1. AGE: For a family to be eligible for TANF or PaS, the specified relative, and the dependent child(ren) must meet the requirements of this section.
   1. Specified Relative – The specified relative must be 18 years of age or older unless he/she meets the maintenance of a home requirements for minor parents. (See V(b)(A)).
   2. Dependent Child – The dependent child must be:
      1. Under the age of 18; or
      2. Aged 18 and enrolled as a full-time student in a high school or an equivalent instruction alternative, leading to a high school diploma.
      3. When the student, who is the dependent child, on the TANF or PaS grant becomes 19, they are not eligible for the federally funded TANF program. They may receive state funded cash assistance until they graduate or become 21 years old, whichever comes first.
2. RESIDENCE

All recipients must be living in Maine voluntarily with the intent to make Maine their home.

1. CITIZENSHIP AND ALIENAGE
   1. Each TANF recipient must be a U.S. citizen or a “qualified alien,” as defined in Section 431 of the *Personal Responsibility and Work Opportunity Reconciliation Act* (PRWORA), as amended (codified at 8 U.S.C. § 1641). Notwithstanding this section’s requirements, certain aliens may be eligible for the state-funded cash assistance benefits program. See (b), below.
      1. Noncitizens satisfy the eligibility criteria of section (a) if they meet the requirements, or have been granted the status, of one of the qualified alien categories in this subsection. A noncitizen is a qualified alien if he or she is:
         1. Veterans or active duty personnel, and spouses and unmarried children thereof.
            1. Lawfully residing in the U.S. and a veteran of the U.S. Armed Forces with an honorable discharge or on active duty, having completed basic training, in the U.S. Armed Forces; or
            2. Lawfully residing in the U.S. and a spouse of someone meeting the requirements of (i), above, or an unmarried child of someone meeting the requirements of (i), above, who is, or could be, claimed as a dependent on that person’s tax return, and meets MaineCare requirements for a dependent -child.
         2. Legal permanent resident status (LPR) granted under *Immigration and Naturalization Act* (“INA”), 8 U.S.C. §1101 *et seq*. In general, a legal permanent resident is not eligible for TANF until five years after the date he or she obtained that status. There is no five-year waiting period if any of the following conditions applies:
            1. The individual’s date of entry to the U.S. is prior to August 22, 1996.
            2. Prior to adjustment to legal resident status, regardless of the LPR status-granted date, the noncitizen’s status was a Refugee under 8 U.S.C. § 1157, an Asylee under 8 U.S.C. §1158, a Deportee (deportation withheld) under 8 U.S.C. §12453, an Amerasian immigrant, or a Cuban/Haitian entrant. Noncitizens described in this subsection are eligible as a Refugee, Asylee, Deportee (deportation withheld), Amerasian immigrant, or Cuban/Haitian entrant (according to Medicaid State plan).
         3. Refugee status granted under § 207 of the INA.
         4. Asylee status granted under § 208 of the INA.
         5. Deportee status (deportation withheld) granted under §243(h) of the INA as in effect prior to April 1, 1997; or §241(b)(3) of the INA, as amended.
         6. Parolee status granted for at least a year under §212(d)(5) of the INA. Parolee status is subject to the five-year waiting period beginning with the date the qualified alien obtained qualified status. There is no five-year waiting period if the individual’s date of entry to the U.S. is prior to August 22, 1996.
         7. Conditional Entrant status granted under §203(a)(7) of the INA in effect before April 1, 1980. In general, a Conditional Entrant is not eligible for TANF until five years after the date he or she obtained that status. There is no five-year waiting period if the individual’s date of entry to the U.S. is prior to August 22, 1996.
         8. Battered noncitizens and their minor child(ren), who meet the conditions set forth in § 431(c) of PRWORA as amended (codified 8 U.S.C. § 1641(c)) and;
            1. Subject to the five-year waiting period beginning with the date the qualified alien obtained qualified status unless the individual’s date of entry to the U.S. is prior to August 22, 1996, and;
            2. While lawfully residing in the U.S. the non-citizen or the minor child was battered or subjected to extreme cruelty by a spouse, a parent, or a member of the spouse’s or parent’s family residing in the same household as the non-citizen; and
            3. The batterer no longer lives in the household.
         9. Trafficking victim (TV) certified under Section 107(b)(1) of the *TV Protection Act of 2000* (P.L. 106-386).
         10. Amerasian admitted to the U.S. pursuant to Section 584 of the *Foreign Operations, Export Financing, and Related Programs Appropriations Ac*t, 1988 (P.L. 100-202).
         11. Cuban or Haitian Entrant as defined in Section 501(e) of the *Refugee Education Assistance Act of 1980* (P.L. 96-422).
         12. American Indian, with at least one-half American Indian blood, born in Canada.
         13. American Indian who is a member of a federally recognized Indian tribe under 25 U.S.C. §450b(e).
         14. Iraqi Special Immigrant with the same status as refugee, under 2009 Department of Defense bill P.L. 111-118, §8120(a).
         15. Afghani Special Immigrant with the same status as refugee, under 2009 Department of Defense bill P.L. 111-118, §8120(b).
      2. Sponsored Aliens: If a qualified alien identified above has a sponsor who has signed an affidavit of support under PRWORA, apply sponsor rules set out in chapter III.
   2. State Funded Cash Assistance Program: A legally admitted alien who does not meet the criteria for federal TANF eligibility as set out in section a, above, (such as legal permanent residents who have not yet met the five-year waiting period, and asylum seekers), may receive state funded TANF benefits subject to all the rules of this manual if they meet the requirements, or have been granted a status, in section 1-4, below.
      1. Wasreceiving such assistance on December 1, 2012, or had an application pending for such assistance as of December 1, 2012.
      2. Is elderly, disabled or blind as defined under the laws governing supplemental security income in 42 U.S.C. §1382C (defined as “aged”).
      3. Is a Victim of Domestic Violence: Families in which abuse is currently being perpetrated or those who are dealing with the effects of victimization by domestic violence. This includes:
         1. Physical acts/threats of physical injury
         2. Sexual abuse of a child or caretaker of a child
         3. Psychological effects of the abuse
            1. The individual must provide reasonable and verifiable written evidence of the abuse, including but not limited to:

Immigration (including USCIS form I 797, notice of action, and I 918, for victims of qualifying criminal activity), court, medical, law enforcement, child protective, social services, psychological or other records that establish that the individual has been a victim of domestic violence.

Sworn statements from persons other than the individual with knowledge of the circumstances affecting the individual

Acceptance of referral to and participation in a domestic violence program

* + 1. Hardship: Individuals who are subject to a waiting period to obtain proper work documents from USCIS may be eligible for assistance until the work documents are received. Verification of the pending application and its status must be provided.
    2. Limited Hardship: Individuals who were subject to a waiting period to obtain proper work documents and who have received those documents may be eligible for assistance when they are unemployed.
    3. Termination of state-funded cash benefits under this program: Benefits will terminate under this section when:
       1. An exception in section b(1)-(5) no longer applies; or
       2. The household qualifies for federally funded benefits; or
       3. The household no longer meets the financial or other categorical eligibility requirements.
    4. Termination of state-funded cash benefits for a two-parent household: In a two-parent household where eligibility for the parents and children depends on a hardship, when one parent has become employed and does not satisfy that hardship requirement accordingly, the other parent still meeting an exception and his or her children will continue to be eligible under the hardship provision, and the ineligible parent will be a non-sanctioned deemer.
  1. Citizenship Status Verification: To be eligible for assistance, each member of a household applying for TANF and PaS must declare his or her citizenship or legal immigration status in writing; but an adult household member can make this declaration for the entire household; and to be eligible each individual must provide documentation from the United States Citizen and Immigration Services (“USCIS”) to prove his or her immigration status.
     1. If the specified relative in a one-parent household refuses or fails to provide the required written documentation for him or herself, specified relative is ineligible and the household is paid under a child-only standard.
     2. If one of the specified relatives in a two-parent household refuses or fails to provide the required written documentation for him or herself, that parent is ineligible and is not considered a family member when determining eligibility.
     3. If a specified relative refuses or fails to sign for a child, the child is ineligible, the child’s income and assets are not considered available to the filing unit, and the child is not considered a family member when determining eligibility.
     4. If a specified relative refuses or fails to sign for a child, the specified relatives’ income and assets are not considered available to the filing unit, and the specified relative is not considered a family member when determining eligibility. (See Ch. III, Eligibility Requirements (financial)).

1. SOCIAL SECURITY NUMBER
   1. All individuals applying for or receiving TANF or PaS must furnish the agency with a Social Security Number or proof of application for a Number. The Social Security Number must be furnished to the department when it has been received.
   2. When an individual fails to apply for a Social Security Number or furnish the Number when received, the individual is not eligible. The individual’s income, assets, and needs, will be excluded.
      1. When the individual is a stepparent, he or she is an “excluded stepparent” for eligibility purposes. The individual’s income, assets, and needs, will be excluded. (See Ch. III, Budgeting.)
      2. When none of the children has a Social Security Number, or has not made application for one, the household is ineligible. There are no eligible children.
2. RELATIONSHIP AND MAINTENANCE OF A HOME

In order to be eligible for TANF, a child must be living with a specified relative, as provided by subsection (a) below, and living in a home maintained by that relative; and both elements must be expected to continue at least 30 days beyond the date of application.

