

**CHAPTER 75-02-01.2**  
**TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAM**

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**SECTION 1.** Section 75-02-01.2-01 is amended as follows:

**75-02-01.2-01. Definitions.**

Unless otherwise stated in this section, the definitions set forth in North Dakota Century Code section 50-09-01 are applicable to this chapter. Additionally, in this chapter, unless the context or subject matter requires otherwise:

1. "Applicant" means an individual who is seeking a benefit under this chapter.
2. "Asset" means any kind of property or property interest, whether real, personal, or mixed, whether liquid or illiquid, and whether or not presently vested with possessory rights.
3. "Assistance" includes cash, payments, vouchers, and other forms of benefits designed to meet a family's ongoing basic needs, but does not include nonrecurring, short-term benefits, work subsidies, supportive services provided to families who are employed, and refundable earned income tax credits.
4. "Base month" means the month, immediately before the processing month, about which the income and circumstances of the household are evaluated to determine the amount of any benefits to be paid during the benefit month.
5. ~~"Benefit cap child" means a child born after June 30, 1998, to a household member who was a recipient of assistance under this chapter during the month of probable conception.~~
6. "Benefit month" means the calendar month immediately following the processing month.

- ~~7.6.~~ "Benefits" means the amount of temporary assistance for needy families assistance a family receives including the temporary assistance for needy families amount, essential services, and supportive services, reduced by recoupments.
- ~~8.7.~~ "Caretaker relative" means the relative so designated by the household who:
- a. Lives with an eligible dependent child;
  - b. Is a pregnant woman, caretaker relative to no dependent child, ~~in the last trimester of her pregnancy;~~ or
  - c. Lives with a dependent child, under age eighteen and receiving supplemental security income benefits, who is the last child in the home.
- ~~9.8.~~ "Child only case" means a case in which the only eligible individual is a dependent child and the caretaker relative is ineligible as a nonlegally responsible caretaker, or as a legally responsible caretaker due to being a supplemental security income recipient, a disqualified alien, a disqualified fleeing felon, a disqualified parole violator, a disqualified probation violator, or disqualified for committing fraud.
- ~~10.9.~~ "Child support agency" has the same meaning as defined in North Dakota Century Code section 14-09-09.10.
- ~~11.10.~~ "Department" means the North Dakota department of health and human services.
- ~~12.11.~~ "Dependent child" means a needy child:
- a. Who lives in the home of a relative by birth, marriage, or adoption;
  - b. Who has been deprived of parental support or care by reason of:
    - (1) The continued absence of a parent from the home, other than absence occasioned solely by reason of the performance of active duty in the uniformed services of the United States;
    - (2) The death of a parent; or
    - (3) The physical or mental incapacity of a parent; and
  - c. Who is:

- (1) Under the age of eighteen; or
- (2) Under the age of nineteen and a full-time student in a secondary school or a vocational or technical school that is equivalent to a secondary school, if, before the end of the calendar month in which the student attains age nineteen, the student may reasonably be expected to complete the program of such school.

~~13-~~12. "Earned income" means income currently received as wages, salaries, commissions, or profits from activities in which a household member is engaged through either employment or self-employment. There must be an appreciable amount of personal involvement and effort, on the part of the household, for income to be considered earned.

~~14-~~13. "Earned right benefit" means a benefit an individual is entitled to receive as a result of being employed, even after the employment has terminated. These benefits include veterans' compensation and pensions; old age, survivors, and disability insurance benefits; railroad retirement benefits; workforce safety and insurance wage-loss and permanent impairment benefits; and unemployment compensation.

~~15-~~14. "Eligible caretaker relative" means a caretaker relative who:

- a. If, related to an eligible dependent child as a brother or sister, is not under sixteen years of age;
- b. If deprivation of parental support or care is by reason of the incapacity or disability of a parent, is the incapacitated or disabled parent or the eligible dependent child's other parent, but not stepparent;
- c. If deprivation of parental support or care is by reason of the death or continued absence of a parent, is the eligible dependent child's other parent, but not stepparent;
- d. Is not a recipient of supplemental security income benefits; and
- e. Is in financial need;
- f. Is a pregnant woman, ~~in the third trimester of her pregnancy,~~ caretaker relative to no other dependent or legally responsible caretaker child, who or whose husband is incapacitated; or

- g. Is related to a dependent child by birth, whether by whole or half-blood, by marriage, or by adoption, and who is within the fifth degree of relationship to that child.

