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# Arizona Department of Economic Security Five – Year Review Reports

A.R.S. § 41-1056 requires that at least once every five years, each agency shall review its administrative rules and produce reports that assess the rules with respect to considerations including the rule's effectiveness, clarity, conciseness, and understandability. The reports also describe the agency's proposed action to respond to any concerns identified during the review. The reports are submitted in compliance with the schedule provided by the Governor's Regulatory Review Council (GRRC). A.R.S. § 18-305, enacted in 2016, requires that statutorily required reports be posted on the agency's website

**Department of Economic Security  
Title 6, Chapter 12  
Five-Year Review Report**

**1. Authorization of the rule by existing statutes:**

General Statutory Authority: A.R.S. § 41-1954(A)(3)

Specific Statutory Authority: A.R.S. §§ 46-134(10) and 46-292

**2. The objective of each rule:**

<b>Rule</b>	<b>Objective</b>
R6-12-101	The objective of this rule is to define terms used in Chapter 12.
R6-12-102	The objective of this rule is to guarantee that confidential client information is protected when services are being provided.
R6-12-103	The objective of this rule is to ensure that the Department retains the Temporary Assistance for Needy Families (TANF) Cash Assistance (CA) eligibility information regarding applicants and recipients for the required amount of time.
R6-12-104	The objective of this rule is to inform the public that the TANF CA program manual is available for inspection and copying during regular business hours.
R6-12-201	The objective of this rule is to inform the public of the application procedures and requirements for services.
R6-12-202	The objective of this rule is to explain the members who are included in an assistance unit.
R6-12-203	The objective of this rule is to explain the procedures for a TANF CA eligibility interview and what the applicant and Department's responsibilities are during the TANF CA eligibility interview process.
R6-12-204	The objective of this rule is to explain the procedures for verifying the existence of a disability and what the applicant and Department's responsibilities are when verifying that a household member is disabled.
R6-12-205	The objective of this rule is to explain the procedures for verifying TANF CA eligibility information and the responsibilities of the applicant and the Department for making a TANF CA eligibility determination.
R6-12-206	The objective of this rule is to explain the circumstances for which the Department will provide an in-home interview and the procedures for giving notice of an in-home interview.

R6-12-207	The objective of this rule is to explain the procedures for withdrawing an application and what the applicant and the Department's responsibilities are for making and processing the request.
R6-12-208	The objective of this rule is to describe the consequences and outcomes of the death of an applicant while an application is pending.
R6-12-209	The objective of this rule is to explain the time frame for the Department to complete a TANF CA eligibility determination and the process for when an application is approved or denied.
R6-12-210	The objective of this rule is to require the Department to perform a periodic review of continued TANF CA eligibility and to explain the responsibilities for the applicant and the Department during the TANF CA eligibility review.
R6-12-211	The objective of this rule is to explain the circumstances, requirements, and procedures that require the Department to reinstate a client's TANF CA benefits.
R6-12-301	The objective of this rule is to establish that a person must meet non-financial eligibility criteria to qualify for the TANF CA program.
R6-12-302	The objective of this rule is to specify the responsibilities of an applicant or recipient as conditions of initial or continuing TANF CA benefit eligibility.
R6-12-303	The objective of this rule is to specify the other benefits a person shall apply for in order to be eligible for TANF CA.
R6-12-304	The objective of this rule is to specify the Arizona residency requirements for TANF CA benefit eligibility.
R6-12-305	The objectives of this rule are to explain the citizenship requirements for an assistance unit member to receive TANF CA benefits, clarify that the Department is required to verify the legal status of noncitizens who are eligible for TANF CA benefits in accordance with the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), specify whose income is counted when an assistance unit includes one or more eligible noncitizens, and clarify that an ineligible noncitizen may act as payee on behalf of an assistance unit.
R6-12-306	The objective of this rule is to explain which members of a family may be included in the TANF CA program or are required to be in the assistance unit.

R6-12-307	The purpose of this rule is to explain that only persons who have been issued, or have applied for, a Social Security Number (SSN) are included in the assistance unit and to specify the applicant's responsibility to obtain an SSN and provide the SSN to the Department.
R6-12-308	The objective of this rule is to explain the family benefit cap exclusion and to specify the circumstances for which a child will be excluded from TANF CA due to the family benefit cap or for which the family benefit cap will be waived by the Department.
R6-12-309	The objectives of this rule are to explain how individuals must be related to a dependent child for the individuals to be part of an assistance unit that qualifies for TANF CA and identify the limited exceptions to this requirement.
R6-12-310	The objective of this rule is to explain that a dependent child must be deprived of parental support in order to receive TANF CA and to specify the circumstances that constitute a deprivation of parental support.
R6-12-311	The objective of this rule is to explain that an applicant for TANF CA is required to assign to the Department all rights to spousal or child support and to specify the applicant's responsibilities for meeting this requirement.
R6-12-312	The objective of this rule is to explain how an applicant is exempt from the requirements in R6-12-311 when good cause for non-cooperation exists and to specify the applicant's and the Department's responsibilities for verifying such circumstances.
R6-12-313	The objective of this rule is to explain that recipients of TANF CA who are work eligible shall participate in the Jobs Program described in A.A.C. Title 6, Chapter 10.
R6-12-314	The objective of this rule is to explain the requirement for parents and other non-parent heads of households to register school age children in school.
R6-12-315	The objective of this rule is to explain that proof of a child's immunization is required and to specify the actions that shall be taken upon failure to provide proof.
R6-12-316	The objective of this rule is to outline sanctions that will be imposed on an assistance unit that is not in compliance with specific rules.

R6-12-317	The objectives of this rule are to explain the requirement of the applicant or recipient to maintain employment or work efforts, to specify the circumstances that indicate a person voluntarily quit a job or reduced their work effort, the circumstances and consequences of voluntarily quitting a job or reducing work effort, and the circumstances in which a good cause exists for voluntarily quitting a job or reducing work effort.
R6-12-318	The objective of this rule is to explain the time limit of 36 months for TANF CA eligibility as specified in state law unless the assistance unit has a qualifying hardship.
R6-12-319	The objective of this rule is to explain the conditions and circumstances under which a household is eligible for an extension to the state and federal time limits when a qualifying hardship exists.
R6-12-320	The objective of this rule is to explain the 60-month time limit for receipt of assistance as specified in federal law and TANF program regulations unless the assistance unit has a qualifying hardship.
R6-12-321	The objective of this rule is to explain the different hardships that would qualify a household for an extension to the state and federal time limits and the verification requirements for those hardships.
R6-12-401	The objectives of this rule are to explain what resources the Department considers when determining TANF CA eligibility and to specify that an assistance unit is ineligible for any month the assistance unit's resources exceed a set amount.
R6-12-402	The objective of this rule is to explain what assets are included when determining the countable asset amount for the assistance unit for TANF CA eligibility.
R6-12-403	The objective of this rule is to identify which types of assets are excluded when determining the countable assets of an assistance unit for TANF CA eligibility.
R6-12-404	The objective of this rule is to explain that applicants and recipients are allowed to establish an Individual Development Account (IDA) to save money for specific purposes and to specify how the IDA may be initiated, the purposes for which the IDA may be used, and the limits on the amount in the IDA to be excluded from the countable asset limit.

R6-12-405	The objective of this rule is to explain the prohibition against the transfer of ownership of a resource within one year of applying for TANF CA or while receiving TANF CA unless fair consideration was received.
R6-12-406	The objective of this rule is to establish the requirement for the Department to verify the value of countable resources.
R6-12-501	The objective of this rule is to explain the treatment of income of both the family and the assistance unit when determining TANF CA eligibility and the cash grant amount.
R6-12-502	The objective of this rule is to explain whose income the Department will consider when determining the cash grant amount for an assistance unit.
R6-12-503	The objective of this rule is to identify which types of income are excluded when the Department is determining the countable income of a family and the countable income of an assistance unit.
R6-12-504	The objectives of this rule are to explain how the Department treats the receipt of child support, alimony, or spousal maintenance when determining TANF CA eligibility and to specify the penalties that are imposed when an assistance unit member fails to turn over support payments to the Department.
R6-12-505	The objective of this rule is to explain that a nonrecurring lump sum payment received by an assistance unit member or person whose income is considered available to the assistance unit will be considered a resource.
R6-12-506	The objective of this rule is to explain when the income of a sponsor is considered available to the sponsored noncitizen and to specify how the Department determines the amount of the sponsor's income that is countable when determining TANF CA eligibility.
R6-12-507	The objective of this rule is to explain how the Department determines the monthly countable income for both a family, when determining income eligibility for TANF CA, and an assistance unit, when determining a cash grant amount.
R6-12-508	The objective of this rule is to explain the methods the Department uses when determining a projected monthly income amount.
R6-12-509	The objective of this rule is to require the Department to verify all income before determining TANF CA eligibility and a cash grant amount.

