

# STATE OF ARIZONA

## STATE PLAN FOR TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF)

***Effective: October 1, 2017***

**TANF STATE PLAN  
STATE OF ARIZONA**

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## I. INTRODUCTION

The Arizona State Legislature established the Arizona Department of Economic Security (ADES) in 1972 by consolidating the authority, power, and duties of five separate state agencies, followed by a sixth in 1974 (A.R.S. § 41-1954). The intent of the 1972 legislation and subsequent amendments was to provide an integrated approach to human services.

On May 29, 2014, Arizona Laws 2014, Second Special Session, Chapter 1, (Senate Bill 1001) established as a new entity, the Department of Child Safety (DCS). The primary purpose of DCS is to protect children. DCS is comprised of the State Child Welfare Program previously administered by ADES, including Child Protective Services, Foster Care, Adoption, the Comprehensive Medical and Dental Program and the Office of Child Welfare Investigations.

The ADES Vision is focused on opportunity, assistance and care for Arizonans in need. ADES strives to achieve this through its Mission to *make Arizona stronger by helping Arizonans reach their potential through temporary assistance for those in need, and care for the vulnerable*. ADES' mission is best achieved through the delivery of human services programs with integrity, humility and kindness.

There are five core values that form the basis for the work that ADES does in the fulfillment of its mission:

- Accountability;
- Integrity;
- Respect;
- Teamwork; and
- Diversity.

These values serve several purposes and are applied in the daily work across ADES.

ADES is a large human services agency that administers more than 40 different programs and has approximately 7,600 employees that work together to help many of Arizona's vulnerable citizens, including low-income working families, individuals with developmental disabilities, the elderly, victims of domestic violence, and those seeking basic supports (food, utilities, and shelter). These programs and services are delivered through ADES offices and staff statewide, through a partnership with DCS and through a network of contracted community-based providers. ADES works collaboratively with the communities it serves, local and national advocacy organizations, other state agencies, the federal agencies that oversee ADES' programs, the courts, and Native American Tribes in the delivery of services to the citizens of Arizona.

ADES provides services to approximately three million Arizonans each month (program duplicated count). ADES' programs positively affect the safety, well-being and self-sufficiency of Arizonans. Within ADES, the TANF program is integral to helping families gain the skills they need to remove barriers that prevent them from being self-sufficient and permanently escape the hardships of poverty.

While some situations warrant more intensive and longer-term involvement between ADES and families, because of multiple barriers to self-sufficiency, ADES' primary focus is to prevent dependency by providing short-term, less intrusive services and supports that help the individual or family become their highest-functioning self.

### ***Alignment of State of Arizona and TANF Goals***

The goals of the State of Arizona's human service system and the federal TANF law are very much aligned—particularly in the areas of strengthening the family unit to enhance child well-being and encouraging family economic mobility and sustainability. The State's goals are to:

- Serve Arizonans with integrity, humility and kindness;
- Support Arizonans to reach their potential through social services that train, rehabilitate, and connect them with job creators;
- Provide temporary assistance to Arizonans in need while they work towards greater self-sufficiency; and
- Provide children with food, health care, and parental financial support; provide services to individuals with disabilities; and protect the vulnerable by investigating allegations of abuse, neglect, and exploitation.

These four goals are inextricably linked to the goals of the TANF Program: provide assistance to needy families so that children can be cared for in their homes; reduce the dependency of needy parents by promoting job preparation, work and marriage; prevent and reduce the incidence of out-of-wedlock pregnancies; and encourage the formation and maintenance of two-parent families.

The Arizona State Plan prioritizes those areas within the State and TANF goals that are aligned by focusing efforts on initiatives and service delivery reforms.

Arizona's TANF-funded programs work to achieve the following:

- Provide for the basic needs of vulnerable children and families, including those children residing with parents who are unable to provide their basic needs as well as those children living in certain foster or kinship arrangements, and adult recipients preparing to enter the workplace through temporary income assistance;

- Enhance employment skills through work activities for work-eligible individuals while providing supportive services to remove barriers to finding and maintaining employment;
- Provide families the support they need to be self-sufficient and able to care for their children. This includes supports to allow parents to work, including child care and transportation assistance, and collaborative efforts with community providers to help move families toward greater self-sufficiency and less reliance on public services;
- Ensure that families facing domestic violence situations that threaten economic security or family stability receive shelter services and assistance in achieving or maintaining self-sufficiency and ensuring physical security and safe home environments for their children; and
- Provide support for families in need of in-home support services to promote keeping families stable and safe and prevent children from entering the foster care system and provide care for children in a foster care setting or preparing to exit the foster care system as young adults.

ADES and DCS provide these services to eligible Arizona families without regard to race, color, religion, sex, national origin, age, or disability. These Departments, through ongoing monitoring and review of their practices, ensure that barriers or obstacles are not established which would make it difficult for eligible families to receive needed services.

The end result of the comprehensive, integrated work funded by TANF dollars in Arizona is that more of Arizona's children are living in economically and socially stable families or family-like settings. Providing opportunities for family stability and economic security has been shown to have many benefits, including healthier and safer children who grow up able to contribute to their communities.

### ***Facilitating Services for the Recipient***

In order to provide participants with the necessary services, the Division of Employment and Rehabilitation Services (DERS) through its two Jobs Program contractors, focuses on early engagement of all TANF work-eligible individuals to give them the best opportunity to increase their long-term self-sufficiency. The Jobs Program's intensive case management and individual responsibility plans, known as Employment and Career Development Plans (ECDP), are designed to assist participants as they work to gain self-sufficiency before they reach their Cash Assistance (CA) time limit. Work activities include structured job search, job readiness, work experience activities, short-term training, and assistance with obtaining high school diplomas or its equivalent for individuals lacking such education. Supportive and specialized services are provided to remove barriers that prevent a participant's transition from CA to economic independence through employment. Such services address the unique challenges faced by participants

with barriers such as a criminal records, disabilities, mental health concerns, and substance abuse issues. Through services provided by the Jobs Program, participants obtain the basic skills needed for personal accountability, safety, and stability.

In 2016, the ADES Division of Benefits and Medical and Eligibility (DBME) began implementing the Arizona Management System (AMS), a Lean method of organization and management. This management system is being implemented in order to increase efficiency and flow of the eligibility process for CA recipients as well as our clients applying for Medicaid and Supplemental Nutrition Assistance Program (SNAP) benefits. DBME has improved its lobby management with a tracker system to capture, assign, and track client lobby and phone traffic. In conjunction with the electronic application process through Health-e-Arizona Plus (HEAplus), emphasis is placed on standard work for each Program Service Evaluator (PSE) who processes applications, conducts interviews, verifies information, and makes eligibility determinations. DBME is also in the process of updating the Interactive Voice Response (IVR) for our call centers which will integrate information from the HEAplus application system to provide better call center customer service, and customer self-service options. The emphasis placed on leaner standard work for PSEs, local offices, and call centers will see a significant improvement in lobby and call center wait times, reduced interview duration, and a reduction in the number of required office visits.

ADES partners with faith-based and community organizations located in both urban and rural areas by providing training to providers in the use of the HEAplus electronic application process. Over 89 percent of applications received for these programs utilize the HEAplus application. This usage illustrates a significant enhancement in efficiently receiving and processing applications for various types of assistance.

In addition to the expansion of automation at the point of application, ADES programs have built web sites that a client can use to check the status of their case, their benefit balance, and to read informational notices concerning their case. One example is the My Family Benefits Web site, where an applicant or participant in CA, SNAP, and Medicaid is able to review ongoing case status, report family changes, and receive important help regarding their case. Also, use of an IVR is available to ensure that a participant has a means to gather information about their case 24 hours a day without the need for ADES staff to manually gather the information for them.

### ***Expansion and Enhancement of Grant Diversion***

In 2007, the Arizona State Legislature adopted a bill, introduced at the request of ADES, to allow more families the option to receive Grant Diversion Program services as an alternative to the traditional CA Program. Under that law, the Grant Diversion Program is first and foremost a program that promotes long-term self-sufficiency through employment. The legislation allows applicants with no long-term barriers to employment, who are likely to be employed within a 90-day window, and have financial need to be eligible for the Grant Diversion Program. In addition to receiving one cash payment equal to three full months of CA benefits, Grant Diversion Program recipients may receive employment services and short-term support service funding in excess of CA benefit

amount in order to resolve one-time issues during the 90-day window, pending employment. Eligibility for the Grant Diversion Program is limited to one instance in a 12-month period.

The program is administered by DBME. Those applicants who are considering or who choose the Grant Diversion Program option are given the opportunity to consult with employment specialists to assist them in securing employment.

The program is showing remarkable success in helping families to overcome short-term barriers to employment and self-sufficiency. In calendar year 2015, 90 percent of families that received the Grant Diversion option did not return for additional CA within six months of receiving this assistance. Those that did return received an eligibility determination for traditional CA.

### ***Coordinating Services for Older Youth Exiting Foster Care***

Young adults leaving Arizona's child welfare system face a myriad of challenges, including being at risk of experiencing poverty. By the time a youth in foster care reaches the age of 18, he or she has faced many challenges. Two national studies by the Chapin Hall Center for Children of longitudinal outcomes for former foster youth show that one-third of children are receiving public assistance within two years of leaving foster care and that 51 percent are unemployed by age 22. Many youth have experienced several foster care placements, often resulting in several school changes, school absence, and low school achievement. For youth who exit care because they have reached the age of majority, the average number of placements and months in care is six placements over 41 months in care, or an average of almost two placements per year. Studies also show that youth aging out of foster care have very low levels of employment and earnings. In addition, without intervention, many youth experience a greater risk for substance abuse and other addiction, homelessness, early pregnancy, and may also come into contact with the juvenile justice or adult corrections systems as they struggle with challenges that arise after leaving the child welfare system. Once these youth become parents, they are at high risk of becoming future CA Program recipients and being involved with the child welfare system, thus repeating the tragic cycle of child abuse, neglect, and poverty.

