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# Rulemaking Hearing Rule(s) Filing Form

*Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing (Tenn. Code Ann. § 4-5-205).*

*Pursuant to Tenn. Code Ann. § 4-5-229, any new fee or fee increase promulgated by state agency rule shall take effect on July 1, following the expiration of the ninety (90) day period as provided in § 4-5-207. This section shall not apply to rules that implement new fees or fee increases that are promulgated as emergency rules pursuant to § 4-5-208(a) and to subsequent rules that make permanent such emergency rules, as amended during the rulemaking process. In addition, this section shall not apply to state agencies that did not, during the preceding two (2) fiscal years, collect fees in an amount sufficient to pay the cost of operating the board, commission or entity in accordance with § 4-29-121(b).*

<b>Agency/Board/Commission:</b>	Department of Human Services
<b>Division:</b>	Family Assistance
<b>Contact Person:</b>	David L. Henry
<b>Address:</b>	Office of General Counsel Citizens Plaza Building, 15 <sup>th</sup> Floor 400 Deaderick Street Nashville, Tennessee
<b>Zip:</b>	37243-1403
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**Revision Type (check all that apply):**

- Amendment
- New
- Repeal

**Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only ONE Rule Number/Rule Title per row)**

Chapter Number	Chapter Title
1240-01-47	Non-Financial Eligibility Requirements - Families First Program
Rule Number	Rule Title
1240-01-47-.16	Personal Responsibility Plan

Chapter Number	Chapter Title
1240-01-49	Families First Work Requirements
Rule Number	Rule Title
1240-01-49-.09	Diversion Program for Families with a One-Time Financial Need

Chapter 1240-01-47  
Non-Financial Eligibility Requirements  
Families First Program

Amendments

Rule 1240-01-47-.16 Personal Responsibility Plan is amended by deleting subparagraph (b) under paragraph (1) in its entirety and by substituting instead the following, so that, as amended, paragraph (1), subparagraph (b) shall read as follows:

- (b) Requires that all caretakers (both parents in a two (2) parent AU):
1. Agree to cooperate with child support enforcement activities;
  2. Assure that the children in the AU receive regular immunizations and health checks;
  3. Agree to participate in thirty (30) hours per week of activities as described in 1240-01-49-.03 if not exempt;
  4. Agree not to falsify work and/or educational activities documentation, such as providing a falsified employer's statement, attendance, etc. to verify thirty (30) hours per week of activities;
  5. Assure that the children in the AU attend school, including kindergarten;
  6. Agree to attend two (2) or more parent-teacher conferences within a school year with the child(ren)'s teacher to review the child(ren)'s status in school if the Department determines that the need is identified relative to the child(ren) in the AU;
  7. Agree to attend a minimum of eight (8) hours of parenting classes if the Department determines that the need is identified relative to the child(ren) in the AU;
  8. Agree to participate, in such support services that the child(ren) may require to overcome school, family, or other barriers that may interfere with the AU's ability to become self-sufficient, as determined pursuant to the Department's policy; and
  9. Agree to proper use of the electronic benefit transfer card, including agreement not to access public assistance benefits through an electronic benefit transfer card at any point of sale device or automated teller machine located in any liquor store, casino, gambling casino, gaming establishment, or adult cabaret as prohibited under Chapter 1240-01-58.

Rule 1240-01-47-.16 Personal Responsibility Plan is amended by deleting paragraph (2) in its entirety and by substituting instead the following, so that, as amended, paragraph (2) shall read as follows:

- (2) As a condition of eligibility for him/herself, the minor parent who is a dependent child in an AU must sign a PRP. Signing the PRP indicates the intent to comply with the requirements of the plan listed in subparagraph (b), parts 1-8 above. Subparagraph (b), part 9 above does not apply to a minor parent who is a dependent child in an AU.

