

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 660 Department of Human Resources

Rule No. 660-2-2-.40

Rule Title: Time Limits

 New X Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? yes

Is there another, less restrictive method of regulation available that could adequately protect the public? no

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? no

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? no

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? yes

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? no

Does the proposed rule have an economic impact? no

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer Alamy J. Gresham

Date 6-1-18

(DATE FILED)
(STAMP)

Department of Human Resources
Family Assistance Division

NOTICE OF INTENDED ACTION

RULE NO. & TITLE: Chapter 660-2-2-.40 Time Limits

INTENDED ACTION: Proposed permanent amendment

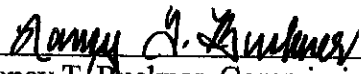
SUBSTANCE OF PROPOSED ACTION: Permanent amendments to remove obsolete wording and correct rule omissions..

TIME, PLACE, MANNER OF PRESENTING VIEWS: All interested parties may submit data, views, or arguments respecting the proposed rule by mail, by telephone or in person through the close of business on August 3, 2018. Persons wishing to submit data, views, or arguments orally should contact the Department's Administrative Procedure Secretary between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding State holidays, at (334) 242-9330, or set up an appointment for such oral/in person presentations.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: August 3, 2018

CONTACT PERSON AT AGENCY:

Ms. Gail Grobe, AP Secretary
State Department of Human Resources
Gordon Persons Building
50 Ripley Street, Room 2122
Montgomery, Alabama 36130-4000



Nancy T. Buckner, Commissioner
Department of Human Resources

**Rules
of the
Department of Human Resources
Family Assistance Division
Chapter 660-2-2
Family Assistance Program**

660-2-2-.40 Time Limits.

(1) Funds provided by the Federal Government under the TANF block grant cannot be used to provide assistance to a family in which the grantee or spouse of the grantee has received assistance for more than 60 months (whether or not consecutive). A month of assistance does not include any month a check is not issued due to minimum payment, sanction or recoupment to a zero check amount. The count began for current recipients with the payment made for December, 1996; for applicants awarded November 15 - 30, 1996 for a November, 1996 benefit, the count begins November, 1996. The count will begin for applicants with the month for which payment is first authorized, whether or not prorated and regardless of when payment for the month is actually received but no earlier than November 15, 1996.

(2) A month of assistance will not be counted against the sixty-month lifetime limit:

(a) ~~if the assistance unit does not include a grantee or spouse of the grantee unless the sole reason the grantee or spouse of the grantee was excluded was due to a penalty or a sanction or refusal or failure to meet an eligibility requirement;~~

(b) for any member of the assistance unit that is not the grantee or the spouse of the grantee;

(c) if assistance is received by an adult while living in Indian country where at least 50 percent of the adults are unemployed;

(3) Some families may receive Federal TANF assistance beyond 60 months if the grantee or spouse of the grantee meets the extension criteria as follows: (a) has a personal hardship and (b) is currently compliant/cooperative and continues to be compliant/cooperative with JOBS and Child Support program criteria. Conditions in (3) (a) and (3) (b) must be met for each month of receipt over 60.

(4) A personal hardship exists for an assistance unit in which the grantee or spouse of the grantee:

(a) Is a person whose presence is required on a substantially continuous basis due to the illness or incapacity determined on the basis of medical evidence of an individual who is related to the caregiver within a specific degree as provided for in departmental operating manuals and no other person is available to provide the needed care.

(b) Has an illness or injury which has lasted or is expected to last at least 30 days which is serious enough to temporarily prevent employment (or training with the hope of employment) when determined on the basis of medical evidence from the attending physician/clinic. This includes pregnancy when it has been determined by medical evidence that working or participating in training would be detrimental to the woman or the unborn child.

(c) Is incapacitated with a physical or mental impairment determined by a physician or a licensed or certified psychologist which prevents the individual from engaging in employment.

(d) Has been battered or subjected to extreme cruelty to the extent participation in program work requirements is precluded. An individual has been battered or subjected to extreme cruelty if the individual has been subjected to:

1. physical acts that resulted in, or threatened to result in physical injury to the individual;
2. sexual abuse;
3. sexual activity involving a dependent child;
4. being forced as the caretaker relative of a dependent child to engage in nonconsensual sexual acts or activities;
5. threats of, or attempts at physical or sexual abuse;
6. mental abuse; or
7. neglect or deprivation of medical care.

(e) Is participating in drug, alcohol, or mental health counseling to the extent participation in program work requirements is precluded.

(f) Is age 60 or older.

(g) Has a personal barrier of such significance as to preclude training and/or employment as provided for in departmental operating manuals and determined by the case manager.

(h) Lives in a SNAP ABWD waiver county and has not been disqualified due to noncompliance with JOBS since December, 1996.

(5) Eligibility under the extension criteria is lost if the personal hardship ceases to exist but may be regained if a hardship occurs again. The personal hardships in "(b), (c), and (g)" above automatically cease to exist if the individual with the hardship becomes employed or employable as determined by the case manager pursuant to program policies. The personal hardship in "(h)" above also ceases to exist if the individual becomes employed or the county loses ABAWD status but may be regained if the individual loses the job with good cause as defined by program policy or the county regains ABAWD status or the client moves to an ABAWD county.

(6) Eligibility under the extension criteria is **permanently** lost if the individual with the personal hardship is non-compliant with JOBS or Child Support. The non-compliant/non-cooperative individual is permanently barred from receiving assistance for him/herself and cannot receive for any child(ren). The permanent bar also applies to the included spouse of the non-compliant/ non-cooperative individual in the unit. When the extension is lost due to non-compliance/non-cooperation, any benefits received after the 60th month are months of ineligibility which must be processed as erroneous payments and recovery sought.

Author: Melody Armstrong

Statutory Authority: Code of Ala. 1975, Social Security Act, title IV-A; State Plan for Title IV-A; Title 38; Title I of Public Law 104-193.

History: Emergency adoption effective November 15, 1996. **New Rule:** Filed January 3, 1997; effective February 7, 1997. **Amended:** Filed April 4, 1997; effective May 9, 1997. **Amended:** Filed April 5, 2001; effective May 10, 2001. **Amended:** Filed August 6, 2007; effective September 10, 2007. **Amended:** Filed April 4, 2008; effective May 9, 2008. **Amended:** Filed June 21, 2018.