The DCS Young Adult Program provides a comprehensive set of services to youth exiting foster care and also assistance for those who choose to continue involvement with DCS after the age of 18 through the Independent Living Program. Although TANF funds do not directly pay for these services, the prevention of poverty for youth exiting the foster care system will reduce the future need for them to access TANF-funded programs such as CA. Through the Independent Living Program, a more coordinated, cross-system approach of enhancing services for young adults transitioning from foster care should result in better outcomes for youth who do not choose to maintain a formal connection with DCS services beyond the age of 18.

Specifically, Arizona's TANF Program works in a collaborative way to provide youth with a continuum of necessary education and job skills to help obtain steady, meaningful employment and career advancement opportunities by facilitating connections for youth

with employment and workforce programs, such as the Workforce Innovation and Opportunity Act Youth Program. Complementary to education and employment supports, the DCS Young Adult Program places a stronger and more consistent focus on financial education, budgeting skills, and increased awareness about the importance of asset development and the ability to develop assets through matched savings accounts as an effective poverty prevention strategy.

Lastly, the DCS Young Adult Program is working with other state and community agencies to implement effective strategies that will link youth aging out of foster care with affordable and safe permanent housing options. By working with current and former foster youth, community partners, and other state agencies, DCS anticipates identifying areas of assistance that could be enhanced for older youth, so that these youth will not be in poverty when leaving foster care.

## **II. OVERVIEW AND SCOPE OF ARIZONA'S TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAMS AND SERVICES**

ADES is responsible for the administration of Arizona's state-operated TANF Program in accordance with Title IV-A of the Social Security Act as amended. Arizona's TANF Program is state-administered and provides services in all political subdivisions (counties) within the state.

The following organization units work in concert to achieve the State's human service goals. These units administer programs funded by TANF or are impacted directly by TANF-funded programs:

- DBME is responsible for the administration of the CA Program and SNAP.
- DERS is responsible for the administration of the Jobs Program under TANF.
- DERS also includes the Child Care Administration (CCA) which is responsible for the administration of child care services.
- ADES Division of Child Support Services (DCSS) is responsible for the administration of child support functions and services.
- ADES Division of Aging and Adult Services (DAAS) is responsible for the state's Refugee Resettlement Program as well as services and programs for older Arizonans and other vulnerable populations such as victims of domestic violence, homeless families, and those in need of short-term crisis services.
- ADES Division of Developmental Disabilities (DDD) provides services and supports that enable individuals to live in their own communities to the greatest extent possible.



- DCS is responsible for child protection, foster care, adoptive services, kinship care, family preservation services, and family support programs and also administers TANF-funded services.

The Family Assistance Administration (FAA) within DBME determines eligibility for the CA Program based on state laws and rules, federal laws and regulations, ADES policies, and the ADES TANF State Plan. Staff in FAA considers the family's income, resources, and other factors to determine eligibility for CA. FAA identifies and refers those required to participate in the Jobs Program within DERS. CA recipients may also be referred to CCA to obtain child care services; and DCSS for child support services.

These programs work together to coordinate other supportive services that promote the safety, well-being, and self-sufficiency of children, adults, and families. The high level of collaboration and integration present across ADES promotes a team effort in the delivery of services under Arizona's TANF Program.

In addition to the support services provided to families noted above, work-eligible individuals enrolled in the Jobs Program may be eligible for specific services and goods paid with TANF-funded program dollars to help them engage in work activities, accept and maintain employment, and successfully make the transition from welfare dependence to financial independence through working.

ADES policy requires the provision of quality and timely language-assistance services to clients with Limited English Proficiency (LEP) to ensure meaningful access to programs, services, and activities. Each affected work unit of ADES, including all units that provide TANF-funded services, is responsible for the following:

- Developing and adhering to specific written procedures;
- Performing a needs and capacity assessment;
- Arranging for oral language assistance, as appropriate;
- Determining which ADES documents meet the definition of a vital document;
- Translating vital documents into frequently used languages other than English;
- Providing notification to clients of the availability of language-assistance services for populations that consist of speakers of both frequently used and less frequently used languages;
- Evaluating current ADES web sites for LEP compliance;
- Developing and implementing standards to ensure LEP compliance on all future web pages;

- Training all staff who are likely to have contact with ADES clients and the management staff who support them;
- Developing and incorporating an accessible issue resolution process; and
- Monitoring client access to language assistance.

### III. CASH ASSISTANCE PROGRAM ELIGIBILITY

#### ***Definitions***

Assistance Unit: Those members of a needy family, or a child-only case, that meet the nonfinancial eligibility criteria for CA and whose needs, income, resources, and other circumstances are considered as a whole to determine a CA benefit amount.

Caretaker Relative: A parent or a nonparent relative, whether related by blood or adoption, who maintains a family setting for a dependent child and who exercises responsibility for the day-to-day physical care, guidance, and support of that child.

Child-Only Case: A case in which the eligible dependent child is in the legal custody of DCS or, effective August 9, 2017, a tribal court or a tribal child welfare agency located in the Arizona and placed in unlicensed foster care with an unrelated adult or a nonparent relative who is not receiving CA benefits.

Family: The following individuals living in the same home with:

- A head of household caretaker relative:
  - A dependent child;
  - Parent or parents of the dependent child;
  - Spouse of the parent or parents of the dependent child;
  - The head of household caretaker relative;
  - The spouse of the head of household caretaker relative;
  - Minor siblings of the dependent child;
  - Minor children of the head of household caretaker relative; and
  - Minor children of the spouse of the head of household caretaker relative; or
- A minor parent requesting CA:

- The minor parent or parents;
- The minor parent's child;
- The minor parent's adult caretaker relative;
- The spouse of the minor parent's adult caretaker relative;
- Minor parent's minor siblings or step-siblings;
- Minor children of the adult caretaker relative; and
- Minor children of the spouse of adult caretaker relative.

Head of Household: A dependent child's parent or the spouse of the parent, or the dependent child's nonparent relative or spouse of the nonparent relative, who receives CA for himself and on behalf of the dependent child or only on behalf of the dependent child.

Needy Family: A family, as defined above, whose countable income after application of appropriate disregards does not exceed 100 percent of the current Federal Poverty Level (FPL) or 130 percent of the current FPL if assistance is requested by a nonparent caretaker relative for only the dependent child.

Work-Eligible Individual: A work-eligible individual is defined as an adult or minor parent receiving CA or a non-recipient parent living with a child who receives TANF. Such individuals are required, as a condition of eligibility for CA, to participate in work activities unless the individual is:

- A minor parent who is not the head of household;
- An alien who is ineligible to receive assistance because of his or her immigration status;
- A recipient of Supplemental Security Income (SSI) benefits, unless the recipient is employed and meeting the work requirements; or
- A parent otherwise mandated to participate in work activities who is providing care for a disabled family member living in the home provided the need for such care is supported by medical documentation.

## ***CA Application***

Any person may apply for CA by filing in person, by mail, online, or by fax, an ADES-approved application form at any FAA local office. The ADES approved application for CA is in compliance with Title VI of the Civil Rights Act of 1964. ADES staff will assist the applicant with completing the application form and with obtaining required verification. Eligibility interviews may be conducted by telephone.

ADES will complete the eligibility determination within 45 days of the application file date unless the application is withdrawn, the applicant dies, or there is a delay resulting from a written request for additional verification information.

## ***Cash Benefits for an Assistance Unit***

Except in a child-only case, cash benefits are paid only to, or on behalf of, members of a needy family for whom CA is requested and who meet all the nonfinancial eligibility criteria. These eligible individuals constitute the “assistance unit” and include a dependent child and the dependent child’s parents and minor siblings. When a parent or minor sibling of a dependent child does not qualify for inclusion in the assistance unit, their income and resources are considered available to the assistance unit for purposes of determining the amount of the cash benefit.

A nonparent caretaker relative may choose to be included in an assistance unit with a dependent child. In this situation, any dependent children of the nonparent caretaker relative will also be included in the assistance unit. When a dependent child of the nonparent caretaker relative does not qualify for inclusion in the assistance unit, their income and resources are considered available to the assistance unit for purposes of determining the amount of the cash benefit. Arizona allows only one nonparent caretaker relative to be included in an assistance unit. In a child-only case, the assistance unit comprises only the eligible dependent child, and only the income and resources of the dependent child are considered when determining a cash benefit amount.

## ***Eligibility Determination***

ADES determines eligibility for a specific benefit month based on its projection of all non-financial, resource, and financial criteria that exist and are expected to exist for that month.

## ***Financial Eligibility***

Except in a child-only case, in order for a dependent child to meet the financial eligibility requirements for CA, the dependent child must reside in a needy family.

## ***Resources***

The assistance unit may have resources and other property up to an equity value of \$2,000. Homestead real property occupied by the assistance unit is exempt. All vehicles

are exempt from the resource determination. When a parent or minor sibling of a dependent child does not qualify for inclusion in the assistance unit, their resources are considered available to the assistance unit.

- ***Earned Income Disregards***

A portion of the earned income of every employed family member is disregarded when determining income eligibility and the same disregards apply to the earned income of employed assistance unit members when determining a cash benefit amount. The first \$90, along with 30 percent of the remaining income, dependent care costs, and income of minor family members and dependent children in an assistance unit are disregarded. For families and assistance units that include a child who is ineligible for CA because of the Family Benefit Cap, an amount equal to the amount of cash benefits that the ineligible child would have received if included in the CA benefit is deducted after all other earned income disregards have been computed.