Rule 1240-01-47-.16 Personal Responsibility Plan is amended by deleting paragraph (5) in its entirety and by substituting instead the following, so that, as amended, paragraph (5) shall read as follows:

- (5) Failure, without good cause, to comply with the provisions of the PRP shall result in the following sanctions:
- (a) Failure to comply with the work requirement shall result in a mandatory period of case closure pursuant to rule 1240-01-49-.04.

- (b) Failure to comply with the prohibited uses of the electronic benefit transfer card as described under Chapter 1240-01-58 shall result in reimbursement of the illegally transferred funds to the Department and/or prohibition from receipt of temporary cash assistance benefits by means of direct cash payment or electronic benefit transfer card.
- (c) The following failures shall each result in a twenty percent (20%) reduction in temporary cash assistance, not to exceed forty percent (40%) for concurrent violations, until compliance is met:
  - 1. Failure of one or more of the children in the AU to comply with the school attendance requirement.
  - 2. Failure to meet the immunization and health check requirement for one or more children in the AU.
  - 3. Failure to comply with the requirement to attend two (2) or more parent-teacher conferences if the Department determines that the need is identified for one or more child(ren) in the AU.
  - 4. Failure to attend a minimum of eight (8) hours of parenting classes if the Department determines that the need is identified for one or more child(ren) in the AU.
  - 5. Failure to participate in support services as provided in paragraph (1)(b)(8) if the Department determines that the need is identified for one or more child(ren) in the AU.

Authority: T.C.A. §§ 4-5-201 et seq., 71-1-105, 71-3-102, 71-3-103, 71-3-104, and 71-3-126; 42 U.S.C. §§ 601 et seq., 42 U.S.C. § 603; 42 U.S.C. § 604(i); 42 U.S.C. § 607(c), (d) and (e); 42 U.S.C. § 608(a)(2), (3) and (12), 42 U.S.C. § 608(b)(3); 42 U.S.C. § 609(a)(14) and 42 U.S.C. §§ 654 and 657; 45 C.F.R. § 261.2, 45 C.F.R. § 261.12 and 45 C.F.R. § 261.14; and Public Acts of 1996, Chapter 950, §1115 of the Social Security Act; Deficit Reduction Act 2005 (Pub. L. 109-171 §§ 7101 and 7102, February 8, 2006); 71 Federal Register 37454 (June 29, 2006).

Chapter 1240-01-49  
Families First Work Requirements

Amendments

Rule 1240-01-49-.09 Diversion Program for Families with a One-Time Financial Need is amended by deleting the title in its entirety and by substituting instead the following, so that, as amended, the title for Rule 1240-01-49-.09 shall read in the substance of the rules and in the Table of Contents: "Diversion Program and Eligibility Requirements."

Rule 1240-01-49-.09 is amended by deleting the rule in its entirety and by substituting instead the following, so that, as amended, Rule 1240-01-49-.09 shall read as follows:

1240-01-49-.09 Diversion Program and Eligibility Requirements.

- (1) General. The Families First Diversion Program is an alternative to the receipt of ongoing cash assistance under the Families First/Temporary Assistance for Needy Families (TANF). The purpose of the Diversion program is to provide an applicant with sufficient financial support to cover an immediate and compelling financial need that would divert the applicant's need to receive ongoing Families First/TANF cash assistance.
- (2) Eligibility for diversion grant. The Department shall evaluate applications for cash assistance to determine whether a diversion grant may be appropriate to meet an applicant's immediate and compelling financial need.
  - (a) To receive a diversion grant, the Department must determine that the applicant is eligible to receive Families First/TANF.
    1. A "child only" applicant, an applicant who is either a non-parental relative who is not included in the Assistance Unit or a caretaker receiving SSI benefits, shall not be eligible for a diversion grant.
    2. If eligible for Families First/TANF, the applicant shall have the option to receive a diversion grant to cover an immediate and compelling financial need instead of receiving ongoing monthly cash assistance.
  - (b) The diversion grant shall:
    1. Meet an applicant's immediate and compelling needs, as determined by the Department, so that an applicant or recipient can avoid temporary cash assistance; and
    2. Not cover the same type of immediate need met by a previous diversion grant, unless the Department determines that the applicant has a new and verified emergency.
  - (c) Each applicant shall be required to submit appropriate documentation to verify immediate and compelling financial needs.
- (3) Calculation of the diversion grant.
  - (a) The Department shall calculate the amount of a diversion grant, on a case-by-case basis, based upon the aggregate amount of monthly temporary cash assistance an applicant is eligible to receive, not to exceed twelve (12) months.
  - (b) The applicant's temporary cash assistance lifelong eligibility period shall be reduced by the number of months equal to the total cash amount of the diversion grant that the applicant receives.

