



**Certification Page
Regular and Emergency Rules**
Revised May 2014

Emergency Rules *(After completing all of Sections 1 and 2, proceed to Section 5 below)*

Regular Rules

1. General Information

a. Agency/Board Name Department of Family Services			
b. Agency/Board Address 104 W. 14th Street		c. City Powell	d. Zip Code 82435
e. Name of Contact Person Corrine Livers		f. Contact Telephone Number 754-2245, ext. 23	
g. Contact Email Address corrine.livers@wyo.gov			h. Adoption Date June 16, 2016
i. Program Personal Opportunities with Employment Responsibilities			

2. Rule Type and Information: For each chapter listed, indicate if the rule is New, Amended, or Repealed.

If "New," provide the Enrolled Act numbers and years enacted: **2016 House Enrolled Act 0043**

c. Provide the Chapter Number, Short Title, and Rule Type of Each Chapter being Created/Amended/Repealed
(Please use the Additional Rule Information form for more than 10 chapters, and attach it to this certification)

Chapter Number:	Chapter Name:	<input checked="" type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
1	Personal Opportunities with Employment Responsibilities	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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d. The Statement of Reasons is attached to this certification.

e. If applicable, describe the **emergency** which requires promulgation of these rules without providing notice or an opportunity for a public hearing:

3. State Government Notice of Intended Rulemaking

a. Date on which the Notice of Intent containing all of the information required by W.S. 16-3-103(a) was filed with the Secretary of State: **April 28, 2016**
b. Date on which the Notice of Intent and proposed rules in strike and underscore format and a clean copy were provided to the Legislative Service Office: **April 28, 2016**
c. Date on which the Notice of Intent and proposed rules in strike and underscore format and a clean copy were provided to the Attorney General: **April 28, 2016**

4. Public Notice of Intended Rulemaking

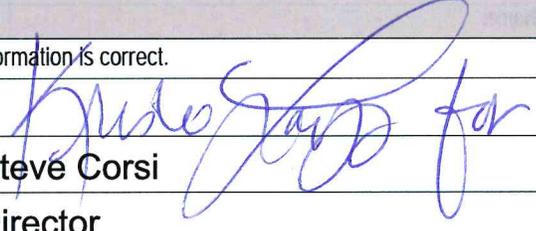
a. Notice was mailed 45 days in advance to all persons who made a timely request for advance notice. Yes No N/A
b. A public hearing was held on the proposed rules. Yes No

If "Yes:"	Date:	Time:	City:	Location:

5. Final Filing of Rules

a. Date on which the Certification Page with original signatures and final rules were sent to the Attorney General's Office for the Governor's signature: **June 16, 2016**
b. Date on which final rules were sent to the Legislative Service Office: **June 16, 2016**
c. Date on which a PDF of the final rules was electronically sent to the Secretary of State: **June 16, 2016**

6. Agency/Board Certification

The undersigned certifies that the foregoing information is correct.
Signature of Authorized Individual (Blue ink as per Rules on Rules, Section 7) 
Printed Name of Signatory **Steve Corsi**
Signatory Title **Director**
Date of Signature **June 16, 2016**

7. Governor's Certification

I have reviewed these rules and determined that they:

1. Are within the scope of the statutory authority delegated to the adopting agency;
2. Appear to be within the scope of the legislative purpose of the statutory authority; and, if emergency rules,
3. Are necessary and that I concur in the finding that they are an emergency.

Therefore, I approve the same.

Governor's Signature
Date of Signature

Attorney General: 1. Statement of Reasons; 2. Original Certification Page; 3. Summary of Comments (regular rules); 4. Hard copy of rules: clean and strike/underscore; and 5. Memo to Governor documenting emergency (for emergency rules only).

LSO: 1. Statement of Reasons; 2. Copy of Certification Page; 3. Summary of Comments (regular rules); 4. Hard copy of rules: clean and strike/underscore; 5. Electronic copy of rules (PDFs) emailed to Criss.Carlson@wyoleg.gov: clean and strike/underscore; and 6. Memo to Governor documenting emergency (for emergency rules only).

SOS: 1. PDF of clean copy of rules; and 2. Hard copy of Certification Page as delivered by the AG.

Wyoming Department of Family Services

Chapter 1

Personal Opportunities With Employment Responsibilities

STATEMENT OF REASONS

The Wyoming Department of Family Services is amending Chapter 1 Personal Opportunities with Employment Responsibilities administrative rules. Pursuant to House Enrolled Act 0043 from the 2016 Budget Session, Wyoming Statute § 42-2-109(b) and § 42-2-202(d)(v) mandates this amendment.

- Chapter 1 – Section 2(iiiiii) on p. 19, Section 5(g) on p. 42, Section 9(a)(vii)(G) on p. 84, Section 10(b)(vi) on p. 92, and Section 11(b) on p. 92: Increase the reporting responsibilities for each assistance unit from immediately to not later than 10 calendar days after becoming aware of the change in circumstances.
- Chapter 1 – Appendix B: Increase the allowable vehicle exemption from one (1) duly registered licensed vehicle to two (2) duly registered licensed vehicles from personal assets in determining eligibility for any household under POWER.
- Chapter 1 – Section 6(a)(xii)(A) on p. 48: Increase the asset limit for an assistance unit from \$2,500 to \$5,000.

Wyoming Department of Family Services

Personal Opportunities With Employment Responsibilities

CHAPTER 1

Section 1. Authority and Purpose.

The Division of Economic Assistance, within the Department of Family Services (DFS), is authorized under the Public Assistance and Social Services Act, W.S. 42-2-101 *et seq.*, W.S. 42-2-103 (b)(iii) and (xiii), and the Wyoming Administrative Procedures Act, W.S. 16-3-101 *et seq.* to promulgate rules and regulations to be used by the Division in the discharge of its functions.

The State of Wyoming has submitted a State Plan for Temporary Assistance for Needy Families (TANF) to the Administration of Children and Families of the Department of Health and Human Services. The State Plan is provided for in Section 401 of Public Law 104-193, as amended, Title IV-A. The State has agreed to administer the program in accordance with Title III and Title IV of Public Law 104-193, as amended and the Wyoming welfare statutes.

The Personal Opportunities With Employment Responsibilities (POWER) Program is a Pay-After-Performance Program for temporary support to needy families with dependent children. Families are required to actively pursue child support and mandatory family members are required to meet work performance standards for the family to receive performance payments.

POWER is funded through a federal block grant and with state dollars.

Section 2. Definitions.

(a) "Abandonment" - the child(ren) has been left with no obvious behavioral, verbal or written intentions of reclaiming the child(ren).

(b) "Absence" -

(i) Continued absence - when the parent:

(A) Is physically away from the home;

(B) Is not exercising parental care and control;

(C) Cannot be counted on to help plan the care and control of the child; and

(D) Is not expected to return to the home for at least thirty (30) days. (See Care and control.)

(ii) Temporary absence - the condition of a dependent child(ren) being away from the home when:

(A) The child(ren) is expected to return to the home within ninety (90) days; and

(B) The caretaker relative continues to exercise responsibility for the care and control of the child(ren).

(c) “Absent parent” - any parent who is not providing care and control of the child(ren) or who cannot be counted on to function in the planning for the physical care, guidance and maintenance of the child(ren). An absent parent is also referred to as a noncustodial parent (NCP).

(d) “Academic or school year” - the annual period of sessions of an educational institution. The year usually begins in the fall.

(e) “Access” -

(i) Access to a resource is the right to dispose of a resource as desired;

(ii) Access is either restricted (requires the signature of another person or specifies the condition of disposal) or unrestricted (no other signature is required or condition imposed); and

(iii) Access to income is the right to obtain the money.

(f) “Active duty” - full-time service in the armed forces with regular duties and pay.

(g) “Adequate notice” - see Notice of action.

(h) “Administrative hearing” - a contested case hearing required and conducted pursuant to 45 CFR, Part 213, and the Wyoming Administrative Procedures Act, W.S.16-3-101 through 16-3-115 and DFS Final Rules, Chapter 1, Contested Case Hearing Procedures.

(i) “Adult” - a person age eighteen (18) or over, unless the eighteen (18) year old will graduate from high school before reaching her/his nineteenth (19th) birthday, or an emancipated minor.

(j) “Adult relative” - for the minor parent requirements, is a person age eighteen (18) or older who has graduated from high school who meets the definition of a “relative”.

(k) “Advance Earned Income Tax Credit (AEITC)” - the payment based on wages of the EITC during the calendar tax year resulting from filing a W-5, Earned Income Tax Credit Advance Payment Certificate, with the employer.

(l) “Adverse action” - a decision to decrease, deny or terminate POWER payments.

(m) “Affordable child care arrangements” – an available child care provider in the community whose charges for services does not exceed the local market rate established at the seventy-fifth (75th) percentile.

(n) “Agency error” - an incorrect action or failure to take action by a DFS worker or contract employee.

(o) “Alien” - a person residing in, and who is not a citizen of, the United States of America.

(p) “Alien sponsor contribution” - the amount of income of the sponsor and her/his spouse which will be deemed to the alien, whether available or not.

(q) “Alimony” - see Support.

(r) “Anticipate” - to foresee or look forward to as likely to occur based on known facts of past, present and future circumstances.

(s) “Appertains” - the condition of belonging either as something or as part of it.

(t) “Applicant” - all household members included in a completed, signed and filed application for POWER performance payments, or a person who expresses verbally or in writing a desire to make application for POWER.

(u) “Application” - the form on which a person indicates, in writing, the desire to receive assistance and provides information necessary for determining eligibility.

(v) “Application date” - date the signed application is received and date stamped in the DFS-FO and will be the date compliance with the child support, work and eligibility performance requirements must begin.

(w) “Appropriate child care” – child care meeting Wyoming licensing standards or, if legally exempt from child care licensing requirements, meeting minimum

health and safety requirements as outlined in 45 CFR 98.41. All providers must also receive a favorable Central Registry and criminal history prescreen check.

(x) “Approve” - to decide the applicant(s) will be eligible for a POWER performance payment.

(y) “Approved educational program” (W.S. 42-2-102) -

(i) Any program at the University of Wyoming or a Wyoming community college or other accredited education program within Wyoming or other program approved by DFS which leads to no more than a baccalaureate, associate degree or nationally recognized certification or license; or

(ii) Any vocational training program approved by DFS.

(z) “Arrearages” - all amounts of past due child support exclusive of those amounts which have been obtained through federal and state income tax refund offsets.

(aa) “Assessment” - the act of evaluating a person, condition, resources or income for a work plan and for POWER eligibility.

(bb) “Authorize” - to generate a POWER performance payment on the computer system.

(cc) “Available” -

(i) For resources, the condition of having unrestricted access to convert property to cash which can be used for the needs of the family unit;

(ii) For income, the condition of having access to income which can be used for the needs of the family unit; and

(iii) Income and resources are considered when actually available and when the applicant or recipient has legal interest in a liquidated sum and has the legal ability to make such sum available for support and maintenance. (See Access.)

(dd) “Barrier to sale” - a statement in the document of ownership (bill of sale, deed, signature card, or contract) which specifies the sale can be made only under the circumstances given, or there is an inherent legal restriction to the sale.

(ee) “Battered or subjected to extreme cruelty or domestic violence” - an individual has been subjected to (P.L. 104-193, as amended):

(i) Physical acts that resulted in, or threatened to result in, physical injury to the individual;

- (ii) Sexual abuse;
 - (iii) Sexual activity involving a dependent ;
 - (iv) Nonconsensual sexual acts or activities perpetrated on the caretaker relative of a dependent child through force;
 - (v) Threats of, or attempts at, physical or sexual abuse;
 - (vi) Mental abuse; or
 - (vii) Neglect or deprivation of medical care.
- (ff) “Benefit Specialist” - an employee of the Department of Family Services who determines eligibility for the POWER performance payment.
- (gg) “Best estimate” - the Benefit Specialist’s best determination based on knowledge of past, current and future case circumstances which accurately reflects all facts known to the Benefit Specialist at the time.
- (hh) “Beyond the family’s control” - for lump sums, an unforeseen circumstance such as death of a family member or a natural disaster.
- (ii) “Bona fide” -
- (i) For burial, a trust, contract or agreement specified for that express purpose and there cannot be other funds or items designated for burial.
 - (ii) For job offer:
 - (A) The job applicant is verifiably able to perform the type of work involved;
 - (B) The working conditions are safe and free from intimidation, abuse, exploitation or harassment; and
 - (C) The job pays the applicable federal minimum wage or prevailing wage for like work in the community.
- (jj) “Break-in-aid” - a period of one (1) or more months in which a family unit is not eligible for POWER and does not receive a performance payment.
- (kk) “Budgeting” - the act of calculating the amount of a performance payment to be paid to the family unit for the performance period.

(ll) “Bureau of Indian Affairs (BIA)” - an agency within the Department of Interior.

(mm) “Burial plot” - a grave site, the value of which may include opening and closing costs, a vault, crypt, urn, grave marker, etc.

(nn) “Business expenses” - for self-employment, the costs directly related to the production of goods or services provided by the operation which are then subtracted from the gross income to determine the net income.

(oo) “Care and control” - when a parent or caretaker relative can be counted on to function in planning for or is giving the child(ren) physical care, guidance and maintenance as follows:

(i) Guidance - parental participation in the responsibility for the child’s development. Such participation includes, but will not be limited to, attending school conferences, disciplining the child, participating in decisions concerning the child’s well-being and involvement in the child’s extracurricular activities.

(ii) Maintenance - typically synonymous with “support” as in provision of necessities such as food, clothing and shelter.

(iii) Physical care - providing continuous care for the child by performing tasks required in the child’s daily life. Such tasks include, but are not limited to, bathing, feeding, dressing, assuring medical attention will be received by the child, preparing meals, supervising the child’s activities, and assisting with other physical care needs.

(pp) “Caretaker relative” - a person who meets the definition of a relative and will be exercising the day-to-day care and control of the child(ren).

(qq) “Case file” - a folder containing documents relating to a family unit.

(rr) “Case management” - a series of activities directed toward the common goal of client self-sufficiency and self-responsibility.

(ss) “Case manager (CM)” - the individual who provides employment directed services to POWER work program job seekers.

(tt) “Case record” - includes the applicant’s or recipient’s case file and the information contained in the computer system.

(uu) “Cash assistance” - a POWER performance payment or TANF payment made to or on behalf of an eligible person(s).

- (vv) “Cash value” -
- (i) For resources, the amount that would be paid if the resource were sold or converted to cash.
 - (ii) For income, the amount of income or the value assigned to the service rendered for in-kind income.
- (ww) “Change in circumstances” - a change in income, resources, family unit size and composition, etc., which affects the ongoing POWER performance payment.
- (xx) “Change report” - the form used to inform the Benefit Specialist a change in circumstances has occurred or will be expected to occur. (Changes can also be reported by phone, in person or in writing.)
- (yy) “Check hold” - the act of removing the POWER warrant from direct mailing to the client and sending it to the DFS-FO.
- (zz) “Child” - for POWER payment purposes, a dependent between birth and eighteen (18) years of age who is not an emancipated minor. A child is also a dependent who is age eighteen (18), excluding a minor parent, is a full-time high school student, and expected to graduate before reaching age nineteen (19). (W.S. 42-2-104)
- (aaa) “Child Protection Services (CPS)” - child welfare services performed by persons legally responsible for investigating suspected cases of child abuse and neglect and intervening in verified cases.
- (bbb) “Child support” - see Support.
- (ccc) “Child Support Authority (CSA)” - a legal entity charged with maintaining a child support enforcement program at the judicial district level which complies fully with the provision of state law and Title III of the Public Law 104-193, as amended.
- (ddd) “Child support performance requirement” - a Pay-After-Performance requirement which includes assigning child support rights to DFS, establishing paternity, turning over to the state support payments and cooperating with the CSA in the collection of child support payments.
- (eee) “Circumstance” - a happening or condition which affects the factors of eligibility.
- (fff) “Commingled” - mixing countable and exempt funds together.

(ggg) “Compliance” - to comply with Pay-After-Performance requirements including registration for work and compliance with child support, work program and eligibility requirements.

(hhh) “Concurrent” - occurring simultaneously or at the same time.

(iii) “Confidentiality” - the limitation of the use and disclosure of applicant and recipient information.

(jjj) “Continued absence” - see Absence.

(kkk) “Contribution” - a voluntary or mandatory monetary or in-kind grant or aid provided another person(s) which:

(i) Will not be repayment for goods or services the person provided;
and

(ii) Will not be given because of a legal obligation on the giver’s part.

(lll) “Contribution statement” - a written statement verifying a contribution has been made to or on behalf of another person(s).

(mmm) “Control” - power or authority to manage or direct the behavior and activity of another, as of a parent whom has physical custody of a child.

(nnn) “Cooperate” - working with the Child Support Authority and the POWER program to meet the POWER performance requirements and to establish and maintain eligibility.

(ooo) “Countable” - a category of income or resources to be used or to which the program policy and limits are to be applied.

(ppp) “Countable income” - see Income.

(qqq) “Court appointed” - an assignment or determination made by a judicial tribunal duly constituted for hearing of cases.

(rrr) “Current market value” - the amount for which property can be expected to sell for on the open market in the community at the time of the determination or at the time of transfer or sale.

(sss) “Current month” - see Month.

(ttt) “Current month child support” - money paid by the absent parent in the present month which is for the same month's support.

- (uuu) “Custodial parent” - parent with whom the child(ren) resides.
- (vvv) “Custodian” - an individual who has been appointed by the court to care for a person as reflected in a court order.
- (www) “Date of action” - the day the performance payment will be issued, increased, reduced, denied or terminated. The date an action will be effective.
- (xxx) “Date stamped” - the date marked on a document showing it was received in the field office.
- (yyy) “Deduct” - to take an amount away from a total.
- (zzz) “Deeming” - to consider the income and resources of one (1) person as the income and resources of a second person whether or not these are actually available.
- (aaaa) “Department of Family Services (DFS)” - the Wyoming state agency which is administratively responsible for the POWER program.
- (bbbb) “Department of Family Services-Field Office (DFS-FO)” - the DFS staff located in the counties.
- (cccc) “Department of Family Services-State Office (DFS-SO)” - the DFS staff located in the Hathaway Building in Cheyenne.
- (dddd) “Dependent” - one who relies on another for support.
- (eeee) “Desertion” - see Abandonment.
- (ffff) “Disability” - a medical determination to receive disability benefits paid through SSA or Railroad Retirement due to a medical condition considered to be permanent.
- (gggg) “Disaster” - for lump sums:
- (i) The death of a person in the family unit;
 - (ii) An earthquake, fire, flood, tornado, robbery; or
 - (iii) Furnace breakdown or broken water pipes in the home when the home is owned by a person in the family unit.
- (hhhh) “Disclosure” - revealing.

(iiii) “Discontinued income” - money no longer received by the individual from a specified source (does not include reduced income).

(jjjj) “Disqualified” - as a penalty, sanction, or legal restriction on a family member, the family’s POWER payment is reduced by an amount up to one hundred dollars (\$100).

(kkkk) “Disregard” - an allowance of six hundred dollars (\$600) deducted from the earned income for each applicant or recipient in a single-parent, two-parent, stepparent, parent(s) of minor parent or caretaker relative situation per W.S. 42-2-103 or twelve hundred dollars (\$1200) from the earned income in an eligible married couple situation.

(llll) “Division of Vocational Rehabilitation (DVR)” - a division within the Wyoming Department of Workforce Services.

(mmmm) “Document” -

(i) A written record of the circumstances of an event or fact; or

(ii) A statement of the content of a record which furnishes proof; or

(iii) The act of entering in the case file the proof or statement of proof the verification was accomplished and of entering in the case file the content of the record used to verify.

(nnnn) “Documentation” - the acts of entering in the case file or in the case computer record the proof or the statement of proof that the verification or action was accomplished.

(oooo) “Domestic violence” - see Battered or subjected to extreme cruelty.

(pppp) “Earned income” - see Income.

(qqqq) “Earned income incentive payment” - a payment made to a family unit when a family member becomes ineligible for POWER because of earned income and meets the criteria specified in Section 9 of these rules. (W.S. 42-2-103)

(rrrr) “Earned Income Tax Credit (EITC)” - an amount of money either deducted from the taxes owed or paid as a refund resulting from filing a Form 1040 or 1040A tax return for a calendar year.

(ssss) “Eligibility factor” - see Eligibility performance standard or requirement.

(tttt) “Eligibility performance standard or requirement” - a specified condition an applicant or recipient must meet in order to qualify to receive a POWER performance payment.

(uuuu) “Eligible” - qualified to receive a POWER performance payment after meeting all of the specified conditions, factors and performance requirements.

(vvvv) “Emancipated” - a person who has obtained the legal status of an adult under W.S. 14-1-101, as amended.(See Financially responsible.)

(wwww) “Emergency situation” - the occurrence of an event that prohibits the caretaker relative from providing day-to-day care and support of the child or from endorsing a warrant issued by DFS.

(xxxx) “Emotional harm” - injury or threat of injury to the psychological capacity or emotional stability of a child or caretaker relative.

(yyyy) “Employment” - an activity in which an individual works for wages.

(i) Full-time will be thirty-five (35) or more clock hours per week and earning at least the equivalent of the federal minimum wage including self-employment.

(ii) Part-time will be less than thirty-five (35) clock hours per week, or if the hours average more than thirty-five (35) hours per week and earnings are less than the federal minimum wage.

(zzzz) “Employment expenses” - the costs an individual must pay to work for a specific employer or in a specific type of work, such as:

- (i) Retirement contributions;
- (ii) Transportation to and from work;
- (iii) Tools, special equipment, uniforms;
- (iv) Union dues, etc.; and
- (v) Excluding FICA or withholding taxes.

(aaaa) “Encumbrance” - a claim or legal debt(s) against a resource which must be paid when the resource is sold and will be supported by a written document.

(bbbb) “Equity value” - the current market value less any legal debts (such as mortgages, loans, penalties, cost of sale, etc.) against the property.

(ccccc) “Essential for day-to-day living” - as stated by the caretaker relative, the item or service is indispensable or necessary for the survival of the family unit.

(ddddd) “Evidence” - see Document.

(eeee) “Exempt” - a category of income, resources or circumstances not subject to program policy or limits and will not be counted for eligibility purposes.

(ffff) “Exploitation” - the performance of daring deeds or taking advantage of another, abusing or misusing.

(ggggg) “Extra paycheck” - a wage payment in addition to the usual number of payments made in a month.

(hhhhh) “Failure to comply” - neglecting to keep the initial interview and other scheduled meetings and to meet any of the child support, work program or eligibility performance standards.

(iiii) “Fair hearing” - see Administrative hearing.

(jjjj) “Fair market value” - the amount of money the sale of property would currently (or at the time of transfer) bring on the open market in the community where the property is located. (See Current market value.)

(kkkkk) “Family unit” (AKA assistance unit) - for POWER, the following individuals who are living in the same household and who are responsible for the support of each other or of dependents:

(i) The dependent child(ren) including each blood related or adopted brother or sister (and may include stepbrothers and stepsisters) who meet the age and the parent in or out of the home requirements;

(ii) The eligible or ineligible parent(s); and

(iii) The stepparent and parent(s) of the minor parent.

(llll) “Federal Insured Contribution Act (FICA)” - commonly known as the Social Security Contribution deducted from wages and used for Retirement, Survivors and Disability Insurance (RSDI) payments.

(mmmm) “Financially responsible” - answerable or liable by law for providing the funds to meet the needs of a spouse or child(ren). Under POWER rules, a parent is responsible for an unemancipated natural or adopted child until age eighteen (18). A spouse is responsible for a spouse. (See Emancipated.)

(nnnnn) “Five (5) year benefit limit” - AFDC or POWER or POWER-SASFA or TANF payments are limited to five (5) years (whether or not consecutive) for any family unit regardless of location. (Section 408 of the Public Law 104-193, as amended and W.S. 42-2-103) (Per 2001 Wyo. Sess. Law, Ch. 188, and POWER-SASFA rules, Chapter 2, months will not be counted toward the five (5) year benefit limit while the criteria are met.)

(ooooo) “Fleeing” -

(i) For felons, moving outside the jurisdiction of the court where the felon was tried and convicted.

(ii) For battered or subjected to extreme cruelty, moving outside the county, state or country to seek a safe and secure environment with the assistance of a domestic violence agency.

(ppppp) “Fluctuating income” - see Income.

(qqqqq) “Foster care provider” - the facility or person(s) licensed or approved by DFS and caring for the child(ren) placed in their care.

(rrrrr) “Foster Care, Title IV-E” - Title IV-E foster care is a financial assistance program under the Social Security Act, as amended.

(sssss) “Fraud” - documented deliberate misrepresentation, concealment or nondisclosure of information to remain eligible for the payment or to avoid a decrease in the payment. The fraudulent act pertains to an eligibility factor, a work activity expenditure or a performance requirement.

(ttttt) “Fugitive felon” - a person who is fleeing to avoid prosecution, or custody or confinement after conviction (Section 408 of the Public Law 104-193, as amended):

(i) Under the laws of the state from which she/he is fleeing;
and

(ii) For a crime, or an attempt to commit a crime, which is a felony under the laws of the state from which she/he is fleeing, i.e., murder, burglary, etc.

(uuuuu) “Garnishment” - a legal withholding of a specified sum from wages to satisfy a creditor.

(vvvvv) “General Equivalency Diploma (GED)” - the document that indicates a person has passed prescribed testing to obtain the equivalent of a high school education without the diploma.

(wwwww) “Gross income” - see Income.

(xxxxx) “Guardian” - an individual appointed by the court to care for a person as reflected in a court order specifying the guardianship.

(yyyyy) “Guidance” - see Care and control.

(zzzzz) “High school” - for POWER purposes, a school attended after elementary school which consists of grades seven (7) through twelve (12).

(aaaaa) “Home” -

(i) For “living with”, the family setting in which the child(ren) is living with a caretaker relative who has taken on and continues the day-to-day care and control of the child(ren).

(ii) For resource purposes, any shelter owned by the caretaker relative, which is the current place of residence. The home includes the building and land upon which it is located, the land that adjoins to the home and all the mobile homes or buildings located thereon.

(bbbbb) “Homeless” - the condition or lack of a permanent dwelling or lack of a fixed or home address.

(ccccc) “Household” - the people occupying one (1) or more rooms of a house, apartment, mobile home, hotel, motel, etc. This may include one (1) or more family units or ineligible person(s).

(ddddd) “Household circumstances” - a situation that could have an effect on one (1) of the eligibility performance requirements or standards.

(eeeeee) “Household furnishings” - furniture, electric appliances, clothing and personal items owned by the family unit.

(ffffff) “Housing and Urban Development (HUD)” - a U.S. government department.

(gggggg) “Housing subsidy” - any government financial assistance provided to a family unit for rent such as, but not limited to, payments under (See Family unit);

(i) The U.S. Housing Act of 1937;

(ii) Title V of the Housing Act of 1949, as amended;

(iii) The National Housing Act; and

(iv) The Department of Housing and Urban Development (HUD), which includes Indian and public housing, Section 8 new and existing rental housing and Section 236 rental housing.

(hhhhhh) “HUD escrow account” - an account established by HUD under the Family Self-Sufficiency (FSS) Program. The participating families will have a portion of any rent increase which resulted from increased earnings credited to the account.

(iiiiii) “Illegal alien” - a foreign national who is ineligible for a performance payment and who:

(i) Entered the U.S. without inspection or with fraudulent documentation; or

(ii) After entering legally as a nonimmigrant, violated status and remained in the U.S. without permission.

(jjjjjj) “Immediate family member” - with the approval of the work program case manager or Benefit Specialist:

(i) For good cause for untimely reporting and for noncompliance with the work program, the family member must be a parent, child, grandparent, sibling or other close relative.