- ***Self-Employment Income Standard Deduction***

In addition to the earned income disregards, self-employed family members may be eligible to receive a standard deduction of 40 percent of the countable gross self-employment income. The self-employment standard deduction is applied prior to calculating the earned income disregards. The self-employed family member must provide verification of at least one allowable expense to receive the deduction. Allowable expenses include any of the following:

- Bills for cleaning costs, maintenance of business location, or necessary equipment;
- Business insurance related premiums;
- Costs of operating machinery or equipment;
- Costs of stocks or inventories;
- Business related rent or utility costs;
- Interest paid on the purchase of any of the following:
  - Business property;
  - Capital assets;
  - Equipment;
  - Income producing real estate;

- Machinery; and
- Other durable goods.
- Interest paid on income producing property;
- Labor;
- Livestock, raw material, seed and fertilizer;
- Rent or property taxes on business property;
- Salaries paid to employees and other employer paid benefits;
- Taxes paid on income producing property; and
- Sales taxes collected and paid.

When there are no expenses or no expenses can be verified, the self-employment standard deduction is not allowed. The earned income disregards are subtracted from the total gross self-employment income. The remaining amount of self-employment income is budgeted to the assistance unit.

- ***Income Budgeting***

Income is budgeted prospectively based on the projection of the amount of available countable income to be received in the benefit month. Income is available when it is received or when it is reasonably anticipated. Income received more often than monthly is converted into a monthly amount.

- ***Benefit Amounts***

Payment standards for CA are based on 36 percent of the 1992 FPL adjusted for the assistance unit's size and a shelter cost factor. CA benefits for assistance units with no shelter cost obligation are reduced by 37 percent. Assistance units whose countable income exceeds these standards are not eligible to receive a CA payment. ADES provides CA benefits monthly through a deposit into the caretaker relative's Electronic Benefit Transfer (EBT) account. ADES will pay benefits to an eligible assistance unit receiving CA only during a month for which the assistance unit is eligible for a payment. The benefit amount for the month of application is prorated based on the number of days remaining in the month after the application file date.

ADES retains the right to adjust the percentage of the eligible assistance benefit that will be paid. Any adjustment will be equally applied to all assistance unit benefits.

## ***Nonfinancial Eligibility Factors***

### ***- Deprivation***

Eligible children must be deprived of the support or care of a parent because of the death of a parent, continued absence of a parent, disability of a parent, or unemployment or underemployment of the primary wage earning parent in two-parent families. In two-parent assistance units, when eligibility is determined based on the unemployment or underemployment of the primary wage earning parent, the assistance unit receives benefits only after the parents comply with assigned work program activities.

### ***- Temporary Absence from the Home***

Eligibility can exist when the child is temporarily not living with the assistance unit at the initial application for a period not to exceed 30 days from the date the first cash payment is issued to assistance units receiving CA. For active cases, eligibility can exist even though the relative or child is temporarily absent from the home for 30 days or longer, but not to exceed 180 days.

### ***- Residence***

All members of the family and the assistance unit must reside in Arizona.

### ***- Identity***

The applicant must show proof of identity.

### ***- Social Security Number***

All persons requesting assistance must provide or apply for a Social Security Number.

### ***- Citizenship and Alien Status***

ADES provides CA consistent with this State Plan to a person who is a United States (U.S.) citizen or a qualified alien in accordance with Title IV of PL 104-193, as amended, including battered aliens who are treated as qualified aliens under Section 431(c) of the Personal Responsibility and Work Opportunity Reconciliation Act. Arizona provides assistance to eligible qualified aliens who obtained qualified alien status prior to August 22, 1996. Qualified aliens who obtained qualified alien status on or after August 22, 1996, are not eligible for a period beginning five years from the date of entry into the U.S. unless they are: veterans of, or persons on active duty in, the U.S. armed forces (or the spouse or unmarried child of such an individual); Cuban-Haitian entrants (as defined in Section 501(e) of the Refugee Education Assistance Act of 1980); individuals admitted to the U.S. as Amerasian immigrants as described in Section 584 of the Foreign Operations Export Financing and related Appropriations Act, as amended; refugees admitted under Section 207 of the Immigration and Nationality Act (INA); asylees admitted under Section 208 of

the INA; Victims of Severe Forms of Trafficking In Persons Under Section 107(b)(1)(A) of the Trafficking Victims Protection Act of 2000; Iraqis and Afghanis granted special immigrant status under section 101(a)(27) of the Immigration and Nationality Act; and persons who have been granted withholding of deportation or withholding of removal under Section 241(b)(3) or 243(h) of the INA may be eligible. Eligible qualified aliens who obtained qualified alien status on or after August 22, 1996, and who have been continuously present in the U.S. from the latest date of entry prior to August 22, 1996, may be eligible for CA.

- ***Drug Testing***

All adult CA recipients must complete an Illegal Drug Use Statement. If reasonable cause of illegal drug use is present, CA adult recipients must pass a drug test. Reasonable cause exists in the following circumstances: the recipient indicates on their Illegal Drug Use Statement that they have illegally used drugs in the past 30 days, or government or law enforcement documents indicate the use of illegal drugs in the past 30 days by the recipient.

- ***Minor Parents***

Unwed minor parents (less than age 18) are eligible for CA only if they reside in the home of a parent, legal guardian, or other adult relative. There are exceptions for unwed minor parents who:

- Have no living or locatable parent, other legally responsible adult, or legal guardian;
- Are legally emancipated; or
- Would be at risk of physical or emotional harm by returning to the home of the parent or legal guardian.

The unwed minor parent is not eligible to receive CA benefits unless they are residing in a needy family.

- ***School Attendance***

A dependent child between the ages of 6 and 16 must attend school or be home schooled unless there is good cause for not complying with this requirement.

- ***Immunizations***

A parent or caretaker relative in the assistance unit must ensure that dependent children are immunized as required by state law unless there is good cause for not complying with this requirement.



## - **Personal Responsibility Agreement**

All adult and minor parent applicants who are included in the CA grant and a parent who is disqualified from CA must complete and sign a Personal Responsibility Agreement (PRA). In the Two Parent Employment Program (TPEP) component, both parents must complete the PRA. This agreement states adult recipients must, unless they have good cause, cooperate with work and child support requirements, agree to have their school-age children attend school, and have their children immunized. Individuals who are not work-eligible are not subject to the work provisions through the Jobs Program but are required to cooperate with all other PRA requirements. Nonparent caretaker relatives who choose not to be included in the CA benefit and SSI benefit are not required to complete and sign a PRA.

### **Sanctions**

ADES sanctions individuals who refuse to comply with certain program requirements without good cause. Parents or caretaker relatives who do not comply with program requirements without good cause will encounter a reduction or termination of their assistance unit's CA benefits. These program requirements include:

- All applicable work program requirements for work eligible individuals;
- Keeping dependent children in school;
- Maintaining dependent children immunizations; and
- Compliance, unless good cause exists, with requirements for establishing paternity, establishing a legal child and/or medical support order, modifying or enforcing support and medical orders with respect to a child of the individual, and collecting child support payments.

Sanctions also apply to recipients in active CA cases who:

- Voluntarily terminate paid employment without good cause; or
- Uses, sells, or possesses a controlled substance in violation of Arizona statutes.

In the absence of good cause, Jobs Program participants can continue TANF CA eligibility and avoid sanctions by demonstrating compliance with the work requirements.

Sanctions will not be imposed for any single custodial parent who refuses to comply with the work program requirements if the person has verified they cannot obtain needed child care for a child under 13 years of age due to suitable child care not being available or affordable, as defined by the CCA.

Effective August 9, 2017, for all assistance units, except two-parent assistance units for whom deprivation is based on the unemployment or underemployment of the primary wage-earning parent, CA benefits will be decreased as follows:

- For the first incident of noncompliance, the cash benefit will be reduced by 50 percent; and
- For the second and subsequent incident of noncompliance, the cash benefit will be terminated.

For two-parent assistance units where both parents are considered to be work eligible and for whom deprivation is based on the unemployment or underemployment of the primary wage-earning parent, CA benefits are paid only after assigned work program activities are completed. The assistance unit does not receive the corresponding cash benefit if assigned work program activities are not completed or the parent subsequently fails to comply with another “sanctionable” program requirement.

### ***Child Support***

ADES does not approve an application for CA if the applicant fails without good cause to comply with child support requirements. Applicants and recipients assign their rights to receive spousal maintenance, child support, and medical support from absent parents to the State of Arizona. Applicants and recipients, except nonparent relatives applying for or receiving CA benefits only for a dependent child or an unlicensed foster care provider in a child-only case, are required to cooperate with DCSS in all activities, with certain good cause exceptions such as if the recipient believes cooperation is likely to result in physical or emotional harm to the dependent child, parent in the home, or the nonparent caretaker. Failure to cooperate without good cause will result in denial of a CA application or a sanction for active cases. Child support collected on behalf of a child excluded from the CA benefit because of the Family Benefit Cap is passed through to the family receiving CA benefits.

Qualifying applicants and recipients are provided with child support services through DCSS. These services include locating absent parents, establishing paternity, establishing a legal child and/or medical support order, enforcing support and medical support obligations, appropriately modifying obligations, and collecting support from absent parents.

### ***Pursuit of Other Benefits***

Any member of the assistance unit or a parent or minor sibling of a dependent child in an assistance unit must apply for all other cash benefits in addition to CA for which the individual may qualify, except for needs-based benefits.

## ***Strikers***

Voluntary strikers and their dependent children may participate in CA unless they are local, state, or federal government employees. Eligibility and benefits are based on prestrike gross income or the union strike pay provided to the striker during the strike period. Between the two options, the higher amount will be used.