- (4) A diversion grant is an alternative to ongoing Families First/TANF benefits. A recipient of a diversion grant is ineligible to receive temporary cash assistance for the number of months of temporary cash assistance equal to the total cash amount of the diversion grant.
- (5) A recipient of a diversion grant may be eligible to receive up to three (3) months of subsidized child care, if the recipient is employed at least thirty (30) hours per week.

Authority: T.C.A. §§ 4-5-201 et seq., 71-1-105, 71-3-102, 71-3-103 and 71-3-104; 42 U.S.C. §§ 601 et seq., 45 C.F.R. § 233.90; Deficit Reduction Act 2005 (Pub. L. 109-171 §§ 7101 and 7102, February 8, 2006); 71 Federal Register 37454-01 (June 29, 2006).

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Department of Human Services (board/commission/ other authority) on 03/16/2015, and is in compliance with the provisions of T.C.A. § 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 12/22/14

Rulemaking Hearing(s) Conducted on: (add more dates) 02/26/15

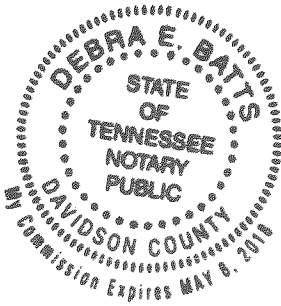
Date: March 16, 2015

Signature: David L. Henry

Name of Officer: David L. Henry

Deputy General Counsel

Title of Officer: Tennessee Department of Human Services



Subscribed and sworn to before me on: March 16, 2015

Notary Public Signature: Debra E. Batts

My commission expires on: May 6, 2018

All rulemaking hearing rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

Herbert H. Slatery III  
Herbert H. Slatery III  
Attorney General and Reporter  
3/26/2015  
Date

**Department of State Use Only**

Filed with the Department of State on: 4/2/2015

Effective on: 7/1/2015

Tre Hargett  
Tre Hargett  
Secretary of State

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## Public Hearing Comments

One copy of a document containing responses to comments made at the public hearing must accompany the filing pursuant to T.C.A. § 4-5-222. Agencies shall include only their responses to public hearing comments, which can be summarized. No letters of inquiry from parties questioning the rule will be accepted. When no comments are received at the public hearing, the agency need only draft a memorandum stating such and include it with the Rulemaking Hearing Rule filing. Minutes of the meeting will not be accepted. Transcripts are not acceptable.

Date(s), Time(s) and Place(s) of Public Hearing(s): February 26, 2015, 1:30 p.m. Central Time, Department of Human Services, Second Floor, Tennessee River Conference Room, Citizens Plaza Building, 400 Deaderick Street, Nashville, Tennessee 37243.

A public hearing was held on the date, time and place noted above by the Department of Human Services to receive comments regarding amendments to the above-referenced rules. No comments were received.

**Regulatory Flexibility Addendum**

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

For purposes of Acts 2007, Chapter 464, the Regulatory Flexibility Act, the Department of Human Services certifies that these rulemaking hearing rules do not appear to affect small businesses as defined in the Act. These rules do not regulate or attempt to regulate businesses.



## **Impact on Local Governments**

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228 "any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments." (See Public Chapter Number 1070 (<http://state.tn.us/sos/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

These rules have no projected financial impact on local governments.

## Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to T.C.A. § 4-5-226(i)(1).

- (A)** A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

The amendments to rule 1240-01-47-.16 require that all Families First (FF)/ Temporary Assistance for Needy Families (TANF) caretakers must ensure that children in the assistance unit (AU) attend and maintain satisfactory academic progress in school. Failure to comply with attendance requirements, or to receive a proficient grade to ascend to the next grade, shall be a failure to comply with the personal responsibility plan. If a need is identified relative to the child;

- The parent or a suitable adult or guardian shall attend two (2) or more conferences within a year with the child's teacher to review the child's status in school;
- Attend at least eight (8) hours of parenting classes; or
- The caretaker shall participate in such support services that the child may need as determined by the Department to overcome any school, family, or other barriers that may interfere with the child's and the family's ability to be successful.

Failure to comply with these requirements will result in reduction of the FF/TANF cash assistance.

This rule (1240-01-47-.16) is based on a State statute, T.C.A. § 71-3-104(h)(2)(b).

The Families First Diversion Program is an alternative to the receipt of ongoing cash assistance under the Families First (FF)/Temporary Assistance for Needy Families (TANF). The purpose of the Diversion program is to provide an applicant with sufficient financial support to cover an immediate and compelling financial need that would divert the applicant's need to receive ongoing FF/TANF case assistance.

This rule (1240-01-49-.09) is based on a new State statute, T.C.A. § 71-3-109, which is effective July 1, 2015.

- (B)** A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

It is essential to promulgate rules to amend the Families First Personal Responsibility Plan (PRP) to comply with Public Chapter 960/TCA Title 71, Chapter 3, Part 1 passed on April 16, 2014 and signed into law on May 19, 2014. Public Chapter 960 requires the Tennessee Department of Human Services to add a new subdivision to the PRP; specifically T.C.A. § 71-3-104(h)(2)(B)(iv).

It is essential to promulgate rules to amend the Families First Diversion grant program to comply with Public Chapter 787/TCA Title 71, Chapter 3, Part 1 passed on April 9, 2014 and signed into law on April 24, 2014. Public Chapter 787 requires the Tennessee Department of Human Services to evaluate appropriate cases within the temporary assistance for needy families(TANF) program to determine if a diversion grant would be effective in meeting a family's immediate and compelling need to avoid going on temporary assistance or to assist the family in leaving the assistance program.

- (C)** Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

TN TANF/FF clients will be most directly affected by this rule. A public hearing was held and there have not been any comments or anything promoting rejection of this rule.

- (D)** Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule;

There are not any attorney general opinions or judicial rulings that directly relate to this Rule.

- (E)** An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

1240-01-47-.16

Public Chapter 960 will have a fiscal impact, but it will be absorbed within existing resources to make the necessary systems changes to comply with the provisions of the legislation. The Department intends to find this directive by reallocating resources within the existing TANF grant monies to account for the implementation cost. The Department has concluded that the cost associated with implementation of these requirements can be handled with existing TANF dollars. We have determined that implementation of the legislation will come at no additional cost since existing resources are sufficient to administer it.

1240-01-49-.09

DHS will revise policies on handling of the diversion grant program to meet the guidelines included in Public Chapter 787. Any cost can be accommodated within existing resources.

The Department is currently planning to make ACCENT program and systems changes. These changes will be completed in time to meet the July 1, 2015 effective date of the legislation. The Department can incorporate the necessary changes that are a result of the legislation into the planned systems changes without a significant increase in expenditures.