(ii) When caring for an incapacitated relative, the family member must be a grandparent, parent, child, or sibling.

(kkkkkk) “Immigration and Naturalization Act (INA)” - P.L. 99-603.

(llllll) “Immigration and Naturalization Service (INS)” - the U.S. agency responsible for admitting and assigning residence status to people entering the U.S. from other countries.

(mmmmmm) “Incapacity” - a physical or mental defect, illness or impairment sufficiently serious to eliminate or substantially reduce the parent’s ability to participate in employment, job search, or a training or educational program.

(nnnnnn) “Incest” - knowingly committing sexual intrusion or sexual contact with an ancestor or descendant or a brother or sister of the whole or half blood. (W.S. 6-4-402)

(000000) “Income” - money received from any source, excluding any item specified as a resource.

(i) Countable income - the amount of the recipient’s income used in the computation of the POWER performance payment after application of the disregard, when appropriate.

(ii) Earned income - payment received in cash or in-kind for wages, salary, tips, commissions as an employee or net profit from self-employment activities. Earned income will be the total before deductions for personal or employment expenses and excludes the meal allowance used to compute Federal Insurance Contribution Act (FICA).

(iii) Exempt income - money set aside or free from program policy or limits; not counted.

(iv) Fluctuating income - income that varies in frequency of receipt or income that varies in amount each month due to:

(A) Working overtime.

(B) Work shift differential.

(C) Hourly pay with varying hours.

(D) Receipt of tips or commissions.

(E) Changes of hours or pay-rate.

(F) Decrease or increase in hours of work due to vacations, sick leave or seasonal employment.

(v) Gross income - the total money the person is entitled to receive prior to any deductions, such as Social Security withholding tax, etc.

(vi) In-kind income - the receipt of a good(s) or a service(s) instead of money.

(vii) Net income or profit - gross earnings from self-employment minus current business expenses.

(viii) Nonexempt income - all countable money received to which the program policy limits are applied.

(ix) Ongoing income - money received on a regular basis, no less frequently than monthly, and expected to continue.

(x) Self-employment income - earning one's own living directly from one's own profession or business rather than earning a salary or commission from another.

(xi) Stable income - income received in a set or fixed amount from the same source(s) on a regular basis.

(xii) Unearned income - all money received which is neither earned by providing goods and services nor defined as a resource.

(pppppp) "Income producing property" - property essential to the production of goods and services including stock (merchandise), inventory, tools, equipment, trucks, cars, earth moving equipment, etc. This does not include real property, such as rental property, business property and farm land.

(qqqqqq) "Incomplete report" - any information furnished in writing, in person or by phone which concerns a change in circumstances but is insufficient to verify or act upon the change.

(rrrrrr) "Indian land" - real property:

(i) Owned solely or jointly by an Indian tribe; or

(ii) Which can be sold only with the permission of other owners, an Indian tribe or the Bureau of Indian Affairs.

(ssssss) "Individual Responsibility Certificate of Understanding (IRCU)" - the document which must be signed by all adult, minor parent and teenage school dropout applicants and recipients and describes the required performance standards which must be met to receive a POWER performance payment.

(tttttt) "Individual Responsibility Plan (IRP)" - the document mutually agreed to by the POWER job seeker and the CM which is a self-sufficiency plan for the family. The IRP summarizes the strategy developed toward the job seeker's obtaining private sector employment while meeting the work program performance standards. (Section 408 of Public Law 104-193, as amended)

(uuuuuu) "Individual Retirement Account (IRA)" - a pension or plan that permits individuals to set aside savings that are tax free until retirement.

(vvvvvv) “Ineligible” - not entitled to receive a POWER performance payment due to not meeting one (1) or more of the child support, work or eligibility performance standards or factors.

(wwwwww) “Initial eligibility determination” - the first time act of evaluating each eligibility and performance standard for a family member who applies for POWER and finding the case eligible or ineligible.

(xxxxxx) “Initial qualification” - the date the family unit is eligible for their first POWER performance payment after the POWER implementation date of February 1, 1997.

(yyyyyy) “In-kind earned income” - see Income.

(zzzzzz) “Institution” - an establishment that furnishes (in single or multiple facilities) food, shelter or some treatment or services to four (4) or more persons unrelated to the proprietor.

(aaaaaa) “Insurance settlements” - the money received from a company for damage of property or person. Insurance payments for trauma are income.

(bbbbbb) “Intentional program violation (IPV)” - the action of making a false or misleading statement, a misrepresentation, concealment or withholding of facts to:

(i) Establish or maintain eligibility for DFS programs and services to which the family is not entitled; or

(ii) Increase, or prevent a reduction, of the amount of the performance payments, services or benefits.

(cccccc) “Internal Revenue Service (IRS)” - the U.S. government tax collection agency.

(dddddd) “Job seeker” - a participant in the POWER work program.

(eeeeee) “Job skills training” - the short-term skill training to increase the skills of an employee:

(i) Provided by an employer as part of the job seeker’s employment;
or

(ii) Is not the same as vocational training.

(ffffff) “Job Training Partnership Act (JTPA)” - See Workforce Investment Act (WIA).

(ggggggg) “Joint custody” - the result of a divorce action which gives each parent the right to care for the child during specific time periods which are close to being equally split between both parents. (See Primary caretaker.)

(hhhhhhh) “Knowledgeable source” -

(i) A person who has a considerable degree of familiarity of a subject gained through experience with or association with the individual or subject.

(ii) For evaluation of a resource, a person who is professionally aware of the value of the property in the community.

(iiiiiii) “Late reporting” - information not reported within 10 calendar days when the change becomes known to the client; or verifications which are not furnished within the specified time frames.

(jjjjjjj) “Law enforcement” - persons or agencies who require compliance with the principles and regulations established in a community under the authority of state or federal legislation and enforced by judicial decision.

(kkkkkkk) “Lawful permanent resident alien” - an alien who has been lawfully accorded the privilege of residing permanently in the U.S. as an immigrant in accordance with the immigration laws and such status has not changed since admission into the U.S. (W.S. 42-2-103 and section 402 of Public Law 104-193, as amended)

(lllllll) “Legal guardian” - a person who has been appointed by the court to have custody of a child. (W.S. 3-1-101 and W.S. 3-2-201)

(mmmmmmm) “Legal qualified alien” - a legal qualified alien is defined under Title IV, Subsection D, Sections 431 and 435 of Public Law 104-193, as amended.

(nnnnnnn) “Living with” - for the purposes of a dependent child, the act of residing with a relative in a home maintained or in the process of being established as the relative’s primary residence.

(ooooooo) “Loan” - a loan is a debt the borrower has an obligation to repay. A bona fide loan is one where there is a written agreement to repay.

(ppppppp) “Lump sum” - a payment of earned or unearned money including, but not limited to, payment of retroactive benefits such as RSDI, lottery winnings, Unemployment Insurance Benefits, cash inheritances or worker’s compensation awards.

- (qqqqqqq) “Maintenance” - see Care and control.
- (rrrrrrr) “Mandatory” - a person(s) required to meet specified provisions with the law, rules or policy.
- (sssssss) “Marriage or married couple” - a contractual relationship between a man and a woman recognized by the State of Wyoming with a document, certificate or license. (W.S. 20-1-101)
- (ttttttt) “Mass change” - the act of affecting appropriate cases by issuing a new or revised policy caused by a change in state or federal law.
- (uuuuuuu) “Maximum payment level” - the maximum performance payment for a family unit.
- (vvvvvvv) “Medicaid” - a federal and state program of medical assistance for eligible low income persons established under Title XIX of the Social Security Act, as amended.
- (wwwwwww) “Medical professional” - a licensed physician, a psychologist or master’s level mental health worker.
- (xxxxxxx) “Mental health professional” - a licensed psychologist or master’s level mental health worker employed by a public or private human services organization or in private practice.
- (yyyyyyy) “Mentally/physically disabled/incapacitated” - see Physically or mentally disabled or incapacitated.
- (zzzzzzz) “Military allotment” - see Support.
- (aaaaaaaa) “Minor parent” - a mother or father who is under the legal age of eighteen (18) according to the Tax Reform Act of 1986 (Public law 99-514).
- (bbbbbbbb) “Minor parent provision” - the requirements a minor parent must meet per W.S. 42-2-103 to be eligible for a POWER performance payment. (Section 408 of the Public Law 104-193, as amended and W.S. 14-1-101 concerning age of majority.)
- (ccccccc) “Month” -
- (i) Benefit month - the calendar month for which eligibility will be authorized and benefits issued.
 - (ii) Current month - the month in which eligibility is determined.

(iii) Performance period - the fifteenth (15th) of one (1) month through the fourteenth (14th) of the following month.

(iv) Performance payment month - the payment received on the first of the month following the performance period and paid for compliance during that performance period.

(dddddddd) "Month received" - the calendar month in which the payer or source made the money available or the individual received the money in hand, whichever occurs first. (Social Security benefits and Supplemental Security Income, when received at the end of the month for the following month, count in the following month.)

(eeeeeeee) "Necessities" - those items reasonably required to sustain life (food, clothing, shelter, health and medical needs).

(ffffff) "Need" - the lack of money to purchase essential items to sustain life and measured by the maximum POWER payment.

(gggggg) "Need allowance" - the amount of money allotted to cover the needs of a person which is determined by using the maximum POWER payment for the family unit size.

(hhhhhhh) "Net profit" - the gross receipts, less the current business expenses. (See Business expenses.)

(iiiiiii) "Noncompliance penalty" - nonpayment of POWER due to not cooperating with the Pay-After-Performance requirements and the month does count toward the five (5) year benefit limit. (W.S. 42-2-103)

(jjjjjj) "Noncooperation" or "noncompliance" - the act of refusing or failing to comply with a child support, work program or eligibility performance standard.

(kkkkkk) "Noncustodial Parent" – see Absent parent.

(llllll) "Nonexempt or countable" - a category of income or resources to be used in budgeting or to which the program policy and limits are applied.

(mmmmmm) "Nonperishable expenditure item" - include items such as tools which cost more than one hundred dollars (\$100) and which retain a high resale value.

(nnnnnn) "Notice of action" - a written statement which informs the applicant or recipient of the intended action.

(i) Adequate notice - a notice of action mailed to be received no later than the date of action or the date the payment would have been received.

(ii) Five (5) day notice - a notice of action mailed at least five (5) days before the action would become effective when the agency obtains facts indicating assistance should be reduced or terminated due to possible applicant or recipient fraud.

(oooooooo) “Ongoing income” - see Income.

(pppppppp) “On-the-job-training (OJT)” – see Subsidized employment.

(qqqqqqqq) “Open case” - a family unit in an active payment, or Medicaid status on the computer system or a recipient or unit with a zero performance payment.

(rrrrrrrr) “Overpayment” - performance payment or work activity expenditure received by or for a family unit which exceeds the amount for which the family was eligible.

(ssssssss) “Parent” - a natural, legal, step, or adoptive mother or father of any age. Under W.S. 14-2-102(a)(iv), a person is presumed to be the father when he receives the child into his home and openly holds out the child to be his natural child.

(tttttttt) “Parental support” - providing to one's child the necessities such as food, clothing, housing, health and medical needs and usually meant to be provided by expenditure of money or by in-kind unearned income.

(uuuuuuuu) “Parental care or physical care” - in its general usage, physical custody which means charge of, oversight of and responsibility for the safety and well being of a child. Physical custody implies living together or in the same household with the child(ren).

(vvvvvvvv) “Participating in a strike” - legally or illegally taking part in a work stoppage or slowdown.

(wwwwwww) “Paternity” - a legal relationship existing between a child and his natural, legal or adoptive father.

(xxxxxxxx) “Pay-After-Performance” - receipt of a cash payment after the mandatory family members have met the child support, work program and eligibility requirements for the corresponding performance period.

(yyyyyyyy) “Payee” - the person in whose name the performance payment is issued.

(zzzzzzzz) “Payment” - the act of giving a check or warrant to the grantee or the legal representative.

(aaaaaaaa) “Performance payment” - money paid to a family unit who has met the POWER performance requirements for the corresponding performance period.

(bbbbbbbb) “Performance payment month” - see Month.

(cccccccc) “Performance period” - see Month.

(dddddddd) “Performance requirement or standard” - a specified eligibility, child support or work condition an applicant or recipient must meet in order to receive a performance payment. (See Child support performance requirements, Eligibility performance requirements and Work program performance requirements.)

(eeeeeeee) “Periodic review” - a face-to-face interview held at least every six (6) months to redetermine all eligibility, child support and work program performance requirements and establish a new best estimate of income, when applicable.

(ffffff) “Perjury” - a willful false statement of a material fact, swearing to what is untrue or omitting to answer all questions under oath.

(gggggggg) “Personal injury insurance” - protection purchased from a company for the payment of cash upon the occurrence of injury or accident and is not for repair, replacement, or medical expenses.

(hhhhhhhh) “Personal Opportunities With Employment Responsibilities (POWER)” - the program set up and partially funded under the Temporary Assistance to Needy Families (TANF) block grant.

(iiiiiiii) “Personal Opportunities With Employment Responsibilities--State Adult Student Financial Aid (POWER-SASFA)” - the program for students who are in approved educational programs and who have continued to meet the educational requirements specified in Wyoming welfare reform statutes (W.S. 42-2-109) and POWER-SASFA rules, Chapter 2.

(jjjjjjjj) “Personal property” - all things owned or possessed excluding land and buildings affixed thereto.

(kkkkkkkk) “Physical care” - the act of attending to the material and natural needs of a child(ren). (See Care and control.)

(llllllll) “Physical harm” - damage or injury to the body that exists or threatens to exist if a specified event occurs.

(mmmmmmmm) “Physically/mentally disabled/incapacitated” - pertaining to the time limit provision. Verification substantiates the health of an applicant or recipient is of such severity that it is beyond the individual's capability to obtain or retain employment or maintain independence in the community.

(nnnnnnnn) “Postsecondary education” - a program of postsecondary instruction directed toward a degree and offered by:

(i) An institution of higher education as determined by the Secretary of Education; or

(ii) A public institution legally authorized by the State of Wyoming to provide such a program.

(oooooooo) “Primary caretaker” - the person(s) who provides the care and control of the child(ren) more than fifty percent (50%) of the month or year. There must also be an interruption of the absent parent's provision of maintenance, guidance or physical care of the child(ren). (See Care and control.)

(pppppppp) “Program requirement” - the condition(s) that must be met for the family unit to qualify for a performance payment.

(qqqqqqqq) “Property” - both real and personal holdings owned by the family unit.

(rrrrrrrr) “Prorate” - divide or distribute proportionally:

(i) Based on days of eligibility for initial months of POWER eligibility.

(ii) To determine months of ineligibility because of receipt of lump sum.

(iii) To average income over intended period of use for self-employment or contractual income.

(ssssssss) “Prospective budgeting” - using the best estimate of the income and circumstances that will exist in a future payment month to determine eligibility and the payment standard and to compute the performance payment.

(tttttttt) “Prospective eligibility” - the method of testing income, expenses and circumstances for a future performance payment month against specified conditions or factors when the performance requirements are met.

(uuuuuuuuu) “Protective payee” - the person, other than the caretaker relative, to whom the performance payment will be made. The protective payee will manage the funds for the purpose of safeguarding the health and safety of the child(ren).

(vvvvvvvvvv) “Protective payment” - a performance payment given to an individual, other than the caretaker relative, who receives and manages the performance payment for the caretaker relative and the child(ren).

(wwwwwwwww) “Public institution” - a governmental establishment that furnishes (in single or multiple facilities) food, shelter, and some treatment or services to persons unrelated to the proprietor. For the purposes of the POWER program, in Wyoming these are the:

- (i) State Hospital;
- (ii) Training School;
- (iii) State Penitentiary;
- (iv) Women’s Center;
- (v) Honor Farm;
- (vi) Girls’ School;
- (vii) Boys’ School;
- (viii) Pioneer Home;
- (ix) Community Alternative Centers (CAC); and
- (x) City or county jail facilities.

(xxxxxxxxx) “Pursuit” - the act of seeking, obtaining or accomplishing the payment of child support through commonly accepted child support enforcement procedures.

(yyyyyyyyy) “Putative” - commonly accepted or supposed.

(zzzzzzzzz) “Qualifying quarter” - any calendar quarter in which the legal immigrant has qualified work in a job covered by social security and has not received public assistance and includes quarters worked by the immigrant, a parent while the immigrant was under eighteen (18) and quarters worked by a spouse while married to the immigrant. (P.L. 104-193, as amended)

(aaaaaaaaaa) “Quarter” - three (3) calendar months; January through March, April through June, July through September and October through December.

(bbbbbbbbbb) “Real property” - land, and generally whatever is erected, growing upon, or affixed to the land.

(ccccccccc) “Reapplication” - the completion of an application in writing requesting a performance payment after being ineligible for POWER.

(dddddddddd) “Reasonable appraisal” - a value given by a knowledgeable source which will be close in amount to the value of similar property in the community or will be logical using prudent judgment.

(eeeeeeeeee) “Reasonable distance” – the distance from home to work does not exceed two (2) hours per day not including the transportation of a child to and from a child care facility.

(fffffffff) “Reasonably expected” - the condition of being in agreement with the belief an event will occur.

(gggggggggg) “Recipient” - a person who is eligible for and receiving performance payments in her/his own behalf or in behalf of others.

(hhhhhhhhh) “Recover” - to collect a performance payment issued or work activity expenditure paid and for which the family unit was not eligible.

(iiiiiiiiii) “Redetermination” - to:

- (i) Reverify each factor of eligibility;
- (ii) Establish a new best estimate of income, when applicable;
- (iii) Make a decision of eligibility and payment based on the verified information and performance standards; and
- (iv) Enter documentation in the case file when a change in circumstances is reported.

(jjjjjjjjj) “Reinstate” - to restore the case to eligibility and payment status from medical assistance only or from termination for no more than one (1) full performance payment (calendar) month.

(kkkkkkkkkk) “Relative” -

(i) Any blood relative, including those of half-blood, first cousins, nephews and nieces and persons of preceding generations denoted by prefixes of “grand” and “great” are included in this definition.

(ii) Stepmother, stepfather, stepbrother and stepsister.

(iii) Adoptive or natural parents and their adopted or natural children.

(iv) Siblings or half-siblings, including those related through adoption.

(v) Spouses of any person mentioned above are considered relatives even though the marriage may be terminated by death or divorce.

(lllllllll) “Resident” - a person who lives or dwells in Wyoming with the intent to reside permanently in the state.

(mmmmmmmmm) “Resources” - all real and personal property owned by a person.

(nnnnnnnnn) “Restitution” - full payment to DFS by the recipient of performance payments or work activity expenditures paid in error.

(ooooooooo) “Retained child support” - money paid by the absent parent for the needs of the child(ren) which is sent directly to the family unit and not reported or turned in to the state. The term will also be used to indicate the amount of child support kept by the state of Wyoming.

(ppppppppp) “Retirement, Survivors, and Disability Insurance (RSDI)” - insurance through the Social Security Administration.

(qqqqqqqqq) “Room or board income” - money received from providing meals or rooms.

(rrrrrrrrr) “School” - an elementary school, a secondary school or the equivalent to a secondary school or high school.

(sssssssss) “School attendance” -

(i) Full-time will be thirty (30) clock hours per week in school;
or

(ii) Half-time will be fifteen (15) clock hours per week in school; or

(iii) Part-time will be half-time or more but less than full-time.

(ttttttttt) “Shelter costs” - the amount of money required to provide housing (rent, mortgage payments, motel rates, etc.) or utilities (water, sewer, heat, electricity).

(uuuuuuuuuu) “Shelter included” - the POWER payment levels used when the family unit pays any portion of their housing or utility costs. (See Shelter supplied.)

(vvvvvvvvvv) “Shelter supplied” - the POWER performance payment level used when all housing and utility costs are provided to the family unit without cost or for other reasons specified in Section 9. (See Shelter included.)

(wwwwwwwww) “Single custodial parent” - for the work program exemption, the parent is the only adult in the household.

(xxxxxxxxxxx) “Single parent family” - a family with one (1) custodial parent or, if both parents are in the home, one (1) parent is an SSI recipient.

(yyyyyyyyyyy) “Social Security Administration (SSA)” - a division of the U.S. Department of Health and Human Services that administers federal social security programs.

(zzzzzzzzzz) “Social Security number (SSN)” - an account number assigned to each person who applies and will be used to accumulate work history and contributions for payment of Social Security benefits.

(aaaaaaaaaaa) “Sponsor” - any person or any public or private organization that has executed an affidavit of support for an alien as a condition of entry into the United States. (Sections 421, 422 and 423 of the Public Law 104-193, as amended)

(bbbbbbbbbbb) “Spousal support” - see Support.

(ccccccccc) “Stable income” - see Income.

(ddddddddddd) “Statement” - a formal declaration of the circumstance(s) as requested by the agency.

(eeeeeeeeeee) “Stepparent” - the spouse of a natural or adoptive parent, who is not a natural or adoptive parent.

(fffffffffff) “Stepparent contribution” - the amount of money considered available for the POWER eligible persons after applying the specified disregards to the ineligible stepparent's gross countable income.

(ggggggggggg) “Strike” - any concerted slowdown, interruption of operations by employees or any stoppage of work by employees, including a stoppage by reason of the expiration of a collective-bargaining agreement.

(hhhhhhhhhhh) “Subsidized employment” - employment in which the wages are financed from public funds, including on-the-job-training and work experience through WIA and DVR or work study programs.

(iiiiiiiiiii) “Subsidized housing” - see Housing subsidy.

(jjjjjjjjjjj) “Supervised setting” - a family setting with an adult relative or court appointed guardian or custodian as evidenced by the assumption of responsibility for the care and control of the minor parent and dependent child (ren).

(kkkkkkkkkkk) “Supplemental Security Income (SSI)” - the program funded under Title XVI of the Social Security Act, as amended.

(lllllllllll) “Support” -

(i) Alimony/Spousal support - a court ordered or voluntary payment made to an individual by her/his spouse/former spouse.

(ii) Child support - voluntary or court ordered payment made by an absent parent for her/his child(ren) to assist with day-to-day maintenance.

(iii) Military allotment - the military payment allocated as support for a service person’s dependents.

(mmmmmmmmmm) “Systematic Alien Verification for Entitlement (SAVE)” - the INS program whereby State agencies may verify the validity of documents provided by aliens applying for public assistance benefits.

(nnnnnnnnnnn) “Temporary Assistance to Needy Families (TANF)” - the block grant program funded under P.L. 104-193, as amended.

(ooooooooooo) “Ten dollar limit” - performance payment computed to be less than ten dollars (\$10) and, therefore, no payment will be issued.

(ppppppppppp) “Termination” - to close a case or individual from the program.

(qqqqqqqqqqq) “Termination of employment” - the permanent loss of an employment position. The employee has no re-employment rights or there is no reasonable expectation the employee will be rehired by the same employer in the same or a substantially similar position in the future.

(rrrrrrrrrr) “Third Party Query (TPQY)” - an automated system which allows rapid access to SSA and SSI information.

(ssssssssss) “Trade-in value” - for vehicles such as automobiles, trucks, vans and motorcycles, it is the trade-in value according to an automobile valuation guide used by DFS or the lower of two (2) reasonable appraisals of the amount that would be given if the vehicle is exchanged for another or turned in (AKA market value).

(tttttttttt) “Transfer” -

(i) The act of moving the right, title or interest in property from one (1) person to another by sale, gift, or exchange; or

(ii) The act of sending the case file and moving the computer system case from one (1) county to another upon request because the family unit moved to another county.

(uuuuuuuuuu) “Two-parent family” - a family consisting of both parents (natural or adoptive parent) and their child(ren) living together in a home applying for or receiving a POWER payment. The parents may or may not be married. (See Single parent family and Marriage or married couple.)

(vvvvvvvvvvv) ”Two-party check” - a payment made out to the recipient and the person furnishing goods or services and can be cashed only upon endorsement of both parties.

(wwwwwwwwww) “Unavailable” -

(i) Money from a lump sum incapable of being used for day-to-day needs of the family unit because it was spent or lost as the result of a disaster which was beyond the family’s control; or

(ii) A jointly owned resource the second party refuses to sell and each owner does not have the legal right to sell her/his share; or

(iii) The resource is inaccessible because a legal barrier or restriction exists; or

(iv) Income inaccessible to the client because she/he does not have a legal interest in or is tied up in divorce or other legal action.

(xxxxxxxxxxx) “Uncompensated value” - the current market value less the gross sale price.

(yyyyyyyyyyyy) “Underpayment” - a performance payment received by or for a family unit which is less than the amount for which the unit was eligible.

(zzzzzzzzzz) “Unearned income” - see Income.

(aaaaaaaaaaaa) “United States (U.S.)” - defined in a geographical sense as the continental United States, Alaska, Hawaii, Puerto Rico, Guam, U.S. Virgin Islands, and Northern Mariana Islands.

(bbbbbbbbbbbb) “Unpaid principal” - the balance to be paid on an agreement to buy or sell.

(ccccccccccc) “Unsubsidized employment” - is employment in which the wages are not financed from public funds, including entry into employment in a registered apprenticeship program, self-employment and also entry into the Armed Forces.

(ddddddddddd) “Unsuitability of informal child care” – child care which does not meet minimum health and safety requirements per 45 CFR 98.41 or fails to pass the Central Registry and criminal history prescreen check.

(eeeeeeeeeee) “USC” - United States Codes.

(ffffffffffff) “Utilities” - the services provided for water, sewer, electricity, gas, and heating fuel.

(gggggggggggg) “Value” - the monetary worth of a good or service.

(hhhhhhhhhhh) “Vendor” - a person or business who provides goods or services to a recipient or on behalf of a recipient.

(iiiiiiiiiii) “Vendor payment” - an amount paid on behalf of a family unit which the family unit cannot convert to cash to meet its needs.

(jjjjjjjjjj) “Verification” - the act of establishing a fact as true by viewing evidence or obtaining a verbal description of the content of the evidence.

(kkkkkkkkkkk) “Verify” - to check, confirm, or establish whether a statement or condition is true or accurate by obtaining a copy, viewing a copy, or obtaining a verbal description of the content of the evidence.

(lllllllllll) “Veterans Administration (VA)” - the agency of the United States which handles veterans’ programs.

(mmmmmmmmmmmm) “Vocational training” - a POWER work activity which is an organized educational program of no more than one (1) year duration. The program must be directly related to the preparation of individuals for employment in a nonprofessional career or for additional preparation for a career but may not lead to a degree. Also an approved educational program under POWER-SASFA .

(nnnnnnnnnnnn) “Voluntarily assigned” - a decision freely made by an individual to agree to give money to another person or agency for a specified reason or to purchase something.

(oooooooooooo) “Voluntary quit” - an applicant or recipient has refused, terminated or decreased her/his employment or rate of pay without good cause, including being fired due to her/his own fault.

(pppppppppppp) “Warrant” - the written document or check, which authorizes the State of Wyoming to pay the stated amount to the specified person and authorizes the specified person to receive the performance payment.

(qqqqqqqqqqqq) “Work activity expenditure” - specifically requested and approved work activity expenditure which assists the job seeker in becoming employed while decreasing dependence on a welfare system.

(rrrrrrrrrrrr) “Work experience” - a training and job experience situation with a private business, a nonprofit organization or public agency for which the participant receives no monetary compensation. Work experience includes:

- (i) The assessment, employability plan and activities established and monitored by DVR for the incapacitated POWER job seekers; and
- (ii) The approved training activities for individuals in the Job Skills Pilot Project.