* 1. Relationship.
     1. Only “specified relatives,” people with the following relationships to the child, may apply for and receive assistance on behalf of the child:

(A) Biological, legal, adoptive, and step- fathers, mothers, siblings, and half siblings;

* + - * 1. For purposes of subsection (A), above, the legal guardian(s) of a child as well as an “Indian custodian” as defined in the Indian Child Welfare Act of 1978, 25 U.S.C. § 1903 (6) are included within the category “legal” for purposes of qualifying as “specified relatives”.
        2. The spouses of any of the above persons, except those detailed in (A)(i), even if the marriage has been terminated by death or divorce;

(B) Biological grandparents, great and great-great grandparents, uncles, great and great-great uncles, aunts, great and great-great aunts, first cousins, first cousins once removed, and nephews and nieces (see chart in Appendix);

* + - 1. Adoptive grandparents, uncle or aunt for an adopted parent’s child;
      2. Minor Parent: If the applicant-child’s parent is a minor, and the minor is not maintaining a home for the child according to V(b), below, the specified relative must be the minor parent’s adult relative as provided in sections V(a)(1)(A)-(D), above, or the minor parent’s legal guardian or the representative of a certified, state-approved, adult-supervised supportive living arrangement providing food, shelter, counseling, supervision, and guidance to the minor parent. A child whose minor parent is maintained by a foster care payment is not eligible for TANF or PaS if both are residing in a licensed facility. In those instances, the foster care program must provide for the child as well as the minor parent.

2) A pregnant person who has no other children who meet the non-financial requirements of TANF or PaS in her household, starting with the sixth month of pregnancy, and whose pregnancy has been verified by a medical statement that includes the expected date of birth may be eligible for an adult-only grant.

* + 1. Children placed with specified relatives in Maine under the Interstate Compact on Placement of Children are not eligible for TANF or PaS in Maine. The out-of-state agency that placed the children in Maine continues to be responsible for those children during the placement period.

b) Maintenance of a Home: The specified relative is maintaining a home by providing a safe and healthy environment, for the child, and by assuming the responsibility for the day-to-day care of the child, regardless of pending court decisions about legal custody.

* + 1. Shared Custody.
       1. If the child lives part of the time with each parent, the parent with whom the child lives over 50% of the time must apply for the child.
       2. If the child lives 50% of the time with each parent, either parent can apply for the child but not both.
    2. Minor Parent or a Pregnant Minor: A minor parent or pregnant minor is maintaining a home within the meaning of this section only if:
       1. The minor parent or pregnant minor is married; or
       2. The minor parent or pregnant minor does not live with a specified relative as provided in V(a)(1)(E) and:
          1. The minor parent or pregnant minor has no living parent;
          2. Neither of the minor parent or pregnant minor’s parent’s whereabouts is known;
          3. Neither of the minor parent or pregnant minor’s parents will permit him/her to live with them;
          4. The Department has determined that the physical or emotional health or safety of the minor parent and his/her child or that of the pregnant minor would be jeopardized if they live with the parent(s);
          5. The minor parent has lived apart from his/her parent(s) for at least a year prior to the child’s birth; or
          6. The minor parent or pregnant minor has a similar justifiable reason for not residing with either parent that has been approved by the TANF Program Manager.
    3. Temporary absence from the home: Within five days of the date that it becomes clear to a specified relative that a child will be absent from the home for 45 days or longer, the specified relative must notify the Department of the absence of the child from the home. See (A) below. Failure to notify the Department within the specified period will result in the removal of the specified relative from the grant.
       1. A child who is absent from the home for 45 days or longer and the child’s specified relative remain eligible for TANF under this section if the specified relative has full responsibility for the supervision and guidance of the child, maintains a home for the child during vacation, and any delegation of authority is temporary, voluntary and revocable. The child or specified relative must return home at the completion of the reason for separation unless the separation continues for a reason below, or another similar reason:
          1. For the child to secure education when high school facilities are not available in the area of residence or when the existing facilities do not meet the child’s educational and/or social needs.
          2. The child is residing in a private treatment center because of physical/emotional problems.
          3. The child is attending a specialized school for children with disabilities, provided there are no services available in the child’s own community.
          4. The child is attending a vocational or technical school, college, or university until the child’s 18th birthday.
          5. The specified relative or child has left the home to obtain necessary medical care for an illness.
          6. When the child has been placed in an approved voluntary foster home by the Office of Child and Family Services and the plan is that the child will return to the home and when there is no foster care payment being made for that child.