## ***Criminal Justice System Disqualifications***

ADES follows the provisions of federal law, denying CA to persons who have been convicted of a felony for possession, use, or distribution of a controlled substance after August 22, 1996, or who are fugitive felons or probation or parole violators. Arizona Laws 2014, Second Regular Session, Chapter 17 (HB2603) requires the courts to provide notice to ADES of convictions for controlled substance offenses when the courts have knowledge that the convicted person receives CA benefits.

## ***Verification***

ADES verifies established eligibility criteria through an Income Eligibility Verification System (IEVS), review of documentation, and other methods.

## ***Interstate Immigrants***

ADES applies the same eligibility and payment standards for assistance units that have moved into Arizona from another state as for those that continuously reside in the state.

## ***Preventing Fraud and Abuse***

Arizona applications for CA include a notification to applicants that it is mandatory for a recipient to cooperate with a fraud investigation and that any failure to cooperate may result in case closure and the termination of benefits.

In addition to these measures, effective August 9, 2017, Arizona Revised Statute (A.R.S.) was amended to implement the following anti-fraud measures:

- When two replacement EBT payment cards are requested within a 12 month period, ADES sends the CA recipient a notice informing them that another request will initiate a ADES investigation to determine if there is fraud.
- When a recipient requests three or more replacement EBT replacement cards within a 12-month period, ADES schedules an interview with the recipient to determine if fraud exists.
- When a recipient uses more than ten percent of their CA benefits in a six-month period on out-of-state purchases, ADES will schedule an interview with the recipient to determine if fraud exists.

### ***Benefit Time Limits***

Needy families with an adult household member who receives CA benefits for themselves or on behalf of a dependent child are limited to no more than 12 countable months of Arizona CA benefits during their lifetime, except in case of hardship. This limit became effective with the July 2016 benefit and considers all countable payments made from October 1, 2002, and all future payments. Effective August 9, 2017, a needy family may receive CA for an additional 12 months if the following conditions are met:

- The needy family includes at least one adult required to participate in the Jobs Program;
- All adults that are required to participate in the Jobs Program are in full compliance throughout the initial 12 months of CA participation and remain in compliance; and
- All children that are required by Arizona law to attend school maintain no less than a 90 percent attendance record.

Except in cases of hardship, an assistance unit in which an adult or minor parent of a dependent child who is a head of household or married to a head of household and has received 60 months of assistance funded in whole or in part by the TANF block grant in this or any other state or from a Tribal TANF program is not eligible to receive benefits from CA. In addition to the other time limits, in two parent assistance units when eligibility is determined based on the unemployment or underemployment of the primary wage earning parent, the assistance unit is eligible for cash payments for only six months out of a 12 month period. Two parent assistance units may receive an additional three months of cash payments. Extensions are granted to help parents, working with the Jobs Program, complete Vocational Educational Training. Parents with a job offer that will begin during the extension period may also receive an extension as well as parents who had good cause for not meeting the work requirements during the six-month period.

### ***Family Benefit Cap***

There is no increase in CA benefits for the birth of additional children after the assistance unit begins to receive CA benefits. There are exceptions for:

- Births resulting from cases of sexual assault or incest;
- Firstborn children of minors who are included in the family “unit” receiving CA benefits;
- Children born or adopted within ten months of the date of the first application submitted on or after November 1, 1995; and

- Children born or adopted at least ten months after a family has not received CA benefits for one full year, and ten months or less after the month the parent resumes receiving CA.

CA benefits may not be provided to any caretaker relative on behalf of a child who is ineligible due to the Family Benefit Cap except in any of the following circumstances:

- The child is in the legal custody of DCS or, effective August 9, 2017, a tribal court or tribal child welfare agency located in Arizona and is placed with a nonparent relative or unrelated adult in unlicensed foster care;
- The child is placed with a nonparent relative by a court;
- The child has been abandoned; or
- The child's parents are deceased, or one parent is deceased and the other parent has abandoned the child.

An assistance unit receiving CA that includes a child who is ineligible because of the Family Benefit Cap may be eligible for an additional deduction from their earned income. The support rights of a benefit cap child are not assigned to the state. All child support collected for the benefit cap child is distributed to the assistance unit.

### ***Individual Development Accounts***

Assistance units receiving CA may set aside up to \$9,000 in Individual Development Accounts (IDA) for education or training expenses, to purchase a first home, or to start a business. The total amount of all monies deposited into the IDA during the lifetime of the account may not exceed \$12,000.

### ***Reporting Changes***

Assistance units receiving CA benefits are assigned either a Standard Change Reporting or a Simplified Change Reporting requirement. Standard Change Reporting means that the assistance unit must report all changes in income, resources, or other circumstances that may affect eligibility or CA benefit amount within ten days from the date a change becomes known. Simplified Change Reporting means that the assistance unit must report by the tenth day of the following month any change in income that exceeds 36 percent of the 1992 FPL and must report all other changes affecting eligibility at the next eligibility review.

All assistance units are assigned the Simplified Change Reporting requirement except for the following, which are assigned the Standard Change Reporting requirement:

- Assistance units that are also receiving Nutrition Assistance when Standard Change Reporting is required in that program;

- Assistance units that are also receiving Medical Assistance (MA), when MA is approved for less than 12 months; and
- Assistance units that are receiving a cash benefit in the TPEP component.

### ***Eligibility Reviews***

ADES completes a review of all eligibility factors for each assistance unit participating in CA. Most assistance units are subject to a six month review. Child-only cases and cases in which a nonparent relative or a parent who is receiving SSI is receiving a cash benefit only for a dependent child are subject to a 12 month review.

### ***CA Payments***

All CA benefits are deposited in an eligible assistance unit's EBT account. To comply with 42 U.S.C. 608(a)(12), Arizona enacted A.R.S. § 46-297, which became effective on September 13, 2013, to prohibit the use of a CA EBT card at any of the following:

- A liquor store as defined in A.R.S. § 46-297;
- A commercial horse racing or dog racing facility as defined in A.R.S. § 5-101;
- A casino, gambling casino, gaming establishment, or a gaming facility located on Indian lands pursuant to A.R.S. § 5-601.02; and
- An adult oriented entertainment establishment as defined in A.R.S. § 46-297.

In 2016 A.R.S. § 46-297 was revised to also prohibit the use of a CA EBT card at a Medical Marijuana dispensary, and again effective August 9, 2017 to prohibit its use to purchase lottery tickets.

Each of the categories of establishments listed above has a corresponding regulatory entity that has the statutory authority to ensure that these requirements are met. Liquor stores are regulated by the Arizona Department of Liquor Licenses and Control, (DLLC), dog and horse racing facilities by the Arizona Department of Gaming (ADG), Racing Division, and casinos are regulated through tribal compacts. The regulatory agencies have policies and procedures in place to strengthen their enforcement of their respective licensing requirements. In addition to ensuring that adult oriented establishments in the municipality's jurisdiction disable the ability of automatic teller machines (ATMs) and point-of-sale (POS) terminals to accept the TANF CA EBT card, municipalities have the responsibility to develop local ordinance requirements to enforce the law as it pertains to adult oriented establishments.

Use of test EBT cards is the mechanism that the regulatory agencies use to determine if any of the ATMs or POS terminals in a prohibited establishment accepts or does not

accept the card. The account information for these special cards is maintained separately by DBME and the amount on the card is minimal, but enough to complete a transaction on the terminal if it is not disabled. The regulatory agency using the cards pays for the small balance on each card.

DLLC operates under A.R.S. § 4-242.01, which prohibits a liquor store as defined in A.R.S. § 46-297, from operating an ATM or POS terminal that accepts EBT cards. As of February 1, 2014, each officer of the DLLC has an EBT card to test establishments during inspections, investigations, or complaints. DLLC may suspend, revoke or refuse to renew an establishment's license according to A.R.S. § 4-210 A (13).

ADG Racing Division has test EBT cards that they will also use to enforce the disabling of ATMs and POS terminals from accepting EBT cards. Periodic inspections using test EBT cards will occur during the season for the horse racing facility and throughout the year for the dog racing facility. Licenses issued by ADG are valid for three years and inspections also occur prior to issue or renewal of a license. Failure to comply with A.R.S. § 5-116, which prohibits ATMs and POS terminals operating on the premises of a horse or dog racing facility from accepting EBT cards, is a license violation subject to licensing action.

In Arizona, casinos and gaming establishments are only operated on Tribal lands. ADG enforces section 3(k) of the Tribal State Gaming Compacts, in effect since 2003, which prohibits locating an ATM that accepts EBT cards in a gaming facility. ADG initially places the responsibility on the ATM vendors for coding the machines to reject EBT cards. However, before a gaming facility opens, the ADG ensures that the machines are disabled. ADG then checks the machines quarterly, as well as on a random basis.

Municipalities that license or regulate adult oriented entertainment establishments are responsible under state law to ensure that such businesses have disabled the ATMs and POS terminals, as well as to enforce the continued prohibition of the use of EBT cards at these businesses.

Each regulatory entity maintains a list of their licensed establishments and is able to identify the locations statewide of where ATMs and POS terminals may reside in any establishment identified in Section 4004(a) of P.L. 112-96 and A.R.S. § 46 - 297. New businesses that meet the definition of a prohibited establishment are unable to operate without a license from these regulatory agencies and entities and therefore new establishments that must comply with the law are identified by them through the licensing process. New businesses are added to those that will receive periodic inspections by the entity that includes a determination if an ATM or POS terminal is accepting TANF EBT cards.

DBME has established a position whose responsibilities include monitoring the ATM and POS usage reports issued by Fidelity Information Systems (FIS) for various forms of fraud and anomalies. Although it is often difficult to identify the type of establishment by their name alone, this position is able to cross list any new establishments where EBT cards

may have been misused and if necessary, verify the nature of the establishment with the agencies that regulate the licensing of the prohibited businesses. The licensing entity can then follow up with an investigation and appropriate licensing action.