~~46-15.~~ "Family" includes:

- a. An individual or group of related individuals within a household whose needs are recognized in a grant of benefits through temporary assistance for needy families;
- b. The parents of any dependent child and all brothers and sisters of any dependent child, whether by whole or half-blood, marriage, or adoption, any child, parent of an eligible dependent child, or other caretaker relative who receives supplemental security income benefits;
- c. An alien who does not meet citizen and alienage requirements;
- d. An alien who is ineligible for temporary assistance for needy families benefits because of the application of sponsor-to-alien deeming;
- e. An individual who is ineligible for temporary assistance for needy families benefits as the result of the imposition of a sanction or disqualification; and
- f. An individual who is a household member who is a legal dependent or a legally responsible caretaker of a member of the household, but does not include roomers or boarders.

~~47-16.~~ "Full-time student" means a student who:

- a. If in a secondary school, is enrolled in classes which, if completed, will earn the student four or more units of credit;
- b. If in a vocational or technical school under state operation, a college, or a university, is enrolled in classes that, if completed, will earn the student twelve or more semester hours of credit during a regular term or six or more semester hours of credit during a summer term at an educational facility operating on a semester system, or twelve or more quarter hours of credit during a regular term or six or more quarter hours of credit during a summer term at an educational facility operating on a quarter system;
- c. If in a private vocational or technical school, is enrolled in classes which, according to a written statement from school officials, constitutes full-time enrollment;

- d. Is enrolled in an accredited alternative high school, correspondence courses, or adult basic education, according to a written statement from school officials or who is home schooled; or
- e. Is an individual participating in job corps, whether an adult or a child.

~~18-~~17. "Housing costs" means the full amount of rent or, if purchasing a home, the full amount of the mortgage, property insurance, property taxes, special assessments, repairs, and improvements of the home.

~~19-~~18. "Ineligible caretaker relative" means a caretaker relative who is not an eligible caretaker relative.

~~20-~~19. "Legally responsible" means having a legal duty for the financial support of another ~~person~~individual.

~~21-~~20. "Lives in the home of a relative" means a circumstance that arises when a relative assumes and continues responsibility for the day-to-day care and control of a child in a place of residence maintained by the relative (whether one or more) as the relative's own home. It includes situations in which the child or the relative requires medical treatment that requires a special living arrangement. It also includes situations in which the child is temporarily absent from the home, with a plan to return, when the child:

- a. Physically resides in the home, but is under the jurisdiction of a court and is receiving probation services or protective supervision;
- b. Receives education while in an educational boarding arrangement in another community if needed specialized services or facilities are unavailable in the home community or if transportation problems make school attendance near home difficult or impossible;
- c. Receives services at a summer camp such as Camp Grassick, receives services at an attention deficit hyperactivity disorder summer camp, or receives extended hospital stays during the summer months;
- d. Receives special education at the school for the deaf or school for the blind, whether as a day student or a boarding student, except that a boarding student's needs are limited to those maintenance items that are not provided by the school; or
- e. Receives education at a boarding school in another community, provided that the child was not placed in that setting following removal from the child's home by court order following a



determination that the child was abused, neglected, or deprived, except that the child is entitled to a clothing and personal needs allowance only if that allowance is made available for the child's use on a regular basis.

~~22-21~~. "Parent" means the child's mother or father, whether by birth or adoption, but does not mean:

- a. An individual whose parental rights have been terminated with respect to that child; or
- b. A stepparent.

~~23-22~~. "Part-time student" means an individual enrolled in a secondary school, vocational school, correspondence courses, technical school, college, or university, or who is home schooled, who is not a full-time student.