- (F) Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Lakecia Peterson-Smith, Interim Families First Director, Department of Human Services  
Patricia Stubblefield, Assistant Commissioner, Families Assistance and Child Support  
Tracy Bell, Family Assistance Director of Operations  
David L. Henry, Deputy General Counsel, Department of Human Services

- (G) Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Patricia Stubblefield, Assistant Commissioner, Families Assistance and Child Support  
Tracy Bell, Family Assistance Director of Operations  
David L. Henry, Deputy General Counsel, Department of Human Services

- (H) Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

Patricia Stubblefield, Assistant Commissioner, Families Assistance and Child Support  
Department of Human Services, Citizens Plaza, 15<sup>th</sup> Floor  
400 Deaderick Street  
Nashville, Tennessee 37243  
(615) 313-4724  
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Dezanne M. Russell, Deputy General Counsel  
Department of Human Services, Citizens Plaza, 15<sup>th</sup> Floor  
400 Deaderick Street  
Nashville, Tennessee 37243  
(615) 313-4732  
Dezanne.M.Russell@tn.gov

(I) Any additional information relevant to the rule proposed for continuation that the committee requests.

None.

**“REDLINE VERSION-CHAPTER 1240-01-47 DATED MARCH 13, 2015”**

**RULES  
OF  
TENNESSEE DEPARTMENT OF HUMAN SERVICES  
FAMILY ASSISTANCE DIVISION**

**CHAPTER 1240-01-47  
NON-FINANCIAL ELIGIBILITY REQUIREMENTS  
FAMILIES FIRST PROGRAM**

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**1240-01-47-.16 PERSONAL RESPONSIBILITY PLAN.**

- (1) Personal Responsibility Plans Required for Eligibility.
  - (a) As a condition of eligibility for the entire AU, the caretaker (both parents in a two (2) parent AU) who applies for or receives Families First/TANF must sign a Personal Responsibility Plan (PRP). Signing the PRP indicates an intent to comply with the requirements of the plan. The PRP is developed by the Department in consultation with the caretaker relative and:
    - (b) Requires that all caretakers (both parents in a two (2) parent AU):
      1. Agree to cooperate with child support enforcement activities;
      2. Assure that the children in the AU receive regular immunizations and health checks;
      3. Agree to participate in thirty (30) hours per week of activities as described in 1240-01-49-.03, if not exempt;
      4. Agree not to falsify work and/or educational activities documentation, such as providing a falsified employer's statement, attendance, etc. to ~~validate work~~ verify thirty (30) hours per week of activities; and
      5. Assure that the children in the AU attend school, including kindergarten ~~when available;~~
      6. Agree to attend two (2) or more parent-teacher conferences within a school year with the child(ren)'s teacher to review the child(ren)'s status in school if the Department determines that the need is identified relative to the child(ren) in the AU;

**“REDLINE VERSION-CHAPTER 1240-01-47 DATED MARCH 13, 2015”**

7. Agree to attend a minimum of eight (8) hours of parenting classes if the Department determines that the need is identified relative to the child(ren) in the AU;
8. Agree to participate, in such support services that the child(ren) may require to overcome school, family, or other barriers that may interfere with the AU's ability to become self-sufficient, as determined pursuant to the Department's policy; and
69. Agree to proper use of the electronic benefit transfer card, including agreement not to knowingly access public assistance benefits through an electronic benefit transfer card at any point of sale device, or automated teller machine or other online system used for the processing of payment or withdrawal of funds located in any liquor store, casino, gambling casino, gaming establishment, or adult cabaret as prohibited under Chapter 1240-01-58.
- (2) As a condition of eligibility for him/herself, the minor parent who is a dependent child in an AU must sign a PRP. Signing the PRP indicates the intent to comply with the requirements of the plan listed in subparagraph (b), parts 1-58 above. Subparagraph (b), part 69 above does not apply to a minor parent who is a dependent child in an AU.
- (3) As a condition of eligibility for the entire AG/AU, the minor parent who is a caretaker of his/her own AG/AU must sign a Personal Responsibility Plan. Signing the PRP indicates the intent to comply with the requirements of the plan. The PRP requirements are the same as those listed in 1240-01-47-.16(1)(a) above.
- (4) The Department or its designees will provide benefits such as child care and transportation necessary to assist the individual in complying with the requirements set out in the Personal Responsibility Plan.
- (5) Failure, without good cause, to comply with the provisions of the PRP ~~will~~shall result in the following sanctions:
- (a) For failure to comply with the work requirement shall result in a mandatory period of case closure pursuant to rule 1240-01-49-.04:
1. ~~For noncompliance with the work requirement, the entire AG will be ineligible for a Families First payment until compliance is met;~~
2. ~~For noncompliance with the work requirement of a minor parent who is not the head of household, the noncompliant individual's needs will be removed in the determination of eligibility.~~
- (b) Failure to comply with the prohibited uses of the electronic benefit transfer card as described under Chapter 1240-01-58 shall result in reimbursement of the illegally transferred funds to the Department and/or prohibition from receipt of public temporary cash assistance benefits by means of direct cash payment or electronic benefit transfer card.
- (c) The following failures shall each result in a twenty percent (20%) reduction in temporary cash assistance, not to exceed forty percent (40%) for concurrent violations, until compliance is met:
- (b) 1. For failure of one or more of the children in the AU to comply with the school attendance requirement:

**“REDLINE VERSION-CHAPTER 1240-01-47 DATED MARCH 13, 2015”**

4. ~~Failure of one or more of the children to meet this requirement will result in a twenty percent (20%) reduction in the Families First grant until compliance is met.~~
- (e) 2. ~~For failure to comply with meet the immunization and health check requirement for one or more children in the AU.~~
1. ~~Failure to meet these requirements for one or more children will result in a twenty percent (20%) reduction in the Families First grant until compliance is met.~~
3. Failure to comply with the requirement to attend two (2) or more parent-teacher conferences if the Department determines that the need is identified for one or more child(ren) in the AU.
4. Failure to attend a minimum of eight (8) hours of parenting classes if the Department determines that the need is identified for one or more child(ren) in the AU.
5. Failure to participate in support services as provided in paragraph (1)(b)(8) if the Department determines that the need is identified for one or more child(ren) in the AU.

**Authority:** T.C.A. §§ 4-5-201 et seq., 4-5-202, 4-5-209, 71-1-105, 73-1-126, 71-3-192, 71-3-103, 71-3-104, 71-3-108(d)(2)(D), 71-3-152, 71-3-153 and 71-3-154; 71-3-158(d)(2)(D); 42 U.S.C. §§ 601 et seq., 42 U.S.C. §§ 603, 42 U.S.C. § 604(i); 42 U.S.C. § 607(c), (d) and (e); 42 U.S.C. § 608(a)(2), (3) and (12), 42 U.S.C. § 608(b)(3); 42 U.S.C. § 609(a)(14) and 42 U.S.C. §§ 654 and 657; 45 C.F.R. § 261.2, 45 C.F.R. § 261.12 and 45 C.F.R. § 261.14; and Public Acts of 1996, Chapter 950, §1115 of the Social Security Act; Deficit Reduction Act 2005 (Pub. L. 109-171 §§ 7101 and 7102, February 8, 2006); 71 Federal Register 37454 (June 29, 2006); and Acts 2007, Chapter 31. **Administrative History:** Original rule filed December 2, 1996; effective February 15, 1997. Public necessity rule filed July 2, 2007; expired December 14, 2007. Amendment filed October 1, 2007; effective December 15, 2007. Amendments filed April 2, 2014; effective July 1, 2014.

**“REDLINE VERSION-CHAPTER 1240-01-49 DATED  
NOVEMBER 19, 2014”**

**RULES  
OF  
TENNESSEE DEPARTMENT OF HUMAN SERVICES  
FAMILY ASSISTANCE DIVISION**

**CHAPTER 1240-01-49  
FAMILIES FIRST WORK REQUIREMENTS**

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**1240-01-49-.09 DIVERSION PROGRAM FOR FAMILIES WITH A ONE-TIME FINANCIAL NEED AND  
ELIGIBILITY REQUIREMENTS.**