All regulatory entities are able to obtain test EBT cards from ADES to use in their initial licensing, routine inspections, and special investigations. Notification of the number needed and amount of funds placed on each test EBT card is submitted by the regulatory agencies to ADES' Financial Services Administration (FSA). DBME then processes the request and issues the test cards. Because a "dummy account" must be established to generate any type of card, the Department is able to track any successful use of the test TANF EBT card by referencing these special accounts dedicated to verification of compliance by these regulatory agencies and entities.

ADES assists the regulatory agencies in obtaining test EBT cards and will provide technical assistance. ADES maintains a contact list to facilitate the necessary coordination and liaison with the agencies which includes requesting that they report to ADES any businesses that do not comply with their licensing requirements and request that they evaluate the effectiveness of their respective monitoring and compliance programs.

In accordance with Section 4004(c) of P.L. 112-96, as required in 42 U.S.C. 602(a)(1)(A)(viii), the following processes are in place to ensure that CA recipients EBT accounts enable participants to have access to the cash benefit with minimal or no fees or charges and that information about accessing the cash benefit is available to recipients and the public:

- There are 3,982 POS devices distributed widely across the entire state that accept the Quest card (Arizona's EBT card). TANF recipients may elect to withdraw cash at no charge when completing a purchase.
- Chase bank does not impose an additional charge on individuals withdrawing TANF CA benefits with their Quest card. FIS charges 0.32 cents per transaction. Chase bank ATM machines are currently located in 57 Arizona cities and towns.
- An Arizona EBT Client Training Brochure (English and Spanish) is provided to all recipient households, which informs recipients of the options for accessing the cash benefit, including options that have fees and surcharges that apply to electronic fund transactions involving CA.
- The brochure includes a statement saying, "It is illegal to withdraw TANF cash at ATMs or POS machines in liquor stores, casinos, horse or dog racing facilities, or adult entertainment establishments (A.R.S § 46-297)." Additionally, all active CA households were informed by written notice prior to the September 13, 2013, effective date of A.R.S. § 46-297 of the prohibited use of the EBT card at ATMs or at POS terminals in the affected businesses and all CA approval notices contain that information.



- The Arizona EBT Client Training Brochure is available on the ADES web site for public access.

### ***Overpayments***

ADES will seek recovery from an overpaid assistance unit receiving CA benefits using one of the following repayment methods:

- Reduction in current benefits in an amount not to exceed ten percent of the assistance unit receiving CA monthly payment, unless the family desires a larger reduction;
- Cash payments; or
- A combination of the above methods.

### ***Opportunity for Review and Appeal***

A hearing process is utilized that meets all of the requirements set forth by the U. S. Supreme Court in *Goldberg v Kelly*, 397 US 254 (1970). The hearing authority is the ADES Appellate Services Administration (ASA), as provided for in A.R.S. §§ 46-205 and 41-1991 et seq. Applicants and recipients who have been adversely affected are given the opportunity to be heard in the state appeal process. When ADES plans to take adverse action against an assistance unit participating in CA, ADES provides the assistance unit with written notice about appeal rights.

Recipients must provide a written or oral request for a hearing within 30 days of the adverse action notice date. If a recipient requests a hearing prior to the effective date of the adverse action, benefits may be continued at the current level pending the hearing decision. Within 90 days of filing of the hearing request, ADES conducts a hearing, renders a decision, and notifies the assistance unit or caretaker relative receiving CA benefits of the decision. An appeal from this decision may be filed within 15 days of the mailing date of the hearing officer's decision to the ADES Appeals Board. A further appeal may be made to the Arizona Court of Appeals.

ADES has an established grievance procedure for resolving complaints of displacement of regular employees (as defined in 42 USC § 607(f)) due to recipients participating in work activities.

### ***Confidentiality/Nondisclosure of Information***

ADES restricts the use and disclosure of all personally identifiable information regarding individuals who are considered family members and assistance units receiving assistance under Arizona's program. Such information is considered confidential and can only be

used and/or released as requested by the individual, as ordered by a superior court judge, as provided for by rule of court, and/or as further authorized under A.R.S. § 41-1959 and ADES data security policies in order to facilitate services and comply with state law and federal regulations (A.R.S. § 41-1959 is included as Attachment 2.)

### ***Nondiscrimination***

ADES does not discriminate against any individual on the basis of race, gender, national origin, color, religion, age, or disability.

## **IV. CASH ASSISTANCE PROGRAM WORK REQUIREMENTS**

Arizona Laws 1997, Chapter 300, gave ADES the authority to establish work activities consistent with TANF work requirements. DERS administers the Jobs Program that assists work-eligible individuals with meeting the federal work provisions. DERS is also the administrative entity responsible for providing the work participation data used in the TANF Data Reports.

Work-eligible individuals in assistance units receiving TANF are required, as a condition of eligibility, to participate in work activities.

In 2002 (and amended in 2004), the Arizona State Legislature passed a law requiring the statewide privatization of Arizona's Jobs Program, which provides case management services, employment services, and support services (such as transportation and training) for individuals transitioning to work. The program has been operated by contracted providers since 2007.

After an extensive Request for Proposal (RFP) process, new contracts emphasizing positive outcomes through employment were awarded in August 2016. Two private, for-profit companies: MAXIMUS Human Services, Inc. and ResCare Workforce Services, were selected to continue as the contracted Jobs Program service providers. The contracts became effective November 1, 2016.

Monitoring of program performance and adherence to contract requirements is conducted by the DERS Continuous Improvement & Integrity Unit. Contractors may earn incentives and incur penalties related to client employment, employment retention, and case read accuracy. If, due to failure by a contractor, the state fails its work participation rate, contractors are required by the contract to share in financial liability for any penalty imposed on the state by the federal government.

### ***Participation in Work Activities Ensured***

Through the Jobs Program, ADES ensures that all work-eligible individuals living within an assistance unit participating in CA engage in work activities. All work-eligible individuals are assigned to work activities by the contractors as soon as possible after their assistance unit has been approved for benefits. Work-eligible individuals are assigned to work activities after assessment of their employability skills, barriers to

employment, child care needs, and need for support services to assist in removing barriers to employment. The program also engages in collaboration with community groups for effective utilization of resource opportunities, for additional services, and educational or skills training.

All federally allowed work activities are monitored by a Jobs Program case manager who verifies actual participation hours. The Arizona Work Verification Plan outlines each activity and what types of documentation are acceptable for verification purposes.

Section 508 of the Jobs Program Policy Manual indicates all actual hours of participation must be verified prior to recording actual participation hours. All federal work activities must be monitored for client progress and to ensure the work participation requirements are being met.

Intensive monitoring and verification of participation in federal work activities by each participant ensures there is continued engagement in federal work activities. Jobs Program case records include thorough documentation and verification to substantiate the actual recorded hours. After the hours of participation are verified the hours are recorded in the Jobs Program Automated System.

### ***Jobs Rights and Responsibility Agreement***

The ADES Jobs Program contractor completes a Jobs Rights and Responsibility agreement for each work-eligible individual referred to the Jobs Program that sets forth the obligations of the work-eligible individual and the services the Jobs Program provides in assisting the family with obtaining and maintaining employment.

### ***Jobs Program Preliminary Orientation***

As part of the eligibility process, the CA applicant must attend the Jobs Program Preliminary Orientation (JPPO). The purpose of conducting the JPPO before FAA determines eligibility for CA is to ensure that the applicant has the opportunity to learn the purpose of the Jobs Program and the connection of their participation with the program to the ongoing receipt of their CA benefits. In the overview of the Jobs Program, staff will explain the following information to the applicant:

- The Jobs Program case manager and the work-eligible individual will identify the activities that will improve the individual's employability skills and lead to financial independence through a mutual agreement;
- The Jobs Program can provide supportive services to work-eligible individuals to assist with removing their identified barriers to employment; and
- The consequences of failing to participate in the agreed upon work activities without good cause.

## ***Assessment and Employment Plan***

The ADES Jobs Program contractors conduct an assessment of the participant's employability skills, work experience, education level, and any identified barriers to employment. The Jobs Program case manager and the work-eligible participant enter into an ECDP. This mutual agreement between the work program participant and contractor includes:

- Short-term and long-term employment goals and specific steps delineating how the individual will attain them;
- Required work activities;
- Eligibility and availability of needed supportive services; and
- Responsibilities of the ADES contractor and the individual in assisting the work-eligible individual with moving toward or obtaining employment.

ADES expects and encourages the work-eligible individual to move toward independent performance in as many activities as they are capable, such as researching available employment and work experience opportunities, exploring resources for occupational training, and pursuing other community resources that will facilitate implementation of the ECDP.

Work-eligible individuals already engaged in activities that meet the work requirements as defined in 42 USC § 607 are case managed to ensure that they maintain engagement and are monitored to keep them employed while exploring opportunities for higher wages and career advancement.

ADES ensures that the Jobs Program contractors engage work eligible individuals in work activities defined in 42 USC § 607 to meet work participation rates. ADES requires work-eligible individuals in an assistance unit receiving CA benefits to engage in a work -related activity upon approval of CA.

## ***Definition of Work Activities***

Individuals may be required to engage in one or more of the following federal work activities:

- Unsubsidized employment;
- Subsidized private sector employment;
- Subsidized public sector employment;
- Work experience;

- On-the-job training;
- Job search and job readiness assistance;
- Community service programs;
- Vocational educational training;
- Job skills training directly related to employment;
- Education directly related to employment; and
- Satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalence.

Effective August 9, 2017, to the extent that the state is meeting the federal work participation rate, state law allows unmarried custodial parents to participate in educational activities on a full-time basis. Allowable education activities include:

- High School Equivalency programs;
- Career and technical education programs; and
- Postsecondary education programs.

