services will give notice to the person who originally claimed good cause or permanent exemption. Notice to the person who originally claimed good cause or permanent exemption must be documented by the program providing notification.

Coordination with Partner Agencies

When the Oregon Youth Authority has excused a case from the requirement to pursue child support or medical support, Child Welfare and Self-Sufficiency shall coordinate with the Oregon Youth Authority in the same manner as if Child Welfare or Self-Sufficiency had excused the client from pursuit of child support because of good cause or a permanent exemption.

When a case has been excused from the requirement to pursue child support or medical support, regardless of which program has made the determination of good cause or permanent exemption, Child Welfare and Self-Sufficiency will work with the Division of Child Support to support transition and coordination of the case.