- ~~(1) AGs who are eligible for Families First may receive the option of a one-time lump sum payment, if appropriate for the AG's needs and situation. The one-time lump sum payment would be received in lieu of ongoing, recurring Families First benefits. The one-time lump sum payment is available to AGs:~~
- ~~(a) Who meet residency and benefit history requirements, as defined by policy;~~
  - ~~(b) Who do not have major barriers to employment as defined by policy;~~
  - ~~(c) Whose caretaker is job ready, as defined by policy; and~~
  - ~~(d) Who need only a one-time financial assistance payment to prevent the need for ongoing Families First benefits.~~
- ~~(2) Acceptance of the diversion one-time payment will make the AG ineligible for Families First for one year.~~
- ~~(3) Employed diversion AGs may receive up to three (3) months of Families First child care.~~
- ~~(4) Early Return. An AG who received a diversion lump sum payment may be eligible to return to Families First before the one-year period of ineligibility is finished if:~~
- ~~(a) The caretaker becomes disabled or incapacitated.~~
  - ~~(b) Receipt of Families First would prevent a child from being removed from the home by DCS.~~
  - ~~(c) Receipt of Families First would prevent the Assistance Unit/AG from becoming homeless (as defined by policy).~~
  - ~~(d) The caretaker begins caring for an in-home disabled relative who is not in school full-time.~~
  - ~~(e) There is an immediate threat of domestic violence.~~



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(1) General. The Families First Diversion Program is an alternative to the receipt of ongoing cash assistance under the Families First/Temporary Assistance for Needy Families (TANF). The purpose of the Diversion program is to provide an applicant with sufficient financial support to cover an immediate and compelling financial need that would divert the applicant's need to receive ongoing Families First/TANF cash assistance.

(2) Eligibility for diversion grant. The Department shall evaluate applications for cash assistance to determine whether a diversion grant may be appropriate to meet an applicant's immediate and compelling financial need.

(a) To receive a diversion grant, the Department must determine that the applicant is eligible to receive Families First/TANF.

1. A "child only" applicant, an applicant who is either a non-parental relative who is not included in the Assistance Unit or a caretaker receiving SSI benefits, shall not be eligible for a diversion grant.

2. If eligible for Families First/TANF, the applicant shall have the option to receive a diversion grant to cover an immediate and compelling financial need instead of receiving ongoing monthly cash assistance.

(b) The diversion grant shall:

1. Meet an applicant's immediate and compelling needs, as determined by the Department, so that an applicant or recipient can avoid temporary cash assistance; and

2. Not cover the same type of immediate need met by a previous diversion grant, unless the Department determines that the applicant has a new and verified emergency.

(c) Each applicant shall be required to submit appropriate documentation to verify immediate and compelling financial needs.

(3) Calculation of the diversion grant.

(a) The Department shall calculate the amount of a diversion grant, on a case-by-case basis, based upon the aggregate amount of monthly temporary cash assistance an applicant is eligible to receive, not to exceed twelve (12) months.

(b) The applicant's temporary cash assistance lifelong eligibility period shall be reduced by the number of months equal to the total cash amount of the diversion grant that the applicant receives.

(4) A diversion grant is an alternative to ongoing Families First/TANF benefits. A recipient of a diversion grant is ineligible to receive temporary cash assistance for the number of months of temporary cash assistance equal to the total cash amount of the diversion grant.

(5) A recipient of a diversion grant may be eligible to receive up to three (3) months of subsidized child care, if the recipient is employed at least thirty (30) hours per week.

**Authority:** *T.C.A. §§ 4-5-201 et seq., 4-5-202, 4-5-209, 71-1-105, 71-3-152, 71-3-153 and 71-3-154; 71-3-158(d)(2)(D); 42 U.S.C. §§ 601 et seq., 45 C.F.R. § 233.90; Deficit Reduction Act 2005 (Pub. L. 109-171 §§ 7101 and 7102, February 8, 2006); 71 Federal Register 37454 (June 29, 2006); and Acts 2007,*

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