R6-12-601	The objective of this rule is to explain how the Department determines TANF CA eligibility and TANF CA benefit amount for households in which the applicant is the caretaker relative of children who are excluded from TANF CA due to the receipt of Social Security Income (SSI) or Foster Care Child income.
R6-12-602	The objective of this rule is to explain how the Department determines TANF CA income eligibility and a cash grant amount when a member of the household is on strike.
R6-12-603	The objective of this rule is to explain how the Department determines TANF CA income eligibility and cash grant amount when the applicant is the dependent child of an ineligible foster child residing in a needy family.
R6-12-604	The objective of this rule is to explain when a parent under the age of 18 is considered to be a minor parent and to specify the TANF CA eligibility rules that apply to minor parents.
R6-12-605	The objective of this rule is to explain when an assistance unit with a needy child deprived of parental support because the primary wage-earning parent is unemployed may receive TANF CA through the Two-Parent Employment Program (TPEP).
R6-12-606	The objective of this rule is to explain the requirement for both unemployed parents in a TPEP household to participate in training or employment activity and to specify the circumstances in which a parent is exempt from participating in training or employment activity.
R6-12-607	The objective of this rule is to explain the duration of the TPEP benefits and specify the circumstances for requesting an extension of such benefits.
R6-12-701	The objective of this rule is to specify the income limits for a family and explain the income limits do not apply to households in which the only dependent child for the requested assistance is in unlicensed foster care placement with the applicant.
R6-12-702	The objective of this rule is to establish TANF CA eligibility criteria.
R6-12-703	The objective of this rule is to identify the allowable deductions from the earned income of a family and any limitations on the amount of those deductions when determining TANF CA income eligibility for a family and a TANF CA benefit amount for an assistance unit.

R6-12-704	The objective of this rule is to identify the circumstances under which an assistance unit member may be disqualified from having earned income disregards deducted from the member's earned income and specify good cause reasons that will excuse the member from such disqualification.
R6-12-705	The objective of this rule is to explain the method used by the Department to determine the amount of a cash grant for an assistance unit.
R6-12-706	The objective of this rule is to explain the Department's responsibilities when informing an applicant of the results of a TANF CA eligibility determination and the information required in a denial notice.
R6-12-801	The objective of this rule is to explain the Department's responsibilities in the TANF CA benefit payment process.
R6-12-803	The objective of this rule is to explain the Department's responsibility to correct an underpayment of TANF CA benefits by issuing a supplemental payment to the assistance unit.
R6-12-806	The objective of this rule is to specify the circumstances in which the Department will designate a person other than the head of household to have access to the TANF CA benefit if the head of household is not providing the basic needs for the household.
R6-12-807	The objective of this rule is to specify that the Department may pay TANF CA to an emergency payee instead of a caretaker relative when the caretaker relative is no longer available to receive TANF CA on behalf of a dependent child and explain the length of time that TANF CA may be provided to the emergency payee.
R6-12-808	The objective of this rule is to explain the Department's responsibility to issue an identification card or an Electronic Benefit Transfer (EBT) card at no cost when requested by the recipient.
R6-12-901	The objective of this rule is to explain the recipient's responsibility to report changes in income, resources, or other circumstances which may affect TANF CA eligibility or benefit amount.
R6-12-902	The objective of this rule is to explain the Department's responsibilities when a caretaker relative requests to remove a household member from an assistance unit.



R6-12-903	The objective of this rule is to explain the methods by which the Department shall redetermine a TANF CA benefit amount when a member is added to, or removed from, an assistance unit.
R6-12-904	The objective of this rule is to explain that, when appropriate, the Department may reduce or terminate TANF CA benefits based on an assistance unit's reported changes or failure to comply with review requirements.
R6-12-905	The objective of this rule is to specify the different time frames in which ineligibility begins for an entire assistance unit and the circumstances for those time frames.
R6-12-906	The objective of this rule is to explain the time frame in which ineligibility begins for an ineligible individual within an eligible assistance unit.
R6-12-907	The objective of this rule is to explain the time frames within which the Department shall notify the assistance unit of an adverse action.
R6-12-908	The objective of this rule is to specify the circumstances in which the Family Assistance Administration (FAA) will refer a case to the Office of Special Investigations.
R6-12-1001	The objective of this rule is to explain the right of the applicant or recipient to a hearing to appeal an adverse action taken by the Department and to specify which adverse actions are not appealable.
R6-12-1002	The objective of this rule is to describe the formal and procedural timeliness requirements for filing an appeal and the requirements for an appellant to establish good cause for a late-filed appeal to be considered timely.
R6-12-1003	The objective of this rule is to specify the Department's responsibilities to prepare and process an appeal request by scheduling a hearing in a timely manner and the Department's obligation to inform the appellant of available free legal resources.
R6-12-1004	The objective of this rule is to explain that TANF CA benefits will continue during the course of an appeal and to specify the circumstances under which TANF CA benefits may not be continued during the appeals process.
R6-12-1005	The objective of this rule is to explain the qualifications and duties of a hearing officer and to specify the requirements for obtaining subpoenas.

R6-12-1006	The objective of this rule is to explain the guidelines and time frames for the scheduling of hearings and the Department's responsibilities for notifying the parties of the hearing.
R6-12-1007	The objective of this rule is to explain the process for parties to request the rescheduling of a hearing.
R6-12-1008	The objective of this rule is to explain the Department's responsibility to provide a medical examination by a licensed physician, psychologist, or psychiatrist when the issue on an appeal is whether the appellant is a person with a disability, and to specify the hearing officer's responsibilities and options when deciding the appeal of a disability determination.
R6-12-1009	The objective of this rule is to explain the circumstances under which the Department may conduct a group hearing instead of separate, individual hearings.
R6-12-1010	The objective of this rule is to explain how the parties may request to withdraw an appeal and to explain what happens when an appellant fails to appear at a scheduled hearing.
R6-12-1011	The objective of this rule is to explain the procedures used in hearings.
R6-12-1012	The objective of this rule is to explain the time frames for the hearing officer to deliver a decision, the contents of the decision, and how the decision is delivered.
R6-12-1013	The objective of this rule is to explain when a decision adverse to the appellant will become effective and what the Department's responsibilities are if the adverse decision is reversed or set aside.
R6-12-1014	The objective of this rule is to specify the procedures and time frames for the party to have a hearing officer's decision reviewed by the Appeals Board and to explain that the Department shall not implement any adverse action against an appellant until the Appeals Board has issued a decision.
R6-12-1015	The objective of this rule is to explain the Appeals Board's responsibilities and the process for reviewing a hearing officer's decision.
R6-12-1101	The objective of this rule is to explain the time frames used to determine an overpayment period and specify the time frame in which the Department will initiate the overpayment referral.

