

§3763. Program requirements

1. Family contract. During the TANF orientation process, a representative of the department and the TANF recipient shall enter into a family contract. The family contract must state the responsibilities of the parties to the agreement including, but not limited to, cooperation in child support enforcement and determination of paternity, the requirements of the ASPIRE-TANF program and referral to parenting activities and health care services. Except as provided in section 3762, subsection 4, refusal to sign the family contract or to abide by the provisions of the contract, except for referral to parenting activities and health care services, will result in termination of benefits under subsection 1-A. Failure to comply with referrals to parenting activities or health care services without good cause will result in a review and evaluation of the reason for noncompliance by the representative of the department and may result in sanctions. Written copies of the family contract and a notice of the right to a fair hearing must be given to the individual. The family contract must be amended in accordance with section 3788 when a participant enters the ASPIRE-TANF program and when participation review occurs.

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Benefits that have been terminated under subsection 1-A must be restored once the adult recipient signs a new family contract and complies with its provisions.

[PL 2013, c. 588, Pt. D, §4 (AMD).]

1-A. Partial and full termination of benefits. Benefits under this chapter must be terminated by the department under the provisions of subsection 1 and sections 3785 and 3785-A as follows:

A. For a first failure to meet the conditions of a family contract, termination of benefits applies to the adult recipient; [PL 2011, c. 380, Pt. PP, §4 (NEW).]

B. For a first failure to meet the conditions of a family contract for which termination of benefits under paragraph A lasts for longer than 90 days and for a 2nd and subsequent violation, termination of benefits applies to the adult recipient and the full family unit; and [PL 2011, c. 380, Pt. PP, §4 (NEW).]

C. Prior to the implementation of a full family unit sanction, the department shall offer the adult recipient an opportunity to claim good cause for noncompliance as described in section 3785. [PL 2011, c. 380, Pt. PP, §4 (NEW).]

Benefits that have been terminated under this subsection must be restored once the adult recipient signs a new contract under subsection 1 and complies with the provisions of the family contract.

[PL 2011, c. 380, Pt. PP, §4 (NEW).]

2. Participation. A recipient of TANF shall participate in an education, training or employment program pursuant to this chapter unless exempt under paragraph A, B or C. The following individuals are exempt:

A. A recipient who is the single custodial parent or a caretaker relative of a child under one year of age and is personally providing care for that child. This exemption is limited to no more than 12 months per single custodial parent or caretaker relative; [PL 1997, c. 530, Pt. A, §16 (NEW).]

B. A recipient who is not a parent or a caretaker relative; and [PL 1997, c. 530, Pt. A, §16 (NEW).]

C. A recipient who is a VISTA volunteer under the federal Domestic Volunteer Service Act of 1973. [PL 1997, c. 530, Pt. A, §16 (NEW).]

[PL 1997, c. 530, Pt. A, §16 (NEW).]

3. Custodial parents not yet 20 years of age. A custodial parent under 20 years of age who is a recipient of TANF and has not completed high school or its equivalent shall participate in the ASPIRE-TANF program regardless of the age of the youngest child and attend courses to complete high school, with an emphasis on education in a traditional high school setting.

[PL 1997, c. 530, Pt. A, §16 (NEW).]

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4. Households headed by minor parents. The following requirements apply to a custodial parent who is under 18 years of age and is not married:

A. The family must reside in the household of a parent, legal guardian or other adult relative of that minor parent or in an adult-supervised supportive living arrangement unless:

- (1) The minor parent does not have a living parent or legal guardian whose whereabouts are known;
- (2) A living parent or legal guardian of the minor parent does not allow the minor parent to live in the parent's or guardian's home;
- (3) The minor parent lived apart from the minor's own parent or legal guardian for a period of at least one year before the birth of the dependent child or the minor parent's application for TANF;
- (4) The physical or emotional health or safety of the minor parent or dependent child would be jeopardized if that minor parent or dependent child resided in the same residence with the minor parent's parent or legal guardian; or
- (5) There exists other good cause, as defined by rule adopted by the department; and [PL 1997, c. 530, Pt. A, §16 (NEW).]

B. TANF benefits must be distributed in the form of vouchers. [PL 1997, c. 530, Pt. A, §16 (NEW).]
[PL 1997, c. 530, Pt. A, §16 (NEW).]

5. Home visit. The department may implement a home visit program in which a representative of the department may visit the homes of all applicants for and recipients of TANF for the following purposes:

- A. To review the family contract; [PL 1997, c. 530, Pt. A, §16 (NEW).]
- B. To reinforce the reporting responsibilities of the family, including child support enforcement; [PL 1997, c. 530, Pt. A, §16 (NEW).]
- C. To verify information provided at the time of application, including checking social security numbers; and [PL 1997, c. 530, Pt. A, §16 (NEW).]
- D. To request and receive any additional information. [PL 1997, c. 530, Pt. A, §16 (NEW).]
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6. Substantiation of eligibility. The department may appropriately substantiate the facts supporting eligibility stated in any application for TANF assistance. The department shall adopt rules for substantiating relevant facts. The rules must provide for assisting the applicant in obtaining substantiating information when necessary.
[PL 1997, c. 530, Pt. A, §16 (NEW).]