(sssssssssss) “Work program action center” - the place where case management services, and job club and job readiness activities are offered and a job network center is maintained.

(ttttttttttt) “Work program performance requirements” - includes the mandatory job seeker must:

- (i) Contact the work program case manager upon request or as directed;
- (ii) Keep all appointments;

(iii) Comply with the steps and responsibilities in her/his Individual Responsibility Plan;

(iv) Register for employment at the Department of Workforce Services;

(v) Follow through with referrals to DVR for employment rehabilitation or with SSI applications; and

(vi) Accept and maintain employment.

(uuuuuuuuuuuu) “Workforce Investment Act (WIA) – the federal training act, which replaced the JTPA (Job Training Partnership Act) programs.

(vvvvvvvvvvvvv) “Zero money payment” - a month where no POWER performance payment is made either due to the noncompliance penalty, the ten dollar (\$10) limit or to overpayment recovery. The individuals receiving zero money payments are considered POWER recipients.

Section 3. **Application/Intake Process.** The regulations at W.S. 42-2-105 and W.S. 42-2-106 apply.

(a) Application/Intake process.

(i) The DFS-FO will:

(A) Give or mail an application upon request.

(B) Require a separate application for each family unit.

(C) Accept and date stamp a signed application from the applicant upon receipt during regular business hours in the county of residence or other county as approved by DFS-SO.

(D) Make arrangements for someone to assist the applicant upon request in completing the application.

(E) Conduct a face-to-face interview with the applicant.

(F) Inform the applicant of her/his rights and responsibilities.

(G) Inform the applicant valid documentation of alien status must be provided within five (5) days from the date of the intake interview for all individuals who are not U.S. citizens.

(H) Inform the applicant of the Pay-After-Performance requirements which must be met before a performance payment can be authorized, the noncompliance penalties and the requirement to perform for a full performance period before any penalty can be overcome.

(I) Inform the applicant which family members must come into the office to sign the Individual Responsibility Certificate of Understanding (IRCU) as a condition of eligibility. Mandatory applicants must:

(I) Sign the IRCU by Wednesday of the same week if application is made on Monday, Tuesday or Wednesday; or

(II) Sign the IRCU by Wednesday of the following week if application is made on Thursday or Friday of the prior week.

(J) Provide each mandatory applicant or recipient with an appointment form indicating the dates by which the individual must:

(I) Register for work with the Department of Workforce Services;

(II) Contact the work program action center case managers; and

(III) Contact the child support workers.

(K) Inform the applicant what documents and verifications must be provided no later than ten (10) days of a notice requesting the information or verification.

(L) Verify no one in the family unit has within the sixty (60) calendar days prior to the date of application and without good cause:

(I) Refused a bona fide job offer of employment or training for employment;

(II) Voluntarily quit employment; or

(III) Voluntarily reduced hours of employment and/or rate of pay.

(M) Grant or deny good cause for voluntary quit. Good cause must be verified and must be for one (1) of the following reasons:

(I) The applicant was legally, physically or emotionally unable to perform the type of work involved or lacked the basic skills required to do the job.

(II) Employment was reduced or terminated through no fault of the applicant.

(III) The applicant was subjected to intimidation, abuse, exploitation or harassment by the business management or the general public and the applicant exhausted all resources available for resolution of the problem.

(IV) Unsafe or unsanitary working conditions existed and the applicant exhausted all resources available for resolution of the problem.

(V) The job did not pay the applicable state or federal minimum wage.

(VI) The expenses of the employment exceeded the net income.

(VII) The job was not covered by Worker's Compensation as required under state law and the applicant exhausted all resources available to acquire coverage for an injury.

(N) Not authorize a performance payment for the family unit until compliance has occurred for thirty (30) calendar days in a voluntary quit situation. The performance payment will begin with the first of the month following the date of application if performance requirements are met.

(O) Notify the applicant in writing of the decision to approve or deny the application.

(I) The performance payment will be authorized after the Pay-After-Performance requirements are met.

(II) The application will be denied immediately upon determination any family unit member refuses to meet the Pay-After-Performance requirements.

(III) The noncompliance penalty will be authorized when the IRCU was completed and any mandatory family unit member failed to comply with the Pay-After-Performance requirements.

(P) Inform the applicant or recipient she/he can request an administrative hearing if she/he feels POWER policy was not followed. No POWER performance payment will be authorized pending the hearing decision.

Section 4. **POWER Program Rights.** The regulations at W.S. 42-2-105 and W.S. 42-2-106 apply.

(a) The applicant has a right to apply for POWER:

- (i) Upon request;
- (ii) On the prescribed form(s) obtained in person or by mail;
- (iii) During regular business hours; and
- (iv) In the county of residence.

(b) The applicant or recipient has a right to be accompanied at interviews and assisted by any person(s) of her/his choice.

(c) The applicant or recipient has a right to have the application and other personally identifiable information maintained confidential.

(i) Confidentiality regulations are specified in:

- (A) W.S. 16-4-203 concerning inspection of welfare program records;
- (B) W.S. 42-2-111 concerning prohibited disclosure and use of records;
- (C) The Privacy Act of 1974, 5 USC 552(a); and
- (D) Public Law 104-193, as amended,
 - (I) Section 408 concerning fleeing felons and probation and parole violators;
 - (II) Section 411 concerning aliens and immigrants; and
- (E) Section 1137 of the Social Security Act, as amended, concerning the Income and Eligibility Verification System which mandates exchange of information with IRS, SSA, and the unemployment compensation agency.

(ii) The use or disclosure of information concerning clients will be limited to purposes directly connected with:

(A) The administration of DFS programs or SSI. Such purposes include establishing eligibility, determining the amount of the POWER payment and providing child support, work program, and other services for applicants or recipients.

(B) Any investigation, prosecution, or criminal or civil proceeding conducted in connection with the administration of such programs.

(C) The administration of any other federal or federally assisted program which provides cash or in-kind assistance or services directly to individuals on the basis of need, including compliance with the Public Housing Reform Act of 1998 implemented at 24 CFR 5.613.

(D) Any audit or similar activity conducted in connection with the administration of any such program by any governmental entity which is authorized by law to conduct such audit or activity.

(E) The administration of the state unemployment compensation program.

(F) The administration of the state's worker's compensation program as related to work program job seekers.

(G) The administration of the free or reduced-price school meals as related to the eligibility status of children receiving POWER.

(iii) DFS will make available, upon request, to any Federal, State or local law enforcement officer the address, SSN and, if available, a photo identification of a recipient if the officer furnishes the recipient's name and notifies the agency the individual (W.S. 42-2-111):

(A) Is fleeing to avoid prosecution, custody, or confinement for a felony;

(B) Is violating a condition of parole or probation; or

(C) Has information necessary for the officer to conduct an official duty related to a felony or parole violation.

(iv) DFS will limit the report to law enforcement concerning a fleeing felon to the felon's address when the Department becomes aware of the fleeing felon and

a law enforcement officer has not requested the information as specified under (C).
(W.S. 42-2-111)

(v) DFS and contract staff will report to Child Protection Services and provide all information available regarding the following situations that threaten the minor parent's or the child(ren)'s health or welfare. (W.S. 14-3-205)

(A) Any case involving minor parent or a child receiving POWER where there is known or suspected:

(I) Physical or mental injury; or

(II) Sexual abuse or exploitation; or

(III) Negligent treatment; or

(IV) Maltreatment.

(vi) DFS will assist law enforcement officials and the family of a minor mother to pursue the filing of criminal charges against the father of the minor mother's child if:

(A) The minor mother conceived her child while under sixteen (16) years of age; and

(B) The father was at least four (4) years older than the minor mother at the time of conception. (W.S. 6-2-304 and Section 906 of Public Law 104-193, as amended)

(C) The Benefit Specialist is to refer these cases to Child Protection Services for referral to law enforcement. (W.S. 42-2-103)

(vii) DFS will report to INS the name and address and other identifying information on any individual who is known to be unlawfully in the U.S. (Section 411A of Public Law 104-193, as amended)

(viii) The following types of information to be safeguarded include, but are not limited to:

(A) The names and addresses of applicants and recipients and amounts of cash assistance provided;

(B) Information related to the social and economic conditions or circumstance of a particular individual including information obtained from IRS and

SSA which must be safeguarded in accordance with procedures set forth by those agencies;

(C) Agency evaluation of information about a particular individual; and

(D) Medical data, including psychological evaluations. All medical information will be directly released by the medical professional. Medical information shall not be released without written authorization from the medical professional.

(ix) The family or individual must sign a release of information;

(A) Prior to pertinent information being released for an administrative hearing or before responding to requests for information from a government authority or the courts.

(B) Prior to the CM requesting or sharing information relating to the POWER work program performance requirements and prior to requiring attendance at group activities.

(x) DFS will allow materials to be sent or distributed to applicants, recipients, or medical vendors, which are in the immediate interest of the health and welfare of clients. These materials include announcements of free medical examinations, availability of surplus food and consumer protection information.

(d) The applicant or recipient has a right to:

(i) Be informed about the eligibility factors and the performance requirements which must be met in order to receive a performance payment each month.

(ii) Be informed about the responsibilities of applicants or recipients.

(iii) Withdraw the application for POWER.

(iv) Adequate notice of the decision on the application, on a request for work activity expenditure or any adverse action. (W.S. 42-2-106)

(v) Claim good cause to allow exclusion from cooperation with child support requirements. (Section 408 of Public Law 104-193, as amended)

(vi) Receive continued non-public assistance services with no application or fee following termination from POWER.

(vii) Apply for non-public assistance services for a fee when a POWER application is denied.

(viii) Request information as to the child support collection status, a review of her/his child support case and to request the child support order be amended to reflect the current situation of the child(ren) and her/his parent(s). (Title III-F of Public Law 104-193, as amended)

(ix) Be informed of the right to request an administrative hearing within thirty (30) days from the date of an adverse notice.

(A) The POWER performance payment will not be authorized pending the administrative hearing decision. (W.S. 42-2-110)

(B) The following administrative hearing processes will apply:

(I) W.S. 16-3-107 through 16-3-112; and

(II) The Office of Administrative Hearing Rules for Contested Case and Procedure Before the Office of Administrative Hearings; and

(III) The Department of Family Services Rules for Conduct of Contested Cases.

(x) The applicant or recipient has the right to reapply following denial or termination of the performance payment.

(e) Specific clients have the following rights:

(i) An emancipated minor or parent age eighteen (18) and over must apply on his/her own behalf and cannot be included in her/his parent's unit, even if living in his/her parent's household.

(ii) Native American and other minority clients have the right to equal access to POWER services even when the services are available under a tribal program funded through the Temporary Assistance to Needy Families (TANF) block grant.

(iii) Regular employees have the right to an administrative hearing if they believe they were displaced or replaced by a POWER job seeker in the following situations: (Section 407[f] of Public Law 104-193, as amended)

(A) When on layoff from the same or any substantially equivalent job; or

(B) When terminated from the employment as a result of an involuntary reduction in workforce in order to fill the vacancy with a POWER job seeker in an assigned work activity.

(iv) Any applicant who is unlawfully in the U.S. has the right to be informed DFS will report her/his, address and other identifying information to INS. (42 USC 611)

Section 5. **POWER Family Unit Responsibilities.**

(a) The applicant will provide a dated, completed and signed application to the DFS-FO in the form prescribed by DFS.

(b) The applicant or recipient and all other mandatory family members must sign the Individual Responsibility Certificate of Understanding (IRCU) as a condition of eligibility within the time frames specified in Section 3 of these rules.

(c) The applicant or recipient and all other mandatory family members must register for work at the Department of Workforce Services, comply with job search and follow-up on job leads unless the CM must do an assessment because of an incapacity or domestic violence issue.

(d) The applicant or recipient must meet the Pay-After-Performance child support, work and eligibility requirements.

(e) The applicant or recipient who has a previous overpayment must sign an Installment Contract as a condition of eligibility and as a performance requirement unless the case is pending prosecution or the overpayment was due to an agency error.

(f) The applicant or recipient must cooperate with the process of determining eligibility by:

(i) Providing information essential to the decision on eligibility.

(ii) Providing documents for required verification.

(iii) Providing a Social Security Number (SSN), Social Security card or providing proof of application for a SSN.

(iv) Notifying the DFS-FO and verifying any changes that affect eligibility or the performance payment such as, but not limited to, income, resources, employment, family unit composition, school enrollment and address.

(g) The applicant or recipient must report changes not later than 10 calendar days after the change becomes known to the applicant or recipient. (W.S. 42-2-109)

(h) The applicant or recipient must provide information or verifications needed to establish eligibility for POWER not later than 10 days from the date of a notice requesting the information or verification.

(i) The applicant or recipient must apply for and accept income for which the person(s) would be eligible if the person(s) applied such as, but not limited to, RSDI, SSI, Unemployment Benefits, and Worker's Compensation.

(j) When the family unit requests an additional year beyond the five (5) year benefit limit due to abandonment or desertion, they must report the abandonment or desertion to law enforcement. (W.S. 20-3-101)

(k) The applicant or recipient must request the CSA review and request the child support order(s) be amended as the child's or parents' circumstances change. (Title III-F of Public Law 104-193, as amended)

Section 6. **POWER Eligibility Factors.**

(a) Each applicant or recipient will be required to meet each of the eligibility factors to be eligible for POWER.

(i) The following persons are potentially eligible unless she/he is receiving SSI:

(A) A dependent child. (Section 408 of Public Law 104-193, as amended)

(B) A natural or adoptive parent including one (1) who is married to a stepparent.

(C) A caretaker relative who is in need.

(D) A stepparent who is the only caretaker relative of a natural, step or adopted child in the home and who is in need.

(E) A two (2) parent family or a married couple with at least one (1) child in common in the home.

(F) A parent with a child in the home who receives SSI or the child in the home of a parent who receives SSI.

(G) An unemancipated minor parent(s) who has a child in his/her care and who resides in the household of a parent or in a supervised setting with an adult relative or court appointed guardian or custodian.

(I) A minor parent will be referred to the Child Protection Services within DFS in the following situations (W.S. 42-2-103):

(1.) When the minor parent claims no residency is available with a parent, an adult relative or court appointed guardian or custodian. The minor parent and dependent child(ren) are not eligible for a performance payment until the living situation is resolved.

(2.) When the only available household contains an individual convicted of or charged with incest and the charges have not received final disposition as stated in W.S. 6-4-402, the case will not be denied.

(ii) An eligible person(s) cannot be any of the following:

(A) A person(s) who is receiving SSI.

(B) A person(s) who is an inmate in a public institution.

(C) A person eligible for and receiving IV-E or other federal, state or local foster care maintenance payments, including a voluntary placement.

(D) A child for whom adoption assistance payments are provided.

(E) An applicant or recipient, case or person for the month the needs have been covered by cash assistance by another entity or in another state (TANF payments cannot be received concurrently).

(F) A family unit when a member is participating in a strike.

(G) Any individual who:

(I) Is a fugitive felon (Section 408[a][9] of Public Law 104-193, as amended);

(II) Is a parole violator (Section 408[a][9] of Public Law 104-193, as amended); or

(III) Is an illegal alien (Title IV-B of Public Law 104-193, as amended).

(iii) Each person applying for POWER must be a resident of Wyoming. (W.S. 42-2-108)

- (A) A person is a resident of Wyoming who is:
 - (I) A child living with a caretaker relative who is a resident of Wyoming; or
 - (II) A caretaker relative who:
 - (1.) Is living in the state voluntarily, with the intention of making her/his home here and not for a temporary purpose;
 - (2.) Is not receiving cash assistance from another state; and
 - (3.) Entered Wyoming with a job commitment or to seek employment (whether or not currently employed).
- (B) Residence continues until it is established elsewhere by the individual.
- (C) A lack of a permanent dwelling or lack of a fixed or home address does not act as a barrier to receipt of a POWER performance payment as long as Wyoming residency requirements are met.
- (D) The residency regulations in POWER-SASFA rules, Chapter 2 will apply to adult students in an approved educational program.
- (iv) Each child applicant or recipient must meet the age factor. (W.S. 42-2-104.)
 - (A) Each child must be between birth and less than age eighteen (18); or
 - (B) If age eighteen (18), the child must be attending high school full-time and expected to graduate before reaching age nineteen (19).
- (v) Each child applicant or recipient, including a minor parent, must meet the school attendance factor. (W.S. 42-2-104, W.S. 42-2-202, W.S. 21-4-101 and W.S. 21-4-102)
 - (A) The parent(s) of a child, including a minor parent, age fifteen (15) and under or who has not yet completed the tenth (10th) grade must require the child or minor parent to be currently enrolled and physically attending school full-time. (W.S. 21-4-102)

(B) A child, including a minor parent, age sixteen (16) or older or who has completed the tenth (10th) grade and not graduated must be:

(I) Currently enrolled and physically attending high school full-time; or

(II) Complying with the work program performance requirements.

(C) A POWER performance payment will not be authorized for the performance period when compliance with the child educational Pay-After-Performance requirements under (A) and (B) above are not met.

(D) To continue to be eligible, a child age eighteen (18) and a minor parent of any age in the POWER family unit must be:

(I) Currently enrolled and physically attending high school full-time; and

(II) Maintaining a "C" or equivalent cumulative grade point average.

(E) A child age eighteen (18), excluding a minor parent, must be expected to graduate from the school or program before reaching the age of nineteen (19) to continue to be included in the family's POWER payment. (W.S. 42-2-104)

(F) A dependent child who is not mandatory for the POWER work requirements will be eligible when not attending school because of official vacations, illness, convalescence, or family emergency involving an immediate family member and the absence is temporary. (See Section 8)

(G) A dependent child who is mandatory for the POWER work requirements must seek and accept employment during summer breaks if not enrolled in summer school full-time.

(vi) Each applicant or recipient must meet the SSN eligibility factor by:

(A) Providing a SSN card; or

(B) Providing a Social Security number; or

(C) Acknowledging the SSN has been received from SSA on a TPQY or a SSA 1610; or

(D) Providing verification the SSN was applied for at the hospital at the time of birth of the child; or

(E) Providing a receipt from SSA showing application has been made for an SSN; or

(F) Reapplying for assistance within two (2) years of termination and the SSN has been previously validated with evidence which is still available in the case record.

(G) Furnishing a hard copy of the SSN card no later than six (6) months from the date of application or the family unit will be terminated.

(vii) Each applicant must meet the identity eligibility factor by providing identification prior to being found eligible.

(viii) Each applicant or recipient must meet one (1) of the following citizenship or alienage eligibility factors to qualify for a performance payment.

(A) A U.S. citizen meets the citizenship eligibility factor.

(B) Eligible aliens as defined and identified under Public Law 104-193, as amended, and W.S. 42-2-103 meet the alienage eligibility factor.

(C) The family unit will be ineligible for a POWER performance payment when any family unit member indicates an unwillingness to provide documentation of alien status.

(ix) The applicant or recipient must meet the relationship eligibility factor by requiring the caretaker to be a relative to the child(ren).

(x) Each family unit must meet the parent in or out of the home eligibility factor.

(A) The two-parent or married couple family will meet the parent in or out of the home criteria if (W.S. 42-2-104):

(I) Both parents are living in the home; and

(II) There is a child in common; and

(III) The Pay-After-Performance requirements have been met.

(IV) Eligibility for the two (2)-parent or married couple family unit will be determined prior to determining eligibility for a single parent family or caretaker relative unit.

(B) The single-parent or caretaker relative family unit will meet the parent in or out of the home criteria if:

(I) One (1) parent in the family unit is an SSI recipient;
or

(II) One (1) parent is not living in the home and cannot be counted on to function in the planning for the physical care, guidance and maintenance of the child(ren). The continuous absence must not be the result of:

(1.) A temporary absence of the parent who is expected to return within thirty (30) days.

(2.) Joint custody which is equally split between the parents and no primary caretaker exists.

(3.) The performance of active duty in the armed services of the U.S.

(4.) Solely for employment, school, or training.

(III) The caretaker relative names the absent parent(s).

(xi) The applicant or recipient must meet the "living with a relative" eligibility factor by being a relative of the child (W.S. 42-2-104); and

(A) Living with the child;

(B) Being responsible for the care and control of the child;

(C) Being the primary caretaker of the child(ren); or

(D) Establishing the parent is the primary caretaker in a joint custody situation; or

(E) Establishing the child(ren) is temporarily out of the home. During the temporary absence:

(I) The caretaker relative must remain responsible for the care and control of the child(ren); and

(II) The absence must be for no more than ninety (90) days and verification has been provided the child(ren) is expected to return to the home within ninety (90) days; and

(III) The POWER payment for the child will not be continued when a child is in foster care, including a voluntary placement.

(xii) The resource eligibility factor must be met for each eligible child, each ineligible child in the family unit, the ineligible parent or the eligible parent or eligible caretaker relative, and all disqualified family members.

(A) All the combined resources of the assistance unit will not exceed the limit of \$5,000, excluding the vehicles exempted under (E). (W.S. 42-2-202).

(B) The cash value, unpaid principal or fair market value less legal encumbrances will be used to determine the equity value of the nonexempt resource.

(C) The applicant or recipient must obtain two (2) appraisals from knowledgeable sources when the value of the resource(s) causes ineligibility and is disputed by the applicant or recipient.

(D) The resource will not be exempted when exempt and nonexempt funds are commingled.

(E) Resources that are specifically exempt from the resource limit are listed in Appendix B and Appendix D.

(F) The resource is nonexempt when it is owned by the parent, the eligible caretaker relative or the eligible child(ren) or any person who would otherwise be included in POWER except for a disqualification.

(G) The resource is available when;

(I) No legal barrier or restriction exists; and

(II) The document shows it is owned solely by the applicant or recipient;

(III) The applicant or recipient can withdraw funds, sell the resource or owned interest in the resource or dispose of the resource in any way;

(IV) The resource is owned by more than one (1) person but the applicant or recipient can access the resource, or a portion of the resource, without the permission of the co-owner(s) even when a statement of refusal to sell is furnished.

(H) The resource will be considered unavailable when:

(I) The document, signature card, etc., stipulates more than one (1) signature is needed to withdraw or convert all or part of the resource to available cash and the co-owner(s) refuses to withdraw or convert.

(II) The applicant or recipient was unaware of his/her ownership in the resource and did not have the opportunity to become aware of it.

(1.) The applicant or recipient bears the burden of proving each member of the family unit was unaware of the resource and none had the opportunity to become aware of it.

(2.) The resource will be considered unavailable only for the period of time for which the individual can demonstrate such unawareness or lack of opportunity to become aware of the existence of the resource.

(III) The policy relating to availability of a resource applies to resources within the state of Wyoming. If the resource is located out of Wyoming, the laws in that state will apply.

(I) Resources acquired or that increase during the performance payment month will be evaluated as of the first moment of the following performance payment month.

(J) The resources of the sponsor of an alien, and the sponsor's spouse, are deemed to be one hundred percent (100%) available to the alien. These are deemed until the alien(s) becomes a citizen or until forty (40) qualifying quarters of work without receipt of government benefits exist. (P.L. 104-193, as amended, Section 421)

(K) A transfer of a nonexempt resource for less than fair market value which occurred within the three (3) months prior to application will be exempt if the transfer was:

(I) A settlement of a legally enforceable debt;

(II) Clearing the title to property in which the client had no beneficial or enforceable interest;

(III) The equity in property which was owned jointly, and through a court action the other owner was granted the equity in the property; and

(IV) The property was an exempt resource at the time of transfer.

(L) The penalty for transferring the nonexempt portion of a resource when the applicant or recipient cannot provide proof the transfer occurred for reasons other than gaining or maintaining eligibility will be determined as follows:

(I) Determining the equity amount by deducting the amount of the lien(s) and the unpaid principal of the mortgage or loan existing against the property from the transferred uncompensated value; and

(II) Dividing the uncompensated equity value by the maximum payment level amount for the family unit size; and

(III) The resulting whole number will be the number of full months the family unit will be ineligible.

(IV) The ineligibility will begin with the month the transfer occurred.

(M) The conversion of an exempt or a nonexempt resource to cash will be considered a resource and the proceeds must be within the resource limit to remain eligible for POWER.

(xiii) The income eligibility factor must be met by the family unit.

(A) The total income available and each source of income received by the following individuals will be reviewed and a determination made as to whether the income will be considered as earned, unearned, exempt or nonexempt.

(I) The parent(s).

(II) The ineligible stepparent.

(III) The eligible caretaker relative.

(IV) The eligible child(ren).

(V) The ineligible child(ren) in the family unit.

(VI) The parent(s) of the minor parent.

(VII) All disqualified family members.

(B) The following general considerations will be used to determine if income is available to the family unit.

(I) Applicants or recipients must apply for and accept income for which they would be eligible if they applied, such as RSDI, SSI, Unemployment Insurance, Workers' Compensation, veterans' benefits, child support, etc.

(II) For family groups living together in the same household the income of:

(1.) A spouse is considered to be available to the spouse, and

(2.) A parent is considered to be available for a child, including a minor parent, up to age eighteen (18), or up to age nineteen (19) if a full-time student and expected to graduate, except when the minor is emancipated.

(III) Income will be considered in the month in which it is available.

(IV) Income from self-employment, employment on a contractual basis, or income received intermittently on a quarterly, semiannual or yearly basis will be prorated or averaged over the period covered by the income unless not indicative of future months.

(V) Income will be considered as a resource when still available on the first of the month following the month received.

(VI) The garnishment of income is considered voluntarily assigned to pay a debt and will be considered countable income.

(VII) The income of an ineligible alien sibling will be exempt in determining the need of an otherwise eligible dependent.

(VIII) The income of a sponsor of an alien, and the sponsor's spouse, will be deemed to be one hundred percent (100%) available to the alien. These are deemed until the alien(s) becomes a citizen or until forty (40) qualifying quarters of work without receipt of government benefits exist. (P.L. 104-193, as amended, Section 421)

(C) Treatment of certain types of income is described in Appendix C and Appendix D.

(xiv) Each applicant or recipient must meet the five (5) year benefit time limit provisions and time spent on assistance funded with either federal or state funds

shall be added together as well as cash assistance received in another state or U.S. territory, regardless of location. (W.S. 42-2-103 and Section 408 of Public Law 104-193, as amended.)

(A) A family unit who has three (3) or more years of AFDC as of January 1, 1997 may receive an additional two (2) years of POWER or cash assistance after January 31, 1997 with the following exceptions:

(I) Unemancipated minor parents who are head of the family unit will have only one (1) year of assistance counted toward the five (5) year benefit limit when receiving a performance payment for self and dependent child(ren);

(II) Adults and emancipated minor parents who previously received assistance as a dependent child, excluding the unemancipated minor parents, shall be allowed up to the five (5) year benefit limit under their own family unit;

(III) A non-parent caretaker relative, not included in the grant, will receive a performance payment beyond the five (5) year limit for a child(ren) if she/he is not legally financially responsible for the child(ren).

(B) The needs of a non-parent caretaker relative will be terminated, unless a hardship exemption exists, when she/he has been included in the performance payments and payments have been received for five (5) years.

(I) The POWER payments will be allowed to continue for the child(ren); or

(II) POWER payments are not continued for the child(ren) if the child(ren) received five (5) years of assistance as part of her/his parent's AFDC grant or TANF/POWER or a POWER-SASFA performance payment. (Per 2001 Wyo. Sess. Law, Ch. 188, and POWER-SASFA rules, Chapter 2, months will not be counted toward the five (5) year benefit limit while the criteria are met.)