~~24-23~~. "Processing month" means the month, immediately after the base month, and immediately before the benefit month, in which the human service zone determines eligibility for, and the amount of, any benefit to be paid during the benefit month.

~~25-24~~. "Proper individual" means any individual of sufficient maturity and understanding to act responsibly on behalf of the applicant.

~~26-25~~. "Prospective budgeting" means the determination, made only with respect to the initial month of eligibility and the month immediately after the initial month of eligibility, based on the human service zone's best estimate of the income and circumstances of the household in those months, of the amount of any grant of benefits in those two months.

~~27-26~~. "Prudent person concept" means a method or program administration that relies upon individual staff members:

- a. To exercise judgment in requesting, reviewing, and weighing information provided by an applicant, recipient, or any source of verification; and
- b. To be attentive, vigilant, cautious, perceptive, and governed by reason and common sense.

~~28-27~~. "Recipient" means an individual who receives cash assistance under this chapter.

~~29-28~~. "Relative by birth, marriage, or adoption" means an individual related to the dependent child by birth, whether by blood or half-blood, by marriage

including a marriage that has been terminated by death or divorce, or by adoption, as father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, or first cousin.

- ~~30~~-29. "Retrospective budgeting" means a determination, made by the human service zone during the processing month, based on income and circumstances of the household, during the base month, of the amount of any grant of assistance in the benefit month.
- ~~31~~-30. "Sanction penalty month" means the month in which a sanctioned individual's financial needs may be removed from a household's temporary assistance for needy families grant.
- ~~32~~-31. "Special item of need" means an additional benefit paid to a temporary assistance for needy families household to reimburse certain expenses that are not included in the basic standard of need. These items include health insurance premiums, car seats, essential service, house allowance, and catastrophic events.
- ~~33~~-32. "Standard employment expense allowance" means twenty-seven percent of earned income, or one hundred eighty dollars, whichever is greater, to be first disregarded from the earned income of any child or adult relative applying for benefits under this chapter, or any other individual whose needs are taken into account in determining eligibility under this chapter, but whose earned income is not required to be wholly disregarded as the income of a child who is a full-time student or a part-time student who is not a full-time employee.
- ~~34~~-33. "Stepparent" means an individual married to a parent of a child after the birth or adoption of the child, but who is not also a parent of that child by either birth or adoption.
- ~~35~~-34. "Supplemental security income" means a program administered under title XVI of the Social Security Act [42 U.S.C. 1381 et seq.].
- ~~36~~-35. "Supportive services" means services approved by the department and provided to an individual receiving other temporary assistance for needy families benefits, to assist in training for employment, seeking employment or maintaining employment, and to support job opportunities and basic skills program activities.
- ~~37~~-36. "Temporary assistance for needy families" means a program administered under North Dakota Century Code chapter 50-09 and title IV-A of the Social Security Act [42 U.S.C. 601 et seq.] during periods beginning July 1, 1997.

~~38-37~~. "Temporary assistance for needy families household" means an individual or group of individuals who reside together and includes at least one individual in receipt of temporary assistance for needy families.

~~39-38~~. "Unearned income" means income that is not earned income.

**History:** Effective December 9, 1996; amended effective July 1, 1997; January 1, 2003; June 1, 2005; January 1, 2011; January 1, 2014; April 1, 2024.

**General Authority:** NDCC 50-09-02, 50-09-25

**Law Implemented:** NDCC 50-09-02

**SECTION 2.** Section 75-02-01.2-02.3 is amended as follows:

**75-02-01.2-02.3. Transition assistance.**

Transition assistance promotes job retention by providing an extended period of cash assistance to qualified families under temporary assistance for needy families. Households with earnings from employment exceeding the allowable standard of need for their household size may remain eligible for transition assistance for up to six months. Transition assistance is assistance under title 45, Code of Federal Regulations, part 260.31, and is a benefit for purposes of North Dakota Century Code section 50-09-06.1. Transition assistance may be provided to a family that meets all factors of eligibility for assistance under the temporary assistance for needy families program except as provided in this section. For purposes of this section, "caretaker" means ~~a person~~ an individual who provides support to a minor child and who may or may not receive benefits. All provisions of this chapter apply except:

1. A family may not receive a grant for transition assistance in any month in which that family receives a grant for temporary assistance for needy families or diversion assistance.
2. No one may be provided transition assistance in an application month. Only recipients of temporary assistance for needy families may become eligible for transition assistance.
3. Transition assistance provides a monthly job retention incentive, transportation assistance, and special items of need as allowed under the temporary assistance for needy families program.
4. A family may not receive transition assistance for more than six consecutive months.
5. Transition assistance may not be provided to:
  - a. A caretaker sanctioned due to noncompliance with work requirements;

- b. A caretaker relative, in a child-only case;
- c. A minor parent who is not the head of household or spouse of the head of household;
- d. An alien who is ineligible to receive assistance due to his or her immigration status;
- e. A caretaker in receipt of supplemental security income benefits; and
- f. A caretaker with a disqualification penalty applied for a voluntary job quit or voluntary refusal of an offer of employment or training for employment.

**History:** Effective January 1, 2009; amended effective January 1, 2011; April 1, 2024.

**General Authority:** NDCC 50-09-02, 50-09-25

**Law Implemented:** NDCC 50-09-02

**SECTION 3.** Section 75-02-01.2-06 is amended as follows:

**75-02-01.2-06. Selection of primary individual.**

1. Each household shall have a primary individual. The primary individual must be identified among the household members, with one of the following relationships to a dependent child member of the household, using the following order of priority:
  - a. A natural or adoptive parent;
  - b. An adult relative, within the fifth degree of kinship;
  - c. A stepparent;
  - d. A spouse of any ~~person~~individual identified in subdivision a, b, or c, whether or not that marriage is terminated by death or divorce; and
  - e. A minor brother, sister, half-brother, half-sister, stepbrother, or stepsister who is at least sixteen years of age.
2. The primary individual may be eligible or ineligible for the assistance.

**History:** Effective December 9, 1996; amended effective July 1, 1997; January 1, 2003; January 1, 2017; April 1, 2024.

**General Authority:** NDCC 50-09-02, 50-09-25

**Law Implemented:** NDCC 50-09-02

**SECTION 4.** Section 75-02-01.2-12 is amended as follows:

## **75-02-01.2-12. Determining claims of good cause.**

Determinations concerning claims of good cause require the use of decisionmaking principles. These principles must be applied to the individual's statements and information to determine if the requirements of good cause are met. The decisionmaking principles are:

1. The individual claiming good cause is responsible to show that good cause exists.
2. Uncorroborated statements of fact are less believable than corroborated statements.
3. Statements by ~~persons~~individuals with a reputation for being untruthful are less believable than similar statements by ~~persons~~individuals without that reputation.
4. A reputation for being untruthful exists if the files maintained by the department, the human service zone, or the job opportunities and basic skills program employment contractor contain evidence of untruthful statements made by the individual, or if the individual has made untruthful statements that are a matter of public record.
5. Statements by individuals with a reputation for failures or delays in furnishing information necessary for official action are less believable than similar statements by individuals without that reputation.
6. A reputation for failures or delays in furnishing information necessary for official action exists if the files maintained by the department, the human service zone, or a job opportunities and basic skills program employment contractor contain evidence of any failure or delay, without good cause, to furnish reports, including monthly reports, necessary verifications, or a failure or delay in attending meetings or interviews intended to secure information necessary for official action.
7. A statement of fact, made by an individual with something to gain if that statement is regarded as true, is less believable than a similar statement made by an individual with little or nothing to gain.
8. An individual's explanations or reasons for claiming good cause must be judged by a prudent person concept. A prudent person is one who exercises those qualities of attention, knowledge, intelligence, and judgment that society requires of its members for protection of their own interests and the interests of others.

9. Statements of fact made by the individual claiming good cause, or by other individuals who support or oppose the claim of good cause, are not presumed to be either truthful or untruthful. Rather, statements of fact must be evaluated to determine if they are more likely than not or less likely than not to be true.