R6-12-1102	The objective of this rule is to identify the persons in an assistance unit who are liable for an overpayment and specify the order from which the Department will seek recovery from those persons.
R6-12-1103	The objective of this rule is to explain the different methods the Department may use to recoup an overpayment.
R6-12-1201	The objective of this rule is to define an Intentional Program Violation (IPV).
R6-12-1202	The objective of this rule is to explain that when the Department initiates a disqualification proceeding for an IPV, the person suspected of the IPV has the right to waive the disqualification hearing. A further objective of this rule is to prescribe the contents of the waiver notice.
R6-12-1203	The objective of this rule is to explain the responsibilities of the Office of Appeals when notifying the recipient of an IPV hearing and when conducting an IPV hearing.
R6-12-1204	The objective of this rule is to explain the process for when the Department imposes a sanction against a recipient found guilty of committing an IPV.
R6-12-1205	The objective of this rule is to explain the option for a party found to have committed an IPV through an administrative disqualification hearing to have a hearing officer's decision reviewed by the Appeals Board.
R6-12-1206	The objective of this rule is to explain that the Department shall give full faith and credit to sanctions imposed on the applicant or recipient by another state's Title IV-A agency and shall consider these prior violations when imposing a subsequent sanction for an IPV conviction in Arizona.
R6-12-1301	The objective of this rule is to state that the Department shall operate the JOBSTART wage subsidy program on a statewide basis.
R6-12-1302	The objective of this rule is to define the terms used in Article 13.
R6-12-1303	The objective of this rule is to explain that when the Department has assigned a participant to a subsidized placement, the Department shall redirect the participants TANF CA benefits and Nutrition Assistance (NA) benefits to the wage pool to reimburse the participant's employer for wages paid to the participant.

R6-12-1304	The objective of this rule is to explain that the Department shall exclude the wages received from a JOBSTART participant's subsidized employment when determining the amount of the JOBSTART participant's TANF CA benefits.
R6-12-1305	The objective of this rule is to explain how the Department shall determine if a JOBSTART participant will be issued a TANF CA supplemental payment and to specify the type of supplemental payment that shall be provided.
R6-12-1306	The objective of this rule is to explain the sanction process for when a recipient fails or refuses to comply with the JOBSTART participation requirement.
R6-12-1401	The objective of this rule is to define terms used in Article 14.
R6-12-1402	The objective of this rule is to explain the circumstances in which the Department may offer a TANF CA applicant the option of receiving a lump sum Grant Diversion cash benefit.
R6-12-1403	The objective of this rule is to explain how the Department determines the amount of assistance that will be provided to an eligible assistance unit under the Grant Diversion option.
R6-12-1404	The objective of this rule is to explain how the Department redetermines the Grant Diversion option benefit amount when the assistance unit reports the addition of an eligible member and the change reporting responsibilities of the assistance unit.

3. **Are the rules effective in achieving their objectives?** Yes  No

*If not, please identify the rule(s) that is not effective and provide an explanation for why the rule(s) is not effective.*

<b>Rule</b>	<b>Explanation</b>
R6-12-101	This rule is ineffective because several definitions are either no longer accurate and should be revised to make this rule more effective or removed entirely. There are also terms that apply to Chapter 12 that need to be added to this rule.
R6-12-104	This rule is ineffective because manuals are no longer maintained in the FAA Local Office and are unavailable in paper format to be reviewed or copied. The FAA Policy manual is available to the public online via the Department's website.

R6-12-201	Subsection (A) of this rule is ineffective because the methods for submitting a TANF CA application now include the electronic transmittal of an online application and the submission of an application via fax. Subsection (D) is ineffective because an application for TANF CA is no longer automatically treated as an application for AHCCCS medical benefits, per a change in federal law.
R6-12-203	Subsection (A) of this rule is ineffective because the interview scheduling procedures specified in the rule have changed. Telephone interviews are now the primary interview method and in-person interviews at a Family Assistance office are no longer scheduled; they are conducted on a walk-in and stand-by basis. Subsection (C) is ineffective because the Department's responsibilities during the interview now vary depending on the interview method. Also, there is no longer a requirement to photograph the applicant.
R6-12-204	Subsection (D) of this rule is ineffective because the Department no longer employs a District Medical Consultant as part of the disability determination process because disability determinations are now made at the local office level.
R6-12-206	Subsection (B) of this rule is ineffective because the requirement to send a notice to the applicant at least seven days prior to a scheduled in-home TANF CA eligibility interview is no longer required as the applicant and the Department may mutually agree on an interview date that is sooner than seven days from the application file date. Subsection (D) is ineffective because the Department no longer conducts unscheduled visits to gather information or to verify information previously provided by an applicant or recipient.
R6-12-210	Subsection (A) of this rule is ineffective because there are now different time frames in which a case is subject to a TANF CA eligibility review, depending on the type of TANF CA case. Not all cases are reviewed every six months. Subsections (C), (D), and (E) of the rule are ineffective because the interview scheduling procedures and the client interview requirements specified in these sections have changed. Telephone interviews are now the primary interview method and in-person interviews at a Family Assistance office are no longer scheduled; the interviews are conducted on a walk-in and stand-by basis.

R6-12-211	<p>Subsection (B)(3) of this rule is ineffective because Department policy has changed to allow continuance of TANF CA benefits when a request for a fair hearing is received at any time prior to the effective date of the termination and not only within 10 days of the termination notice. Subsection (B)(3) is ineffective because the state time limit has changed to 12 months under A.R.S. § 46-294.</p>
R6-12-302	<p>Subsection (A)(2) of this rule is ineffective because:</p> <ul style="list-style-type: none"> <li>● The time frame for reporting a change is now the 10<sup>th</sup> day of the month following the month the change occurred.</li> <li>● There are now two different change reporting requirements, and the changes that must be reported depend on which of the two reporting requirements the case has been assigned.</li> </ul> <p>Subsection (C) is ineffective because the requirement to sign a Personal Responsibility Agreement has changed depending on what type of TANF CA case is being processed.</p>
R6-12-304	<p>Subsection (C) of this rule is ineffective because the section does not specify the circumstances in which a person may be absent from Arizona for more than 30 consecutive days and retain their Arizona residency status.</p>
R6-12-305	<p>Subsection (B) of this rule is ineffective because the method that the Department uses to verify the legal immigration status of a noncitizen applicant, use of the automated Systematic Alien Verification for Entitlements (SAVE) program, is not specified.</p>
R6-12-306	<p>Subsection (A)(2) of this rule is ineffective because TANF CA eligibility for an 18-year-old as a dependent child was expanded to include TANF CA eligibility for an 18-year-old student who is an SSI recipient through the month the student turns 19, regardless of the expected date of the completion of the course of study.</p>

R6-12-308	Subsection (C) of this rule is ineffective because the section does not include the changes that were implemented subsequent to statutory revisions to A.R.S. § 46-292 to remove the TANF CA benefit cap exclusion from children who are currently excluded from TANF CA, under certain circumstances. Subsection (F) is ineffective because the rule incorrectly includes AHCCCS medical benefits and Jobs Program services in the list of services that a benefit cap excluded child automatically qualifies for.
R6-12-309	Subsection (A)(5) of this rule is ineffective because the list of caretaker relatives with whom a dependent child may reside is incomplete. A legal permanent guardian who is appointed by any court during a dependency hearing or dependency proceeding is now allowed, and subsection (A)(6) is incomplete as state law at A.R.S. § 46-101(7) has been revised to include an unrelated adult who is an unlicensed kinship foster care provider when the child is in the legal custody of the Department of Child Safety, a tribal court, or a tribal child welfare agency located in Arizona.
R6-12-310	Subsection (A) of this rule is ineffective because the circumstances that constitute Deprivation of Parental Support has expanded to include parents who are underemployed, and section (B)(1) is ineffective regarding deprivation of parental support due to “Continued Absence” of a parent as deprivation may exist when a parent is expected to be out of the home for a minimum of 30 continuous days.
R6-12-311	Subsection (G) of this rule is ineffective because the requirement that an applicant pre-comply with the DES Division of Child Support Enforcement as a condition of TANF CA eligibility is not included.
R6-12-313	Subsection (A) of this rule is ineffective because the requirement that, as a condition of TANF CA eligibility for the assistance unit, all work-eligible individuals shall complete a Jobs Program Preliminary Orientation (JPPO) is not included. Subsection (B) is ineffective as the section does not include the expanded list of recipients who are exempt from Jobs Program participation that now includes all dependent children including 18-year-old dependent children who meet the TANF CA student criteria, with the exception of minor parents.