(C) The following are counted toward the five (5) year benefit limit:

(I) All months AFDC or POWER or a POWER-SASFA or TANF payments have been received since July 1, 1987 (Per 2001 Wyo. Sess. Law, Ch. 188, and POWER-SASFA rules, Chapter 2, months will not be counted toward the five (5) year benefit limit while the criteria are met.);

(II) A month with non-payment due to noncompliance with Pay-After-Performance;

(III) A month in which a family unit member is disqualified for any reason;

(D) POWER performance payments may be extended for up to two (2) years for a family who is fleeing due to domestic violence and because a family member has been battered or subjected to extreme cruelty.

(E) POWER performance payments may be extended for up to one (1) year beyond the five (5) year benefit limit when the family unit claims abandonment (W.S. 20-3-101).

(I) The family unit must report the abandonment to law enforcement; and

(II) The family unit must meet the child support performance requirements.

(III) If any acknowledgment exists of the absent parent assuming the care and control of the child within the one (1) year hardship period, the family unit will not be eligible for POWER; or

(IV) If the applicant or recipient refuses to notify law enforcement and to meet the child support performance requirements the family unit will not be eligible for POWER.

(F) The DFS-SO will review family units, excluding those specified in G. below, within six (6) months of the five (5) year benefit limit to determine if a hardship extension is appropriate and notify the DFS-FO of the action(s) to be taken.

(I) Verification must have been provided to substantiate the applicant or recipient is totally physically or mentally disabled when claiming to be incapacitated/disabled.

(1.) She/he must not be capable of obtaining or retaining employment, of participation in a job training program or of maintaining independence in the community.

(2.) This provision will only be effective as long as the individual is totally disabled or incapacitated.

(II) Verification must have been provided to substantiate the applicant or recipient is needed in her/his home to provide full time care when claiming to care for a totally physically or mentally disabled immediate family member.

(1.) Reasonable absences due to normal household functions will be allowed.

(2.) No other reasonable alternative can be available to provide the needed care.

(III) The POWER extension will be terminated if noncompliance occurs with the Pay-After-Performance requirements during the extension.

(IV) The family unit must reapply for the extension and a re-review will be conducted by DFS-SO to determine if another extension should be granted.

(G) The five (5) year benefit limit will not count for any month an adult Tribal member and their spouse, when applicable, was living on any reservation if, during the month at least fifty percent (50%) of the adults living on the reservation were unemployed (P.L. 104-193, as amended).

(H) If the applicant or recipient fails to report receipt of cash assistance after July 1, 1987, an overpayment will occur for performance payments incorrectly paid and the individual disqualified due to intentional program violation.

(xv) The case will be approved when all eligibility factors and performance requirements are met and the case denied, placed in nonpayment status or found ineligible when one (1) or more of the eligibility factors or performance requirements are not met.

(xvi) A redetermination of eligibility will occur when a change in an eligibility factor becomes known to the DFS-FO.

(xvii) The recipient will be notified in writing of any adverse action.

Section 7. Pay-After Performance - Child Support Requirements. (Title III and IV-A of Public Law 104-193, as amended)

(a) Each applicant or recipient will be informed about and must meet the child support performance requirements to receive a POWER performance payment. These requirements are:

(i) The obligation of the applicant or recipient to assign the following to the state (Section 408 of Public Law 104-193, as amended):

(A) Any rights to support in his/her own behalf or on behalf of any other family member for whom the applicant or recipient is requesting a monthly POWER performance payment; and

(B) Support obligations which have accrued at the time such assignment is executed.

(ii) The obligation of the minor parent to sign support forms against the following (W.S. 42-2-103):

(A) Her/His parents, if not residing in the home with the parents; and

(B) The parent of the absent minor parent.

(iii) The adult and minor parent applicant or recipient must sign an Individual Responsibility Certificate of Understanding (IRCU) at application and when a family member's child support status changes. (Section 408 of Public Law 104-193, as amended.)

(iv) The applicant or recipient must cooperate in the following (Sections 333 and 408, Title III-D of Public Law 104-193, as amended):

(A) Identifying and locating the absent parent;

(B) Establishing the paternity of a child born out of wedlock;

(C) Appearing at a DFS-FO or a Child Support Authority office, at initial application and, when requested, to give information, sign papers or provide evidence including answering written or telephone requests;

(D) All putative fathers and all other putative paternal relatives must be referred at the time of application to pursue establishment of paternity; and

(E) Obtaining child and medical support for the child(ren) and minor parent and spousal support for herself/himself and any other payments or property due to self or the child(ren);

(F) Paying immediately to DFS-FO any support payments received for a family unit member; and

(G) Providing new information on the absent parent when it becomes known.

(v) The family's POWER performance payment will be denied, terminated or placed in nonpayment status for noncompliance with the child support requirements when the above listed requirements are not met unless good cause is approved. (Section 408 of Public Law 104-193, as amended)

(b) The caretaker relative, including a minor parent when receiving a grant for her/his needs and the needs of the dependent child(ren) or as part of the caretaker relative's family unit must:

(i) Complete the Assignment of Rights to Support;

(ii) Complete the Report to Child Support Enforcement on each absent parent of each eligible child or potentially eligible unborn child when part of an ongoing case; and

(iii) Show intent to cooperate or not to cooperate when:

(A) A new case is opened, including a deceased parent, a pregnant woman with another eligible child(ren), a parent whose rights were terminated or an adoptive parent;

(B) A reapplication is made for POWER;

(C) A child is added to an open case;

(D) The intact family separates;

(E) Paternity is excluded;

(F) A minor parent applies for POWER and lives in a separate household from his/her parents. Child support forms must be completed against his/her own parents. If the minor is emancipated, the following guidelines are used:

(I) If there is a court order stating child support will be paid until the child reaches the age of eighteen (18) or nineteen (19), child support forms must be completed until the emancipated minor reaches the stated age or the court order is amended.

(II) If there is a court order stating child support will be paid until the child is emancipated, child support forms are not required.

(III) If there is no court order, child support forms are not required.

(G) The caretaker relative or absent parent has a name change.

(H) Opening a IV-E foster care case with the DFS-FO manager making the assignment.

(I) The father is unknown, by completing a Report to Child Support Enforcement on all possible fathers. Since cooperation with child support is a POWER performance requirement, the father(s) must be named or the case will be ineligible for POWER.

(J) The applicant or recipient is married but claiming the husband is not the absent parent, by completing a Report to Child Support Enforcement on the husband and all other possible fathers.

(c) For child support court ordered obligor cases, the child support worker will be responsible for the following (W.S. 20-6-106):

(i) Receiving the court orders and distributing these to the appropriate DFS-FO manager and work program action center along with the information concerning the child(ren);

(ii) Referring the obligor to the work program action center;

(iii) Monitoring the child support payments and;

(iv) Advising the CM when the obligation is met for at least three (3) months;

(d) The applicant or recipient will be required to read the Good Cause Claim form and check the appropriate statement(s) on each copy of the form when good cause is claimed.

(i) The applicant or recipient will be informed no POWER performance payment will be authorized until the good cause claim is approved or if the good cause claim is denied.

(ii) The applicant or recipient has the right to claim good cause if one (1) of the following circumstances exist and evidence is provided:

(A) Cooperation in establishing paternity or securing child support is reasonably anticipated to result in physical harm or emotional harm to the child or caretaker as demonstrated by previous court, medical, criminal, law enforcement, psychological, child protection or social services records.

(B) The child, for whom support is sought, was conceived as a result of incest or rape as evidenced by birth, medical or law enforcement records.

(C) Legal proceedings for the adoption of the child(ren) are pending before a court of competent jurisdiction as verified by legal documents.

(D) A public or private social agency is helping the applicant or recipients resolve the issue of whether to keep or relinquish the child(ren) for adoption as verified by a statement from the public or private social agency.

(iii) The applicant or recipient claiming good cause must provide the required types of evidence within twenty (20) days from the date of the signed request.

(iv) When the other documents listed above cannot be obtained, the caretaker relative must provide two (2) notarized statements from persons who have personal knowledge of the circumstances being claimed in the good cause.

(v) The request for good cause and the supporting documents will be reviewed by DFS-SO and a determination made concerning the good cause claim.

(A) The performance payment will be authorized when the good cause claim is approved; or

(B) The performance payment will be denied, terminated or placed in nonpayment status when evidence is not received within twenty (20) days of signing the Report to Child Support Enforcement.

(vi) The Child Support Authority will not attempt to establish paternity or collect support when the good cause claim is approved.

(vii) The applicant or recipient can request the case no longer be in the good cause status.

(e) The following process must be followed when child support payments have been retained by the client.

(i) The agency recovery process must be followed when support is retained after the POWER performance payment was paid resulting in an overpayment.

(ii) A notice of action will be sent to advise the recipient retaining child support will be considered noncooperation.

(iii) The POWER performance payment will be placed in nonpayment status in the corresponding performance period for a minimum of one (1) month when the client has retained the current month's support.

(iv) The family unit can reapply but the POWER performance payment will not be authorized until the family has complied with the POWER Pay-After-Performance requirements for a full performance period and the child support has been turned in or collected by the child support services.

(f) Child support collection and distribution.

(i) Assigned support must be submitted to the state of Wyoming in all instances after the authorization of the first POWER performance payment.

(ii) The child support payment, collection and distribution procedures in Title III, of Public Law 104-193, as amended, will be applied.

Section 8. Pay-After-Performance -- Work Program Requirements.

(a) Exempt individuals.

(i) POWER applicants or recipients who meet the following criteria will be exempt from the POWER work program requirements.

(A) A child, excluding a minor parent, who is enrolled in and attending school full-time or who is preschool age.

(I) If a child under age sixteen (16) is not attending school full-time, the DFS-FO will work with the parent or caretaker relative to resolve the problem. (Section 404 of Public Law 104-193, as amended) Failure of the parent or caretaker relative to cooperate in developing and implementing a plan to resolve the problem will result in nonpayment of the family's POWER performance payment. The child will not be mandatory for the work program. (W.S. 42-2-202)

(II) If a child age sixteen (16) or seventeen (17) is not attending school, she/he shall be mandatory for participation in the work requirements by enrolling in and attending school or accepting suitable work activities, including participating in work activities during summer breaks.

(III) If the child is a minor parent, she/he shall be mandatory for participation in the work requirements by enrolling in school and maintaining satisfactory school attendance.

(IV) The teen parent, ages eighteen (18) and nineteen (19), shall participate in the work requirements by enrolling in and attending school under approved criteria or accepting suitable work activities.

(B) An adult who is sixty-five (65) years of age or older.

(C) The single custodial parent, excluding a minor parent, (Section 407 of P.L. 104-193, as amended) who is personally providing care for a child under the age of three (3) months.

(I) This exemption is only available for twelve (12) months in a lifetime and may be used for more than one (1) child. (Section 407 of Public Law 104-193, as amended)

(II) A parent who is under the age of twenty (20) without a high school diploma or equivalent is mandatory and can only be postponed from the work activities for caring for a child under the age of one (1) month. The parent must continue with all assignments during the postponed period.

(b) Mandatory individuals.

(i) The exempt individual who becomes mandatory must have a signed IRP and be meeting the work requirements the date the exemption changes to mandatory. (Section 408 of Public Law 104-193, as amended)

(ii) Failure of the mandatory family member to begin meeting the performance requirements immediately will result in nonpayment of the POWER performance payment.

(iii) Failure of DFS staff to do a timely status change from exempt to mandatory and to do a referral will result in an overpayment.

(iv) Mandatory individuals must continue to meet performance requirements until the date of the exemption.

(c) Registration at the Department of Workforce Services. (W.S. 42-2-203)

(i) At each application or reapplication and when her/his work exemption status changes to mandatory, the mandatory job seeker will register for work at the Department of Workforce Services and will follow-up on job leads. The following job seekers will not be required to register for work until their job readiness has been assessed by the CM:

(A) Individuals alleging or claiming an incapacity and who have agreed to get a Statement of Incapacity form concerning the incapacity completed by her/his medical professional (W.S. 42-2-103);

(B) Individuals alleging or claiming they are caring for an incapacitated immediate family member full-time (reasonable absences are allowed to perform normal household functions) in the job seeker's home and who have agreed to

get a Statement of Incapacity form concerning the care needed completed by a medical professional (W.S. 42-2-103); or

(C) Individuals alleging or claiming they are fleeing because of being battered or subjected to extreme cruelty because of domestic violence and who have agreed to get statements from a law enforcement or a domestic violence agency verifying the situation. (W.S. 42-2-103)

(ii) Failure of the job seeker to comply with the work registration requirements, within two (2) working days if the Department of Workforce Services is located in the same town as the job seeker or within no more than five (5) working days if the Department of Workforce Services is not easily accessible, will result in denial or nonpayment of the family's POWER performance payment. (Section 408 of Public Law 104-193, as amended)

(d) Work program performance requirements. (Section 407 of Public Law 104-193, as amended and W.S. 42-2-202)

(i) Mandatory family members will be advised on the Individual Responsibility Certificate of Understanding (IRCU) they must have a signed Individual Responsibility Plan (IRP) and be meeting the work requirements. (Section 408 of Public Law 104-193, as amended)

(A) Mandatory family members must contact the work program action center CM within the following time frames or as identified by the Benefit Specialist on the appointment form:

(I) Contact must be completed by Wednesday of the same week if application is made on Monday, Tuesday or Wednesday; or

(II) Contact must be completed by Wednesday of the following week if application is made on Thursday or Friday of the prior week.

(B) Failure of the mandatory family member to begin meeting the performance requirements immediately will result in nonpayment of the POWER performance payment.

(ii) At the initial meeting, the work program action center CM will:

(A) Complete a minimal assessment to determine if the new job seeker is:

(I) Required to do full-time applicant or recipient job search.

(II) Required to undergo appropriate substance abuse treatment. (Section 408 of P.L. 104-193, as amended)

(III) Approved for teen parent educational activities.

(IV) Approved for full-time vocational training.

(V) Required to follow the treatment plan of a medical professional as an incapacitated individual.

(VI) Required to follow the treatment plan of a medical professional as an individual caring for an immediate family member.

(VII) Required to follow a plan to correct circumstances which have contributed to domestic violence.

(B) Develop and implement an IRP. (Section 408 of Public Law 104-193, as amended) The individual is to begin meeting the performance requirements within two (2) working days.

(iii) The CM will do the following when the individual is incapacitated:

(A) Require the job seeker to provide a Statement of Incapacity form completed by her/his medical professional;

(B) Require the job seeker to follow the medical professional's treatment plan.

(C) The CM will do the following in a temporary incapacity situation (W.S.42-2-103):

(I) Set up the work program case and IRP recognizing the limitations of the medical problem and supporting the medical or mental health professional's prescribed treatment.

(II) Update the IRP when the job seeker has recovered from the incapacity sufficiently to be making at least minimal effort to become employed, or request a new Statement of Incapacity if the job seeker indicates she/he is not recovered sufficiently to begin work activities.

(D) The CM will consider referral of the long-term incapacity case to the Division of Vocational Rehabilitation (DVR). (W.S. 42-2-103):

(I) With DVR participation:

(1.) Accept the employability plan developed by the DVR counselor. The DVR approved activities will be considered as work experience activities for the POWER work program.

(2.) Assure the IRP progress will be reviewed at least every three (3) months by staffing the case with the DVR counselor.

(3.) Resolve differences and requirements or expectations with the DVR counselor.

(4.) Notify the Benefit Specialist when the incapacitated job seeker is in noncompliance with the DVR employability plan. Noncompliance will result in nonpayment of the family's POWER performance payment for the corresponding performance period. (Section 407 of Public Law 104-193, as amended)

(5.) The CM may require the job seeker to accept suitable work activities, appropriate life skills training or other appropriate steps leading to self-sufficiency if the DVR plan is failing.

(II) Without DVR participation:

(1.) Require the job seeker to access any available community resources for evaluation.

(2.) Require the job seeker to follow the treatment plan of the medical professional/mental health professional.

(3.) Require the job seeker to accept suitable work activities, appropriate life skills training or other appropriate steps leading to self-sufficiency.

(E) The CM will waive the work requirement by placing the individual in postpone status after reviewing the Statement of Incapacity form if she/he is considered totally or permanently disabled or incapacitated because she/he has a physical or mental impairment to the extent it prevents her/him from achieving (W.S. 42-2-103):

(I) Independent living;

(II) Full-time employment; or

(III) Participation in job training programs that would reasonably lead to independent living or monetary self-sufficiency.

(iv) The CM will do the following if the individual is a caretaker who must stay home to provide care full-time for a totally disabled or incapacitated immediate family member.

(A) Temporarily waive the work requirement by placing the individual in temporary postpone status after reviewing the Statement of Incapacity form or other statement by a medical professional. (The family member must reside with the caretaker because there is no other reasonable alternative.)

(B) Set up the work program case and IRP recognizing the limitations of the medical problem and supporting the medical or mental health professional's prescribed treatment.

(C) Update the IRP when the incapacitated family member has recovered from the incapacity sufficiently to allow the job seeker to be making at least minimal effort to become employed, or request a new Statement of Incapacity if the job seeker indicates the incapacitated family member is not recovered sufficiently to begin work activities.

(v) The CM will perform the following when the mandatory applicant or recipient alleges the family is fleeing for personal safety or for the safety of her/his children, or has been victimized by being battered or subjected to extreme cruelty because of domestic violence, or is at risk of further being battered or subjected to extreme cruelty because of domestic violence on the IRCU (W.S. 42-2-103):

(A) The CM will require a statement from law enforcement or the domestic violence agency, or both, verifying the situation;

(B) For job seekers who have not exhausted their five (5) year benefit limit:

(I) Work requirements may be waived for up to one (1) year through postponement, without reevaluation if participation in work activities would endanger the health or safety of the family;

(II) The waiver of the work requirements will be limited to one (1) year unless reevaluation occurs each six (6) months after the first year; and

(III) The waiver of the work requirements will be limited to two (2) years unless:

(1.) Reevaluation occurs each six (6) months after the first year; and

(2.) The job seeker is cooperating in the

development and implementation of a plan approved by DFS which includes the domestic violence agency, DFS social services or a licensed counselor, to correct circumstances which have contributed to the being battered or subjected to extreme cruelty because of domestic violence or threat of domestic violence.

(C) For the job seekers who have exhausted their five (5) year benefit limit, the waiver of the work requirements under this section may be waived for a job seeker only if participation in work activities would endanger the health or safety of the family. The waiver can only occur when:

(I) The job seeker's circumstances are reevaluated at six (6) months intervals; and

(II) After one (1) year, the job seeker is cooperating in the development and implementation of a plan approved by DFS which includes the domestic violence agency, DFS social services or a licensed counselor, to correct circumstances which have contributed to the being battered or subjected to extreme cruelty because of domestic violence or threat of domestic violence.

(vi) The work program action center CM will:

(A) Assure the IRP provides progress toward private sector employment and increases the responsibility and amount of work the job seeker is to handle over time. (Section 408 of Public Law 104-193, as amended)

(B) Complete a job readiness assessment if the job seeker does not obtain full-time employment within the first four (4) weeks of participation. (Section 408 of Public Law 104-193, as amended)

(C) Specify the job seeker's employment goal reflects urgency, is specific, includes a target date and is realistic. To be realistic, the employment goal must correspond to the job seeker's skills, strengths and the labor market.

(D) Require a labor market assessment to be researched and completed by the job seeker who has a questionable employment goal or who is requesting placement in an enhancement assistance work activity.

(e) Participation requirements – Title IV (Subtitle A, Section 407 of Public Law 104-193, as amended):

(i) The CM shall start with forty (40) hours per week of participation as the requirement for every job seeker.

(ii) Time spent commuting to or from the assignment or to or from a child care provider is not countable for participation.

(iii) Class or lab hours will be considered as follows:

(A) Job seekers in approved vocational or job skills training will be considered to be participating:

(I) Only during the hours when in a class, including lab time if listed on the job seeker's class schedule; but

(II) Not for hours during study periods, out-of-class preparation time or breaks between classes.

(B) Job seekers will not be considered to be participating in an educational or training activity unless enrolled full-time during summer break. They will be required to participate in job search or another countable work activity.

(C) Home schooling is not countable as a work activity for either the “teacher” or the minor parent.

(I) Home schooling will be countable for the mandatory child if she/he is in a full-time program approved by the local school district, and

(II) The child’s progress toward a high school diploma or equivalent is documented each midterm and end of term.

(iv) Self-employment hours will be computed by dividing the gross income by the minimum wage.

(v) Each job seeker must be actively performing during the hours established in the IRP and must immediately report to the CM any anticipated deviation from the plan.

(vi) The CM will report noncompliance with the work activity requirements to the Benefit Specialist immediately, but no later than the fifteenth (15th) of the month or the first working day after the fourteenth (14th) of the month.

(vii) The Benefit Specialist will assure nonpayment of the family’s POWER performance payment when the mandatory job seeker has failed to comply with the POWER work program requirements. (Section 408 of Public Law 104-193, as amended)

(viii) Assignment to work activities must: (Title IV, Subtitle A, Section 407 of Public Law 104-193, as amended)

(A) Be consistent with policy requirements and limitations;

(B) Lead to unsubsidized employment or self-sufficiency through accessing other resources; and

(C) Meet the federal participation requirements.

(ix) The following work activities meet the federal participation requirements:

(A) Unsubsidized employment;

(B) Subsidized employment in the private or public sector;

(C) Work experience:

(I) Work experience is unsalaried job training at a clearly supervised site;

(II) The training must include skills which are transferable to the work place and must afford the participant the opportunity to develop basic work habits, practice skills, acquire on-the-job experience or demonstrate skills to a prospective employer.

(D) On-the-job training;

(E) Job search which includes:

(I) Developing job seeking skills;

(II) Receiving information and counseling concerning job availability and job search;

(III) Participating in job club;

(IV) Completing job applications;

(V) Setting up and participating in job interviews;

(VI) Developing job retention skills; and

(VII) Accepting employment.

(F) Job readiness which includes assistance in:

(I) Preparing for work;

- (II) Retaining work;
- (III) Becoming familiar with general work place expectations;
- (IV) Exhibiting work behavior and attitudes necessary to compete successfully in the labor market; and
- (V) Preparing for self-sufficiency.
- (G) Job retention training which includes:
 - (I) Achieving upward mobility;
 - (II) Budgeting;
 - (III) Goal setting;
 - (IV) Life-long learning;
 - (V) Decision making.
- (H) Vocational educational training which:
 - (I) Must be directly related to the preparation of individuals for employment in a nonprofessional career or to upgrade skills for a nonprofessional career;
 - (II) Will only be approved if it is the first training program for the job seeker unless the job seeker is upgrading skills to obtain or maintain certification or employment;
 - (III) Must be targeted to a specific job with assurance the job seeker will have a job;
 - (IV) Must be completed within twelve (12) months and the job seeker must maintain full-time enrollment and a “C” cumulative grade point average;
 - (V) Will be limited to the number of approved job seekers allowed by federal requirements.
- (I) High school or GED for only teen parents meeting satisfactory school attendance:

- (I) Maintaining continuous enrollment;
- (II) Maintaining at least a “C” cumulative grade point average; and
- (III) Completing the requirements within six (6) months or graduating with his/her graduation class.

(f) Failure to comply.

(i) Failure to comply occurs when the mandatory job seeker fails to:

(A) Contact the work program action center CM within the time frame established by the Benefit Specialist on the appointment form;

(B) Keep the initial and all other scheduled appointments;

(C) Follow through with any items specified on the IRP;

(D) Cooperate by contacting the CM upon request; and

(E) Accept and maintain employment.

(ii) A failure to comply notice will be sent immediately to the noncomplying job seeker which:

(A) Explains the specific reason for the failure to comply;

(B) Indicates the effective date of the action;

(C) Explains what needs to occur for the job seeker to come back into compliance; and

(D) Provides applicable legal cites.

(g) Good cause for failing to comply. (W.S. 42-2-103 and 42-2-202 and Section 407 of Public Law 104-193, as amended)

(i) The job seeker must request a good cause determination within the time frame specified in the failure to comply notice.

(ii) Good cause must be provided in writing.

(iii) Good cause for failing to meet the POWER work performance requirements will only be granted for the following reasons:

(A) The job seeker is verifiably unable to perform the type of work involved or lacks the basic skills to do the job.

(B) Employment is reduced or terminated through no fault of the job seeker.

(C) The job seeker is subjected to intimidation, abuse, exploitation, harassment or unsafe working conditions as verified by substantiated evidence.

(D) The job does not pay applicable federal minimum wage or the prevailing wage for like work in the community.

(E) The job seeker encounters an emergency (involving herself/himself or an immediate family member) that reasonably precludes full cooperation and participation with assigned work activities.

(F) The job seeker did not provide a mandated report of a change to the CM, which would affect compliance with the IRP, but did report the change to the Benefit Specialist.

(G) The job seeker is a single custodial parent caring for a child under age six (6) who has demonstrated an inability to obtain needed child care under one (1) of the following reasons:

(I) Appropriate child care;

(II) Reasonable distance;

(III) Unsuitability of informal child care;

(IV) Affordable child care arrangements.

(H) Case manager error.

(iv) The POWER work program case will be inactivated for the following reasons:

(A) The POWER performance payment ended.

(B) The job seeker becomes exempt from the POWER work program requirements.

(h) Work activity expenditures. (W.S. 42-2-211 and Sections 402, 408 and 409 of Public Law 104-193, as amended)

(i) Limited work activity expenditures.

(A) Work activity expenditures will be only available to job seekers who are assigned to a countable work activity.

(B) The maximum of all limited work activity expenditures will not exceed one thousand dollars (\$1,000) per job seeker per year which begins with the month the first work activity expenditure was paid for the job seeker and goes for twelve (12) consecutive months.

(C) Work activity expenditures which are available on an as needed basis are limited for each job seeker as follows:

(I) Transportation services, including gas for a job seeker's own vehicle or transportation by another person, taxi or bus, will be limited to seventy-five dollars (\$75) per month for unemployed job seekers.

(II) Transportation services for job seekers enrolled in the Laramie County Community College Job Skills Pilot Project shall not exceed one hundred thirty dollars (\$130) per month.

(III) Union dues or professional licensing fees will be available only once within a year not to exceed three hundred sixty dollars (\$360) per year.

(IV) The total authorized for clothing, personal grooming, uniforms, and interview assistance will not exceed five hundred dollars (\$500) per year.

(V) Interviewing assistance (transportation and per diem) can be provided to a job seeker to enable her/him to accept a bona fide appointment for a job interview in a city that is located fifty (50) miles or greater from the city in which the job seeker resides.

(VI) The total authorized for vehicle insurance, licensing or repair will not exceed five hundred dollars (\$500) per year and must be for a vehicle which is owned by the job seeker who has a valid driver's license.

(VII) The total authorized for tools will not exceed one thousand dollars (\$1,000) per year.

(VIII) The total authorized for relocation assistance will not exceed one thousand dollars (\$1,000) per year.

(1.) Financial assistance can be provided to a job seeker to move to another location or city to accept a job opportunity that does not exist in her/his current location or city.

(2.) Relocation assistance (transportation, per diem, rental of moving van or trailer) shall be allowed one-time only for one-way relocation to the nearest location where the job opportunity will be available and does not include shelter or utility deposits.

(3.) The employment must be verified.

(ii) Work activity expenditures which will be available on an as-needed basis, but are not subject to the one thousand dollar (\$1000) limit for each job seeker, include:

(A) Assessment expenditures such as literacy tests, other tests and test summaries.

(B) Educational or training expenditures such as:

(I) GED tests for minor parents or teenagers only.

(II) Tuition, books and other educational supplies for minor parents only.

(III) Tutoring for minor parents or teenagers only.

(IV) DVR requested and approved training expenditures for incapacitated job seekers only.

(iii) The job seeker must:

(A) Make a written request for assistance with an expenditure necessary to become employed and include the date she/he plans to be employed.

(B) Document the work activity expenditure need by:

(I) Showing how the assistance is a requirement for complying with the IRP or will be essential to becoming employed within the next twelve (12) months.