7. Earned income tax credit. The department shall advise applicants and recipients of Temporary Assistance for Needy Families regarding the federal earned income tax credit, including the opportunity to receive it as an advanced payment.
[PL 1997, c. 530, Pt. A, §16 (NEW).]

8. Alternative aid. The department shall provide alternative aid to applicants who seek short-term assistance in order to obtain or retain employment. The applicants must meet the eligibility requirements established by rule adopted pursuant to section 3762, subsection 3, paragraph A. The alternative aid may not exceed 3 times the value of the monthly TANF grant for which the applicant's family is eligible. An eligible applicant may receive alternative aid no more than once during any 12-month period. If the family reapplies for TANF within 3 months of receiving alternative aid, the family shall repay any alternative aid received in excess of the amount that the family would have received on

TANF. The method of repayment must be the same as that used for the repayment of unintentional overpayments in the TANF program.

[PL 2005, c. 522, §1 (AMD).]

9. Emergency assistance. The department shall establish and operate a program of emergency assistance to needy families with children. This program must provide benefits to needy families with children in emergency situations in which the family is deprived of the basic necessities essential to its support, including but not limited to, fire and other natural disasters, terminations of utility service or lack of adequate shelter.

A. In determining what constitutes an emergency with respect to utility terminations, the department shall grant assistance when an otherwise qualified family has received a disconnection notice and has exhausted their ability to negotiate and pay the terms of a reasonable payment arrangement. [PL 1997, c. 530, Pt. A, §16 (NEW).]

B. The program may not be used to supplant local responsibility for operating or funding a general assistance program. [PL 1997, c. 530, Pt. A, §16 (NEW).]

C. The department may not expend more than \$750,000 annually of state general assistance funds for the purposes of covering the cost of services set out in this subsection. [PL 1997, c. 530, Pt. A, §16 (NEW).]

[PL 1997, c. 530, Pt. A, §16 (NEW).]

10. Home survival skills. The department shall provide and may contract with public and private nonprofit agencies to provide instruction and experiential education for TANF recipients in nutrition, food preparation and home and money management.

[PL 1997, c. 530, Pt. A, §16 (NEW).]

11. Restrictions on use of electronic benefits transfer system. A recipient of benefits under this chapter may not expend those benefits using the electronic benefits transfer system established in section 22 for the purchase of the following:

A. Tobacco products, as defined in section 1551, subsection 3; [PL 2015, c. 484, §1 (NEW).]

B. Imitation liquor or liquor, as defined in Title 28-A, section 2, subsections 13 and 16, respectively; [PL 2015, c. 484, §1 (NEW).]

C. Gambling activity, as defined in Title 8, section 1001, subsection 15; [PL 2015, c. 484, §1 (NEW).]

D. Lotteries conducted by the State pursuant to Title 8, chapter 14-A or the Tri-State Lotto Commission pursuant to Title 8, chapter 16; [PL 2015, c. 484, §1 (NEW).]

E. Bail, as defined by Title 15, section 1003, subsection 1; [PL 2015, c. 484, §1 (NEW).]

F. Firearms or ammunition; [PL 2015, c. 484, §1 (NEW).]

G. Vacation or travel services; [PL 2015, c. 484, §1 (NEW).]

H. Publications, services or entertainment that contain or promote obscene matter. For purposes of this paragraph, "obscene matter" has the same meaning as in Title 17, section 2911, subsection 1, paragraph D; [PL 2017, c. 208, §1 (AMD).]

I. Tattoos, as defined by Title 32, section 4201, or body art; or [PL 2017, c. 208, §1 (AMD).]

J. Adult use marijuana and adult use marijuana products, as defined by Title 28-B, section 102. [PL 2017, c. 409, Pt. A, §4 (AMD).]

A person who violates this subsection is subject to those penalties specified in subsection 12.

[PL 2017, c. 409, Pt. A, §4 (AMD).]

12. Penalties. When the department determines based on clear and convincing documentary evidence that a recipient of benefits under this chapter has knowingly purchased a product or service in violation of subsection 11, that recipient is deemed to have received an overpayment in the amount of the prohibited purchase, which may be recovered by the department pursuant to chapter 1055-A. The recipient is also subject to the following additional penalties:

- A. For the 1st offense, the recipient may be disqualified from receiving benefits under this chapter for a period that does not exceed 3 months; [PL 2015, c. 484, §1 (NEW).]
- B. For the 2nd offense, the recipient may be disqualified from receiving benefits under this chapter for a period that does not exceed 12 months; and [PL 2015, c. 484, §1 (NEW).]
- C. For the 3rd and subsequent offenses, the recipient may be disqualified from receiving benefits under this chapter for a period that does not exceed 24 months. [PL 2015, c. 484, §1 (NEW).]

The department shall initiate an administrative hearing for a recipient of benefits who the department has determined has violated subsection 11. The notice and hearing must be conducted consistent with the department rules governing notice and hearing required for an intentional program violation. [PL 2015, c. 484, §1 (NEW).]

SECTION HISTORY

PL 1997, c. 530, §A16 (NEW). PL 2005, c. 522, §1 (AMD). PL 2011, c. 380, Pt. PP, §§3, 4 (AMD). PL 2013, c. 588, Pt. D, §4 (AMD). PL 2015, c. 484, §1 (AMD). PL 2017, c. 208, §§1, 2 (AMD). PL 2017, c. 409, Pt. A, §4 (AMD).

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