**History:** Effective December 9, 1996; amended effective January 1, 2003; January 1, 2009; April 1, 2024.

**General Authority:** NDCC 50-09-02, 50-09-25

**Law Implemented:** NDCC 50-09-02

**SECTION 5.** Subsection 3 of section 75-02-01.2-13 is amended as follows:

3. A resident of the state is one who:
  - a. Is living in the state voluntarily with the intention of making the ~~person's~~individual's home there; or
  - b. At the time of application, is living in the state and is not receiving temporary assistance for needy families from another state.

**History:** Effective December 9, 1996; amended effective July 1, 1997; January 1, 2003; January 1, 2011; April 1, 2024.

**General Authority:** NDCC 50-09-02, 50-09-25

**Law Implemented:** NDCC 50-09-02

**SECTION 6.** Section 75-02-01.2-18 is amended as follows:

**75-02-01.2-18. Incapacity of a parent.**

1. A child, if otherwise eligible for temporary assistance for needy families, is deprived of parental support or care when the child's parent has a physical or mental condition, supported by current competent medical testimony, of such a debilitating nature as to reduce substantially or eliminate the parent's capacity either to earn a livelihood or to discharge the parent's responsibilities as a homemaker and provider of child care for a period of thirty days or more. In making a determination of incapacity to earn a livelihood, the department shall take into account the limited employment opportunities of ~~persons~~individuals with disabilities.
2. The incapacity must substantially reduce or eliminate employment in the parent's usual occupation. If the incapacity does not allow the parent to be able to return to the parent's usual occupation, once medically capable, the parent will be expected to adapt to another occupation. It does not matter whether a parent was employed or fulfilled the role of homemaker prior to the onset of the asserted incapacity. Incapacity is established either when the ~~person~~individual is unable to earn a livelihood or to act as a homemaker.

A parent may also establish incapacity by demonstrating that the parent has reached age sixty-five.

3. A determination that a parent is disabled or blind, made by the social security administration, constitutes adequate substantiation of incapacity for purposes of this section.
4. A parent continues to be incapacitated, for purposes of this section, if the incapacity is not reasonably subject to remediation, or if the parent makes reasonable progress toward remediation of the incapacity. For purposes of this section, reasonable progress toward remediation of the incapacity means cooperation with medical practitioners who prescribe a course of treatment intended to remediate or limit the effect of the incapacity, including physical therapy, counseling, use of prosthesis, drug therapy and weight loss, cooperation with vocational practitioners, cooperation with vocational and functional capacity evaluations, and reasonable progress in a course of training or education intended to qualify the parent to perform an occupation which, with that training or education, the parent would have the capacity to perform.
5. A parent who engages in activities inconsistent with the claimed incapacity may be determined to not be incapacitated.
6. The department may require a parent to demonstrate reasonable progress toward remediation of the incapacity, and may set reasonable deadlines for the demonstrations.

**History:** Effective December 9, 1996; amended effective July 1, 1997; January 1, 2003; January 1, 2014; April 1, 2024.

**General Authority:** NDCC 50-09-02, 50-09-25

**Law Implemented:** NDCC 50-09-02

**SECTION 7.** Subdivision i of subsection 1 of section 75-02-01.2-21 is amended as follows:

- i. Assets ordinarily available to the household may be rendered temporarily unavailable to members of such a unit who are being served by shelters for abused ~~persons and families~~ individuals while the legal ramifications of the circumstances that led to the need for such services are explored.

**History:** Effective December 9, 1996; amended effective July 1, 1997; January 1, 2003; April 1, 2024.

**General Authority:** NDCC 50-09-02, 50-09-25

**Law Implemented:** NDCC 50-09-02

**SECTION 8.** Section 75-02-01.2-30 is amended as follows:

**75-02-01.2-30. Limitation on benefits to pregnant women.**

A pregnant woman, not made ineligible by any other provision of this chapter, who is caretaker relative to no child, may receive temporary assistance for needy families based upon the standard of need for one adult, without consideration of any additional pregnancy-related needs, ~~no earlier than the sixth month of pregnancy. Medical~~medical verification of the pregnancy, and the approximate date on which the pregnant woman is expected to deliver must be provided.