R6-12-314	This rule is ineffective because the rule does not contain a section regarding the good cause reasons that exempt the parent or relative head of household from ensuring that a dependent child age 6 through 15 years old is enrolled in and attending school or is home schooled.
R6-12-315	This rule is ineffective because the rule does not explain that failure to provide proof of a child's immunization status may not be grounds for penalty if the parent or caretaker relative has good cause for failing to provide that proof.
R6-12-316	Subsection (B)(1) of this rule is ineffective because the graduated sanction levels for noncompliance with the requirements in the Personal Responsibility Agreement have changed per state law.
R6-12-318	This rule is ineffective because the time limit for receiving TANF CA benefits in the Arizona TANF CA program has changed to 12 countable months under A.R.S. § 46-294.
R6-12-319	This rule is ineffective because the Department practice of allowing an additional 12 months of TANF CA for assistance units that have reached either the 12-month state time limit or the 60-month federal time limit, and the criteria to be eligible for an additional 12 months of TANF CA, is not included in the rule.
R6-12-501	Subsection (B)(2) of this rule is ineffective because the section does not include the Self Employment Income Standard Deduction method by which the Department determines the countable gross income from self-employment.
R6-12-506	Subsection (B) of this rule is ineffective because the list of reasons that an assistance unit may be exempt from the sponsor income and resource deeming requirement is incomplete.



R6-12-604	Subsections (C)(2)(a-c) of this rule are ineffective because the criteria for determining whether a minor parent may be potentially eligible when applying for TANF CA as the head of household as an emancipated minor has changed. Subsection (C)(3)(a)(i and ii) of this rule are ineffective because the A.R.S. citations for the terms “abuse” and “neglect” have changed in state law. Additionally, required reports of abuse and neglect are now made to the Department of Child Safety and not the former Child Protective Services, which is a term used throughout the rule.
R6-12-605	Subsection (A) of this rule is ineffective because potential TANF CA eligibility in two parent households has expanded to include the underemployment of the primary wage-earning parent and not just unemployment of such a person.
R6-12-607	This rule is ineffective because the circumstances under which the Jobs Program determines whether the TPEP assistance unit may qualify for a three- month extension of TANF CA benefits has changed and is now included in R6-10-125.
R6-12-704	Subsection (B)(1) of this rule, which cross-references Jobs Program rules in R6-10-119(B) and R6-10-120(A) and (C) is no longer accurate. The correct Jobs Program “good cause” rule is now R6-10-123(F).
R6-12-801	Subsections (B) and (C) of this rule are ineffective because the Department does not make TANF CA benefit payments in the form of a state warrant. All TANF CA benefit payments are deposited into an Electronic Benefit Transfer (EBT) account which the Department establishes for the household.
R6-12-808	This rule is ineffective because the Department does not issue identification cards.
R6-12-901	This rule is ineffective because the Department no longer requires the assistance unit to report changes within 10 days from the date the change becomes known. The Department has instituted new change reporting requirements and new time frames that changes must be reported as well as new methods by which changes may be reported, which better aligns with NA reporting requirements and is more consistent for the client.

R6-12-903	Subsection (A)(3) of this rule is ineffective because the effective date of implementing a change is now based on the type of change reporting requirements the assistance unit has been assigned and the new time frames for reporting changes.
R6-12-905	This rule is ineffective because the effective date of ineligibility for an assistance unit is now based on the type of change reporting requirements the assistance unit has been assigned and the new time frames for reporting changes.
R6-12-906	This rule is ineffective because the effective date of ineligibility for an individual member is now based on the type of change reporting requirements the assistance unit has been assigned and the new time frames for reporting changes.
R6-12-907	Subsection (C)(3) of the rule is ineffective. This rule specifies that an adverse action notice for TANF CA will also include notification of “Any effect the intended action may have on the unit members’ AHCCCS medical eligibility.” The Department requires a separate adverse action notice for all Medical Assistance (AHCCCS) program adverse actions.
R6-12-908	This rule is ineffective because the reason for a referral for investigation specified in Section (2) is no longer valid. The Department does not issue TANF CA payments in the form of a cash warrant.
R6-12-1002	This rule is ineffective because the time frame for submitting a request for a hearing has changed and the methods for requesting a hearing have expanded to include oral requests and written requests submitted via fax or electronically via online transmittal.
R6-12-1004	This rule is ineffective because the time frame for the Department to stay the imposition of the adverse action pending a hearing has been changed to anytime the hearing request is received prior to the effective date of the adverse action.
R6-12-1005	Subsection (D) of this rule is ineffective because Department policy has changed to allow a request for change of hearing officer to be made at least five days prior to the hearing.

R6-12-1006	Subsection (A) of this rule is ineffective because hearings are now conducted telephonically unless a party requests an in-person hearing in advance of the scheduled hearing date.
R6-12-1007	Subsections (A) and (B) of this rule are ineffective because the Office of Appeals now allows one postponement of a hearing upon the appellant's request without requiring good cause and may grant subsequent postponements when good cause exists.
R6-12-1008	Subsections (C), (D), and (E) of this rule are ineffective because these determinations are now made at the local office level and the local office assists the participant with a disability in providing the necessary verification. The hearing officer shall order, where relevant and useful, an independent medical assessment or professional evaluation from a source mutually satisfactory to the household and the Department.
R6-12-1010	Subsection (B)(3) of this rule is ineffective because the Office of Appeals now allows a party who did not appear at the hearing to file a request to reopen the proceedings orally, in addition to in writing, no later than ten days after the hearing.
R6-12-1012	Subsection (A) of this rule is ineffective because the time frame for rendering a decision has changed from 90 days to 60 days, to align this time frame in TANF CA with those used in the NA program.
R6-12-1102	Subsection (A) of this rule is ineffective because the Department only pursues collection of an overpayment claim from a person who was an adult member of the assistance unit at the time the overpayment occurred and not from a person who was a minor child in the assistance unit at that time.
R6-12-1103	This rule is ineffective because the list of collection methods is incomplete.
R6-12-1202	Subsection (C) of this rule is ineffective because the list of items contained in the written notice of the right to waive the disqualification hearing is incomplete.

R6-12-1203	Subsection (B) of this rule is ineffective because the list of items contained in the notice of hearing is incomplete.
Article 13	The rules in this Article, R6-12-301 through R6-12-1306 are ineffective because the Department no longer operates the JOBSTART wage subsidy program.

4. **Are the rules consistent with other rules and statutes?** Yes  No

*If not, please identify the rule(s) that is not consistent. Also, provide an explanation and identify the provisions that are not consistent with the rule.*

<b>Rule</b>	<b>Explanation</b>
R6-12-308	This rule is inconsistent with A.R.S. § 46-292(I). The statute provides for the removal of the TANF CA benefit cap exclusion from children who are currently excluded from TANF CA under certain circumstances.
R6-12-309	This rule is inconsistent with A.R.S. § 46-101(7) which has been revised to include, as a caretaker relative, an unrelated adult who is an unlicensed kinship foster care provider when the child is in the legal custody of an Arizona tribal court or a tribal child welfare agency located in Arizona.
R6-12-316	This rule is inconsistent with A.R.S. § 46-300(D). This statute was revised to require a two-tiered graduated sanction process of a cash grant reduction of 50% for the first instance of noncompliance and a 100% cash grant reduction (termination of the grant) for the second and any subsequent instances of noncompliance with any of the requirements in A.R.S. § 46-300(A) or (B).
R6-12-318	References to a 36-month state time limit in R6-12-318 is inconsistent with A.R.S. § 46-294(A) which was revised to reduce the state time limit to 12 countable months.