(II) Providing estimates as required by the CM showing she/he has taken the responsibility to find the best price and quality.

(III) Providing supporting or related information, i.e. driver's license, insurance, tags, etc., as required by the CM.

(C) Take responsibility for the expenditure by paying for, or by making a mandatory contribution towards the purchase, or by accessing other resources that might be available.

(D) Execute the requirements of the IRP.

(E) Repay any expenditure, or agree to off-set the overpayment against future POWER payments or work activity expenditures, or return any nonperishable expenditure item over one hundred dollars (\$100), directly related to a failure to comply with an IRP or POWER work program requirement, failure to accept employment, fraud or other illegal actions.

(iv) The CM must:

(A) Assure the assistance by POWER to purchase the requested need will not result in an illegal action.

(B) Inform the job seeker repayment, or off-setting against future POWER or work activity expenditures, for any expenditure, or recoupment of any nonperishable expenditure item over one hundred dollars (\$100), will be required when the job seeker:

(I) Fails to comply with the IRP;

(II) Fails to seek and accept employment within the twelve (12) month period; or

(III) Fails to provide correct information in order to obtain the work activity expenditure.

(C) Send a notice which includes all legal cites, the decision and the basis for an adverse decision on the work activity expenditure request.

(i) Child support court ordered obligor cases. (W.S. 20-6-106 and Section 365 and 407 of Public Law 104-193, as amended)

(i) The CM will assure a court ordered child support obligor is a parent who:

(A) Is a Wyoming resident court ordered to pay child support who has not been meeting the child support obligation for her/his child(ren),

and
(B) Has been ordered by the court to participate in POWER,

(C) Is unemployed.

(ii) See Section 7, (c).

(iii) The child support court ordered obligor will comply with the court order and:

(A) Have an initial meeting with the work program action center CM within the time frame established in the court order.

(B) Complete, sign and date a manual IRP.

(C) Follow all instructions/directives outlined on the IRP.

(iv) The CM will:

(A) Provide the court with a status report each month if the obligor is cooperating or advise the court and the Child Support Authority when it is determined the obligor is not cooperating.

(B) Advise the court of the status of the child's POWER case.

(C) After reviewing the case with the DFS-FO Manager, recommend to the court the POWER work program action center case be closed when the obligor is employed and meeting the child support obligation.

(D) Terminate the work program case when the judge has terminated the work program requirement in the court order.

Section 9. Budgeting and Payment Process. (W.S. 42-2-103 and 42-2-104)

(a) Budgeting process:

(i) DFS will determine which persons in the household must be included in a family unit as follows:

(A) One (1) family unit when:

- (I) Two (2) parents with at least one (1) child in common, whether married or not; or
- (II) Two (2) parents, each with a POWER eligible child(ren), are married to each other; or
- (III) Three (3) generations live in the household and are eligible and there is a minor parent also living in the household; or
- (IV) A caretaker relative is making application for POWER for her/his child or a child(ren) of one (1) or more relatives; or
- (V) A caretaker relative is applying for a child(ren) of one (1) or more relatives.

(B) Two (2) family units when:

- (I) Two (2) unrelated caretaker relatives live in the same household; or
- (II) Two (2) siblings are caretaker relatives and live in the same household with their child(ren) and each of the sibling caretaker relatives is at least eighteen (18) years of age; or
- (III) A mother or father with a daughter's or son's child and a second daughter or son with her/his own child who live in the same household and the daughter or son is at least eighteen (18) years of age; or
- (IV) A mother or father with her/his own children who lives in the same household with a son or daughter who is over age eighteen (18) or emancipated and who lives in the household with his or her own children.

(ii) DFS will determine the financial responsibility of family members:

- (A) Income of the spouse will be considered available for her/his spouse; and
- (B) Income of a parent will be considered available to a child(ren), excluding emancipated minors, up to age eighteen (18) or up to age nineteen (19) when expected to graduate from high school prior to attaining age nineteen (19).
- (C) Earned income of a dependent child under the age of eighteen (18) who is not a full-time student or a dependent child age eighteen (18) who will graduate by age nineteen (19) will be considered to be available to the family unit.

(iii) DFS will determine which individual(s) within a family unit(s) will be counted for the purpose of calculating a performance payment.

(A) The following individuals, if living in the same household as the dependent child and otherwise eligible to receive POWER, must be included in one (1) family unit:

(I) The natural, legal or adoptive parent(s) of a dependent child.

(II) The blood related or adoptive brothers and sisters of the dependent child who are themselves dependent children within the age limits and deprivation factor. An emancipated minor is not considered a dependent child.

(B) The following individuals must be excluded from the family unit:

(I) Individuals who receive SSI benefits.

(II) Individuals for whom IV-E, other federal state or local foster care maintenance payments are being made, including a voluntary placement.

(III) Aliens who are ineligible due to deeming income of their sponsors or due to sponsorship by an agency or organization.

(IV) Individuals ineligible due to receipt of lump sum income.

(V) Emancipated minors and parents age eighteen (18) and over must be in a separate family unit and are no longer in their parents' unit.

(VI) Any individual who meets one (1) of the following but the income and resources of the individual will be used in determining eligibility and calculating the POWER payment:

(1.) Is a fugitive felon,

(2.) Is a parole violator,

(3.) Is an illegal alien, or

(4.) Has been convicted of fraud after January 1, 1997, or

(5.) Was found to have fraudulently misrepresented residence in order to obtain assistance in two (2) or more states in the U.S. or its territories after January 1, 1997, will be ineligible for ten (10) years.

(iv) DFS will determine whether the family unit will be eligible for a shelter included maximum payment level or a shelter supplied maximum payment level.

(A) The shelter supplied maximum payment level will be used when the family unit:

(I) Has no obligation to pay any portion of the shelter costs or the costs are completely furnished as a contribution; or

(II) Is living in a government housing subsidy; or

(III) Is a minor parent and the dependent child(ren) living in the household of a parent(s) or in a supervised setting with an adult relative or court appointed guardian or custodian; or

(IV) The household includes a relative who is an SSI recipient.

(B) The shelter included maximum payment level will be used when the above criteria for shelter supplied is not met or when shelter is provided as earnings.

(v) DFS will determine when the six hundred dollars (\$600) or twelve hundred dollars (\$1200) will be disregarded from the gross earned income as follows (W.S. 42-2-103):

(A) The six hundred dollar (\$600) earned income disregard will be allowed for a stepparent or when the family member is an eligible applicant or recipient in a two-parent family, single parent family or is a caretaker relative included in the performance payment.

(B) The twelve hundred dollar (\$1200) earned income disregard will be allowed when an eligible married couple is applying for or receiving POWER with a child in common regardless of whether both are employed.

(C) The earned income disregard will not be allowed:

(I) When establishing an overpayment due to a client error or intentional program violation relating to earned income and the overpayment occurred prior to August 1, 1997; or

(II) When deeming the income of an alien sponsor.

(vi) The succeeding procedures will apply to the following individuals for the purpose of calculating performance payments for a family unit:

(A) The following will be used when calculating the POWER performance payment for disqualified individuals:

(I) The gross earned income, including tips, or net profit from self-employment will be anticipated; and

(II) The six hundred (\$600) or twelve hundred dollar (\$1200) earned income disregard will be deducted; and

(III) The anticipated unearned income of the disqualified person will be added; and

(IV) The balance will be considered the best estimate of available income for the computation of the POWER performance payment.

(B) The following will be applied when calculating the contribution of the parent(s) or stepparent(s) of the unemancipated minor parent when a minor parent under age eighteen (18) lives with her/his parent(s):

(I) The anticipated gross earned income including tips or anticipated net profit from self-employment of the parent(s) or stepparent(s) will be determined; and

(II) The six hundred dollar (\$600) earned income disregard will be allowed for each parent or stepparent with anticipated earnings; and

(III) The anticipated unearned income available to each parent or stepparent is added; and

(IV) The appropriate maximum payment level will be deducted for the following persons:

(1.) Each parent or stepparent living in the home; and

(2.) Any other person(s) living in the home who is not part of the family unit and is a dependent of the parent(s) or stepparent.

(V) The amounts anticipated to be paid by each parent or stepparent during the month to individuals not living in the home, but who could be claimed as a dependent for federal income tax purposes will be deducted; and

(VI) The anticipated income available from each parent or stepparent will be considered to determine eligibility and the POWER performance payment amount for the family unit of the minor parent and child(ren) by comparing the income to the appropriate shelter supplied maximum payment level.

(C) The following will be applied when calculating the contribution of the stepparent:

(I) The anticipated gross earned income including tips or anticipated net profit from self-employment of the stepparent will be determined; and

(II) The six hundred dollar (\$600) earned income disregard will be deducted; and

(III) The anticipated unearned income available to the stepparent will be added; and

(IV) The appropriate maximum payment level will be deducted for a household the size of the stepparent's; and

(1.) Excluding the POWER eligible persons; and

(2.) Including any person living in the home who is not claimed by the stepparent as dependents for federal income tax purposes.

(V) The amounts anticipated to be paid by stepparent during the month to individuals not living in the home, but who could be claimed as a dependent for federal income tax purposes will be deducted; and

(VI) The anticipated income available from the parent will be considered to determine eligibility and the POWER performance payment amount for the POWER family unit.

(D) One hundred percent (100%) of the income and resources of a sponsor, and the sponsor's spouse, will be deemed available to the alien(s) until:

(I) The alien achieves U.S. citizenship through naturalization through INS; or

(II) The alien has worked forty (40) qualifying quarters as defined under Title IV, Subtitle A, Section 402 of Public Law 104-193, as amended).

(vii) The following steps will be used in determining prospective eligibility and computing POWER performance payments for each family unit.

(A) Eligibility will be determined prospectively for all performance payment months using the best estimate of income anticipated to be received during the performance payment month.

(I) The best estimate will be reviewed and recalculated each time a change in circumstances is reported or becomes known and at the time of a periodic review.

(II) The best estimate of available income for computation of the performance payment will be determined by:

(1.) Computing the anticipated gross earned income, including tips, or the anticipated net profit from self-employment using;

- a. Historical income and business expense information; or
- b. Income verified by pay stubs; or
- c. Income verified by employer statements; and
- d. Income will be converted to monthly amounts when received;
 - i. Weekly by multiplying the weekly amount times four and three tenths (4.3); or
 - ii. Bi-weekly amount times two and fifteen hundredths (2.15); or
 - iii. Semi-monthly amount times two (2); or
 - iv. Monthly amount times one (1).

(2.) Income from self-employment, employment on a contractual basis or income received intermittently on a quarterly or semi-annual or yearly basis is prorated or averaged over the period covered by the income unless not indicative of future months.

(3.) Fluctuating income due to an extra paycheck, more than one (1) job, tips, commissions, overtime, increase in hours, etc. will be estimated at the weekly amount and multiplied times four and three tenths (4.3).

(B) The maximum payment level test must be met by the family unit prospectively. The maximum payment level test includes:

(I) The anticipated gross earned income of the family unit, excluding the earned income of a dependent child who is a full-time high school student under the age of eighteen (18), will be used prospectively;

(II) The six hundred (\$600) or twelve hundred dollar (\$1200) earned income disregard is deducted;

(III) The anticipated unearned income is added including;

(1.) Child or spousal support anticipated to be received by the family unit;

(2.) State assigned and collected nonexempt child or spousal support; and

(IV) The best estimate of deemed income of stepparent, parent(s) of minor parent or the disqualified person is added after applying the appropriate calculation;

(V) The balance is compared against the maximum payment level for the number of POWER eligible individuals;

(VI) The case will be eligible when the balance in (V) is less than the maximum payment level.

(VII) The performance payment will be calculated by subtracting the balance in (V) or

(VIII) The performance payment amount is compared against the anticipated child support collection. The case is terminated in the second prospective payment month following the first month of prospective ineligibility when the performance payment is equal to or less than the nonexempt child support anticipated to be collected and it is anticipated the child support amount will be ongoing.

(IX) The case is found eligible for the prior month's performance payment for the first month of ineligibility due to an increase in prospective child support when:

(1.) The total income is equal to or exceeds the income limit; and

(2.) The family unit has continuously received a POWER performance payment for two (2) or more full payment months; and

(3.) Compliance with the performance requirements has occurred in the corresponding performance period.

(X) The earned income incentive will be available for up to six (6) consecutive months after the family unit has become ineligible for a regular POWER performance payment because of earned income when (W.S. 42-2-103):

(1.) The family unit will be given the option to choose between (2.) and (3.) below. Both the one (1) month or six (6) month option will count toward the five (5) year benefit limit.

(2.) The case will be eligible for the amount of the prior month's payment for the first month of ineligibility due to an increase in earned income when:

a. The total income is equal to or exceeds the income limit; and

b. The family unit has continuously received a POWER performance payment for two (2) or more full payment months; and

c. Compliance has occurred in the corresponding performance period.

(3.) The Benefit Specialist will determine if the case is eligible for the earned income incentive payment.

a. The earned income incentive payment will be available for up to six (6) consecutive months after the family unit has become ineligible for a POWER performance payment because of prospective earned income.

b. The six (6) consecutive months count whether or not the earned income incentive payment continues unless the income is reduced or ceases due to no fault of the employee. Any remaining earned income

incentive payment months can be applied if the earned income is reduced or ceases due to no fault of the employee if she/he again becomes ineligible for a POWER performance payment due to earned income.

c. The amount of the earned income incentive payment is based on fifty percent (50%) of the family's maximum payment level for the family unit size as long as the family member remains employed regardless of fluctuations in earnings.

d. The family unit will be eligible for the one-time-only earned income incentive payment when:

i. The family unit has continuously received a POWER payment for two (2) or more full payment months;

ii. The family member entered new employment or has an increase in earnings;

iii. The family unit has not previously received an earned income incentive payment, has not previously been penalized because of noncompliance with the POWER performance requirements or disqualified because of other program restrictions or violations;

iv. The employment is not temporary; and

v. The family has the option of receiving the earned income incentive payment for the current employment or to save the payment for a future situation.

vi. Exception: Job seekers enrolled in the Laramie County Community College Job Skills Pilot Project may be eligible for the earned income incentive payment even if previously penalized because of noncompliance with the POWER performance requirements prior to entering the pilot project. If penalized while participating in the pilot project the exception will not be available.

(C) The individual will be considered to be a recipient when a zero money performance payment results from the ten dollar (\$10) limit as a result of noncompliance, nonpayment or the recovery of an overpayment.

(D) An extra paycheck will not be a "change in circumstances" when the best estimate calculation has included the conversion to a monthly amount.

(E) An underpayment will be processed only to correct an erroneous payment when:

(I) A performance payment was made for an amount less than the family unit was eligible to receive due to a change not acted upon timely; or

(II) No performance payment was made and the family unit was eligible for a performance payment due to a change not acted upon timely; or

(III) A performance payment is directed by a final order following an administrative hearing.

(IV) There is no outstanding overpayment as the underpayment will be used for offsetting.

(F) A redetermination of the best estimate will be required for the performance payment month when a change in circumstances is reported or becomes known. Each of the following constitutes a change in circumstances:

(I) Beginning or ending employment or an unearned income source;

(II) Changing employers or obtaining additional employment;

(III) Increase or decrease in number of work hours that is expected to continue;

(IV) Increase or decrease in rate of pay;

(V) Increase or decrease in family unit members;

(VI) Change in resources or address;

(VII) Moving from or to a shelter supplied situation to or from a shelter included situation.

(G) A change in circumstances shall be reported not later than 10 calendar days after the change becomes known to the assistance unit. The applicant/recipient shall provide verifications needed for redetermination of eligibility not later than 10 days from the date of a notice requesting the verification.

(H) When a change in family unit composition is reported or becomes known, the following will occur:

(I) An application form will be completed.

(II) An IRCU will be completed for or by the individual entering the home when she/he is required to meet the Pay-After-Performance provisions. This is required whether or not her/his needs are added to the POWER performance payment.

(III) Eligibility must be redetermined and the amount of the performance payment will be recalculated considering the individual's income and resources.

(IV) The performance payment must be authorized by deadline for the first of the following month when the individual will be exempt from the Pay-After-Performance requirements and the family unit has complied with the requirements; or

(V) As follows when the individual is mandatory for the Pay-After-Performance requirements:

(1.) For the first (1st) of the month following the month of application when the application was received prior to the fifteenth (15th) and the Pay-After-Performance requirements were met; or

(2.) An immediate issuance on the first of the month following the month of application when the application was received on or after the fifteenth (15th) and the Pay-After-Performance requirements were met.

(VI) The noncompliance penalty will be authorized when the mandatory individual fails or refuses to comply with the POWER performance requirements.

(viii) Lump sums:

(A) Lump sums will be considered exempt unearned income and a nonexempt asset in the month of receipt.

(B) If there is a remaining balance in the following month(s), it shall be included as an asset until it is gone.

(b) POWER payment process:

(i) The performance payment will be processed using the following procedure when the family unit is eligible for a performance payment.

(A) A performance payment will be allowed for the performance payment month for a family unit who met all of the eligibility conditions and Pay-After-Performance requirements.

(I) A change due to receipt of a lump sum, participating in a strike, receipt of excess income or resources may cause ineligibility and the ineligibility is for the entire performance payment month.

(II) A change in school attendance, parent in or out of the home or age during a month does not cause ineligibility for the performance payment month when the case will be eligible on the date payment will be paid as long as the performance requirements are met within specified time frames.

(ii) Nonpayment of the performance payment will occur for the affected performance period when a mandatory family member has failed to comply with the POWER Pay-After-Performance requirements.

(iii) Nonpayment of the performance payment will occur for the corresponding performance period when any family member without an IRP voluntarily quits a job and:

(A) The employment was for at least twenty (20) hours per week or provided weekly earnings equivalent to the federal minimum wage multiplied by twenty (20) hours; and

(B) The quit was without good cause.

(iv) Failure of the family unit to comply with any of the child support performance requirements will result in the family's POWER performance payment not being issued for the affected performance payment month.

(v) The POWER performance payment will be payable to the caretaker relative, the protective payee, court appointed guardian or custodian, vendor or two (2) payees as in a two-party check.

(vi) The POWER performance payment will be based on the number of eligible persons in the family unit, excluding the unborn child.

(vii) No restrictions will be imposed on the use of the performance payment by the individual, excluding the protective payee.

(viii) The warrant will not be altered in any way.

(A) The warrant will be delivered to the client in the existing form when an error occurs.

(B) The correction will be processed before the next warrant will be issued and an underpayment or recovery will be executed when appropriate.

(ix) The warrant will be endorsed by the payee in ink on the reverse side.

(x) A caretaker relative will be entitled to a performance payment for the entire month in which a child leaves the home after the payment is received provided payment was not made for the same child in the same month to:

(A) Another relative; or

(B) Local, state, or IV-E foster care for maintenance, including a voluntary placement.

(xi) A caretaker relative will be entitled to a performance payment the first of the month following the month in which a child enters the home when all performance requirements are met.

(A) A payment must not have been made for the same child in the same month to:

(I) Another relative; or

(II) Local, state or IV-E foster care for maintenance, including a voluntary placement.

(xii) Duplicate payments will not be made on behalf of the same child in the same month.

(xiii) One (1) performance payment can be allowed to a person acting for a caretaker relative in an emergency situation to provide time to make and carry out plans for the child's continuing care and support.

(xiv) The applicant or recipient, case or person will be ineligible for the performance payment month when cash assistance has been received in the same month in another state. The performance payment will be computed from the first of the following month and performance requirements must be met.

(xv) Actual warrants will not be issued for amounts less than ten dollars (\$10). The eligible persons will be considered as recipients and the month will count toward the five (5) year benefit limit.

(xvi) The POWER performance payment will begin from the date of application when the program and performance requirements have been met.

(xvii) When adding a person(s) the performance payment begins the first of the month following the month of application and all performance requirements have been met.

(xviii) A protective payee or payment will be used as follows (W.S. 42-2-107):

(A) A protective payment, when appropriate, will be authorized to one (1) of the following:

- (I) A protective payee;
- (II) A vendor;
- (III) A foster care provider;
- (IV) Two (2) payees as in a two-party check.

(B) A protective payment must be issued to the parent, adult relative or court appointed guardian or custodian when the performance payment is paid on behalf of a minor parent (unless emancipated) and his or her dependent child(ren).

(C) A protective payment will be issued and the needs of the caretaker relative left in the performance payment when the caretaker relative shows a current inability to manage funds which threaten the health and safety of the child(ren).

(I) Mismanagement will be presumed when DFS has information the recipient has two (2) or more months of nonpayment of rent.

(II) All relevant circumstances will be considered to determine if mismanagement exists including but not limited to:

(1.) There are unpaid bills for a reason other than:

a. The occurrence of an unusual event, or a circumstance beyond the individual's control, which required the expenditure of the funds available; or

b. The necessary bills which exceed the performance payment and other income of the family unit; or

c. The result of the recipient's consumer right when there is a legitimate dispute over whether the terms of an agreement were met; or

d. The person is unable to manage funds due to a mental or physical condition verified by written medical or psychological reports.

(III) When mismanagement is believed to be a child neglect situation, the caretaker relative will be referred to Child Protection Services, who will determine if other services are needed.

(D) The recipient will be allowed to select the protective payee or participate in the selection to the extent possible.

(I) The person or relative selected to be the protective payee must be interested in or concerned with the welfare of the child(ren).

(II) Social service or fiscal staff employed by the agency may be a protective payee only when no other individual is available.

(III) The following are excluded from being a protective payee:

- (1.) The DFS-FO manager;
- (2.) Any DFS-FO staff member who determines the financial eligibility;
- (3.) Personnel involved in Quality Control, recovery or special investigative staff;
- (4.) Child support and contract staff; and
- (5.) Landlords, grocers and other vendors of goods and services who deal directly with the recipient.

(IV) The requirement of confidentiality must be explained to the protective payee;

(V) The recipient must be notified of the appointment and the name of the protective payee.

(E) The protective payee status will be removed when:

(I) The minor parent reaches eighteen (18) years of age or becomes emancipated; or

(II) The caretaker relative has demonstrated the ability to manage funds in the best interest of the child(ren); or

(III) A guardian or legal representative has been appointed because the need for a protective payee will continue beyond two (2) years due to the lack of improvement in the client's management skills.

(F) The protective payment status must be reviewed and a report required quarterly from the protective payee. (W.S. 42-2-107)

(xix) A recovery case must be processed and followed-up when a performance payment was paid for a month in which the family unit was overpaid or ineligible. (W.S. 42-2-112)

(A) When an adverse change is unreported or reported untimely and a performance payment was paid incorrectly in the performance payment month, an overpayment exists.

(B) The six hundred (\$600) or twelve hundred dollar (\$1200) earned income disregard will not be allowed when establishing an overpayment due to an earned income client error or intentional program violation which occurred prior to August 1, 1997.

(C) After August 1, 1997, an unreported or untimely reported adverse change is considered noncompliance and the noncompliance penalty will be applied.

(D) Recovery cases will include agency errors.

(xx) A POWER overpayment case will be referred to the DFS Prosecution, Recovery, Investigation, Collection Enforcement (PRICE) unit who administers recovery and overpayments for possible prosecution or intentional program violation (IPV) when it appears the client purposely misreported or failed to report information for more than one (1) performance payment month or the violation is the same as previous program offenses. (W.S. 42-2-112 and Section 911 of the Public Law 104-193, as amended.)

(A) When the hearing decision or any court decision on criminal or civil misrepresentation or IPV has been received the Benefit Specialist will:

(I) Generate an adverse action using the computer system notice within ten (10) days of receipt of the disqualification decision, and

(II) Require the client to sign the Installment Contract, as it will be a performance requirement for a performance payment; and

(III) Require the client to choose a method of repayment.

(B) The penalties for IPV or criminal or civil misrepresentation will be imposed as follows:

(I) All of the resources of the disqualified individual count; and

(II) The penalty will be applied to the family unit member who was not prosecuted but did lose the disqualification hearing as follows:

(1.) Twelve (12) months for the first disqualification; or

(2.) Twenty-four (24) months for the second disqualification; or

(3.) Permanently, or as specified in the notice from the hearing officer, for the third (3rd) or subsequent disqualifications.

(xxi) Underpayments will be computed and processed when a determination has been made there has been an underpayment and will be offset against any overpayments.

(xxii) POWER warrant or check hold.

(A) The POWER warrant or check may be held and not mailed to the payee for the following reasons:

(I) The recipient reports an address change too late to make the change for the first of the month and verbally agrees to pick up the warrant at the DFS-FO;

(II) The DFS-FO issues written notice to the recipient an address change was not processed and the warrant can be picked up at the office;

(III) The recipient requests the warrant be held due to problems with the postal service or the mailbox;

(IV) The recipient requests the POWER payment be terminated; or

(V) The DFS-FO finds the family unit ineligible for a reason which requires an adequate notice.

(B) The POWER warrant or check will not be held for the following reasons:

(I) The DFS-FO shall refuse to request a hold on a case which is currently active in another field office; or

(II) When a recipient has failed to provide information, the DFS-FO shall terminate the POWER payment instead of holding the warrant or check.

(xxiii) Lost stolen, mutilated or returned warrants are reported and submitted to DFS-Benefits Processing Unit (BPU).

Section 10. **Notification.** The regulations at W.S. 42-2-106, W.S. 42-2-110 shall apply.

(a) An adequate notice shall be issued on the computer system advising the applicant of the action taken on the application.

(b) An adequate notice shall be issued as a notice of intended action on the computer system using the following procedure. The notice will be received no later than the date of action or the date payment would have been received and include:

(i) The intended action to be taken in the manner of the performance payment;

(ii) The amount of the performance payment;

(iii) The date the action will occur;

(iv) The reason and specific regulation(s) supporting the action;

(v) A statement of the person's right to request an informal conference at the DFS-FO and an administrative hearing. (W.S. 42-2-110.)

(vi) The explanation of the recipient's obligation and responsibility to report changes in income, resources or living situation to the DFS-FO no later than 10 calendar days after the change becomes known;

(vii) A statement if an administrative hearing decision upholds the action taken by DFS an overpayment will be established for each month the eligibility factors and performance requirements were not met.

(c) A notice of intended action shall be generated from the computer system when a change in circumstances is reported or becomes known and the information is incomplete or verification has not been furnished.

(d) A notice of action will be generated to inform the applicant or recipient the request for hearing has been received and performance payments will not continue pending the outcome of the administrative hearing.

(i) The notice of action will include a statement if the administrative hearing decision is in favor of the caretaker relative, an underpayment will be issued for each month the eligibility factors and performance requirements are met.

(ii) The notice of action will include a statement if the administrative hearing decision is in favor of DFS, an overpayment will be established for each month the eligibility factors and performance requirements were not met.

Section 11. **Review of Eligibility and Performance Requirements.** (W.S. 42-2-109)

(a) Each family unit must report changes by phone, in person, in writing or on the change report form during regular business hours as follows:

(i) Expected changes in income, resources, school enrollment, family unit size and address; and

(ii) Changes in circumstances during the performance period.

(b) The caretaker relative shall report any change in circumstances within 10 calendar days after the change becomes known by the assistance unit. The applicant/recipient shall provide verifications needed for redetermination of eligibility not later than 10 days from the date of a notice requesting the verification.

(c) A change report will be mailed to the applicant after authorization of the first full month of POWER and will include an explanation of the reporting requirement.

(d) The following procedure will be followed when a change in circumstances is reported timely and is complete.

(i) Eligibility will be redetermined.