**History:** Effective December 9, 1996; amended effective July 1, 1997; January 1, 2003; January 1, 2011; April 1, 2024.

**General Authority:** NDCC 50-09-02, 50-09-25

**Law Implemented:** NDCC 50-09-02, 50-09-29

**SECTION 9.** Section 75-02-01.2-30.1 is repealed:

**75-02-01.2-30.1. Benefit cap.**

[Repealed effective April 1, 2024]

~~Any household that includes a child born after June 30, 1998, may be subject to a benefit cap. If a parent was an adult during the probable month of conception and received assistance, or would have been eligible for assistance if not for a sanction or a disqualification, assistance will not be increased due to the birth of that child. The benefit cap does not apply if:~~

- ~~1. The parent disputes the probable month of conception and provides medical verification to substantiate the parent's claim;~~
- ~~2. The pregnancy is determined to be the result of rape or incest;~~
- ~~3. The case has been closed for more than twelve months; or~~
- ~~4. The benefit cap child resides with someone other than the parent who received assistance during the probable month of conception.~~

~~**History:** Effective January 1, 2003.~~

~~**General Authority:** NDCC 50-09-02, 50-9-25~~

~~**Law Implemented:** NDCC 50-09-02~~

**SECTION 10.** Subsection 1 of section 75-02-01.2-31 is amended as follows:

1. For purposes of this section:
  - a. "Adult caretaker" means a caretaker who is not a minor caretaker.



- b. "Minor caretaker" means an individual, under the age of eighteen years, who has never been married and who:
  - (1) Is the parent of a dependent child living in the same household; or
  - (2) Is eligible as a pregnant woman ~~in the third trimester of her pregnancy~~ who is a caretaker relative to no child.

**History:** Effective December 9, 1996; amended effective July 1, 1997; January 1, 2003; January 1, 2011; April 1, 2024.

**General Authority:** NDCC 50-09-02, 50-09-25

**Law Implemented:** NDCC 50-09-02, 50-09-29

**SECTION 11.** Subsection 1 of section 75-02-01.2-33 is amended as follows:

- 1. The child support agency must be notified of any child, ~~except a benefit cap child or~~ a child in receipt of supplemental security income, who is a member of the household and whose eligibility for assistance is based on the continued absence of the child's parent from the home.

**History:** Effective December 9, 1996; amended effective July 1, 1997; January 1, 2003; January 1, 2011; April 1, 2024.

**General Authority:** NDCC 50-09-02, 50-09-25

**Law Implemented:** NDCC 50-09-02

**SECTION 12.** Subsection 1 of section 75-02-01.2-37 is amended as follows:

- 1. The household must include at least one eligible child unless:
  - a. The only child receives supplemental security income benefits; or
  - b. The household includes a pregnant woman ~~in the last trimester of her pregnancy.~~

**History:** Effective December 9, 1996; amended effective July 1, 1997; January 1, 2003; January 1, 2011; April 1, 2024.

**General Authority:** NDCC 50-09-02, 50-09-25

**Law Implemented:** NDCC 50-09-02, 50-09-29

**SECTION 13.** Subsections 1 and 6 of section 75-02-01.2-44 are amended as follows:

- 1. All income that is actually available must be considered. Income is actually available when it is at the disposal of an applicant or recipient; when the applicant or recipient has a legal interest in a liquidated sum and has the legal ability to make the sum available for support or maintenance; or when the applicant or recipient has

the lawful power to make the income available or to cause the income to be made available. In specific circumstances, income available to ~~persons~~individuals other than the applicant or recipient is deemed available. This subsection does not supersede other provisions of this chapter which describe or require specific treatment of income, or which describe specific circumstances that require a particular treatment of income.