R6-12-319	<p>This rule is inconsistent with A.R.S. § 46-294 in that it does not include the provision contained in subsection (G) of the statute, which allows the department to provide an additional 12 months of TANF CA for assistance units that have reached either the 12-month state time limit or the 60-month federal time limit and specifies the criteria for an assistance unit to be TANF CA eligible for an additional 12 months.</p>
R6-12-404	<p>This rule is inconsistent with A.R.S. § 46-300.03 in that the rule requires that an assistance unit member must be receiving both TANF CA and NA benefits in order to establish an Individual Development Account (IDA). This is more restrictive than the statutory provision. Also, the allowable uses of funds in an IDA listed in subsection (J) of the rule is more restrictive than what is allowed in the statute.</p>
R6-12-604	<p>The two state law citations in this rule, A.R.S. § 8-546(A)(2) (definition of abuse) and A.R.S. § 8-546(A)(6) (definition of neglect) are inconsistent with current state law. These definitions, as used in the rule, are now located in A.R.S. § 8-201(2) and A.R.S. § 8-201(25) respectively.</p> <p>In addition, A.R.S. § 46-296(B) states, in part, that a minor parent is exempt from the TANF CA eligibility restrictions in that statute if the parent “is a legally emancipated person.” The circumstances for determining whether a minor parent applicant may be considered “emancipated” are located in R6-12-604(C)(2)(a-c) and are inconsistent with A.R.S. Title 12, Chapter 15 Emancipation of Minors.</p>
R6-12-607	<p>The cross-reference in this rule to R6-10-122 is inconsistent with the current Jobs Program rules in Title 6, Chapter 10. R6-10-125(D) is now the correct cross-reference and contains the policies and procedures under which the Jobs Program determines whether the TPEP assistance unit may qualify for a three-month extension of TANF CA benefits.</p>
R6-12-704	<p>The “good cause” reasons in R6-12-704(B)(1), which cross-reference Jobs Program rules in R6-10-119(B) and R6-10-120(A) and (C) are inconsistent with the current rules in Title 6, Chapter 10. The correct Jobs Program “good cause” rule is now R6-10-123(F).</p>

Article 8 - Payments	Article 8 is incomplete in that it is inconsistent with the provisions in A.R.S. §§ 46-297 and 46-297.01.
R6-12-1004	Subsection (A) of this rule is inconsistent with and more restrictive than 45 CFR 205.10. When the appellant files a request for a hearing, 45 CFR 205.10 states that the Department shall not impose the adverse action for which the request for a hearing has been filed if such request is received “within the timely notice period”, unless the appellant specifically requests to not receive continued assistance pending a hearing decision. The notice period would be any date from the issuance of the notice and prior to the effective date of the adverse action as stated on the notice. Subsection (A) of this rule states that adverse action will only be stayed if a hearing is requested within ten days of the adverse action notice date.

5. **Are the rules enforced as written?**

Yes  No

*If not, please identify the rule(s) that is not enforced as written and provide an explanation of the issues with enforcement. In addition, include the agency(s) proposal for resolving the issue.*

Rule	Explanation
R6-12-104	This rule is not enforced as written because manuals are no longer maintained in the FAA Local Office and are not available in paper format to be reviewed or copied. The FAA Policy manual is available to the public online via the Department’s website. The Department proposes to amend these rules to reflect this change.
R6-12-201	Subsection (D) of the rule is not enforced as written because it specifies that an application for TANF CA is automatically treated as an application for AHCCCS medical benefits. This provision is no longer current; AHCCCS medical benefits must be specifically requested by an applicant. The Department proposes to amend these rules to reflect this change.

R6-12-203	Subsection (C)(9) of the rule is not enforced as written because taking a photograph of the applicant for identification purposes is no longer required, per state law, as part of the TANF CA eligibility interview process. The Department proposes to amend these rules to remove this requirement.
R6-12-204	Subsection (D) of the rule is not enforced as written because this determination is now made at the local office level. The Department proposes to repeal this rule.
R6-12-206	Subsections (B) and (D) of this rule are not enforced as written. The requirement in (B) to send a notice to the applicant at least seven days prior to a scheduled in-home TANF CA eligibility interview is no longer mandatory as the applicant and the Department may mutually agree on an interview date that is sooner than seven days from the application file date. Also, the Department no longer conducts unscheduled visits to gather information or to verify information previously provided by an applicant or recipient as prescribed in (D). The Department proposes to repeal this rule.
R6-12-209	Subsection (D) of this rule is not enforced as written because an application for TANF CA is not automatically treated as an application for AHCCCS medical benefits, per federal law. The Department proposes to amend these rules to remove reference to medical assistance eligibility.
R6-12-210	Subsection (A) of the rule is not enforced as written because there are now different time frames in which a case is subject to a TANF CA eligibility review, depending on the component of TANF CA in which TANF CA benefits are being provided, such as Kinship Care or Kinship Foster Care. Not all cases are reviewed every six months. The Department proposes to amend these rules to reflect which cases require review every six months and which require review every 12 months.

R6-12-211	Subsection (B)(3) of the rule is not enforced as written because Department practice is to allow continuance of TANF CA benefits when a request for a fair hearing is received at any time prior to the effective date of the termination and not only within ten days of the termination notice. The Department proposes to amend these rules to reflect this change.
R6-12-302	Subsection (A)(2) of the rule is not enforced as written because the time frame for reporting a change is now the 10 <sup>th</sup> day of the month following the month the change occurred, to align reporting requirements in TANF CA with those used in the NA program. Also, there are now two different change reporting requirements, and the changes that must be reported depend on which of the two reporting requirements the case has been assigned. The Department proposes to amend these rules to reflect this change.
R6-12-304	Subsection (C) of this rule is not enforced as written because it does not specify the circumstances in which a person may be absent from Arizona for more than 30 consecutive days and retain their Arizona residency status. The Department proposes to amend these rules to address this inconsistency.
R6-12-305	Subsection (B) of the rule is not enforced as written because the Department now completes verification of the immigration status of assistance unit members for whom TANF CA is requested solely by submitting the noncitizen's Alien Registration Number issued by the U.S. Citizenship and Immigration Services, or its predecessor the Immigration and Naturalization Services, to the Department of Homeland Security for verification via SAVE. The Department proposes to amend these rules to reflect current procedure for verifying an individual's immigration status.
R6-12-306	Subsection (A)(2) of this rule is not enforced as written because TANF CA eligibility for an 18-year-old as a dependent child was expanded to include TANF CA eligibility for an 18-year-old student who is an SSI recipient through the month the student turns 19, regardless of the expected date of the completion of the course of study. The Department proposes to amend these rules to reflect this change.



R6-12-308	Subsection (C) of this rule is not enforced as written because it does not include the changes that were implemented subsequent to statutory revisions to A.R.S. § 46-292 to remove the TANF CA benefit cap exclusion from children who are currently excluded from TANF CA, under certain circumstances. The Department proposes to amend these rules to reflect the statutory changes.
R6-12-309	Subsection (A)(6) is not enforced as written. A.R.S. § 46-101(7) was revised to include, as a caretaker relative, an unrelated adult who is an unlicensed kinship foster care provider when the child is in the legal custody of an Arizona tribal court or a tribal child welfare agency located in Arizona. The Department proposes to amend these rules to reflect these changes.
R6-12-310	Subsection (B)(1) of this rule is not enforced as written because it specifies that a parent needs to be absent from home for 30 days before qualifying as a “continued absence.” Department practice is to allow qualification as a “continued absence” when a parent merely expects to be absent from the home for 30 days. The Department proposes to amend these rules to reflect this change.
R6-12-311	Subsection (G) of this rule is not enforced as written because the rule does not include the requirement that an applicant comply with the DES Division of Child Support Enforcement before being considered eligible for TANF CA. The Department proposes to amend these rules to reflect this requirement.
R6-12-313	Subsection (A) of this rule is not enforced as written because the requirement that, as a condition of TANF CA eligibility for the assistance unit, all work-eligible individuals must complete a Jobs Program Preliminary Orientation (JPPO) is not included. Subsection (B) is not enforced as written as it does not include the expanded list of recipients who are exempt from Jobs Program participation that now includes all dependent children including 18-year-old dependent children who meet the TANF CA student criteria, with the exception of minor parents. The Department proposes to amend these rules to include these requirements.