(ii) Appropriate action will be initiated to:

- (A) Leave the payment as it is when there is no change; or
 - (B) Process a change in the performance payment amount, address or other change; or
 - (C) Process a termination for ineligibility.
- (iii) An adequate notice of action will be issued to the caretaker relative of any adverse action.
 - (iv) An updated change report form will be sent to the caretaker relative.
- (e) The following procedure shall be used when a change is reported timely and the information is incomplete or verifications are missing:
- (i) A notice of adverse action shall be generated upon discovery of the incomplete or unverified reported change to notify the caretaker relative the case in nonpayment status or terminated for the first of the following month or the corresponding performance payment month, whichever is affected.
 - (ii) The notice will identify the missing information and verification needed.
 - (iii) The notice will advise the client assistance will be available, upon request, to obtain information or verification when the individual is or would have difficulty in obtaining same.
 - (f) The information or verification when received, and the change shall be considered complete when the requested information or verification is received within the appropriate performance period; and
 - (i) Eligibility shall be redetermined.
 - (ii) The case file will be documented when the best estimate is recalculated indicating the information used and how the calculation was done; and
 - (iii) The POWER performance payment will be processed, authorized in nonpayment status, or terminated or transferred to Medicaid only status, as appropriate; and
 - (iv) An adequate notice of action shall be issued to the caretaker relative of any adverse action caused by information given on the change report.

(g) Good cause shall be determined for untimely reporting of changes by requiring the caretaker relative to provide verification of the cause of untimely reporting of a change in circumstances.

(i) A report of a change will be considered untimely when not reported within the appropriate performance period unless the caretaker relative can provide proof of good cause.

(ii) The following will be considered to be good cause circumstances:

(A) The caretaker relative was out of town due to illness or death of an immediate family member;

(B) The caretaker relative or a member of the family unit was in the hospital;

(C) The postmark on the envelope proves the information or verification or change report was late due to postal problems;

(D) Circumstances of weather or disaster prevented the delivery or return of the information, verification or change report form;

(E) The job seeker did not do a mandated report of a change to the CM which would affect compliance with the IRP, but did report the change to the Benefit Specialist.

(F) Other circumstances beyond the family unit's control and for which no alternative was available.

(h) A redetermination of eligibility shall be done prospectively whenever a change in income, resources, or family unit size is reported.

(i) A periodic review of the eligibility factors shall be conducted whenever a change is known or suspected or at the time specified in policy for a specific eligibility factor or performance requirement. The periodic review will be done no less than every six (6) months: (W.S. 42-2-109)

(i) For child only family units;

(ii) When Food Stamps are due for recertification and POWER is also received;

(iii) When a social security card is due;

(iv) For child support good cause claims;

(v) For a child who is age eighteen (18) and expected to graduate by age nineteen (19);

(vi) For an educational program (POWER-SASFA) student family unit;

(vii) When resources which are subject to change or close to the limit; or

(viii) For the minor parent provision.

(j) When transferring a case to another DFS-FO, the caretaker relative must perform the following at the receiving field office before the field office accepts transfer no later than the fifteenth (15th) of the performance payment month:

(i) Appear for a face-to-face interview to complete a periodic review of all eligibility factors except age and citizenship;

(ii) Furnish verification(s) of all changes affecting eligibility; and

(iii) Comply with the child support and work performance requirements.

(k) The CM will:

(i) Have contact with the job seeker at least once a month to assure performance requirements were met and review progress areas.

(ii) Monitor good and satisfactory progress and performance requirements and immediately advise the Benefit Specialist and generate the appropriate computer system notice when the requirements have not been met.

(iii) Update the IRP, as appropriate.

(iv) Monitor the decisions and agreements made in any administrative hearing, good cause, incapacity, domestic violence and postponement situations.

(A) Administrative hearing and good cause decisions must be implemented immediately.

(B) Incapacity and domestic violence decisions must be reviewed at least every six (6) months.

(C) Postponement shall be limited to six (6) month periods with a reassessment done at the end of the period prior to extension.

(v) Review progress of vocational training, on-the-job training or work experience activities at least quarterly in addition to the monthly performance requirements and include:

(A) Compliance with full-time participation and the educational or training time limits.

(B) Completion of the training within one (1) year.

(C) Maintenance of the equivalent of a “C” grade point average, competency gains or achievement of proficiency levels as determined by the CM, instructor, trainer or WIA.

(D) Consistent enrollment and attendance.

(vi) Review, in addition to the monthly performance requirements, basic education (high school or GED) progress at least every term or semester and require:

(A) Compliance with full-time participation.

(B) Maintenance of the equivalent of a “C” grade point average, competency gains or achievement of proficiency levels as determined by the instructor.

(C) Consistent enrollment and attendance.

Wyoming Department of Family Services

Personal Opportunities With Employment Responsibilities

CHAPTER 1

Section 1. Authority and Purpose.

The Division of Economic Assistance, within the Department of Family Services (DFS), is authorized under the Public Assistance and Social Services Act, W.S. 42-2-101 *et seq.*, W.S. 42-2-103 (b)(iii) and (xiii), and the Wyoming Administrative Procedures Act, W.S. 16-3-101 *et seq.* to promulgate rules and regulations to be used by the Division in the discharge of its functions.

The State of Wyoming has submitted a State Plan for Temporary Assistance for Needy Families (TANF) to the Administration of Children and Families of the Department of Health and Human Services. The State Plan is provided for in Section 401 of Public Law 104-193, as amended, Title IV-A. The State has agreed to administer the program in accordance with Title III and Title IV of Public Law 104-193, as amended and the Wyoming welfare statutes.

The Personal Opportunities With Employment Responsibilities (POWER) Program is a Pay-After-Performance Program for temporary support to needy families with dependent children. Families are required to actively pursue child support and mandatory family members are required to meet work performance standards for the family to receive performance payments.

POWER is funded through a federal block grant and with state dollars.

Section 2. Definitions.

(a) “Abandonment” - the child(ren) has been left with no obvious behavioral, verbal or written intentions of reclaiming the child(ren).

(b) “Absence” -

(i) Continued absence - when the parent:

(A) Is physically away from the home;

(B) Is not exercising parental care and control;

(C) Cannot be counted on to help plan the care and control of the child; and

(D) Is not expected to return to the home for at least thirty (30) days. (See Care and control.)

(ii) Temporary absence - the condition of a dependent child(ren) being away from the home when:

(A) The child(ren) is expected to return to the home within ninety (90) days; and

(B) The caretaker relative continues to exercise responsibility for the care and control of the child(ren).

(c) “Absent parent” - any parent who is not providing care and control of the child(ren) or who cannot be counted on to function in the planning for the physical care, guidance and maintenance of the child(ren). An absent parent is also referred to as a noncustodial parent (NCP).

(d) “Academic or school year” - the annual period of sessions of an educational institution. The year usually begins in the fall.

(e) “Access” -

(i) Access to a resource is the right to dispose of a resource as desired;

(ii) Access is either restricted (requires the signature of another person or specifies the condition of disposal) or unrestricted (no other signature is required or condition imposed); and

(iii) Access to income is the right to obtain the money.

(f) “Active duty” - full-time service in the armed forces with regular duties and pay.

(g) “Adequate notice” - see Notice of action.

(h) “Administrative hearing” - a contested case hearing required and conducted pursuant to 45 CFR, Part 213, and the Wyoming Administrative Procedures Act, W.S.16-3-101 through 16-3-115 and DFS Final Rules, Chapter 1, Contested Case Hearing Procedures.

(i) “Adult” - a person age eighteen (18) or over, unless the eighteen (18) year old will graduate from high school before reaching her/his nineteenth (19th) birthday, or an emancipated minor.

(j) “Adult relative” - for the minor parent requirements, is a person age eighteen (18) or older who has graduated from high school who meets the definition of a “relative”.

(k) “Advance Earned Income Tax Credit (AEITC)” - the payment based on wages of the EITC during the calendar tax year resulting from filing a W-5, Earned Income Tax Credit Advance Payment Certificate, with the employer.

(l) “Adverse action” - a decision to decrease, deny or terminate POWER payments.

(m) “Affordable child care arrangements” – an available child care provider in the community whose charges for services does not exceed the local market rate established at the seventy-fifth (75th) percentile.

(n) “Agency error” - an incorrect action or failure to take action by a DFS worker or contract employee.

(o) “Alien” - a person residing in, and who is not a citizen of, the United States of America.

(p) “Alien sponsor contribution” - the amount of income of the sponsor and her/his spouse which will be deemed to the alien, whether available or not.

(q) “Alimony” - see Support.

(r) “Anticipate” - to foresee or look forward to as likely to occur based on known facts of past, present and future circumstances.

(s) “Appertains” - the condition of belonging either as something or as part of it.

(t) “Applicant” - all household members included in a completed, signed and filed application for POWER performance payments, or a person who expresses verbally or in writing a desire to make application for POWER.

(u) “Application” - the form on which a person indicates, in writing, the desire to receive assistance and provides information necessary for determining eligibility.

(v) “Application date” - date the signed application is received and date stamped in the DFS-FO and will be the date compliance with the child support, work and eligibility performance requirements must begin.

(w) “Appropriate child care” – child care meeting Wyoming licensing standards or, if legally exempt from child care licensing requirements, meeting minimum

health and safety requirements as outlined in 45 CFR 98.41. All providers must also receive a favorable Central Registry and criminal history prescreen check.

(x) “Approve” - to decide the applicant(s) will be eligible for a POWER performance payment.

(y) “Approved educational program” (W.S. 42-2-102) -

(i) Any program at the University of Wyoming or a Wyoming community college or other accredited education program within Wyoming or other program approved by DFS which leads to no more than a baccalaureate, associate degree or nationally recognized certification or license; or

(ii) Any vocational training program approved by DFS.

(z) “Arrearages” - all amounts of past due child support exclusive of those amounts which have been obtained through federal and state income tax refund offsets.

(aa) “Assessment” - the act of evaluating a person, condition, resources or income for a work plan and for POWER eligibility.

(bb) “Authorize” - to generate a POWER performance payment on the computer system.

(cc) “Available” -

(i) For resources, the condition of having unrestricted access to convert property to cash which can be used for the needs of the family unit;

(ii) For income, the condition of having access to income which can be used for the needs of the family unit; and

(iii) Income and resources are considered when actually available and when the applicant or recipient has legal interest in a liquidated sum and has the legal ability to make such sum available for support and maintenance. (See Access.)

(dd) “Barrier to sale” - a statement in the document of ownership (bill of sale, deed, signature card, or contract) which specifies the sale can be made only under the circumstances given, or there is an inherent legal restriction to the sale.

(ee) “Battered or subjected to extreme cruelty or domestic violence” - an individual has been subjected to (P.L. 104-193, as amended):

(i) Physical acts that resulted in, or threatened to result in, physical injury to the individual;

- (ii) Sexual abuse;
 - (iii) Sexual activity involving a dependent ;
 - (iv) Nonconsensual sexual acts or activities perpetrated on the caretaker relative of a dependent child through force;
 - (v) Threats of, or attempts at, physical or sexual abuse;
 - (vi) Mental abuse; or
 - (vii) Neglect or deprivation of medical care.
- (ff) “Benefit Specialist” - an employee of the Department of Family Services who determines eligibility for the POWER performance payment.
- (gg) “Best estimate” - the Benefit Specialist’s best determination based on knowledge of past, current and future case circumstances which accurately reflects all facts known to the Benefit Specialist at the time.
- (hh) “Beyond the family’s control” - for lump sums, an unforeseen circumstance such as death of a family member or a natural disaster.
- (ii) “Bona fide” -
- (i) For burial, a trust, contract or agreement specified for that express purpose and there cannot be other funds or items designated for burial.
 - (ii) For job offer:
 - (A) The job applicant is verifiably able to perform the type of work involved;
 - (B) The working conditions are safe and free from intimidation, abuse, exploitation or harassment; and
 - (C) The job pays the applicable federal minimum wage or prevailing wage for like work in the community.
- (jj) “Break-in-aid” - a period of one (1) or more months in which a family unit is not eligible for POWER and does not receive a performance payment.
- (kk) “Budgeting” - the act of calculating the amount of a performance payment to be paid to the family unit for the performance period.

(ll) “Bureau of Indian Affairs (BIA)” - an agency within the Department of Interior.

(mm) “Burial plot” - a grave site, the value of which may include opening and closing costs, a vault, crypt, urn, grave marker, etc.

(nn) “Business expenses” - for self-employment, the costs directly related to the production of goods or services provided by the operation which are then subtracted from the gross income to determine the net income.

(oo) “Care and control” - when a parent or caretaker relative can be counted on to function in planning for or is giving the child(ren) physical care, guidance and maintenance as follows:

(i) Guidance - parental participation in the responsibility for the child’s development. Such participation includes, but will not be limited to, attending school conferences, disciplining the child, participating in decisions concerning the child’s well-being and involvement in the child’s extracurricular activities.

(ii) Maintenance - typically synonymous with “support” as in provision of necessities such as food, clothing and shelter.

(iii) Physical care - providing continuous care for the child by performing tasks required in the child’s daily life. Such tasks include, but are not limited to, bathing, feeding, dressing, assuring medical attention will be received by the child, preparing meals, supervising the child’s activities, and assisting with other physical care needs.

(pp) “Caretaker relative” - a person who meets the definition of a relative and will be exercising the day-to-day care and control of the child(ren).

(qq) “Case file” - a folder containing documents relating to a family unit.

(rr) “Case management” - a series of activities directed toward the common goal of client self-sufficiency and self-responsibility.

(ss) “Case manager (CM)” - the individual who provides employment directed services to POWER work program job seekers.

(tt) “Case record” - includes the applicant’s or recipient’s case file and the information contained in the computer system.

(uu) “Cash assistance” - a POWER performance payment or TANF payment made to or on behalf of an eligible person(s).

- (vv) “Cash value” -
- (i) For resources, the amount that would be paid if the resource were sold or converted to cash.
 - (ii) For income, the amount of income or the value assigned to the service rendered for in-kind income.
- (ww) “Change in circumstances” - a change in income, resources, family unit size and composition, etc., which affects the ongoing POWER performance payment.
- (xx) “Change report” - the form used to inform the Benefit Specialist a change in circumstances has occurred or will be expected to occur. (Changes can also be reported by phone, in person or in writing.)
- (yy) “Check hold” - the act of removing the POWER warrant from direct mailing to the client and sending it to the DFS-FO.
- (zz) “Child” - for POWER payment purposes, a dependent between birth and eighteen (18) years of age who is not an emancipated minor. A child is also a dependent who is age eighteen (18), excluding a minor parent, is a full-time high school student, and expected to graduate before reaching age nineteen (19). (W.S. 42-2-104)
- (aaa) “Child Protection Services (CPS)” - child welfare services performed by persons legally responsible for investigating suspected cases of child abuse and neglect and intervening in verified cases.
- (bbb) “Child support” - see Support.
- (ccc) “Child Support Authority (CSA)” - a legal entity charged with maintaining a child support enforcement program at the judicial district level which complies fully with the provision of state law and Title III of the Public Law 104-193, as amended.
- (ddd) “Child support performance requirement” - a Pay-After-Performance requirement which includes assigning child support rights to DFS, establishing paternity, turning over to the state support payments and cooperating with the CSA in the collection of child support payments.
- (eee) “Circumstance” - a happening or condition which affects the factors of eligibility.
- (fff) “Commingled” - mixing countable and exempt funds together.

(ggg) “Compliance” - to comply with Pay-After-Performance requirements including registration for work and compliance with child support, work program and eligibility requirements.

(hhh) “Concurrent” - occurring simultaneously or at the same time.

(iii) “Confidentiality” - the limitation of the use and disclosure of applicant and recipient information.

(jjj) “Continued absence” - see Absence.

(kkk) “Contribution” - a voluntary or mandatory monetary or in-kind grant or aid provided another person(s) which:

(i) Will not be repayment for goods or services the person provided;
and

(ii) Will not be given because of a legal obligation on the giver’s part.

(lll) “Contribution statement” - a written statement verifying a contribution has been made to or on behalf of another person(s).

(mmm) “Control” - power or authority to manage or direct the behavior and activity of another, as of a parent whom has physical custody of a child.

(nnn) “Cooperate” - working with the Child Support Authority and the POWER program to meet the POWER performance requirements and to establish and maintain eligibility.

(ooo) “Countable” - a category of income or resources to be used or to which the program policy and limits are to be applied.

(ppp) “Countable income” - see Income.

(qqq) “Court appointed” - an assignment or determination made by a judicial tribunal duly constituted for hearing of cases.

(rrr) “Current market value” - the amount for which property can be expected to sell for on the open market in the community at the time of the determination or at the time of transfer or sale.

(sss) “Current month” - see Month.

(ttt) “Current month child support” - money paid by the absent parent in the present month which is for the same month's support.

- (uuu) “Custodial parent” - parent with whom the child(ren) resides.
- (vvv) “Custodian” - an individual who has been appointed by the court to care for a person as reflected in a court order.
- (www) “Date of action” - the day the performance payment will be issued, increased, reduced, denied or terminated. The date an action will be effective.
- (xxx) “Date stamped” - the date marked on a document showing it was received in the field office.
- (yyy) “Deduct” - to take an amount away from a total.
- (zzz) “Deeming” - to consider the income and resources of one (1) person as the income and resources of a second person whether or not these are actually available.
- (aaaa) “Department of Family Services (DFS)” - the Wyoming state agency which is administratively responsible for the POWER program.
- (bbbb) “Department of Family Services-Field Office (DFS-FO)” - the DFS staff located in the counties.
- (cccc) “Department of Family Services-State Office (DFS-SO)” - the DFS staff located in the Hathaway Building in Cheyenne.
- (dddd) “Dependent” - one who relies on another for support.
- (eeee) “Desertion” - see Abandonment.
- (ffff) “Disability” - a medical determination to receive disability benefits paid through SSA or Railroad Retirement due to a medical condition considered to be permanent.
- (gggg) “Disaster” - for lump sums:
- (i) The death of a person in the family unit;
 - (ii) An earthquake, fire, flood, tornado, robbery; or
 - (iii) Furnace breakdown or broken water pipes in the home when the home is owned by a person in the family unit.
- (hhhh) “Disclosure” - revealing.

(iiii) “Discontinued income” - money no longer received by the individual from a specified source (does not include reduced income).

(jjjj) “Disqualified” - as a penalty, sanction, or legal restriction on a family member, the family’s POWER payment is reduced by an amount up to one hundred dollars (\$100).

(kkkk) “Disregard” - an allowance of six hundred dollars (\$600) deducted from the earned income for each applicant or recipient in a single-parent, two-parent, stepparent, parent(s) of minor parent or caretaker relative situation per W.S. 42-2-103 or twelve hundred dollars (\$1200) from the earned income in an eligible married couple situation.

(llll) “Division of Vocational Rehabilitation (DVR)” - a division within the Wyoming Department of Workforce Services.

(mmmm) “Document” -

(i) A written record of the circumstances of an event or fact; or

(ii) A statement of the content of a record which furnishes proof; or

(iii) The act of entering in the case file the proof or statement of proof the verification was accomplished and of entering in the case file the content of the record used to verify.

(nnnn) “Documentation” - the acts of entering in the case file or in the case computer record the proof or the statement of proof that the verification or action was accomplished.

(oooo) “Domestic violence” - see Battered or subjected to extreme cruelty.

(pppp) “Earned income” - see Income.

(qqqq) “Earned income incentive payment” - a payment made to a family unit when a family member becomes ineligible for POWER because of earned income and meets the criteria specified in Section 9 of these rules. (W.S. 42-2-103)

(rrrr) “Earned Income Tax Credit (EITC)” - an amount of money either deducted from the taxes owed or paid as a refund resulting from filing a Form 1040 or 1040A tax return for a calendar year.

(ssss) “Eligibility factor” - see Eligibility performance standard or requirement.

(tttt) “Eligibility performance standard or requirement” - a specified condition an applicant or recipient must meet in order to qualify to receive a POWER performance payment.

(uuuu) “Eligible” - qualified to receive a POWER performance payment after meeting all of the specified conditions, factors and performance requirements.

(vvvv) “Emancipated” - a person who has obtained the legal status of an adult under W.S. 14-1-101, as amended.(See Financially responsible.)

(wwww) “Emergency situation” - the occurrence of an event that prohibits the caretaker relative from providing day-to-day care and support of the child or from endorsing a warrant issued by DFS.

(xxxx) “Emotional harm” - injury or threat of injury to the psychological capacity or emotional stability of a child or caretaker relative.

(yyyy) “Employment” - an activity in which an individual works for wages.

(i) Full-time will be thirty-five (35) or more clock hours per week and earning at least the equivalent of the federal minimum wage including self-employment.

(ii) Part-time will be less than thirty-five (35) clock hours per week, or if the hours average more than thirty-five (35) hours per week and earnings are less than the federal minimum wage.

(zzzz) “Employment expenses” - the costs an individual must pay to work for a specific employer or in a specific type of work, such as:

- (i) Retirement contributions;
- (ii) Transportation to and from work;
- (iii) Tools, special equipment, uniforms;
- (iv) Union dues, etc.; and
- (v) Excluding FICA or withholding taxes.

(aaaa) “Encumbrance” - a claim or legal debt(s) against a resource which must be paid when the resource is sold and will be supported by a written document.

(bbbb) “Equity value” - the current market value less any legal debts (such as mortgages, loans, penalties, cost of sale, etc.) against the property.

(ccccc) “Essential for day-to-day living” - as stated by the caretaker relative, the item or service is indispensable or necessary for the survival of the family unit.

(ddddd) “Evidence” - see Document.

(eeee) “Exempt” - a category of income, resources or circumstances not subject to program policy or limits and will not be counted for eligibility purposes.

(ffff) “Exploitation” - the performance of daring deeds or taking advantage of another, abusing or misusing.

(ggggg) “Extra paycheck” - a wage payment in addition to the usual number of payments made in a month.

(hhhhh) “Failure to comply” - neglecting to keep the initial interview and other scheduled meetings and to meet any of the child support, work program or eligibility performance standards.

(iiii) “Fair hearing” - see Administrative hearing.

(jjjj) “Fair market value” - the amount of money the sale of property would currently (or at the time of transfer) bring on the open market in the community where the property is located. (See Current market value.)

(kkkkk) “Family unit” (AKA assistance unit) - for POWER, the following individuals who are living in the same household and who are responsible for the support of each other or of dependents:

(i) The dependent child(ren) including each blood related or adopted brother or sister (and may include stepbrothers and stepsisters) who meet the age and the parent in or out of the home requirements;

(ii) The eligible or ineligible parent(s); and

(iii) The stepparent and parent(s) of the minor parent.

(llll) “Federal Insured Contribution Act (FICA)” - commonly known as the Social Security Contribution deducted from wages and used for Retirement, Survivors and Disability Insurance (RSDI) payments.

(mmmm) “Financially responsible” - answerable or liable by law for providing the funds to meet the needs of a spouse or child(ren). Under POWER rules, a parent is responsible for an unemancipated natural or adopted child until age eighteen (18). A spouse is responsible for a spouse. (See Emancipated.)

(nnnnn) “Five (5) year benefit limit” - AFDC or POWER or POWER-SASFA or TANF payments are limited to five (5) years (whether or not consecutive) for any family unit regardless of location. (Section 408 of the Public Law 104-193, as amended and W.S. 42-2-103) (Per 2001 Wyo. Sess. Law, Ch. 188, and POWER-SASFA rules, Chapter 2, months will not be counted toward the five (5) year benefit limit while the criteria are met.)

(ooooo) “Fleeing” -

(i) For felons, moving outside the jurisdiction of the court where the felon was tried and convicted.

(ii) For battered or subjected to extreme cruelty, moving outside the county, state or country to seek a safe and secure environment with the assistance of a domestic violence agency.

(ppppp) “Fluctuating income” - see Income.

(qqqqq) “Foster care provider” - the facility or person(s) licensed or approved by DFS and caring for the child(ren) placed in their care.

(rrrrr) “Foster Care, Title IV-E” - Title IV-E foster care is a financial assistance program under the Social Security Act, as amended.

(sssss) “Fraud” - documented deliberate misrepresentation, concealment or nondisclosure of information to remain eligible for the payment or to avoid a decrease in the payment. The fraudulent act pertains to an eligibility factor, a work activity expenditure or a performance requirement.

(ttttt) “Fugitive felon” - a person who is fleeing to avoid prosecution, or custody or confinement after conviction (Section 408 of the Public Law 104-193, as amended):

(i) Under the laws of the state from which she/he is fleeing;
and

(ii) For a crime, or an attempt to commit a crime, which is a felony under the laws of the state from which she/he is fleeing, i.e., murder, burglary, etc.

(uuuuu) “Garnishment” - a legal withholding of a specified sum from wages to satisfy a creditor.

(vvvvv) “General Equivalency Diploma (GED)” - the document that indicates a person has passed prescribed testing to obtain the equivalent of a high school education without the diploma.

(wwwww) “Gross income” - see Income.

(xxxxx) “Guardian” - an individual appointed by the court to care for a person as reflected in a court order specifying the guardianship.

(yyyyy) “Guidance” - see Care and control.

(zzzzz) “High school” - for POWER purposes, a school attended after elementary school which consists of grades seven (7) through twelve (12).

(aaaaa) “Home” -

(i) For “living with”, the family setting in which the child(ren) is living with a caretaker relative who has taken on and continues the day-to-day care and control of the child(ren).

(ii) For resource purposes, any shelter owned by the caretaker relative, which is the current place of residence. The home includes the building and land upon which it is located, the land that adjoins to the home and all the mobile homes or buildings located thereon.

(bbbbb) “Homeless” - the condition or lack of a permanent dwelling or lack of a fixed or home address.

(ccccc) “Household” - the people occupying one (1) or more rooms of a house, apartment, mobile home, hotel, motel, etc. This may include one (1) or more family units or ineligible person(s).

(ddddd) “Household circumstances” - a situation that could have an effect on one (1) of the eligibility performance requirements or standards.

(eeeeee) “Household furnishings” - furniture, electric appliances, clothing and personal items owned by the family unit.

(ffffff) “Housing and Urban Development (HUD)” - a U.S. government department.

(gggggg) “Housing subsidy” - any government financial assistance provided to a family unit for rent such as, but not limited to, payments under (See Family unit);

(i) The U.S. Housing Act of 1937;

(ii) Title V of the Housing Act of 1949, as amended;

(iii) The National Housing Act; and

(iv) The Department of Housing and Urban Development (HUD), which includes Indian and public housing, Section 8 new and existing rental housing and Section 236 rental housing.

(hhhhhh) “HUD escrow account” - an account established by HUD under the Family Self-Sufficiency (FSS) Program. The participating families will have a portion of any rent increase which resulted from increased earnings credited to the account.

(iiiiii) “Illegal alien” - a foreign national who is ineligible for a performance payment and who:

(i) Entered the U.S. without inspection or with fraudulent documentation; or

(ii) After entering legally as a nonimmigrant, violated status and remained in the U.S. without permission.

(jjjjjj) “Immediate family member” - with the approval of the work program case manager or Benefit Specialist:

(i) For good cause for untimely reporting and for noncompliance with the work program, the family member must be a parent, child, grandparent, sibling or other close relative.

(ii) When caring for an incapacitated relative, the family member must be a grandparent, parent, child, or sibling.

(kkkkkk) “Immigration and Naturalization Act (INA)” - P.L. 99-603.

(llllll) “Immigration and Naturalization Service (INS)” - the U.S. agency responsible for admitting and assigning residence status to people entering the U.S. from other countries.

(mmmmmm) “Incapacity” - a physical or mental defect, illness or impairment sufficiently serious to eliminate or substantially reduce the parent’s ability to participate in employment, job search, or a training or educational program.