6. Deemed income includes:

a. In the case of income deemed from a stepparent, that stepparent's entire gross income less:

- (1) The greater of one hundred eighty dollars or the twenty-seven percent standard employment expense allowance;
- (2) An additional amount for the support of the stepparent and any other individuals living in the home whose needs are not taken into account in making the eligibility determination and who are or could be claimed by the stepparent as dependents for federal income tax purposes, but not including any sanctioned individuals or individuals who are required to be included in the household, but have failed to cooperate, equal to the standard of need amount for a family group of the same composition and size as the stepparent and those other individuals described in this paragraph;
- (3) Spousal support payments, child support payments, health insurance premiums, and child or adult dependent care costs related to employment or employment and education or training actually being made to or on behalf of ~~persons~~individuals not living in the home; and
- (4) Amounts actually being paid to individuals not living in the home who are or could be claimed by the stepparent as dependents for federal income tax purposes.

b. In the case of income deemed from the sponsor of a sponsored alien, the income of the sponsor and the sponsor's spouse is calculated by allowing:

- (1) The earned income disregard of the greater of one hundred eighty dollars or the twenty-seven percent standard employment expense allowance; and
- (2) A disregard equal to one hundred thirty percent of the federal poverty level equal to the household size of the sponsor.

**History:** Effective December 9, 1996; amended effective July 1, 1997; January 1, 2003; January 1, 2011; January 1, 2017; April 1, 2024.

**General Authority:** NDCC 50-09-02, 50-09-25

**Law Implemented:** NDCC 50-09-02

**SECTION 14.** Section 75-02-01.2-51 is amended as follows:

**75-02-01.2-51. Disregarded income.**

1. The department shall establish an employment incentive, and an employment incentive limit, to reasonably encourage household members to earn income.
2. If permitted under subsection 3, income must be disregarded, as an employment incentive, in determining the cash grant amount.
  - a. The greater of one hundred eighty dollars or twenty-seven percent of the household's monthly gross earned income, except earnings of any child who is a full-time elementary or high school student, is disregarded as a standard employment expense allowance. The amount remaining is net earned income.
  - b. Any net earned income that exceeds the income incentive limit is treated as countable earned income.
  - c. A portion of net earned income that is equal to or less than the income incentive limit may be disregarded, under this subdivision, in determining countable earned income.
    - (1) If an applicant has earned income in the month of application or the month after the month of application, at least fifty percent of the net earned income may be disregarded for six months beginning the month in which the earned income is first budgeted.
    - (2) If a recipient has earned income, at least thirty-five percent of the net earned income may be disregarded for months seven through nine beginning the month earned income is first budgeted.

- (3) If a recipient has earned income, at least twenty-five percent of the net earned income may be disregarded for months ten through ~~thirteenth~~twelve after the month earned income is first budgeted.
  - (4) If a recipient has earned income, no net earned income may be disregarded under this subdivision after the ~~thirteenth~~twelfth month after the month earned income is first budgeted.
  - (5) Individuals that have received a full ~~thirteenth~~twelve months of the incentive known as the time-limited percentage will not be eligible for this incentive again unless the individual has been off assistance for twelve or more months.
- d. An employed household member who receives an employment incentive disregard for a period of at least six consecutive months is provided employment incentive disregards of at least fifty percent for the first six months beginning the month in which the income is first budgeted, at least thirty-five percent for months seven through nine, at least twenty-five percent for months ten through ~~thirteenth~~twelve, and none thereafter.
  - e. An employed household member who receives an employment incentive disregard for a period of less than six consecutive months is, upon reemployment, provided the employment incentive disregards the member would have received if the first month of reemployment was the first month income is budgeted retrospectively.
  - f. If an employed household member, who is receiving the employment incentive disregard, voluntarily terminates employment and is unable to show good cause for failure or refusal to participate, the employment incentive disregard cycle continues as if the household member was employed.
  - g. If any nondisregarded income remains, a health insurance premium, or paid child or spousal support, if applicable, may be disregarded.
  - h. If any nondisregarded income remains, child and dependent care costs that are employment-related or a combination of employment-related and education or training-related may be disregarded.
3. An income disregard is available ~~only~~ if the eligible employed individual previously received assistance, but has not received temporary assistance

for needy families at least twelve months or has not completed the thirteen-month twelve month earned income employment incentive disregard cycle, including months in which the earned income disregard was unavailable because:

- a. No payment was made because the calculated cash grant was less than ten dollars; or
  - b. The household voluntarily requested termination of assistance for the primary purpose of avoiding completion of the earned income employment incentive disregard cycle or any part of that cycle.
4. If, in any month, additional income received from a recurring source causes the household to be suspended as ineligible for one month, the month of suspension does not count as a month for purposes of this section.
  5. Nonhousehold member deduction for stepparent and minor parent budgeting, if applicable, may be made.