### ***Subsidized Employment***

Subsidized employment activities may be available to Jobs Program participants. Jobs Program participants gain work experience while employed with a public or private sector employer that receives a subsidy from TANF or from other public funds to offset the cost of wages and benefits paid by the employer to the participant. At the end of a trial period, the employer is expected to retain the participant as an employee without receiving a subsidy.

### ***Temporary Deferrals***

Although continuous participation in the Jobs Program is required, an unavoidable circumstance may temporarily prohibit participation. Some participants may be exempt or deferred for a period of time, however, all clients are encouraged to seek and maintain employment as quickly as possible. Temporary deferrals are based on the following:

- The individual is temporarily mentally or physically incapable of engaging in any of the mandated work activities.

- The individual is a victim of domestic violence whose participation in work activities may cause an immediate threat to his/her own safety or the safety of his/her child(ren). Domestic violence has occurred when an individual has been subjected to physical and/or sexual abuse, sexual activity involving a child, nonconsensual sexual acts or activities, threats or attempts to commit physical or sexual abuse, mental abuse, neglect or deprivation of medical care or daily living necessities, or stalking. ADES and the Jobs Program contractors work with domestic violence shelters to develop appropriate screening tools to identify domestic violence victims.
- The work-eligible individual is personally caring for a dependent that has a physical or mental disability as supported by medical documentation.
- The work-eligible individual is a parent or relative caretaker who personally provides care for a child under the age of one.
- The unmarried custodial parent under the age of 18 is without a high school diploma or General Education Diploma (GED) and is caring for a child under 12 weeks of age.

When appropriate, the case manager may determine that a client should be temporarily deferred from participation. Participants eligible for a deferral may voluntarily elect to participate in work activities. Voluntary participants may not be sanctioned if subsequently unable to participate in work activities. Deferred participants are notified in writing of the time period for the deferral and the reason. The Jobs Program encourages deferred clients to engage in suitable work activities by making contact a minimum of one time per month.

### ***Good Cause Exemptions for Noncompliance with the Work Activities***

When a required participant fails to participate, ADES will contact the individual and determine if good cause exists. Good cause reasons may include but are not limited to:

- The participant's or family member's illness;
- The participant or dependent had an appointment that could not be rescheduled, such as a court-ordered appearance, medical appointment, or other similar appointment;
- A participant emergency family crisis such as loss of residence or the death of a participant's family member;
- The participant had a temporary, verified lack of transportation with no reasonable alternate means of transportation;

- The participant was prevented from participating because of inclement weather; and
- Child care for a child who is under the age of 13 is not available, affordable, or suitable. The CCA will assist the participant with arranging formal child care services; when arrangements cannot be made, the CCA will assist the participant with exploring informal child care options.
  - “Unavailable” child care arrangement means:
    - No vacancies or slots are available;
    - Formal child care arrangements (licensed centers, Arizona Department of Health Services (ADHS)-certified group homes and ADES-certified homes, and in-home providers) are available, but the provider states that a child’s special needs would be an undue burden;
    - No relative is available to provide care; or
    - Child care is not available within a reasonable amount of time (more than one hour’s travel time one way) to get children to child care and get to work, or more than 30 minutes each way if the only available mode of transportation is walking.
  - “Unaffordable” child care arrangement means that it is determined by the CCA Central Office that a Jobs Program-referred client cannot find care in their general geographic area within the ADES reimbursement rate, and there is an additional cost of care above what ADES pays (which the participant reports as unaffordable). When it is determined by the CCA that care is considered unaffordable, the client may be temporarily deferred from participating in the Jobs Program until affordable care can be found.
  - “Unsuitable” child care arrangement means informal child care arrangements that are considered unsuitable when a provider is available to provide care, but is considered unsuitable by the participant (e.g., has a history of child neglect or abuse, domestic violence, serious criminal history, drug abuse, an emotional, mental or physical condition that prevents a person from providing safe care to children, or provides unsafe housing conditions). The determination of being unsuitable is based on the client’s statement.
- The participant is not capable of performing the work activity because of unsafe worksite conditions, the physical demands of the job, the participant’s lack of skills or knowledge for the position, and other similar circumstances; or
- Barriers to participation for which services are not available.

### ***Post Cash Assistance Eligibility***

Effective August 9, 2017, the Department may provide Jobs Program services to eligible families transitioning off CA due to Arizona's time limit if the services are needed to assist a family member obtain employment, to maintain employment, or to receive a higher level of employment. This additional 12 months of Jobs Program services are only available for family members who were participating in the Jobs Program at the time of their CA case closure, and the case was not subject to sanction due to failure to participate in the Jobs Program at the time of the case closure.

## **V. CHILD CARE FOR CASH ASSISTANCE PROGRAM PARTICIPANTS**

### ***Administration***

Child care services for CA recipients are administered by CCA. These services are coordinated with other child care services funded by other sources, such as Child Care and Development Block Grant (CCDBG), Title XX Social Services Block Grant (SSBG), and state general funds. ADES is the Designated Lead Agency for the CCDBG. The administration of these services is coordinated in order to provide for a seamless child care delivery system. CCA within DERS is responsible for the planning, policy, and day-to-day operations of child care programs that provide services to CA benefits recipients and other families eligible for child care services.

More specifically, child care services are designed to help eligible families with a portion of the cost of child care to allow parents to participate in employment and specific education and training activities related to employment. Child care is provided for the portion of the day when neither parent is available to provide care.

### ***Processes with Parents and General Eligibility***

Child care services may be provided for CA recipients and for non-CA recipients with family income at or below 165 percent of the FPL. If the family is eligible, ADES determines any required co-payment amounts and the amount of child care to be authorized (i.e., number of full and/or part days). A sliding fee scale is used to determine income eligibility and each family's contributions to the cost of child care. In addition to family size and income, the number of children in child care is used as a factor in determining a family's contribution (co-payment). ADES has imposed a waitlist to manage expenditures because of budget constraints. Persons who need child care for employment and are either on CA or are transitioning off CA are exempt from the waitlist.

The family's rights and responsibilities are reviewed, and the family is informed of available child care options and their right to choose the category and type of care that best meets their needs. Eligibility is determined within 30 days from the receipt of an application. Child care cases are reviewed at least once per year to evaluate ongoing eligibility for services.



## ***Authorization for Services***

When a family is determined eligible to receive services, the family is authorized for 12 months of care and level of reimbursement for such care. When a family has selected a provider who is registered with ADES, a Certificate of Authorization is issued. The Certificate of Authorization form is a voucher-like instrument that is issued to an eligible family and the provider they have selected. Eligible families are informed that they may choose and use their Certificate of Authorization with any type of category of eligible providers.

## **VI. ADDITIONAL TANF-FUNDED PROGRAMS AND SERVICES**

Arizona has many TANF-funded supportive programs and services that meet the purpose or intent of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 and the Deficit Reduction Act of 2005. Some of these programs and services assist families or individuals who may need temporary help to overcome an emergency. Other programs and services assist families to transition from CA to employment and self-sufficiency. These programs and services recognize that some individuals currently receiving CA benefits may need assistance in finding and retaining employment. In addition, Arizona offers TANF-funded programs that are designed to address specific barriers that can inhibit successful transition to self-sufficiency, such as being a victim of domestic violence, having limited education or work experience, and overcoming substance abuse.

- Short-Term Crisis Services – This program provides help to households experiencing an emergent need that cannot be met with their own income and resources. Households must include minor children and have income less than 125 percent of the FPL or 150 percent of FPL if there are one or more seniors or persons with a disability in the household. Help provided can include emergency shelter, case management, eviction prevention or move-in assistance, utility deposits or payments, and other special needs as appropriate to secure or maintain employment.
- Grant Diversion – Participation in the Grant Diversion Program in lieu of CA is voluntary for the applicant. The purpose of Grant Diversion is to divert the participant from on-going CA when the participant is likely to gain full-time employment within 90 days. Grant Diversion Program recipients are awarded a payment of three times the full monthly amount they would receive under CA. Applicants who are potentially eligible for at least one dollar of CA benefits and did not participate in CA in the month of application or the Grant Diversion Program in the month before the application month and have not received another Grant Diversion payment in the 12 preceding months may be eligible to receive Grant Diversion Program benefits. An adult participant must sign the Grant Diversion Participant Script and Applicant Agreement form and be a part of the assistance unit. As the Grant Diversion Program meets the federal definition of a non-

assistance service, participants are exempt from child support cooperation and the referral process for the JPPO and other assigned work requirements. Nonparent relatives applying for CA for only the needs of a child, and unlicensed foster care Child Only cases, are not eligible to receive the Grant Diversion option.

- Jobs Program – The Jobs Program is intended to prevent long-term reliance on CA and offers Arizona’s families the opportunity to become self-sufficient and economically independent through employment. The Jobs Program is Arizona’s mandatory employment and training program for work-eligible individuals who are participating in CA. The Jobs Program’s case management and employment services are operated by two private vendors: MAXIMUS Human Services, Inc., which serves Maricopa County, and ResCare Workforce Services, which serves residents throughout the remaining counties in Arizona. The program provides assessment for employability and barriers to employment, such as disability screening, and engages the individual in a variety of work-related activities to improve their employability skills. The program also offers supportive and some specialized services to remove barriers to employment. These activities and supportive services are provided to encourage and promote self-sufficiency through employment at the earliest opportunity.
- Emergency Assistance – This program allows TANF funding to be used for services for children who are in out-of-home placement because of abuse or neglect. The program is consistent with the provisions contained in the state’s former Title IV-A Emergency Assistance Program (EAP) that was effective August 21, 1996. To date, these services have consisted of providing for the basic needs of these children. This is referred to as foster care maintenance costs. In order for a child to be eligible for this assistance, all of the following eligibility criteria must be met:
  - An emergency exists that requires child welfare intervention due to an allegation of abuse, neglect, exploitation or abandonment, or that is due to a judicial determination of dependency;
  - The child is under age 18;
  - The child is a U.S. citizen or an eligible noncitizen (See the alien eligibility criteria for CA, Section III);
  - The child is placed in out-of-home care;
  - The child is not eligible for Title IV-E; and
  - The child’s income does not exceed 125 percent of the existing FPL.