(nnnnnn) “Incest” - knowingly committing sexual intrusion or sexual contact with an ancestor or descendant or a brother or sister of the whole or half blood. (W.S. 6-4-402)

(000000) “Income” - money received from any source, excluding any item specified as a resource.

(i) Countable income - the amount of the recipient’s income used in the computation of the POWER performance payment after application of the disregard, when appropriate.

(ii) Earned income - payment received in cash or in-kind for wages, salary, tips, commissions as an employee or net profit from self-employment activities. Earned income will be the total before deductions for personal or employment expenses and excludes the meal allowance used to compute Federal Insurance Contribution Act (FICA).

(iii) Exempt income - money set aside or free from program policy or limits; not counted.

(iv) Fluctuating income - income that varies in frequency of receipt or income that varies in amount each month due to:

(A) Working overtime.

(B) Work shift differential.

(C) Hourly pay with varying hours.

(D) Receipt of tips or commissions.

(E) Changes of hours or pay-rate.

(F) Decrease or increase in hours of work due to vacations, sick leave or seasonal employment.

(v) Gross income - the total money the person is entitled to receive prior to any deductions, such as Social Security withholding tax, etc.

(vi) In-kind income - the receipt of a good(s) or a service(s) instead of money.

(vii) Net income or profit - gross earnings from self-employment minus current business expenses.

(viii) Nonexempt income - all countable money received to which the program policy limits are applied.

(ix) Ongoing income - money received on a regular basis, no less frequently than monthly, and expected to continue.

(x) Self-employment income - earning one's own living directly from one's own profession or business rather than earning a salary or commission from another.

(xi) Stable income - income received in a set or fixed amount from the same source(s) on a regular basis.

(xii) Unearned income - all money received which is neither earned by providing goods and services nor defined as a resource.

(pppppp) "Income producing property" - property essential to the production of goods and services including stock (merchandise), inventory, tools, equipment, trucks, cars, earth moving equipment, etc. This does not include real property, such as rental property, business property and farm land.

(qqqqqq) "Incomplete report" - any information furnished in writing, in person or by phone which concerns a change in circumstances but is insufficient to verify or act upon the change.

(rrrrrr) "Indian land" - real property:

(i) Owned solely or jointly by an Indian tribe; or

(ii) Which can be sold only with the permission of other owners, an Indian tribe or the Bureau of Indian Affairs.

(ssssss) "Individual Responsibility Certificate of Understanding (IRCU)" - the document which must be signed by all adult, minor parent and teenage school dropout applicants and recipients and describes the required performance standards which must be met to receive a POWER performance payment.

(tttttt) "Individual Responsibility Plan (IRP)" - the document mutually agreed to by the POWER job seeker and the CM which is a self-sufficiency plan for the family. The IRP summarizes the strategy developed toward the job seeker's obtaining private sector employment while meeting the work program performance standards. (Section 408 of Public Law 104-193, as amended)

(uuuuuu) "Individual Retirement Account (IRA)" - a pension or plan that permits individuals to set aside savings that are tax free until retirement.

(vvvvvv) “Ineligible” - not entitled to receive a POWER performance payment due to not meeting one (1) or more of the child support, work or eligibility performance standards or factors.

(wwwwww) “Initial eligibility determination” - the first time act of evaluating each eligibility and performance standard for a family member who applies for POWER and finding the case eligible or ineligible.

(xxxxxx) “Initial qualification” - the date the family unit is eligible for their first POWER performance payment after the POWER implementation date of February 1, 1997.

(yyyyyy) “In-kind earned income” - see Income.

(zzzzzz) “Institution” - an establishment that furnishes (in single or multiple facilities) food, shelter or some treatment or services to four (4) or more persons unrelated to the proprietor.

(aaaaaa) “Insurance settlements” - the money received from a company for damage of property or person. Insurance payments for trauma are income.

(bbbbbb) “Intentional program violation (IPV)” - the action of making a false or misleading statement, a misrepresentation, concealment or withholding of facts to:

(i) Establish or maintain eligibility for DFS programs and services to which the family is not entitled; or

(ii) Increase, or prevent a reduction, of the amount of the performance payments, services or benefits.

(cccccc) “Internal Revenue Service (IRS)” - the U.S. government tax collection agency.

(dddddd) “Job seeker” - a participant in the POWER work program.

(eeeeee) “Job skills training” - the short-term skill training to increase the skills of an employee:

(i) Provided by an employer as part of the job seeker’s employment;
or

(ii) Is not the same as vocational training.

(ffffff) “Job Training Partnership Act (JTPA)” - See Workforce Investment Act (WIA).

(ggggggg) “Joint custody” - the result of a divorce action which gives each parent the right to care for the child during specific time periods which are close to being equally split between both parents. (See Primary caretaker.)

(hhhhhhh) “Knowledgeable source” -

(i) A person who has a considerable degree of familiarity of a subject gained through experience with or association with the individual or subject.

(ii) For evaluation of a resource, a person who is professionally aware of the value of the property in the community.

(iiiiiii) “Late reporting” - information not ~~immediately furnished~~ reported within 10 calendar days when the change becomes known to the client; or verifications which are not furnished within the specified time frames.

(jjjjjjj) “Law enforcement” - persons or agencies who require compliance with the principles and regulations established in a community under the authority of state or federal legislation and enforced by judicial decision.

(kkkkkkk) “Lawful permanent resident alien” - an alien who has been lawfully accorded the privilege of residing permanently in the U.S. as an immigrant in accordance with the immigration laws and such status has not changed since admission into the U.S. (W.S. 42-2-103 and section 402 of Public Law 104-193, as amended)

(lllllll) “Legal guardian” - a person who has been appointed by the court to have custody of a child. (W.S. 3-1-101 and W.S. 3-2-201)

(mmmmmmm) “Legal qualified alien” - a legal qualified alien is defined under Title IV, Subsection D, Sections 431 and 435 of Public Law 104-193, as amended.

(nnnnnnn) “Living with” - for the purposes of a dependent child, the act of residing with a relative in a home maintained or in the process of being established as the relative’s primary residence.

(ooooooo) “Loan” - a loan is a debt the borrower has an obligation to repay. A bona fide loan is one where there is a written agreement to repay.

(ppppppp) “Lump sum” - a payment of earned or unearned money including, but not limited to, payment of retroactive benefits such as RSDI, lottery winnings, Unemployment Insurance Benefits, cash inheritances or worker’s compensation awards.

- (qqqqqqq) “Maintenance” - see Care and control.
- (rrrrrrr) “Mandatory” - a person(s) required to meet specified provisions with the law, rules or policy.
- (sssssss) “Marriage or married couple” - a contractual relationship between a man and a woman recognized by the State of Wyoming with a document, certificate or license. (W.S. 20-1-101)
- (ttttttt) “Mass change” - the act of affecting appropriate cases by issuing a new or revised policy caused by a change in state or federal law.
- (uuuuuuu) “Maximum payment level” - the maximum performance payment for a family unit.
- (vvvvvvv) “Medicaid” - a federal and state program of medical assistance for eligible low income persons established under Title XIX of the Social Security Act, as amended.
- (wwwwwww) “Medical professional” - a licensed physician, a psychologist or master’s level mental health worker.
- (xxxxxxx) “Mental health professional” - a licensed psychologist or master’s level mental health worker employed by a public or private human services organization or in private practice.
- (yyyyyyy) “Mentally/physically disabled/incapacitated” - see Physically or mentally disabled or incapacitated.
- (zzzzzzz) “Military allotment” - see Support.
- (aaaaaaaa) “Minor parent” - a mother or father who is under the legal age of eighteen (18) according to the Tax Reform Act of 1986 (Public law 99-514).
- (bbbbbbbb) “Minor parent provision” - the requirements a minor parent must meet per W.S. 42-2-103 to be eligible for a POWER performance payment. (Section 408 of the Public Law 104-193, as amended and W.S. 14-1-101 concerning age of majority.)
- (ccccccc) “Month” -
- (i) Benefit month - the calendar month for which eligibility will be authorized and benefits issued.
 - (ii) Current month - the month in which eligibility is determined.

(iii) Performance period - the fifteenth (15th) of one (1) month through the fourteenth (14th) of the following month.

(iv) Performance payment month - the payment received on the first of the month following the performance period and paid for compliance during that performance period.

(dddddddd) "Month received" - the calendar month in which the payer or source made the money available or the individual received the money in hand, whichever occurs first. (Social Security benefits and Supplemental Security Income, when received at the end of the month for the following month, count in the following month.)

(eeeeeeee) "Necessities" - those items reasonably required to sustain life (food, clothing, shelter, health and medical needs).

(ffffff) "Need" - the lack of money to purchase essential items to sustain life and measured by the maximum POWER payment.

(gggggg) "Need allowance" - the amount of money allotted to cover the needs of a person which is determined by using the maximum POWER payment for the family unit size.

(hhhhhhh) "Net profit" - the gross receipts, less the current business expenses. (See Business expenses.)

(iiiiiii) "Noncompliance penalty" - nonpayment of POWER due to not cooperating with the Pay-After-Performance requirements and the month does count toward the five (5) year benefit limit. (W.S. 42-2-103)

(jjjjjj) "Noncooperation" or "noncompliance" - the act of refusing or failing to comply with a child support, work program or eligibility performance standard.

(kkkkkk) "Noncustodial Parent" – see Absent parent.

(llllll) "Nonexempt or countable" - a category of income or resources to be used in budgeting or to which the program policy and limits are applied.

(mmmmmm) "Nonperishable expenditure item" - include items such as tools which cost more than one hundred dollars (\$100) and which retain a high resale value.

(nnnnnn) "Notice of action" - a written statement which informs the applicant or recipient of the intended action.

(i) Adequate notice - a notice of action mailed to be received no later than the date of action or the date the payment would have been received.

(ii) Five (5) day notice - a notice of action mailed at least five (5) days before the action would become effective when the agency obtains facts indicating assistance should be reduced or terminated due to possible applicant or recipient fraud.

(oooooooo) “Ongoing income” - see Income.

(pppppppp) “On-the-job-training (OJT)” – see Subsidized employment.

(qqqqqqqq) “Open case” - a family unit in an active payment, or Medicaid status on the computer system or a recipient or unit with a zero performance payment.

(rrrrrrrr) “Overpayment” - performance payment or work activity expenditure received by or for a family unit which exceeds the amount for which the family was eligible.

(ssssssss) “Parent” - a natural, legal, step, or adoptive mother or father of any age. Under W.S. 14-2-102(a)(iv), a person is presumed to be the father when he receives the child into his home and openly holds out the child to be his natural child.

(tttttttt) “Parental support” - providing to one's child the necessities such as food, clothing, housing, health and medical needs and usually meant to be provided by expenditure of money or by in-kind unearned income.

(uuuuuuuu) “Parental care or physical care” - in its general usage, physical custody which means charge of, oversight of and responsibility for the safety and well being of a child. Physical custody implies living together or in the same household with the child(ren).

(vvvvvvvv) “Participating in a strike” - legally or illegally taking part in a work stoppage or slowdown.

(wwwwwww) “Paternity” - a legal relationship existing between a child and his natural, legal or adoptive father.

(xxxxxxxx) “Pay-After-Performance” - receipt of a cash payment after the mandatory family members have met the child support, work program and eligibility requirements for the corresponding performance period.

(yyyyyyyy) “Payee” - the person in whose name the performance payment is issued.

(zzzzzzzz) “Payment” - the act of giving a check or warrant to the grantee or the legal representative.

(aaaaaaaa) “Performance payment” - money paid to a family unit who has met the POWER performance requirements for the corresponding performance period.

(bbbbbbbb) “Performance payment month” - see Month.

(cccccccc) “Performance period” - see Month.

(dddddddd) “Performance requirement or standard” - a specified eligibility, child support or work condition an applicant or recipient must meet in order to receive a performance payment. (See Child support performance requirements, Eligibility performance requirements and Work program performance requirements.)

(eeeeeeee) “Periodic review” - a face-to-face interview held at least every six (6) months to redetermine all eligibility, child support and work program performance requirements and establish a new best estimate of income, when applicable.

(ffffff) “Perjury” - a willful false statement of a material fact, swearing to what is untrue or omitting to answer all questions under oath.

(gggggggg) “Personal injury insurance” - protection purchased from a company for the payment of cash upon the occurrence of injury or accident and is not for repair, replacement, or medical expenses.

(hhhhhhhh) “Personal Opportunities With Employment Responsibilities (POWER)” - the program set up and partially funded under the Temporary Assistance to Needy Families (TANF) block grant.

(iiiiiiii) “Personal Opportunities With Employment Responsibilities--State Adult Student Financial Aid (POWER-SASFA)” - the program for students who are in approved educational programs and who have continued to meet the educational requirements specified in Wyoming welfare reform statutes (W.S. 42-2-109) and POWER-SASFA rules, Chapter 2.

(jjjjjjjj) “Personal property” - all things owned or possessed excluding land and buildings affixed thereto.

(kkkkkkkk) “Physical care” - the act of attending to the material and natural needs of a child(ren). (See Care and control.)

(llllllll) “Physical harm” - damage or injury to the body that exists or threatens to exist if a specified event occurs.

(mmmmmmmm) “Physically/mentally disabled/incapacitated” - pertaining to the time limit provision. Verification substantiates the health of an applicant or recipient is of such severity that it is beyond the individual's capability to obtain or retain employment or maintain independence in the community.

(nnnnnnnn) “Postsecondary education” - a program of postsecondary instruction directed toward a degree and offered by:

(i) An institution of higher education as determined by the Secretary of Education; or

(ii) A public institution legally authorized by the State of Wyoming to provide such a program.

(oooooooo) “Primary caretaker” - the person(s) who provides the care and control of the child(ren) more than fifty percent (50%) of the month or year. There must also be an interruption of the absent parent's provision of maintenance, guidance or physical care of the child(ren). (See Care and control.)

(pppppppp) “Program requirement” - the condition(s) that must be met for the family unit to qualify for a performance payment.

(qqqqqqqq) “Property” - both real and personal holdings owned by the family unit.

(rrrrrrrr) “Prorate” - divide or distribute proportionally:

(i) Based on days of eligibility for initial months of POWER eligibility.

(ii) To determine months of ineligibility because of receipt of lump sum.

(iii) To average income over intended period of use for self-employment or contractual income.

(ssssssss) “Prospective budgeting” - using the best estimate of the income and circumstances that will exist in a future payment month to determine eligibility and the payment standard and to compute the performance payment.

(tttttttt) “Prospective eligibility” - the method of testing income, expenses and circumstances for a future performance payment month against specified conditions or factors when the performance requirements are met.

(uuuuuuuuu) “Protective payee” - the person, other than the caretaker relative, to whom the performance payment will be made. The protective payee will manage the funds for the purpose of safeguarding the health and safety of the child(ren).

(vvvvvvvvv) “Protective payment” - a performance payment given to an individual, other than the caretaker relative, who receives and manages the performance payment for the caretaker relative and the child(ren).

(wwwwwwwww) “Public institution” - a governmental establishment that furnishes (in single or multiple facilities) food, shelter, and some treatment or services to persons unrelated to the proprietor. For the purposes of the POWER program, in Wyoming these are the:

- (i) State Hospital;
- (ii) Training School;
- (iii) State Penitentiary;
- (iv) Women’s Center;
- (v) Honor Farm;
- (vi) Girls’ School;
- (vii) Boys’ School;
- (viii) Pioneer Home;
- (ix) Community Alternative Centers (CAC); and
- (x) City or county jail facilities.

(xxxxxxxxx) “Pursuit” - the act of seeking, obtaining or accomplishing the payment of child support through commonly accepted child support enforcement procedures.

(yyyyyyyyy) “Putative” - commonly accepted or supposed.

(zzzzzzzzz) “Qualifying quarter” - any calendar quarter in which the legal immigrant has qualified work in a job covered by social security and has not received public assistance and includes quarters worked by the immigrant, a parent while the immigrant was under eighteen (18) and quarters worked by a spouse while married to the immigrant. (P.L. 104-193, as amended)

(aaaaaaaaaa) “Quarter” - three (3) calendar months; January through March, April through June, July through September and October through December.

(bbbbbbbbbb) “Real property” - land, and generally whatever is erected, growing upon, or affixed to the land.

(ccccccccc) “Reapplication” - the completion of an application in writing requesting a performance payment after being ineligible for POWER.

(dddddddddd) “Reasonable appraisal” - a value given by a knowledgeable source which will be close in amount to the value of similar property in the community or will be logical using prudent judgment.

(eeeeeeeeee) “Reasonable distance” – the distance from home to work does not exceed two (2) hours per day not including the transportation of a child to and from a child care facility.

(fffffffff) “Reasonably expected” - the condition of being in agreement with the belief an event will occur.

(gggggggggg) “Recipient” - a person who is eligible for and receiving performance payments in her/his own behalf or in behalf of others.

(hhhhhhhhh) “Recover” - to collect a performance payment issued or work activity expenditure paid and for which the family unit was not eligible.

(iiiiiiiiii) “Redetermination” - to:

- (i) Reverify each factor of eligibility;
- (ii) Establish a new best estimate of income, when applicable;
- (iii) Make a decision of eligibility and payment based on the verified information and performance standards; and
- (iv) Enter documentation in the case file when a change in circumstances is reported.

(jjjjjjjjj) “Reinstate” - to restore the case to eligibility and payment status from medical assistance only or from termination for no more than one (1) full performance payment (calendar) month.

(kkkkkkkkkk) “Relative” -

(i) Any blood relative, including those of half-blood, first cousins, nephews and nieces and persons of preceding generations denoted by prefixes of “grand” and “great” are included in this definition.

(ii) Stepmother, stepfather, stepbrother and stepsister.

(iii) Adoptive or natural parents and their adopted or natural children.

(iv) Siblings or half-siblings, including those related through adoption.

(v) Spouses of any person mentioned above are considered relatives even though the marriage may be terminated by death or divorce.

(lllllllll) “Resident” - a person who lives or dwells in Wyoming with the intent to reside permanently in the state.

(mmmmmmmmm) “Resources” - all real and personal property owned by a person.

(nnnnnnnnn) “Restitution” - full payment to DFS by the recipient of performance payments or work activity expenditures paid in error.

(ooooooooo) “Retained child support” - money paid by the absent parent for the needs of the child(ren) which is sent directly to the family unit and not reported or turned in to the state. The term will also be used to indicate the amount of child support kept by the state of Wyoming.

(ppppppppp) “Retirement, Survivors, and Disability Insurance (RSDI)” - insurance through the Social Security Administration.

(qqqqqqqqq) “Room or board income” - money received from providing meals or rooms.

(rrrrrrrrr) “School” - an elementary school, a secondary school or the equivalent to a secondary school or high school.

(sssssssss) “School attendance” -

(i) Full-time will be thirty (30) clock hours per week in school;
or

(ii) Half-time will be fifteen (15) clock hours per week in school; or

(iii) Part-time will be half-time or more but less than full-time.

(ttttttttt) “Shelter costs” - the amount of money required to provide housing (rent, mortgage payments, motel rates, etc.) or utilities (water, sewer, heat, electricity).

(uuuuuuuuuu) “Shelter included” - the POWER payment levels used when the family unit pays any portion of their housing or utility costs. (See Shelter supplied.)

(vvvvvvvvvv) “Shelter supplied” - the POWER performance payment level used when all housing and utility costs are provided to the family unit without cost or for other reasons specified in Section 9. (See Shelter included.)

(wwwwwwwww) “Single custodial parent” - for the work program exemption, the parent is the only adult in the household.

(xxxxxxxxxxx) “Single parent family” - a family with one (1) custodial parent or, if both parents are in the home, one (1) parent is an SSI recipient.

(yyyyyyyyyyy) “Social Security Administration (SSA)” - a division of the U.S. Department of Health and Human Services that administers federal social security programs.

(zzzzzzzzzz) “Social Security number (SSN)” - an account number assigned to each person who applies and will be used to accumulate work history and contributions for payment of Social Security benefits.

(aaaaaaaaaaa) “Sponsor” - any person or any public or private organization that has executed an affidavit of support for an alien as a condition of entry into the United States. (Sections 421, 422 and 423 of the Public Law 104-193, as amended)

(bbbbbbbbbbb) “Spousal support” - see Support.

(ccccccccc) “Stable income” - see Income.

(ddddddddddd) “Statement” - a formal declaration of the circumstance(s) as requested by the agency.

(eeeeeeeeeee) “Stepparent” - the spouse of a natural or adoptive parent, who is not a natural or adoptive parent.

(fffffffffff) “Stepparent contribution” - the amount of money considered available for the POWER eligible persons after applying the specified disregards to the ineligible stepparent's gross countable income.

(ggggggggggg) “Strike” - any concerted slowdown, interruption of operations by employees or any stoppage of work by employees, including a stoppage by reason of the expiration of a collective-bargaining agreement.

(hhhhhhhhhhh) “Subsidized employment” - employment in which the wages are financed from public funds, including on-the-job-training and work experience through WIA and DVR or work study programs.

(iiiiiiiiiii) “Subsidized housing” - see Housing subsidy.

(jjjjjjjjjjj) “Supervised setting” - a family setting with an adult relative or court appointed guardian or custodian as evidenced by the assumption of responsibility for the care and control of the minor parent and dependent child (ren).

(kkkkkkkkkkk) “Supplemental Security Income (SSI)” - the program funded under Title XVI of the Social Security Act, as amended.

(lllllllllll) “Support” -

(i) Alimony/Spousal support - a court ordered or voluntary payment made to an individual by her/his spouse/former spouse.

(ii) Child support - voluntary or court ordered payment made by an absent parent for her/his child(ren) to assist with day-to-day maintenance.

(iii) Military allotment - the military payment allocated as support for a service person’s dependents.

(mmmmmmmmmm) “Systematic Alien Verification for Entitlement (SAVE)” - the INS program whereby State agencies may verify the validity of documents provided by aliens applying for public assistance benefits.

(nnnnnnnnnnn) “Temporary Assistance to Needy Families (TANF)” - the block grant program funded under P.L. 104-193, as amended.

(ooooooooooo) “Ten dollar limit” - performance payment computed to be less than ten dollars (\$10) and, therefore, no payment will be issued.

(ppppppppppp) “Termination” - to close a case or individual from the program.

(qqqqqqqqqqq) “Termination of employment” - the permanent loss of an employment position. The employee has no re-employment rights or there is no reasonable expectation the employee will be rehired by the same employer in the same or a substantially similar position in the future.

(rrrrrrrrrr) “Third Party Query (TPQY)” - an automated system which allows rapid access to SSA and SSI information.

(ssssssssss) “Trade-in value” - for vehicles such as automobiles, trucks, vans and motorcycles, it is the trade-in value according to an automobile valuation guide used by DFS or the lower of two (2) reasonable appraisals of the amount that would be given if the vehicle is exchanged for another or turned in (AKA market value).

(tttttttttt) “Transfer” -

(i) The act of moving the right, title or interest in property from one (1) person to another by sale, gift, or exchange; or

(ii) The act of sending the case file and moving the computer system case from one (1) county to another upon request because the family unit moved to another county.

(uuuuuuuuuu) “Two-parent family” - a family consisting of both parents (natural or adoptive parent) and their child(ren) living together in a home applying for or receiving a POWER payment. The parents may or may not be married. (See Single parent family and Marriage or married couple.)

(vvvvvvvvvvv) ”Two-party check” - a payment made out to the recipient and the person furnishing goods or services and can be cashed only upon endorsement of both parties.

(wwwwwwwwww) “Unavailable” -

(i) Money from a lump sum incapable of being used for day-to-day needs of the family unit because it was spent or lost as the result of a disaster which was beyond the family’s control; or

(ii) A jointly owned resource the second party refuses to sell and each owner does not have the legal right to sell her/his share; or

(iii) The resource is inaccessible because a legal barrier or restriction exists; or

(iv) Income inaccessible to the client because she/he does not have a legal interest in or is tied up in divorce or other legal action.

(xxxxxxxxxxx) “Uncompensated value” - the current market value less the gross sale price.

(yyyyyyyyyyyy) “Underpayment” - a performance payment received by or for a family unit which is less than the amount for which the unit was eligible.

(zzzzzzzzzz) “Unearned income” - see Income.

(aaaaaaaaaaaa) “United States (U.S.)” - defined in a geographical sense as the continental United States, Alaska, Hawaii, Puerto Rico, Guam, U.S. Virgin Islands, and Northern Mariana Islands.

(bbbbbbbbbbbb) “Unpaid principal” - the balance to be paid on an agreement to buy or sell.

(ccccccccccc) “Unsubsidized employment” - is employment in which the wages are not financed from public funds, including entry into employment in a registered apprenticeship program, self-employment and also entry into the Armed Forces.

(ddddddddddd) “Unsuitability of informal child care” – child care which does not meet minimum health and safety requirements per 45 CFR 98.41 or fails to pass the Central Registry and criminal history prescreen check.

(eeeeeeeeeee) “USC” - United States Codes.

(ffffffffffff) “Utilities” - the services provided for water, sewer, electricity, gas, and heating fuel.

(gggggggggggg) “Value” - the monetary worth of a good or service.

(hhhhhhhhhhh) “Vendor” - a person or business who provides goods or services to a recipient or on behalf of a recipient.

(iiiiiiiiiii) “Vendor payment” - an amount paid on behalf of a family unit which the family unit cannot convert to cash to meet its needs.

(jjjjjjjjjj) “Verification” - the act of establishing a fact as true by viewing evidence or obtaining a verbal description of the content of the evidence.

(kkkkkkkkkkk) “Verify” - to check, confirm, or establish whether a statement or condition is true or accurate by obtaining a copy, viewing a copy, or obtaining a verbal description of the content of the evidence.

(lllllllllll) “Veterans Administration (VA)” - the agency of the United States which handles veterans’ programs.

(mmmmmmmmmmmm) “Vocational training” - a POWER work activity which is an organized educational program of no more than one (1) year duration. The program must be directly related to the preparation of individuals for employment in a nonprofessional career or for additional preparation for a career but may not lead to a degree. Also an approved educational program under POWER-SASFA .

(nnnnnnnnnnnn) “Voluntarily assigned” - a decision freely made by an individual to agree to give money to another person or agency for a specified reason or to purchase something.

(oooooooooooo) “Voluntary quit” - an applicant or recipient has refused, terminated or decreased her/his employment or rate of pay without good cause, including being fired due to her/his own fault.

(pppppppppppp) “Warrant” - the written document or check, which authorizes the State of Wyoming to pay the stated amount to the specified person and authorizes the specified person to receive the performance payment.

(qqqqqqqqqqqq) “Work activity expenditure” - specifically requested and approved work activity expenditure which assists the job seeker in becoming employed while decreasing dependence on a welfare system.

(rrrrrrrrrrrr) “Work experience” - a training and job experience situation with a private business, a nonprofit organization or public agency for which the participant receives no monetary compensation. Work experience includes:

- (i) The assessment, employability plan and activities established and monitored by DVR for the incapacitated POWER job seekers; and
- (ii) The approved training activities for individuals in the Job Skills Pilot Project.

(sssssssssss) “Work program action center” - the place where case management services, and job club and job readiness activities are offered and a job network center is maintained.

(ttttttttttt) “Work program performance requirements” - includes the mandatory job seeker must:

- (i) Contact the work program case manager upon request or as directed;
- (ii) Keep all appointments;

(iii) Comply with the steps and responsibilities in her/his Individual Responsibility Plan;

(iv) Register for employment at the Department of Workforce Services;

(v) Follow through with referrals to DVR for employment rehabilitation or with SSI applications; and

(vi) Accept and maintain employment.

(uuuuuuuuuuuu) “Workforce Investment Act (WIA) – the federal training act, which replaced the JTPA (Job Training Partnership Act) programs.