**History:** Effective December 9, 1996; amended effective July 1, 1997; January 1, 2003; January 1, 2009; January 1, 2011; January 1, 2017; April 1, 2024.

**General Authority:** NDCC 50-09-02, 50-09-25

**Law Implemented:** NDCC 50-09-02, 50-09-29

**SECTION 15.** Section 75-02-01.2-90 is amended as follows:

**75-02-01.2-90. Job opportunities and basic skills program - Supportive services and post temporary assistance for needy families supportive services.**

1. Within the limits described in this section, supportive services may be made available to a participant who, but for supportive service, would be unable to enter into or remain in an allowable work activity. No supportive service may be provided without approval from the employment contractor or eligibility worker.
2. Post temporary assistance for needy families supportive services may be provided to assist employed former temporary assistance for needy families recipients to succeed in the workforce and avoid the need to receive further temporary assistance for needy families benefits.
3. Supportive services may include:
  - a. Relocation assistance provided to a job opportunities and basic skills participant if:
    - (1) The individual has a bona fide offer of employment, verified by the employment contractor, which will increase the

individual's potential for increased earnings, job advancement, or permanent employment; or

- (2) The individual requests and receives approval from the employment contractor to move from an area of the state with few employment opportunities to another area of the state with greater employment opportunities, or to an area out of state with greater employment opportunities.
- b. Monthly transportation assistance provided to participants in an approved work activity, if necessary for continued participation.
  - c. Child care expense reimbursement in amounts consistent with the provisions of the state child care and development fund plan submitted under the Child Care and Development Block Grant Act of 1990 [42 U.S.C. 9858].
  - d. Assistance in the purchase of care for an incapacitated or disabled adult member of the participant's household, to whom the participant owes a legal duty to provide care, provided:
    - (1) There is no other ~~person~~individual in the household who can provide the care; and
    - (2) The incapacitated or disabled adult household member cannot provide self-care.
  - e. Assistance in the purchase of employment-related clothing or personal needs determined by the employment contractor to be reasonable and necessary for the participant to enter employment.
  - f. Assistance in the purchase of tools or equipment determined by the employment contractor to be required for the participant to accept employment.
  - g. Assistance in the cost of repairs determined by the employment contractor to be reasonable and necessary to return a participant's vehicle to operable condition, provided:
    - (1) The vehicle is registered to a member of the household;
    - (2) The vehicle is needed by the participant to get to work or another approved work activity; and
    - (3) The general condition and value of the vehicle justifies repairs.

- h. Assistance for defraying the cost of books, tuition, and fees associated with an allowable work activity, provided:
    - (1) Other educational fund sources have been explored and are exhausted; and
    - (2) The participant is a member of a household and eligible for assistance at the time funds are paid or obligated.
  - i. Assistance with payment for professional license fees and professional examination fees, if there is no other available source of funding, including fee waivers, and the professional license or examination is necessary to achieve an employment-related goal.
  - j. Assistance with expenses determined by the employment contractor to be reasonable and necessary for the individual to engage in employment or participate in employment interviews, including transportation, lodging, grooming, and clothing.
4. The maximum expenditures permitted for supportive services and transitional supportive services are limited to amounts and availability as the department may by order determine.

**History:** Effective December 9, 1996; amended effective July 1, 1997; January 1, 2003; January 1, 2009; January 1, 2011; April 1, 2024.

**General Authority:** NDCC 50-09-02, 50-09-25

**Law Implemented:** NDCC 50-09-02