R6-12-314	<p>This rule R6-12-314 is not enforced as written because it does not contain a subsection regarding the good cause reasons that exempt the parent or relative head of household from ensuring that a dependent child age six through 15 years old is enrolled in and attending school or is home schooled. The rule also does not specify that noncompliance, without good cause, results in an application being denied. The Department proposes to amend these rules to explain that good cause includes when a child has completed high school through grade 10, a child is enrolled in a vocational or training program, a child is a lawful wage earner under certain circumstances, a child's physical or mental condition is such that school is not in the child's best interest, or other reasons.</p>
R6-12-315	<p>R6-12-315 is not enforced as written because it does not contain a subsection regarding the good cause reasons that exempt the parent or relative head of household from ensuring that a dependent child is immunized. The Department proposes to amend these rules to include an explanation that good cause means either the parent or caretaker relative does not consent to immunization based on personal beliefs or that a health professional indicates that immunization would be detrimental to the child's health.</p>
R6-12-316	<p>Subsection (B) of this rule is not enforced as written because of a statutory change at A.R.S. § 46-300 from a three-tiered to a two-tiered graduated sanction process for noncompliance with the provisions in the Personal Responsibility Agreement. A cash grant reduction of 50% is imposed for the first instance of noncompliance and a 100% cash grant reduction (termination of the grant) is imposed for the second and any subsequent instances of noncompliance. The Department proposes to amend these rules to reflect the statutory changes.</p>
R6-12-318	<p>Any references to a 36-month state time limit in this rule is not enforced as written because Department policy has changed to comply with the statutory requirement in A.R.S. § 46-294(A) which reduced the state time limit to 12 countable months. The Department proposes to amend these rules to reflect the current 12-month time limit.</p>

R6-12-319	Subsection (B)(5)(b)(i) of this rule is not enforced as written because this subsection requires that to be potentially eligible for a hardship extension due to educational needs, the member must have started participation in the educational or training program prior to the member receiving 30 countable months of TANF CA. Due to a change in the state time limit, the time frame for having started an educational/job training program is now six countable months. The Department proposes to amend these rules to reflect this change.
R6-12-403	Subsection (6) of this rule is not enforced as written because real property is now excluded when the owner is making a good faith effort to sell the property at a reasonable price. The assistance unit is no longer required to repay the Department from the sale of the property and the exclusion is no longer limited to six months. The Department proposes to amend these rules to reflect current practice.
R6-12-404	Subsections (A) and (J) in the rule are not enforced as written. Subsection (A) requires that an assistance unit member must be receiving both TANF CA and NA benefits in order to establish an Individual Development Account (IDA). This is more restrictive than the statutory provision in A.R.S. § 46-300.03. Also, the allowable uses of funds in an IDA listed in subsection (J) of the rule is more restrictive than what is allowed in the statute. The Department proposes to amend these rules to conform with the relevant statute.
R6-12-501	Subsection (B)(2) of the rule is not enforced as written. In this rule, a gross income amount for self-employed persons is calculated as “the sum of gross business receipts minus business expenses.” In alignment with deductions provided in the NA program, TANF CA now uses a Self-Employment Income Standard Deduction. In addition to the TANF CA earned income disregards, self-employed family members may be eligible to receive a standard deduction of 40% of the countable gross self-employment income. The Department proposes to amend these rules to reflect current practice.

R6-12-506	Subsection (B) of this rule is not enforced as written because the list of reasons that an assistance unit may be exempt from the sponsor income and resource deeming requirement is incomplete. The Department proposes to amend these rules to add information regarding sponsor income and resource deeming requirements.
R6-12-604	Subsection (C)(2) is not enforced as written as it is no longer applicable. The circumstances for determining whether a minor parent applicant may be considered “emancipated” are located in R6-12-604(C)(2)(a-c). These circumstances were put into this rule prior to the enactment of the state statutes in A.R.S. Title 12, Chapter 15, <i>Emancipation of Minors</i> . In subsection (C)(3), the two state law citations A.R.S. §§ 8-546(A)(2) (definition of abuse) and 8-546(A)(6) (definition of neglect) are inconsistent with current state law. These definitions, as used in the rule, are now located in A.R.S. §§ 8-201(2) and 8-201(25), respectively. The Department proposes to amend these rules to eliminate the portions of the rule that have been made obsolete with the creation of A.R.S. Title 12, Chapter 15.
R6-12-605	Subsection (A) of the rule is not enforced as written. The rule specifies that deprivation of parental support exists when the primary wage-earning parent is unemployed. Underemployment of the primary wage-earning parent is now an allowable deprivation factor, as the parent may be employed but their income is under the amount that would disqualify the family from receiving assistance. The Department proposes to amend these rules to reflect this change.
R6-12-607	Subsection (3) of this rule is not enforced as written. The cross reference in this rule to R6-10-122 is inconsistent with the current Jobs Program rules in Title 6, Chapter 10. R6-10-125(D) is now the correct cross reference and contains the policies and procedures under which the Jobs Program determines whether the TPEP assistance unit may qualify for a three-month extension of TANF CA benefits. The Department proposes to amend these rules to reflect the correct citation.

R6-12-704	<p>Subsection (B)(1) of the rule is not enforced as written. The “good cause” reasons in this section, which cross-reference Jobs Program rules in R6-10-119(B) and R6-10-120(A) and (C) are inconsistent with the current rules in Title 6, Chapter 10. The correct Jobs Program “good cause” rule is now R6-10-123(F). The Department proposes to amend these rules to remove the incorrect citations.</p>
R6-12-801	<p>Subsections (B) and (C) of the rule are not enforced as written. The rule states that TANF CA benefit payments shall be made in the form of a state warrant. All TANF CA benefit payments are now made electronically in the form of a deposit made into the recipient’s Electronic Benefit Transfer (EBT) account. Recipients are issued an EBT card which is used in the same manner as a bank debit card to access TANF CA benefits and make purchases at allowable retailers. The Department proposes to amend these rules to reflect the Department’s practice of making TANF CA benefits payments via EBT.</p>
R6-12-808	<p>This rule is not enforced as written. The rule requires the Department to issue the recipient an identification card or an EBT card at no cost. The Department no longer issues identification cards. Also, the Department now requires the recipient to pay for a replacement card under certain circumstances. The initial EBT card is issued at no cost to the recipient. The Department proposes to repeal this rule.</p>
R6-12-901	<p>Subsection (A) of the rule is not enforced as written. This rule requires an assistance unit to report all changes within ten days from the date the change becomes known. Changes must now be reported no later than the 10<sup>th</sup> day of the month following the month the change occurred to align the change reporting requirements in TANF CA with those used in the NA program. Federal NA regulations, found at 7 CFR 273.12, allow state agencies several options, including a “simplified change reporting option,” which the Department has chosen to implement in both NA and TANF CA. The Department proposes to amend these rules to reflect these changes.</p>

R6-12-903	<p>Subsection (A)(3) of the rule is not enforced as written. This rule specifies that a new member will be added to the assistance unit, when eligible, effective the date the Department receives the request to add the member. The Department now adds a new member effective the first day of the month following the month the change was reported and verified. The Department proposes to repeal this rule and consolidate all rules and processes regarding potential changes to TANF CA benefit amounts or TANF CA eligibility.</p>
R6-12-905	<p>This rule is not enforced as written. The rule specifies that an assistance unit will be ineligible on the first day of the same month in which certain changes occur. Because changes are not required to be reported until the tenth day of the month following the month the change occurred, the ineligibility date is now the first day of the first month following the date the department processes the change and determines ineligibility, allowing for timely notice of adverse action. The Department proposes to repeal this rule and consolidate all rules and processes regarding potential changes to TANF CA benefit amounts or TANF CA eligibility.</p>
R6-12-906	<p>This rule is not enforced as written. The rule specifies that an individual will be ineligible on the first day of the same month in which ineligibility occurred. Because changes are not required to be reported until the tenth day of the month following the month the change occurred, the ineligibility date is now the first day of the first month following the date the department processes the change and determines ineligibility, allowing for timely notice of adverse action. The Department proposes to repeal this rule and consolidate all rules and processes regarding potential changes to TANF CA benefit amounts or TANF CA eligibility.</p>
R6-12-907	<p>Subsection (C)(3) of the rule is not enforced as written because it is no longer applicable. This rule specifies that an adverse action notice for TANF CA will also include notification of “Any effect the intended action may have on the unit members’ AHCCCS medical eligibility.” separate adverse action notice is required for all AHCCCS adverse actions. The Department proposes to amend these rules to remove this subsection.</p>