DCS is responsible for determining a child’s eligibility for EAP, using information in DCS’s automated record system known as the Children’s Information Library and Data

Source (CHILDS). For this purpose, a child placed in out-of-home care is considered to be a family of one, sometimes referred to as a “child-only” case.

If the child is eligible, the program will pay for foster care maintenance costs for the child for up to 365 days from the date the child was placed in out-of-home care. Payment may be made for a variety of placement settings that would meet the child’s basic needs of care, including family foster placement, shelter care, and group home placement. The need for placement outside of the family home is considered to be an emergency situation of a temporary nature. Efforts are made for the child to safely return to the family or for the child to be placed in another permanent placement situation if returning to the home would further endanger the child. Children placed in the custody of DCS are not subject to time limit restrictions.

- Children’s In-Home Services – Arizona uses TANF funds to provide in-home services to children involved in open child protection cases. Service elements include family preservation services, parent aide services, parenting skills training, counseling, and peer self-help. For TANF or Maintenance of Effort (MOE) funded services, the income limit for the family, which is comprised of the child, is 250 percent of the existing FPL.
- Children’s Out-of-Home Services – Some TANF funds are used to provide services to abused and neglected children in out-of-home care. The services include case management, counseling, transportation, and other services that are provided to children in foster care. For TANF or MOE funded services, the income limit for the family, which is comprised of the child only, is 250 percent of the existing FPL.
- Child-Only Cases – TANF funds are used to provide assistance to eligible dependent children in the legal custody of DCS and placed in unlicensed foster care with an unrelated adult or a nonparent relative who is not receiving CA benefits. For these cases, all CA nonfinancial eligibility factors apply. When the countable income of the dependent child is less than 36 percent of the 1992 FPL, a cash benefit will be issued to the nonparent relative or unrelated adult who is an unlicensed foster care provider. The cash benefit will be reduced dollar for dollar by any countable income of the dependent child.
- Coordinated Hunger Program – TANF funds are used for food storage and distribution costs to support the statewide food bank network. For TANF and MOE funded services, the income limit is 185 percent of the FPL and at least one child in the family.
- Healthy Families Arizona – This community-based, multidisciplinary program serves at-risk families during pregnancy and after the birth of a baby, and it is designed to reduce stress, enhance parent-child interaction, promote child health and development, and minimize the incidence of abuse and neglect. This voluntary program uses a home visiting model to assist the family with obtaining services and provides emotional support, informal counseling, role modeling,

effective life-coping skills, bonding, and education on developmental assessments so that learning disabilities, physical disabilities or behavioral health needs are identified early. The home visitation service provides education on the importance of preventive health care; assistance and encouragement to assess comprehensive private and public preschool and other school readiness programs; assistance with applying for private and public financial assistance, including employment services, and parent-child interaction. Families that receive TANF or MOE funded Healthy Families Arizona services must be below 250 percent of the current FPL.

- Adoption Services – TANF funds support services that provide for the selection of a family, placement, and supervision of a child. These include adoption maintenance services, special services, and one-time, nonrecurring expenses. Adoption services are available to families with two parents in the home. Children for whom TANF or MOE funded adoption services are provided must be below 250 percent of the current FPL and not receive Title IV-E funds.
- Emergency Shelter Services – Arizona uses TANF funds for emergency shelter and transitional housing for domestic violence victims and their children and to homeless families. Services include emergency shelter for up to 120 days, counseling, and supports such as case management, transportation, child care, and life skills training. Families having a dependent child living with them or temporarily absent from the parent or relative for no more than 180 days from the time of access to the services are eligible to receive Emergency Shelter Services. For TANF or MOE funded services, the income limit for the family, which is comprised of the child only, is 250 percent of the existing FPL.
- Rapid Rehousing – Arizona uses TANF funds to rapidly house homeless families and victims of domestic violence and their children into permanent housing. Services consist of up to nine months of financial assistance that can include short-term rental assistance for up to three months and medium term rental assistance for up to nine months. Also included are housing relocation and stabilization services such as housing search and placement, case management, mediation, legal service and credit repair.
- Legal and Lay - Legal Advocacy for Domestic Violence Victims – Arizona uses TANF funds to provide legal and lay-legal advocacy services for domestic violence victims and their children. The legal and lay-legal advocacy services include a range of legal assistance covering all civil matters that will help the victims and their children to become safe and self-sufficient. Attorneys and lay-legal advocates provide the services. The outreach for the services includes domestic violence programs and extends beyond shelters, since not all victims in need of legal assistance contact the domestic violence programs. The services are also targeted to underserved populations including rural, Native American, immigrant, and non-English speaking populations. Families having a dependent child living with them or temporarily absent from the parent or relative for no more than 180

days from the time of access to the services and have a family income below 250 percent of the FPL are eligible for this TANF or MOE funded service.

- Substance Abuse Treatment – Arizona Families F.I.R.S.T. (Families in Recovery Succeeding Together) provides nonmedical substance abuse treatment services to recipients of CA benefits whose substance abuse is a significant barrier to maintaining or obtaining employment and parents, guardians, or custodians whose substance abuse is a significant barrier to maintaining, preserving, or reunifying the family. To be eligible for this service, the family must meet all CA eligibility criteria, including income standards.
- Permanent Guardianship Subsidy – This program provides assistance payments to permanent guardians of children who are in foster care and who are nonparent relatives or who are nonrelatives such as foster parents as defined in state statute. To be eligible for TANF or MOE funded services, the child must have income less than 250 percent of the FPL.
- TANF Funds Transferred to Title XX SSBG – Arizona has elected to transfer TANF funds to Title XX SSBG. These funds are used for programs or services for children or their families, as defined by each individual program and service, whose income is less than 200 percent of the FPL.
- Tribal Programs – A number of Native American Tribes have exercised the option to develop a TANF Program and to submit their proposal to the federal government for approval. Arizona adopts the financial eligibility criteria the Native American Tribes have set to receive Tribal benefits or services as the state's standard of need for Tribal benefits from state MOE funds. Arizona elects not to include individuals receiving CA under a Tribal Family Assistance Plan or who are included in a Tribal Native Employment Works (NEW) in the computation of the state's work participation rate. Currently, the following Native American Tribes have federally-approved TANF Programs:
  - Salt River Pima-Maricopa Indian Community TANF Program – In July 1999, the state turned over the administration of TANF benefits in the Salt River Pima-Maricopa Indian Community to the Salt River TANF Program. The state administers SNAP and the MA Programs, and ADES staff are co-located with tribal staff in a single office on the reservation.
  - Pascua Yaqui Tribe – The Pascua Yaqui Tribe has had an approved Tribal TANF Program since November 1997. However, the tribe opted to contract back with ADES to determine eligibility. ADES administers TANF benefits according to Tribal TANF policy.
  - White Mountain Apache Tribe – The White Mountain Apache Tribe has had an approved Tribal TANF Program since April 1998.

- Navajo Nation – The Navajo Nation has had an approved Tribal TANF Program since October 2000 and began operating its Tribal TANF Program on March 1, 2002.
- Hopi Tribe – The Hopi Tribe has had an approved Tribal TANF Program since April 2001 and began operating its Tribal TANF Program in December 2004. However, the Tribe opted to contract back with ADES to determine eligibility. ADES administers TANF benefits according to Tribal TANF policy.
- San Carlos Apache Tribe – The San Carlos Apache Tribe began operating its Tribal TANF Program in May 2008.

## VII. TEEN PREGNANCY/OUT-OF-WEDLOCK BIRTHS<sup>1</sup>

In March 2016, the ADHS, Population Health and Vital Statistics Section, Bureau of Public Health Statistics, released its report, Teenage Pregnancy, Arizona, 2004-2014. Some of the key findings are:

- Teen pregnancy rates dropped 48.6 percent in Arizona from 2004 to 2014.
- There were a total of 7,924 pregnancies to teens 10 to 19 years of age in 2014;
- The rate of pregnancies to teens 10 to 19 years was 9.1 percent lower than the 2013 rate and was the fewest number reported since 1984.
- The rate for teenagers 15-17 years dropped steeply by 61.7 percent from 42.0 per 1,000 in 2004 to 16.1 in 2014.
- The rate for older teenagers (aged 18-19 years) fell by 40.1 percent from 108.7 per 1,000 in 2004 to 65.2 per 1,000 in 2014.

### ***Teen Pregnancy Prevention Programs***

ADHS administers two significant programs designed to reduce teen pregnancy in Arizona. These programs are funded from monies allocated to the ADHS from the state lottery fund, from federal Personal Responsibility Education Program (PREP), as well as from grants from federal Title V Abstinence.

#### **- *Abstinence Plus Program*<sup>2</sup>**

The Abstinence Plus Program is part of a statewide teen pregnancy prevention initiative that supports community-based efforts to reduce teen pregnancy and sexually transmitted

<sup>1</sup> ADHS, Population Health and Vital Statistics, Teenage Pregnancy, 2004-2014, <http://pub.azdhs.gov/health-stats/report/tp/2014/index.php>

<sup>2</sup> ADHS, accessed 2/21/2017, <http://www.azdhs.gov/prevention/womens-childrens-health/womens-health/index.php#teen-pregnancy-education>

diseases among youth. The program promotes responsible decision making and skill building by providing community-based and promising practice education for youth and parents. Contractors use evidence-based and promising practice curricula and youth development programs that have been proven to delay sexual activity, improve contraceptive use among sexually active teens, and/or prevent teen pregnancy and the prevention of sexually transmitted diseases including Human Immunodeficiency Virus/Acquired Immune Deficiency (HIV/AIDS). Program services are provided in school, after school, in the community, and Juvenile Detention Center/Juvenile Probation.