1. FILING UNIT
   1. Mandatory Inclusion: The parent(s), siblings, and half siblings, living in the same home as the child for whom assistance is requested and who meet the categorical requirements of TANF eligibility must be included as members of the same filing unit.
      1. When an individual is required by operation of this rule to be in more than one unit, the units must be consolidated. Benefits will not be issued for an individual who is in more than one filing unit for the same period.
   2. Optional Inclusion: The following household members may choose to be included in the filing unit, but are not required to be:
      1. Specified relatives and their spouses who are not parents of the dependent child. When specified relatives are excluded but claim the children as dependents for income tax purposes, they have acknowledged that they meet at least half of the child’s needs. The benefit level will be determined using half of the appropriate full need standard for the child as countable unearned income.
      2. Stepparents and stepsiblings as long as there is not a mutual child living in the same home, requiring consolidation under subsection a), above.
      3. Household members who choose to be included in the filing unit are subject to the ASPIRE-TANF requirements of Section X., below, to the same extent as if they were mandatory filing unit members.
   3. Strikers: Individuals participating in a strike, or who are absent from work during the strike period without good cause, on the last day of the month make the entire assistance unit ineligible.
      1. Good cause reasons for absence include:
         1. Vacation
         2. Illness
         3. Emergency that began prior to the strike and continued into the strike period, if the absent worker intends to return to work whether or not the strike continues, or if the absent worker can prove that return to work would jeopardize their health and safety.
   4. Supplemental Security Income (SSI): A TANF/PaS eligible individual who is also eligible for SSI or State Supplement benefits may choose to receive one or the other but may not receive both TANF/PaS and SSI. If the child chooses to receive SSI the otherwise eligible specified relative may receive TANF/PaS and other eligible children in the home need not be included in the filing unit.
   5. Receipt of Foster Care or Adoption Assistance:A TANF/PaS eligible individual who is also eligible for a Foster Care or Adoption Assistance payment, whether from federal, state or local funds, may choose to receive either TANF/PaS or foster care or adoption assistance but may not receive both. If the child chooses to receive a foster care/adoption assistance payment, the child is not considered a member of the assistance unit when determining eligibility for the remaining filing unit members. The recipient of the foster care/adoption assistance payment may be the specified relative or the child.
2. ESTABLISHING PATERNITY AND ASSIGNMENT OF RIGHTS TO SUPPORT
   1. If there is a noncustodial parent, all applicants or recipients must cooperate with the Department in:
      1. Identifying and locating the non-custodial parent, and
      2. Establishing paternity, and
      3. Obtaining support or any other payments, and
      4. Must assign to the Department all rights of support on behalf of filing unit members from any legally responsible relative who is absent from the home. This includes any support accrued at the time of the assignment.
   2. As a condition of eligibility, the specified relative must forward to the Department any alimony or child support payments received from the non-custodial parent, beginning the date of the first regular TANF benefit.
   3. If an applicant or recipient specified relative fails to cooperate with the requirements of this section, the specified relative will be removed from the TANF grant, and the grant amount will be reduced by the assessed needs of the specified relative or 25% of the grant amount, whichever is greater.
      1. If a sanction is applied under this section, eligibility will be determined for the remaining filing unit members, and the TANF/PaS payment will be made to a third party. If there is no appropriate person to act as payee, the payment will continue to be issued to the sanctioned specified relative. The sanction remains in place until the individual complies.
      2. Exceptions: Unless the sanction is for failure to comply with subsection b) of this section, the specified relative shall be given the opportunity to claim good cause for refusing to cooperate. The Department will investigate claims of good cause per the procedures established in this subsection, and sanctions will not be applied nor benefits withheld while a good cause decision by the Department is pending.
         1. Conditions for Good Cause: The following are the conditions under which Good Cause may be granted:
            1. The child was conceived as a result of incest or rape.
            2. Legal proceedings for adoption of the child are pending before a court.
            3. For less than 3 months, the individual has been assisted by a licensed social service agency to decide whether to place the child for adoption.
            4. The individual or the child is a victim of domestic violence, which includes physical injuries or the psychological effects of abuse, or cooperation would result in physical or emotional harm to the child or other family member.
         2. Evidence to support a claim of good cause: The Department will make a good cause determination without further investigation if a claim of good cause is supported with one of the following documents:
            1. Birth certificates, medical or law enforcement records that indicate the child was conceived as a result of incest or rape.
            2. Court documents or other records indicating that legal proceedings for adoption are pending before a court.
            3. A written statement from a licensed social service agency showing that the applicant or recipient is being assisted in deciding whether to place the child for adoption.
            4. Court, medical, law enforcement, child protective, social services (including domestic violence shelters), psychological, or other records indicating that a non-custodial parent or putative father might inflict physical or emotional harm on the child or specified relative.
            5. Sworn statements from individuals other than the applicant or recipient with knowledge of the circumstances that provide the basis for the good cause claim.
         3. Determination of good cause will be made only if the evidence provided by the applicant/recipient and/or the investigation of the agency confirms that to cooperate would be against the best interest of the child or other family member. The Department’s decision on good cause will:
            1. Be in writing,
            2. Contain the agency’s findings and basis of determination,
            3. Be entered into the TANF/PaS record, and
            4. Be made within 45 days, unless case record documentation indicates that the Department needs additional time because information required to verify the claim cannot be obtained within the time standard or because the claimant did not provide corroborative evidence within 20 days from the day in which the claim was made.
3. ASPIRE-TANF