R6-12-908	<p>This rule is not enforced as written because it is no longer applicable because the referral process has been updated to reflect current program requirements. One of the circumstances specified in the rule for the department to initiate an investigation by the Department’s Office of Special Investigations is when “An applicant or recipient refuses to sign a statement attesting to forgery of a signature on a cashed warrant.” Because all TANF CA benefits are now provided via the EBT method, warrants are no longer issued. The Department proposes to amend this rule.</p>
R6-12-1002	<p>Subsection (A) of the rule is not enforced as written. The rule specifies that “A person who wishes to appeal an adverse action shall file a written request for a fair hearing with a local FAA office, within 20 days of the adverse action notice date.” A request can now be made either orally or in writing. Also, the 20-day timeframe for requesting a fair hearing has been expanded to 30 days. The Department proposes to amend these rules to reflect these changes.</p>
R6-12-1004	<p>Subsection (A) of the rule is not enforced as written. The rule allows the Department to continue a recipient’s TANF CA benefits at their current level only when the fair hearing request is received within ten days of the notice of adverse action being sent. Department policy has changed per federal regulations to allow a continuation of TANF CA benefits at the current level when the fair hearing request is received at any time prior to the effective date of the adverse action or within ten days of the date of the adverse action notice. The Department proposes to amend these rules to reflect this change.</p>
R6-12-1005	<p>Subsection (D) of the rule is not enforced as written. This subsection specifies that “An appellant may request a change in hearing officer if the appellant so requests at least ten days prior to the hearing.” An affidavit for change of hearing officer can now be filed at least five days prior to the hearing. The Department proposes to amend these rules to reflect this change.</p>

R6-12-1006	Subsections (A) and (B) of the rule are not enforced as written. Subsection (A) requires the Office of Appeals to “schedule the hearing at the office location most convenient to the interested parties.” The Department now conducts hearings telephonically unless a party requests an in-person hearing in advance of the scheduled hearing date. Subsection (B) requires the Office of Appeals to “issue all interested parties a notice of the first hearing at least ten calendar days before the hearing.” This time frame has changed to at least 20 calendar days prior to the hearing. The Department proposes to amend these rules to reflect these changes.
R6-12-1007	Subsections (A) and (B) of the rule are not enforced as written. The Office of Appeals now allows one postponement of a hearing upon the appellant’s request at any time prior to the hearing without requiring good cause and may grant subsequent postponements when good cause exists. The Department proposes to amend these rules to reflect these changes.
R6-12-1008	Subsections (D) and (E) of the rule are not enforced as written because medical disability determinations are made at the local office level. The Department proposes to amend these rules to remove reference to a District Medical Consultant.
R6-12-1010	Subsection (B)(3) of this rule is not enforced as written because the Office of Appeals now allows a party who did not appear at the hearing to orally file a request to reopen the proceedings, in addition to in writing, no later than ten days after the hearing. The Department proposes to amend these rules to reflect this change.
R6-12-1012	Subsection (A) of the rule is not enforced as written. The rule states, in part, “No later than 90 days after the date the appellant files a request for appeal, the hearing officer shall render a written decision.” A decision is now required within 60 days. The 60-day time limit is extended for any delay necessary to accommodate hearing continuances or extensions, or postponements requested by a party. The Department proposes to amend these rules to reflect this change.



R6-12-1102	Subsection (A) of this rule is not enforced as written because the Department only pursues collection of an overpayment claim from a person who was an adult member of the assistance unit at the time the overpayment occurred and not from a person who was a minor child in the assistance unit at that time. The Department proposes to amend these rules to reflect this change.
R6-12-1103	Subsection (A) of this rule is not enforced as written because the list of collection methods is incomplete. The Department proposes to amend these rules to include all authorized collection methods.
R6-12-1202	Subsection (C) of this rule is not enforced as written because the list of items contained in the written notice of the right to waive the disqualification hearing is incomplete. The Department proposes to amend these rules to include a complete list.
R6-12-1203	Subsection (B) of this rule is not enforced as written because the list of items contained in the notice of hearing is incomplete. The Department proposes to amend these rules to include a complete list.
Article 13	The rules in this Article, R6-12-1301 through R6-12-1306 are not enforced as written because the Department no longer operates the JOBSTART wage subsidy program. The Department proposes to repeal this Article.

**6. Are the rules clear, concise, and understandable?**

Yes  No

*If not, please identify the rule(s) that is not clear, concise, or understandable and provide an explanation as to how the agency plans to amend the rule(s) to improve clarity, conciseness, and understandability.*

<b>Rule</b>	<b>Explanation</b>
R6-12-203	This rule is not clear, concise, and understandable because the rule does not provide adequate information regarding what the Department reviews to determine if a person is eligible for TANF CA or how a person is informed of the Department's decision regarding a person's TANF CA eligibility. The Department proposes to amend this rule to clarify that the Department reviews all financial and non-financial information provided on the application and verifies any documents

	<p>provided by an applicant to determine TANF CA eligibility, as well as provides information regarding how the Department informs an applicant about completing a TANF CA eligibility interview and the Department's decision on the applicant's TANF CA eligibility.</p>
R6-12-304	<p>This rule is not clear, concise, and understandable because the rule fails to include all members of an assistance unit as needing to be an Arizona resident to qualify for TANF CA and that the Department shall verify Arizona residency of each person in an assistance unit. The Department proposes to amend this rule by revising language to indicate that all members of an assistance unit shall be Arizona residents to qualify for TANF CA and clarify when a dependent child who is temporarily absent from an applicant's home is considered an Arizona resident.</p>
R6-12-305	<p>This rule is not clear, concise, and understandable because current language directs readers to information incorporated by reference and does not clearly state how the Department verifies an assistance member's citizenship status. The Department proposes to amend this rule by removing the incorporation of information by reference and clearly describing the process the Department uses to verify an assistance unit member's citizenship status.</p>
R6-12-309	<p>This rule is not clear, concise, and understandable because the rule does not clearly identify when stating a parent with whom a dependent child shall reside may be either a natural or adoptive parent. Additionally, there is language referencing the "fifth degree of kinship" that is confusing to the general public. The Department proposes to amend this rule by clarifying that a parent may either be a natural or adoptive parent and revising "fifth degree of kinship" to clarify that relation may be by blood, adoption, or marriage and clearly indicate relations include a dependent child's grandmother, grandfather, uncle, aunt, first cousin, first cousin once removed, nephew, niece, persons of preceding generations as denoted by prefixes "grand," "great," or "great-grand," and great-great-great grandparents.</p>

R6-12-310	This rule is not clear, concise, and understandable because the rule references a parent's incapacity, which is too vague for the general public to understand in this context. The Department proposes to amend this rule by replacing the term "incapacity" with "physical or mental impairment" and include a definition for physical and mental impairment.
R6-12-315	This rule is not clear, concise, and understandable because the requirement of the Department to verify a child's immunizations does not clearly indicate how the Department does so. The Department proposes to amend this rule by including language that the Department shall verify a child's immunizations in accordance with the schedule of immunizations pursuant to A.R.S. § 36-672.
R6-12-702	This rule is not clear, concise, and understandable because the rule does not clearly state that an assistance unit's TANF CA eligibility requirement of residing in a needy family does not apply to a child-only case. The Department proposes to amend this rule by adding language to indicate that a child-only case does not have to meet the requirement of residing in a needy family.
R6-12-703	This rule is not clear, concise, and understandable because the language does not clearly convey the order in which the Department disregards listed earned income when determining a family's net monthly income. The Department proposes to amend this rule by reformatting the list of disregarded earned income into the order in which the Department disregards the earned income when determining a family's net monthly income and revising language regarding the qualifications for disregarding dependent care costs so that the procedures are more understandable.
R6-12-1102	This rule is not clear, concise, and understandable because the language does not clearly state from whom the Department seeks recovery of an overpayment. The Department proposes to amend this rule by stating that, in the event a caretaker relative is unavailable due to death or disappearance, the Department shall seek recovery from other members of the overpaid assistance unit who were adults at the time the overpayment occurred or an adult member's new assistance

	unit when the caretaker relative from the original assistance unit is no longer available for the stated reasons.
R6-12-1201	This rule is not clear, concise, and understandable because the language uses archaic language, such as "propound a falsity." The Department proposes to amend this rule by stating that an IPV consists of violating A.R.S. § 46-215 or any state or federal statute or regulation for clarity.

