



**STATE OF TENNESSEE  
DEPARTMENT OF HUMAN SERVICES  
OFFICE OF GENERAL COUNSEL  
CITIZENS PLAZA BUILDING  
400 DEADERICK STREET  
NASHVILLE, TENNESSEE 37243-1403**

TELEPHONE: 615-313-4700 FAX: 615-741-4165  
TTY: 1-800-270-1349  
www.tn.gov/humanserv/

**BILL HASLAM  
GOVERNOR**

**RAQUEL HATTER, MSW, Ed.D.  
COMMISSIONER**

**February 20, 2015**

Mr. Cody Ryan York  
Director of Publications  
Office of the Secretary of State  
312 Rosa L. Parks Avenue, 8<sup>th</sup> Floor Snodgrass/TN Tower  
Nashville, Tennessee 37243

Re: Notice of Rulemaking Hearing -- request for new public hearing date  
Tennessee Department of Human Services  
Chapters 1240-01-47 and 1240-01-49  
Title: *TANF Diversion - PRP*

Dear Mr. York:

As you know, due to inclement weather, all State offices were closed on Tuesday, February 17, 2015. The public hearing for the Notice of Rulemaking Hearing, amending Chapters 1240-01-47 and 1240-01-49, was not held since it was scheduled for Tuesday, February 17, 2015, at 1:30 PM in a state office building, Citizens Plaza Building, Second Floor, Tennessee River Conference Room, 400 Deaderick Street, Nashville, TN 37243-1403.

As a result of the above circumstances beyond anyone's control, we are requesting to reschedule the public hearing for the above-referenced rules for Thursday, February 26, 2015, at 1:30 PM as follows:

## Notice of Rulemaking Hearing

*Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204. For questions and copies of the notice, contact the person listed below.*

<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 37243-1403
<b>Phone:</b>	615-313-4731
<b>Email:</b>	David.L.Henry@tn.gov

<b>ADA Contact:</b>	Jeffrey Blackshear
<b>Address:</b>	Office of General Counsel Citizens Plaza Building, 15 <sup>th</sup> Floor 400 Deaderick Street Nashville, Tennessee 37243-1403
<b>Phone:</b>	615-313-4731
<b>Email:</b>	Jeffrey.Blackshear@tn.gov

**Hearing Location(s)** (for additional locations, copy and paste table)

Address 1:	Citizens Plaza Building Second Floor, Tennessee River Conference Room 400 Deaderick Street		
Address 2:			
City:	Nashville		
Zip:	37243-1403		
Hearing Date :	02/26/15		
Hearing Time:	1:30 PM	<input checked="" type="checkbox"/> CST/CDT	<input type="checkbox"/> EST/EDT

**Revision Type (check all that apply):**

- Amendment  
 New  
 Repeal

**Rule(s)** (ALL chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. 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

Mr. Cody Ryan York  
February 20, 2015

Date: 2/20/15

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: February 20, 2015

Notary Public Signature: Lillie C. Turner

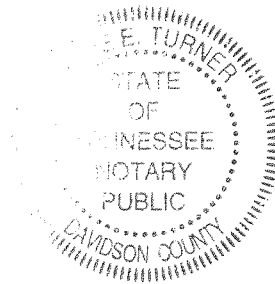
My commission expires on: March 7, 2017

**Department of State Use Only**

Filed with the Department of State on: \_\_\_\_\_

Tre Hargett  
Secretary of State

RECEIVED  
2015 FEB 20 PM 12:35  
SECRETARY OF STATE  
PUBLICATIONS



Sincerely,

*David L. Henry*

David L. Henry  
Deputy General Counsel

DLH/arb

Enclosures: Three (3) notarized originals of "Notice of Rulemaking Hearing – request for new public hearing date"

xc: Official Folder/Notice File  
Attorney Working Folder/Notice File

**Department of State**  
**Division of Publications**  
 312 Rosa L. Parks, 8th Floor Snodgrass/TN Tower  
 Nashville, TN 37243  
 Phone: 615.741.2650  
 Email: publications.information@tn.gov

**For Department of State Use Only**

Sequence Number: 12-23-14  
 Notice ID(s): 2287-2288  
 File Date: 12/22/14

# Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204. For questions and copies of the notice, contact the person listed below.

<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 37243-1403
<b>Phone:</b>	615-313-4731
<b>Email:</b>	David.L.Henry@tn.gov

Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

<b>ADA Contact:</b>	Jeffrey Blackshear
<b>Address:</b>	Office of General Counsel Citizens Plaza Building, 15 <sup>th</sup> Floor 400 Deaderick Street Nashville, Tennessee 37243-1403
<b>Phone:</b>	615-313-4731
<b>Email:</b>	Jeffrey.Blackshear@tn.gov

**Hearing Location(s)** (for additional locations, copy and paste table)

Address 1:	Citizens Plaza Building Second Floor, Tennessee River Conference Room 400 Deaderick Street		
Address 2:			
City:	Nashville		
Zip:	37243-1403		
Hearing Date :	02/17/15		
Hearing Time:	1:30 PM	<input checked="" type="checkbox"/> CST/CDT	<input type="checkbox"/> EST/EDT

**Additional Hearing Information:**

--

**Revision Type (check all that apply):**

- Amendment
- New
- Repeal

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

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

<b>Chapter Number</b>	<b>Chapter Title</b>
1240-01-49	Families First Work Requirements
<b>Rule Number</b>	<b>Rule Title</b>
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; and
  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.
  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., 71-3-126, 71-1-105, 71-3-102, 71-3-103 and 71-3-104; 71-3-108(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.

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., 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, Chapter 31.

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

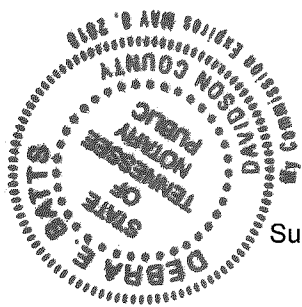
Date: December 22, 2014

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: December 22, 2014

Notary Public Signature: Debra E. Batts

My commission expires on: May 8, 2018

**Department of State Use Only**

Filed with the Department of State on: 12/22/14

Tre Hargett

Tre Hargett  
Secretary of State

SECRETARY OF STATE  
RECEIVED

2014 DEC 22 PM 2:29