Each TANF or PaS specified relative applicant and recipient of TANF and PaS, who is not exempt per (a), below, must participate in ASPIRE and comply with the requirements of that program. Individuals who are exempt may participate on a voluntary basis, and will not be subject to sanction for failing to comply.

* 1. Exemptions: Applicants and recipients are exempt from ASPIRE participation if they satisfy one or more of the requirements of this subsection. The Department will review any previously established exemption at every recertification, as a part of the regular eligibility redetermination.
     1. An applicant or recipient who is the only custodial parent or caretaker relative of a child under one year of age and is personally providing care for that child, except that this exemption may be claimed for no more than a total of twelve (12) months per custodial parent or caretaker relative in a lifetime. An applicant or recipient may elect not to claim the exemption, and if the recipient does not elect this exemption, he or she must participate in ASPIRE-TANF and comply with the requirements of the program.
        1. Parents and caretaker relatives under twenty (20) years of age who have not completed high school or its equivalent may not claim this exemption, and they must attend courses to complete high school, with an emphasis on education in a traditional high school setting.
     2. An applicant or recipient who is a VISTA volunteer under the federal *Domestic Volunteer Service Act of 1973*; or
     3. An applicant or recipient parent or specified relative who is needed in the home to care for a disabled family member living in the household, provided that the disabled family member is not a full-time student. The need for the TANF-PaS recipient to care for the disabled family member must be verified at least annually through statements by an acceptable medical or mental health source; or
     4. An applicant or recipient parent or specified relative who receives Social Security Disability Insurance (SSDI) benefits.
  2. Sanctions: When an individual required by this section to participate in ASPIRE has failed without good cause to: participate in or comply with the regulations of the ASPIRE-TANF program; or sign the Family Contract Amendment or to abide by its provisions; or accept employment; or if the individual has voluntarily terminated employment or voluntarily reduced earnings, the Department will apply a sanction in accordance with this section.
     1. Escalating Sanctions.
        1. For the first failure to comply, benefits to the individual will be terminated for the lesser of ninety (90) days or until the failure to comply ceases. Benefits for the remainder of the eligible family members will continue.
        2. When the first failure to comply lasts for longer than 90 days or for any subsequent failure to comply, termination of benefits applies to the adult recipient and the full family unit.
     2. When both parents or specified relatives are required to participate in ASPIRE, each must comply with ASPIRE-TANF, each will be sanctioned separately for failure to comply when called upon to participate, unless the sanction applies to the full family unit.
     3. Prior to a sanction or a non-compliance closure, the adult recipient shall be provided an opportunity to show good cause for non-compliance. The recipient must demonstrate and verify to ASPIRE-TANF that good cause exists, and no sanction or closure will issue if the Department determines that the recipient had good cause for noncompliance, under the ASPIRE-TANF Program Rules. See ASPIRE Manual, Chapter 607.
     4. Restoring Benefits: Prior to restoration of benefits, the adult(s) or minor parent head(s) of household must sign a new Family Contract Amendment and verify compliance with the provisions of that contract. The Department must also verify compliance with ASPIRE before closing the sanction. Benefits will be reinstated when the sanction is closed.
     5. The beginning date of a sanction is the date that the Department issues the notice of adverse action.
     6. A prior ASPIRE sanction incurred by an adult or minor parent head of household will be disregarded as long as that individual is in compliance with program rules as of the implementation of this rule (February 1, 2012.)