7. **Has the agency received written criticisms of the rules within the last five years?** Yes  No

*If yes, please fill out the table below:*

<b>Commenter</b>	<b>Comment</b>	<b>Agency's Response</b>
NA	NA	NA

8. **Economic, small business, and consumer impact comparison:**

Many of the rules in Chapter 12 were adopted without accompanying Economic Impact Statements. The Department prepared the following information to assist in an economic analysis of the current impact of these rules on Arizona.

**Economic Analysis:**

Cash Assistance is funded entirely with federal TANF monies. No General Fund dollars are appropriated to the Special Line Item (SLI), which is identified as Cash Assistance by the Legislature. Although TANF is a federal grant, it is appropriated at the state level. "Operating" refers to the money spent to operate or administer the program at the agency level, while "direct" refers to funding that is used directly for client services. "Incurred Expenses" include the costs paid or to be paid during the SFY. The current funding breakdown is as follows:

<b>TANF Block Grant (SFY 2021)</b>	<b>Appropriated</b>	<b>Incurred Expenses</b>
DBME Operating	\$14,119,100	\$13,897,366
Cash Assistance Direct	\$22,736,400	\$18,767,522

1. Contractors

DBME contracts with Fidelity National Information Services (FIS) for EBT services and Conduent State Healthcare for an outsourced call center.

2. Employee Data

There were approximately 153 full-time equivalent (FTE) evaluator, administrative, and support staff managing the intake process and case dispositions for the TANF CA program during SFY 2021.

**Small Business Impact Analysis:**

The impact of these rules on small businesses has been minimal because TANF CA benefits to recipients are provided through federal TANF monies.

**Consumer Impact Analysis:**

The TANF CA program provides temporary cash benefits and support services to low-income Arizona children and their families while parents seek employment that will allow them to obtain long-term self-sufficiency. TANF CA benefits are determined by need, and TANF CA benefits are granted on a monthly basis, or in some instances, as a one-time lump sum known as a Grant Diversion. The State Fiscal Year (SFY) 2021 application and recipient breakdown is as follows:

Cash Assistance Description	SFY 2021	Monthly Average
Initial Applications	47,629	3,969
Application Approvals	4,908	409
Application Denials	42,105	3,509

In SFY 2021, over 80% of the denied applications were denied because the applicant did not complete the required steps in the eligibility determination process (e.g., they did not complete the required interview or failed to verify their income), the applicant did not include a dependent child which is a core requirement of qualifying for TANF CA, or the applicant voluntarily withdrew their application. Another 10% of denials are attributable to an applicant not meeting financial eligibility requirements. During SFY 2021, there were 27,402 unduplicated TANF CA recipients comprised of 21,238 children and 6,164 adults. Approximately 942 children per month were subject to the TANF CA benefit cap provisions of A.R.S. § 46-292(H) and therefore, those households did not receive an incremental increase in the cash grant otherwise applicable to eligible dependent children. The resulting cost avoidance was approximately \$592,008.

**9. Has the agency received any business competitiveness analyses of the rules? Yes  No**

**10. Has the agency completed the course of action indicated in the agency's previous five-year review report?**

*Please state what the previous course of action was and if the agency did not complete the action, please explain why not.*

In the previous Five-Year Review Report approved by the Council on February 7, 2017, the Department identified rules throughout the Chapter that were inconsistent with federal and state regulations and ineffective in meeting the objectives of the rules. The Department had received an exception under the regulatory moratorium on March 7, 2016, to proceed with developing a rulemaking identified as necessary in the previous Five-Year Review Report.

The Department had proposed to submit a Notice of Final Rulemaking to GRRC in July 2017. However, due to the size and scope of the draft rules as well as legislative changes to the Cash

Assistance program during that period, the draft rules have undergone several iterations. During this time, the Department has solicited robust stakeholder involvement in developing the rules and has also strived to resolve inconsistencies between the Cash Assistance and the Nutrition Assistance program to make both programs more user-friendly for clients. Additionally, progress on the publication of draft rules was delayed in 2020 due to the COVID-19 pandemic including multiple federal changes to TANF that came as a result of the pandemic. In 2021 the Department aligned the latest draft of the rules with the federal and state law changes and again engaged stakeholder input.

11. **A determination that the probable benefits of the rule outweigh within this state the probable costs of the rule, and the rule imposes the least burden and costs to regulated persons by the rule, including paperwork and other compliance costs, necessary to achieve the underlying regulatory objective:**

Through analysis provided by the Department’s program subject matter experts and Financial Services Administration, the Department believes that the rules impose the least burden and cost to persons regulated by these rules, including paperwork and other compliance costs, necessary to achieve the underlying regulatory objectives. Program subject matter experts indicate that the amendments to the rules, as proposed in this report, are the most cost-effective way to bring the Department into compliance with state requirements and ensure that the rules reflect current program practice.

12. **Are the rules more stringent than corresponding federal laws?**      Yes  No

*Please provide a citation for the federal law(s). And if the rule(s) is more stringent, is there statutory authority to exceed the requirements of the federal law(s)?*

The following rules contain provisions that are more restrictive than federal law applicable to the Temporary Assistance for Needy Families (TANF) program:

R6-12-318. Duration of Assistance. Federal law, 42 U.S.C. 608, provides that certain assistance units may not be provided TANF CA benefits, funded in whole or in part from the federal TANF block grant, for more than five years, except in state-defined hardship situations. State law at A.R.S. § 46-294 restricts TANF CA benefits received in the Arizona Cash Assistance program to no more than 12 months for every family except unlicensed foster care providers in a child only case, and except in hardship situations.

R6-12-308. Family Benefit Cap. State law at A.R.S. § 46-292 excludes an otherwise eligible child who is born during a parent's family benefit cap Period from participating in the program. This exclusion is not required in federal TANF law, but is also not prohibited.

R6-12-315. Immunization. State law at A.R.S. § 46-292 requires a child to be immunized in accordance with the schedule of immunizations pursuant to A.R.S. § 36-672. This requirement is not contained in federal TANF law, but is not prohibited.

**13. For rules adopted after July 29, 2010 that require the issuance of a regulatory permit, license, or agency authorization, whether the rules are in compliance with the general permit requirements of A.R.S. § 41-1037 or explain why the agency believes an exception applies:**

The Department has determined that A.R.S. § 41-1037 does not apply to these rules, because the Department is not proposing a new rule or an amendment to an existing rule that requires the issuance of a regulatory permit, license, or agency authorization.

**14. Proposed course of action**

*If possible, identify a month and year by which the agency plans to complete the course of action.* The Department engaged stakeholders' participation while drafting the Notice of Proposed Rulemaking (NPR) for this Chapter in early 2021 and plans to file the NPR with the Secretary of State for publication in the Arizona Administrative Register in August 2022. This rulemaking will repeal, amend, and create new rules that address the inconsistencies and inefficiencies identified in this 5YRR and make the rules more clear, concise, and understandable.

Upon publication, the Department will conduct the statutory 30-day public comment period, which will be followed by an oral proceeding to gather feedback on the NPR. After the close of the record, the Department must allow enough time to adequately address the large number of comments DES anticipates receiving from its active and engaged stakeholders during the public comment period. Once public comments have been addressed, the Department will draft a Notice of Final Rulemaking (NFR) that will be routed for internal review and sent to the Governor's Office for approval in accordance with Executive Order 2021-02 prior to submitting the NFR to the Governor's Regulatory Review Council (GRRC). The Department plans to submit the NFR to GRRC in October 2022.