Currently the program targets youth 11 to 19 in Apache, Cochise, Coconino, Gila, Graham, Greenlee, La Paz, Maricopa, Mohave, Navajo, Pima, Pinal, Santa Cruz, Yavapai and Yuma counties, in addition to four tribal nations – Gila River, Pasqua Yaqui, Tohono O’odham, and White River.

- ***Abstinence Education***<sup>3</sup>

The Abstinence Education Program promotes abstinence as a healthy choice and a positive lifestyle through implementation of programs designed to change the culture and individual behavior about sexual activity. The program objectives are: 1) to implement programs for school ages 11 to 19 years; 2) to implement "talking to your teen" programs for parents and caregivers; 3) to reduce the incidence of teen pregnancies and births; and 4) to involve the community in the development and implementation of programs and activities that promote and support the abstinence message.

The goals of the program are to reduce the incidence of sexual activity and first time and repeat pregnancies to girls age 15 through 19 as well as to reduce the incidence of sexually transmitted diseases among 11 to 19 year olds. Services are provided in Apache, Gila, LaPaz, Maricopa, Navajo, Pima, Yavapai, and Yuma counties, as well as the Gila River and Navajo nations.

## **VIII. SEXUAL VIOLENCE PREVENTION**

- ***Sexual Violence Prevention and Education***<sup>4</sup>

ADHS receives funds from the Centers for Disease Control (CDC) to provide programs aimed at preventing sexual violence in Arizona. Currently, there are two non-profit agencies and two state universities in three counties receiving funds to support a variety of primary educational programs throughout the state.

The target populations include students in junior high through college, women and men in the community, professionals (medical, education, legal, law enforcement), and minority populations.

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<sup>3</sup> ADHS, accessed 2/21/2017, <http://www.azdhs.gov/prevention/womens-childrens-health/womens-health/index.php#teen-pregnancy-abstinence>

<sup>4</sup> ADHS, accessed 2/21/2017, <http://www.azdhs.gov/prevention/womens-childrens-health/womens-health/index.php#sexual-violence-prevention>

The mission of the Sexual Violence Prevention and Education Program is to promote prevention of sexual coercion and violence by increasing the public's knowledge about sexual coercion and violence and applying that knowledge through diverse prevention efforts.

The goals of the program include:

- Provide information and technical assistance that contribute to heightening awareness and the prevention of sexual coercion and violence.
- Improve communication, coordination, and collaboration among contractors and other organizations providing related services.
- Build program capacity by strengthening state and local program infrastructure.
- Identify need for and support rape/sexual violence prevention education throughout Arizona, including sustaining or expanding successful programs and stimulating the development of new programs.

- ***Sexual Assault Services Program (SASP)***<sup>5</sup>

The Governor's Office for Youth, Faith, and Family receives funds through the Office of Violence Against Women to provide direct services such as hotline services, crisis intervention, and comprehensive service coordination. The target population includes adult, youth, and child victims of sexual assault, family and household members of such victims, and those collaterally affected by the victimization, except for the perpetrator. Collaterally affected (secondary victims) are children, siblings, spouses or intimate partners, grandparents, other affected relatives, friends and neighbors. Secondary victims do not need to be connected with a primary victim who is receiving services.

The goals of these efforts are to:

- Increase direct sexual assault services to underserved individuals;
- Assist with the maintenance and expansion of rape crisis centers and other relevant programs dedicated to assisting those victimized by sexual assault; and
- Build enhanced capacity to effectively address direct sexual violence services in communities.

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<sup>5</sup> ADHS, accessed 2/21/2017, <http://www.azdhs.gov/prevention/womens-childrens-health/womens-health/index.php#sexual-assault-services>



## **IX. EMPLOYMENT IN THE ELDERCARE/LONG-TERM CARE WORKFORCE**

ADES does not intend to assist individuals with training for, seeking, and maintaining employment in the eldercare/long-term care workforce as described in TANF-Administration for Children and Families-Program Instruction-2011-06 at this time. Individuals interested in such occupations are offered assistance in obtaining their employment goal by using the applicable federal work activities.

## **ATTACHMENT 1**

### **ARIZONA STATE PLAN CERTIFICATIONS**

Arizona will operate a program to provide Temporary Assistance for Needy Families (TANF) so that children may be cared for in their own homes or in the homes of relatives; to end dependence of needy parents on government benefits by promoting job preparation, work, and marriage; to prevent and reduce the incidence of out-of-wedlock pregnancies and establish annual numerical goals for preventing and reducing the incidence of these pregnancies; and encourage the formation and maintenance of two-parent families.

I, Douglas A. Ducey, as Chief Executive Officer of the State, certify that:

1. The Arizona Department of Economic Security (ADES) is the agency responsible for administering and supervising the program under part A in all political subdivisions of the State.
2. ADES assures that local governments and private sector organizations:
  - (a) Have been consulted regarding the plan and design of TANF Program services in the State so that services are provided in a manner appropriate to local populations; and
  - (b) Have had at least 45 days to submit comments on the plan and the design of such services.
3. ADES will operate a Child Support Enforcement Program under the State Plan approved under Part D of the Social Security Act.
4. The State will operate a Foster Care and Adoption Assistance Program in accordance with Part E, and certify that the State will take all necessary actions to ensure that children receiving assistance are eligible for medical assistance.
5. ADES will provide each member of an Indian Tribe, who is domiciled in the State and is not eligible for assistance under a Tribal Family Assistance plan approved under 42 USC § 612, with equitable access to assistance under the State program funded under this part attributable to funds provided by the Federal Government.
6. ADES will establish and enforce standards and procedures to ensure against program fraud and abuse, including standards and procedures concerning nepotism, conflicts of interest among individuals responsible for the administration and supervision of the State program, kickbacks, and the use of political patronage.
7. ADES will make available to the public a summary of the State Plan.

ADDITIONAL CERTIFICATIONS

The State has established and is enforcing standards and procedures to:

1. Screen and identify individuals receiving assistance under this part with a history of domestic violence while maintaining the confidentiality of such individuals;
2. Refer such individuals to counseling and supportive services; and
3. Waive, pursuant to a determination of good cause, other program requirements such as time limits (for as long as necessary) for individuals receiving assistance, residency requirements, child support cooperation requirements, and family cap provisions, in cases where compliance with such requirements would make it more difficult for individuals receiving assistance under this part to escape domestic violence or unfairly penalize such individuals who are or have been victimized by such violence, or individuals who are at risk of further domestic violence.

The State will not require a parent or caretaker who is not exempt from work requirements and is not engaged in work as defined in 42 USC § 607(c) to participate in community service employment after receiving assistance for two months.

CERTIFIED BY THE CHIEF EXECUTIVE OFFICER OF THE STATE:

\_\_\_\_\_  
Signature of State Chief Executive Officer  
Douglas A. Ducey, Governor

\_\_\_\_\_  
Date

## Attachment 2 – A.R.S. § 1959

### 41-1959. Confidential information; permissible disclosure; rules; violation; classification

A. Unless otherwise provided by law, all personally identifiable information concerning any applicant, claimant, recipient, employer or client or concerning any person involved in an adult protective services action, other than a perpetrator against whom an allegation of abuse, neglect or exploitation has been substantiated pursuant to section 46-458, is confidential and shall not be released unless ordered by a superior court judge or provided for by rule of court except as provided in subsections B, C and D of this section. Department records and files that contain information related to investigations conducted by child protective services or the department of child safety are confidential. The department shall release this information only as prescribed by section 8-807.

B. Employees of the department of economic security, the department of law and the court may obtain the information described in subsection A of this section in the performance of their duties as authorized by rules adopted by the director.

C. Employees of the department of economic security, the department of law and the court may release any information that is otherwise held confidential under this section under any of the following circumstances:

1. To the applicant, claimant, recipient, employer or client if a request is made in writing by any of such persons specifically requesting information that directly relates to the person requesting such information.
2. To the extent necessary to make claims on behalf of a client for public or private assistance, insurance or health or medical assistance pursuant to title 11, chapter 2, article 7 or title 36, chapter 29 to which the client may be entitled.
3. In oral and written communications involving the provision of services or the referral to services between employees of, persons under contract with, or persons holding a general employment relationship with the department of economic security, the department of law or the juvenile court.
4. If the disclosure of otherwise confidential information is necessary to protect against a clear and substantial risk of imminent serious injury to a client.
5. To agencies of the federal government, this state or any political subdivision of this state for official purposes. All information received by a governmental agency pursuant to this paragraph shall be maintained as confidential, except where pertinent to a criminal prosecution.
6. To foster parents and persons certified to adopt if necessary to assist in the placement with or care of a child by such persons.

7. In any judicial or administrative proceeding involving an adult protective services client if the director of the department considers the information pertinent to the proceeding.

8. To the entities as specified in section 23-722.04, subsections A and E for the development of a state workforce evaluation data system and program performance purposes and other program and research purposes as defined in a data sharing agreement but not including information regarding adult or child protection actions.

D. Notwithstanding section 46-135, a standing committee of the legislature or a committee appointed by the president of the senate or the speaker of the house of representatives may obtain the information described in subsection A of this section on written notification to the director. Information obtained pursuant to this subsection may be used only for purposes of conducting investigations related to legislative oversight of the department. Information that is personally identifiable shall not be further disclosed.

E. Any violation of this section is a class 2 misdemeanor.

F. The department shall establish safeguards against the unauthorized use or disclosure of confidential information in title IV-D cases.