(vvvvvvvvvvvvv) “Zero money payment” - a month where no POWER performance payment is made either due to the noncompliance penalty, the ten dollar (\$10) limit or to overpayment recovery. The individuals receiving zero money payments are considered POWER recipients.

Section 3. **Application/Intake Process.** The regulations at W.S. 42-2-105 and W.S. 42-2-106 apply.

(a) Application/Intake process.

(i) The DFS-FO will:

(A) Give or mail an application upon request.

(B) Require a separate application for each family unit.

(C) Accept and date stamp a signed application from the applicant upon receipt during regular business hours in the county of residence or other county as approved by DFS-SO.

(D) Make arrangements for someone to assist the applicant upon request in completing the application.

(E) Conduct a face-to-face interview with the applicant.

(F) Inform the applicant of her/his rights and responsibilities.

(G) Inform the applicant valid documentation of alien status must be provided within five (5) days from the date of the intake interview for all individuals who are not U.S. citizens.

(H) Inform the applicant of the Pay-After-Performance requirements which must be met before a performance payment can be authorized, the noncompliance penalties and the requirement to perform for a full performance period before any penalty can be overcome.

(I) Inform the applicant which family members must come into the office to sign the Individual Responsibility Certificate of Understanding (IRCU) as a condition of eligibility. Mandatory applicants must:

(I) Sign the IRCU by Wednesday of the same week if application is made on Monday, Tuesday or Wednesday; or

(II) Sign the IRCU by Wednesday of the following week if application is made on Thursday or Friday of the prior week.

(J) Provide each mandatory applicant or recipient with an appointment form indicating the dates by which the individual must:

(I) Register for work with the Department of Workforce Services;

(II) Contact the work program action center case managers; and

(III) Contact the child support workers.

(K) Inform the applicant what documents and verifications must be provided no later than ten (10) days of a notice requesting the information or verification.

(L) Verify no one in the family unit has within the sixty (60) calendar days prior to the date of application and without good cause:

(I) Refused a bona fide job offer of employment or training for employment;

(II) Voluntarily quit employment; or

(III) Voluntarily reduced hours of employment and/or rate of pay.

(M) Grant or deny good cause for voluntary quit. Good cause must be verified and must be for one (1) of the following reasons:

(I) The applicant was legally, physically or emotionally unable to perform the type of work involved or lacked the basic skills required to do the job.

(II) Employment was reduced or terminated through no fault of the applicant.

(III) The applicant was subjected to intimidation, abuse, exploitation or harassment by the business management or the general public and the applicant exhausted all resources available for resolution of the problem.

(IV) Unsafe or unsanitary working conditions existed and the applicant exhausted all resources available for resolution of the problem.

(V) The job did not pay the applicable state or federal minimum wage.

(VI) The expenses of the employment exceeded the net income.

(VII) The job was not covered by Worker's Compensation as required under state law and the applicant exhausted all resources available to acquire coverage for an injury.

(N) Not authorize a performance payment for the family unit until compliance has occurred for thirty (30) calendar days in a voluntary quit situation. The performance payment will begin with the first of the month following the date of application if performance requirements are met.

(O) Notify the applicant in writing of the decision to approve or deny the application.

(I) The performance payment will be authorized after the Pay-After-Performance requirements are met.

(II) The application will be denied immediately upon determination any family unit member refuses to meet the Pay-After-Performance requirements.

(III) The noncompliance penalty will be authorized when the IRCU was completed and any mandatory family unit member failed to comply with the Pay-After-Performance requirements.

(P) Inform the applicant or recipient she/he can request an administrative hearing if she/he feels POWER policy was not followed. No POWER performance payment will be authorized pending the hearing decision.

Section 4. **POWER Program Rights.** The regulations at W.S. 42-2-105 and W.S. 42-2-106 apply.

(a) The applicant has a right to apply for POWER:

- (i) Upon request;
- (ii) On the prescribed form(s) obtained in person or by mail;
- (iii) During regular business hours; and
- (iv) In the county of residence.

(b) The applicant or recipient has a right to be accompanied at interviews and assisted by any person(s) of her/his choice.

(c) The applicant or recipient has a right to have the application and other personally identifiable information maintained confidential.

(i) Confidentiality regulations are specified in:

- (A) W.S. 16-4-203 concerning inspection of welfare program records;
- (B) W.S. 42-2-111 concerning prohibited disclosure and use of records;
- (C) The Privacy Act of 1974, 5 USC 552(a); and
- (D) Public Law 104-193, as amended,
 - (I) Section 408 concerning fleeing felons and probation and parole violators;
 - (II) Section 411 concerning aliens and immigrants; and
- (E) Section 1137 of the Social Security Act, as amended, concerning the Income and Eligibility Verification System which mandates exchange of information with IRS, SSA, and the unemployment compensation agency.

(ii) The use or disclosure of information concerning clients will be limited to purposes directly connected with:

(A) The administration of DFS programs or SSI. Such purposes include establishing eligibility, determining the amount of the POWER payment and providing child support, work program, and other services for applicants or recipients.

(B) Any investigation, prosecution, or criminal or civil proceeding conducted in connection with the administration of such programs.

(C) The administration of any other federal or federally assisted program which provides cash or in-kind assistance or services directly to individuals on the basis of need, including compliance with the Public Housing Reform Act of 1998 implemented at 24 CFR 5.613.

(D) Any audit or similar activity conducted in connection with the administration of any such program by any governmental entity which is authorized by law to conduct such audit or activity.

(E) The administration of the state unemployment compensation program.

(F) The administration of the state's worker's compensation program as related to work program job seekers.

(G) The administration of the free or reduced-price school meals as related to the eligibility status of children receiving POWER.

(iii) DFS will make available, upon request, to any Federal, State or local law enforcement officer the address, SSN and, if available, a photo identification of a recipient if the officer furnishes the recipient's name and notifies the agency the individual (W.S. 42-2-111):

(A) Is fleeing to avoid prosecution, custody, or confinement for a felony;

(B) Is violating a condition of parole or probation; or

(C) Has information necessary for the officer to conduct an official duty related to a felony or parole violation.

(iv) DFS will limit the report to law enforcement concerning a fleeing felon to the felon's address when the Department becomes aware of the fleeing felon and

a law enforcement officer has not requested the information as specified under (C).
(W.S. 42-2-111)

(v) DFS and contract staff will report to Child Protection Services and provide all information available regarding the following situations that threaten the minor parent's or the child(ren)'s health or welfare. (W.S. 14-3-205)

(A) Any case involving minor parent or a child receiving POWER where there is known or suspected:

(I) Physical or mental injury; or

(II) Sexual abuse or exploitation; or

(III) Negligent treatment; or

(IV) Maltreatment.

(vi) DFS will assist law enforcement officials and the family of a minor mother to pursue the filing of criminal charges against the father of the minor mother's child if:

(A) The minor mother conceived her child while under sixteen (16) years of age; and

(B) The father was at least four (4) years older than the minor mother at the time of conception. (W.S. 6-2-304 and Section 906 of Public Law 104-193, as amended)

(C) The Benefit Specialist is to refer these cases to Child Protection Services for referral to law enforcement. (W.S. 42-2-103)

(vii) DFS will report to INS the name and address and other identifying information on any individual who is known to be unlawfully in the U.S. (Section 411A of Public Law 104-193, as amended)

(viii) The following types of information to be safeguarded include, but are not limited to:

(A) The names and addresses of applicants and recipients and amounts of cash assistance provided;

(B) Information related to the social and economic conditions or circumstance of a particular individual including information obtained from IRS and

SSA which must be safeguarded in accordance with procedures set forth by those agencies;

(C) Agency evaluation of information about a particular individual; and

(D) Medical data, including psychological evaluations. All medical information will be directly released by the medical professional. Medical information shall not be released without written authorization from the medical professional.

(ix) The family or individual must sign a release of information;

(A) Prior to pertinent information being released for an administrative hearing or before responding to requests for information from a government authority or the courts.

(B) Prior to the CM requesting or sharing information relating to the POWER work program performance requirements and prior to requiring attendance at group activities.

(x) DFS will allow materials to be sent or distributed to applicants, recipients, or medical vendors, which are in the immediate interest of the health and welfare of clients. These materials include announcements of free medical examinations, availability of surplus food and consumer protection information.

(d) The applicant or recipient has a right to:

(i) Be informed about the eligibility factors and the performance requirements which must be met in order to receive a performance payment each month.

(ii) Be informed about the responsibilities of applicants or recipients.

(iii) Withdraw the application for POWER.

(iv) Adequate notice of the decision on the application, on a request for work activity expenditure or any adverse action. (W.S. 42-2-106)

(v) Claim good cause to allow exclusion from cooperation with child support requirements. (Section 408 of Public Law 104-193, as amended)

(vi) Receive continued non-public assistance services with no application or fee following termination from POWER.

(vii) Apply for non-public assistance services for a fee when a POWER application is denied.

(viii) Request information as to the child support collection status, a review of her/his child support case and to request the child support order be amended to reflect the current situation of the child(ren) and her/his parent(s). (Title III-F of Public Law 104-193, as amended)

(ix) Be informed of the right to request an administrative hearing within thirty (30) days from the date of an adverse notice.

(A) The POWER performance payment will not be authorized pending the administrative hearing decision. (W.S. 42-2-110)

(B) The following administrative hearing processes will apply:

(I) W.S. 16-3-107 through 16-3-112; and

(II) The Office of Administrative Hearing Rules for Contested Case and Procedure Before the Office of Administrative Hearings; and

(III) The Department of Family Services Rules for Conduct of Contested Cases.

(x) The applicant or recipient has the right to reapply following denial or termination of the performance payment.

(e) Specific clients have the following rights:

(i) An emancipated minor or parent age eighteen (18) and over must apply on his/her own behalf and cannot be included in her/his parent's unit, even if living in his/her parent's household.

(ii) Native American and other minority clients have the right to equal access to POWER services even when the services are available under a tribal program funded through the Temporary Assistance to Needy Families (TANF) block grant.

(iii) Regular employees have the right to an administrative hearing if they believe they were displaced or replaced by a POWER job seeker in the following situations: (Section 407[f] of Public Law 104-193, as amended)

(A) When on layoff from the same or any substantially equivalent job; or

(B) When terminated from the employment as a result of an involuntary reduction in workforce in order to fill the vacancy with a POWER job seeker in an assigned work activity.

(iv) Any applicant who is unlawfully in the U.S. has the right to be informed DFS will report her/his, address and other identifying information to INS. (42 USC 611)

Section 5. **POWER Family Unit Responsibilities.**

(a) The applicant will provide a dated, completed and signed application to the DFS-FO in the form prescribed by DFS.

(b) The applicant or recipient and all other mandatory family members must sign the Individual Responsibility Certificate of Understanding (IRCU) as a condition of eligibility within the time frames specified in Section 3 of these rules.

(c) The applicant or recipient and all other mandatory family members must register for work at the Department of Workforce Services, comply with job search and follow-up on job leads unless the CM must do an assessment because of an incapacity or domestic violence issue.

(d) The applicant or recipient must meet the Pay-After-Performance child support, work and eligibility requirements.

(e) The applicant or recipient who has a previous overpayment must sign an Installment Contract as a condition of eligibility and as a performance requirement unless the case is pending prosecution or the overpayment was due to an agency error.

(f) The applicant or recipient must cooperate with the process of determining eligibility by:

(i) Providing information essential to the decision on eligibility.

(ii) Providing documents for required verification.

(iii) Providing a Social Security Number (SSN), Social Security card or providing proof of application for a SSN.

(iv) Notifying the DFS-FO and verifying any changes that affect eligibility or the performance payment such as, but not limited to, income, resources, employment, family unit composition, school enrollment and address.

(g) The applicant or recipient must report ~~and verify~~ changes ~~immediately~~ not later than 10 calendar days during regular business hours when after the change becomes known to the applicant or recipient. (W.S. 42-2-109)

(h) The applicant or recipient must provide information or verifications needed to establish eligibility for POWER not later than ten (10) days from the date of a notice requesting the information or verification.

(i) The applicant or recipient must apply for and accept income for which the person(s) would be eligible if the person(s) applied such as, but not limited to, RSDI, SSI, Unemployment Benefits, and Worker's Compensation.

(j) When the family unit requests an additional year beyond the five (5) year benefit limit due to abandonment or desertion, they must report the abandonment or desertion to law enforcement. (W.S. 20-3-101)

(k) The applicant or recipient must request the CSA review and request the child support order(s) be amended as the child's or parents' circumstances change. (Title III-F of Public Law 104-193, as amended)

Section 6. **POWER Eligibility Factors.**

(a) Each applicant or recipient will be required to meet each of the eligibility factors to be eligible for POWER.

(i) The following persons are potentially eligible unless she/he is receiving SSI:

(A) A dependent child. (Section 408 of Public Law 104-193, as amended)

(B) A natural or adoptive parent including one (1) who is married to a stepparent.

(C) A caretaker relative who is in need.

(D) A stepparent who is the only caretaker relative of a natural, step or adopted child in the home and who is in need.

(E) A two (2) parent family or a married couple with at least one (1) child in common in the home.

(F) A parent with a child in the home who receives SSI or the child in the home of a parent who receives SSI.

(G) An unemancipated minor parent(s) who has a child in his/her care and who resides in the household of a parent or in a supervised setting with an adult relative or court appointed guardian or custodian.

(I) A minor parent will be referred to the Child Protection Services within DFS in the following situations (W.S. 42-2-103):

(1.) When the minor parent claims no residency is available with a parent, an adult relative or court appointed guardian or custodian. The minor parent and dependent child(ren) are not eligible for a performance payment until the living situation is resolved.

(2.) When the only available household contains an individual convicted of or charged with incest and the charges have not received final disposition as stated in W.S. 6-4-402, the case will not be denied.

(ii) An eligible person(s) cannot be any of the following:

(A) A person(s) who is receiving SSI.

(B) A person(s) who is an inmate in a public institution.

(C) A person eligible for and receiving IV-E or other federal, state or local foster care maintenance payments, including a voluntary placement.

(D) A child for whom adoption assistance payments are provided.

(E) An applicant or recipient, case or person for the month the needs have been covered by cash assistance by another entity or in another state (TANF payments cannot be received concurrently).

(F) A family unit when a member is participating in a strike.

(G) Any individual who:

(I) Is a fugitive felon (Section 408[a][9] of Public Law 104-193, as amended);

(II) Is a parole violator (Section 408[a][9] of Public Law 104-193, as amended); or

(III) Is an illegal alien (Title IV-B of Public Law 104-193, as amended).

(iii) Each person applying for POWER must be a resident of Wyoming. (W.S. 42-2-108)

(A) A person is a resident of Wyoming who is:

(I) A child living with a caretaker relative who is a resident of Wyoming; or

(II) A caretaker relative who:

(1.) Is living in the state voluntarily, with the intention of making her/his home here and not for a temporary purpose;

(2.) Is not receiving cash assistance from another state; and

(3.) Entered Wyoming with a job commitment or to seek employment (whether or not currently employed).

(B) Residence continues until it is established elsewhere by the individual.

(C) A lack of a permanent dwelling or lack of a fixed or home address does not act as a barrier to receipt of a POWER performance payment as long as Wyoming residency requirements are met.

(D) The residency regulations in POWER-SASFA rules, Chapter 2 will apply to adult students in an approved educational program.

(iv) Each child applicant or recipient must meet the age factor. (W.S. 42-2-104.)

(A) Each child must be between birth and less than age eighteen (18); or

(B) If age eighteen (18), the child must be attending high school full-time and expected to graduate before reaching age nineteen (19).

(v) Each child applicant or recipient, including a minor parent, must meet the school attendance factor. (W.S. 42-2-104, W.S. 42-2-202, W.S. 21-4-101 and W.S. 21-4-102)

(A) The parent(s) of a child, including a minor parent, age fifteen (15) and under or who has not yet completed the tenth (10th) grade must require

the child or minor parent to be currently enrolled and physically attending school full-time. (W.S. 21-4-102)

(B) A child, including a minor parent, age sixteen (16) or older or who has completed the tenth (10th) grade and not graduated must be:

(I) Currently enrolled and physically attending high school full-time; or

(II) Complying with the work program performance requirements.

(C) A POWER performance payment will not be authorized for the performance period when compliance with the child educational Pay-After-Performance requirements under (A) and (B) above are not met.

(D) To continue to be eligible, a child age eighteen (18) and a minor parent of any age in the POWER family unit must be:

(I) Currently enrolled and physically attending high school full-time; and

(II) Maintaining a "C" or equivalent cumulative grade point average.

(E) A child age eighteen (18), excluding a minor parent, must be expected to graduate from the school or program before reaching the age of nineteen (19) to continue to be included in the family's POWER payment. (W.S. 42-2-104)

(F) A dependent child who is not mandatory for the POWER work requirements will be eligible when not attending school because of official vacations, illness, convalescence, or family emergency involving an immediate family member and the absence is temporary. (See Section 8)

(G) A dependent child who is mandatory for the POWER work requirements must seek and accept employment during summer breaks if not enrolled in summer school full-time.

(vi) Each applicant or recipient must meet the SSN eligibility factor by:

(A) Providing a SSN card; or

(B) Providing a Social Security number; or

(C) Acknowledging the SSN has been received from SSA on a TPQY or a SSA 1610; or

(D) Providing verification the SSN was applied for at the hospital at the time of birth of the child; or

(E) Providing a receipt from SSA showing application has been made for an SSN; or

(F) Reapplying for assistance within two (2) years of termination and the SSN has been previously validated with evidence which is still available in the case record.

(G) Furnishing a hard copy of the SSN card no later than six (6) months from the date of application or the family unit will be terminated.

(vii) Each applicant must meet the identity eligibility factor by providing identification prior to being found eligible.

(viii) Each applicant or recipient must meet one (1) of the following citizenship or alienage eligibility factors to qualify for a performance payment.

(A) A U.S. citizen meets the citizenship eligibility factor.

(B) Eligible aliens as defined and identified under Public Law 104-193, as amended, and W.S. 42-2-103 meet the alienage eligibility factor.

(C) The family unit will be ineligible for a POWER performance payment when any family unit member indicates an unwillingness to provide documentation of alien status.

(ix) The applicant or recipient must meet the relationship eligibility factor by requiring the caretaker to be a relative to the child(ren).

(x) Each family unit must meet the parent in or out of the home eligibility factor.

(A) The two-parent or married couple family will meet the parent in or out of the home criteria if (W.S. 42-2-104):

(I) Both parents are living in the home; and

(II) There is a child in common; and

(III) The Pay-After-Performance requirements have been met.

(IV) Eligibility for the two (2)-parent or married couple family unit will be determined prior to determining eligibility for a single parent family or caretaker relative unit.

(B) The single-parent or caretaker relative family unit will meet the parent in or out of the home criteria if:

(I) One (1) parent in the family unit is an SSI recipient;
or

(II) One (1) parent is not living in the home and cannot be counted on to function in the planning for the physical care, guidance and maintenance of the child(ren). The continuous absence must not be the result of:

(1.) A temporary absence of the parent who is expected to return within thirty (30) days.

(2.) Joint custody which is equally split between the parents and no primary caretaker exists.

(3.) The performance of active duty in the armed services of the U.S.

(4.) Solely for employment, school, or training.

(III) The caretaker relative names the absent parent(s).

(xi) The applicant or recipient must meet the "living with a relative" eligibility factor by being a relative of the child (W.S. 42-2-104); and

(A) Living with the child;

(B) Being responsible for the care and control of the child;

(C) Being the primary caretaker of the child(ren); or

(D) Establishing the parent is the primary caretaker in a joint custody situation; or

(E) Establishing the child(ren) is temporarily out of the home. During the temporary absence:

(I) The caretaker relative must remain responsible for the care and control of the child(ren); and

(II) The absence must be for no more than ninety (90) days and verification has been provided the child(ren) is expected to return to the home within ninety (90) days; and

(III) The POWER payment for the child will not be continued when a child is in foster care, including a voluntary placement.

(xii) The resource eligibility factor must be met for each eligible child, each ineligible child in the family unit, the ineligible parent or the eligible parent or eligible caretaker relative, and all disqualified family members.

(A) All the combined resources of the ~~family~~ assistance unit will not exceed the limit of ~~two thousand five hundred dollars (\$2,500)~~ \$5,000, excluding the vehicles exempted under (E). (W.S. 42-2-202).

(B) The cash value, unpaid principal or fair market value less legal encumbrances will be used to determine the equity value of the nonexempt resource.

(C) The applicant or recipient must obtain two (2) appraisals from knowledgeable sources when the value of the resource(s) causes ineligibility and is disputed by the applicant or recipient.

(D) The resource will not be exempted when exempt and nonexempt funds are commingled.

(E) Resources that are specifically exempt from the resource limit are listed in Appendix B and Appendix D.

(F) The resource is nonexempt when it is owned by the parent, the eligible caretaker relative or the eligible child(ren) or any person who would otherwise be included in POWER except for a disqualification.

(G) The resource is available when;

(I) No legal barrier or restriction exists; and

(II) The document shows it is owned solely by the applicant or recipient;

(III) The applicant or recipient can withdraw funds, sell the resource or owned interest in the resource or dispose of the resource in any way;

(IV) The resource is owned by more than one (1) person but the applicant or recipient can access the resource, or a portion of the resource, without the permission of the co-owner(s) even when a statement of refusal to sell is furnished.

(H) The resource will be considered unavailable when:

(I) The document, signature card, etc., stipulates more than one (1) signature is needed to withdraw or convert all or part of the resource to available cash and the co-owner(s) refuses to withdraw or convert.

(II) The applicant or recipient was unaware of his/her ownership in the resource and did not have the opportunity to become aware of it.

(1.) The applicant or recipient bears the burden of proving each member of the family unit was unaware of the resource and none had the opportunity to become aware of it.

(2.) The resource will be considered unavailable only for the period of time for which the individual can demonstrate such unawareness or lack of opportunity to become aware of the existence of the resource.

(III) The policy relating to availability of a resource applies to resources within the state of Wyoming. If the resource is located out of Wyoming, the laws in that state will apply.

(I) Resources acquired or that increase during the performance payment month will be evaluated as of the first moment of the following performance payment month.

(J) The resources of the sponsor of an alien, and the sponsor's spouse, are deemed to be one hundred percent (100%) available to the alien. These are deemed until the alien(s) becomes a citizen or until forty (40) qualifying quarters of work without receipt of government benefits exist. (P.L. 104-193, as amended, Section 421)

(K) A transfer of a nonexempt resource for less than fair market value which occurred within the three (3) months prior to application will be exempt if the transfer was:

(I) A settlement of a legally enforceable debt;

(II) Clearing the title to property in which the client had no beneficial or enforceable interest;

(III) The equity in property which was owned jointly, and through a court action the other owner was granted the equity in the property; and

(IV) The property was an exempt resource at the time of transfer.

(L) The penalty for transferring the nonexempt portion of a resource when the applicant or recipient cannot provide proof the transfer occurred for reasons other than gaining or maintaining eligibility will be determined as follows:

(I) Determining the equity amount by deducting the amount of the lien(s) and the unpaid principal of the mortgage or loan existing against the property from the transferred uncompensated value; and

(II) Dividing the uncompensated equity value by the maximum payment level amount for the family unit size; and

(III) The resulting whole number will be the number of full months the family unit will be ineligible.

(IV) The ineligibility will begin with the month the transfer occurred.

(M) The conversion of an exempt or a nonexempt resource to cash will be considered a resource and the proceeds must be within the resource limit to remain eligible for POWER.

(xiii) The income eligibility factor must be met by the family unit.

(A) The total income available and each source of income received by the following individuals will be reviewed and a determination made as to whether the income will be considered as earned, unearned, exempt or nonexempt.

(I) The parent(s).

(II) The ineligible stepparent.

(III) The eligible caretaker relative.

(IV) The eligible child(ren).

(V) The ineligible child(ren) in the family unit.

(VI) The parent(s) of the minor parent.

(VII) All disqualified family members.

(B) The following general considerations will be used to determine if income is available to the family unit.

(I) Applicants or recipients must apply for and accept income for which they would be eligible if they applied, such as RSDI, SSI, Unemployment Insurance, Workers' Compensation, veterans' benefits, child support, etc.

(II) For family groups living together in the same household the income of:

(1.) A spouse is considered to be available to the spouse, and

(2.) A parent is considered to be available for a child, including a minor parent, up to age eighteen (18), or up to age nineteen (19) if a full-time student and expected to graduate, except when the minor is emancipated.

(III) Income will be considered in the month in which it is available.

(IV) Income from self-employment, employment on a contractual basis, or income received intermittently on a quarterly, semiannual or yearly basis will be prorated or averaged over the period covered by the income unless not indicative of future months.

(V) Income will be considered as a resource when still available on the first of the month following the month received.

(VI) The garnishment of income is considered voluntarily assigned to pay a debt and will be considered countable income.

(VII) The income of a ineligible alien sibling will be exempt in determining the need of an otherwise eligible dependent.

(VIII) The income of a sponsor of an alien, and the sponsor's spouse, will be deemed to be one hundred percent (100%) available to the alien. These are deemed until the alien(s) becomes a citizen or until forty (40) qualifying quarters of work without receipt of government benefits exist. (P.L. 104-193, as amended, Section 421)

(C) Treatment of certain types of income is described in Appendix C and Appendix D.

(xiv) Each applicant or recipient must meet the five (5) year benefit time limit provisions and time spent on assistance funded with either federal or state funds shall be added together as well as cash assistance received in another state or U.S. territory, regardless of location. (W.S. 42-2-103 and Section 408 of Public Law 104-193, as amended.)

(A) A family unit who has three (3) or more years of AFDC as of January 1, 1997 may receive an additional two (2) years of POWER or cash assistance after January 31, 1997 with the following exceptions:

(I) Unemancipated minor parents who are head of the family unit will have only one (1) year of assistance counted toward the five (5) year benefit limit when receiving a performance payment for self and dependent child(ren);

(II) Adults and emancipated minor parents who previously received assistance as a dependent child, excluding the unemancipated minor parents, shall be allowed up to the five (5) year benefit limit under their own family unit;

(III) A non-parent caretaker relative, not included in the grant, will receive a performance payment beyond the five (5) year limit for a child(ren) if she/he is not legally financially responsible for the child(ren).

(B) The needs of a non-parent caretaker relative will be terminated, unless a hardship exemption exists, when she/he has been included in the performance payments and payments have been received for five (5) years.

(I) The POWER payments will be allowed to continue for the child(ren); or

(II) POWER payments are not continued for the child(ren) if the child(ren) received five (5) years of assistance as part of her/his parent's AFDC grant or TANF/POWER or a POWER-SASFA performance payment. (Per 2001 Wyo. Sess. Law, Ch. 188, and POWER-SASFA rules, Chapter 2, months will not be counted toward the five (5) year benefit limit while the criteria are met.)

(C) The following are counted toward the five (5) year benefit limit:

(I) All months AFDC or POWER or a POWER-SASFA or TANF payments have been received since July 1, 1987 (Per 2001 Wyo. Sess. Law, Ch. 188, and POWER-SASFA rules, Chapter 2, months will not be counted toward the five (5) year benefit limit while the criteria are met.);

(II) A month with non-payment due to noncompliance with Pay-After-Performance;

(III) A month in which a family unit member is disqualified for any reason;

(D) POWER performance payments may be extended for up to two (2) years for a family who is fleeing due to domestic violence and because a family member has been battered or subjected to extreme cruelty.

(E) POWER performance payments may be extended for up to one (1) year beyond the five (5) year benefit limit when the family unit claims abandonment (W.S. 20-3-101).

(I) The family unit must report the abandonment to law enforcement; and

(II) The family unit must meet the child support performance requirements.

(III) If any acknowledgment exists of the absent parent assuming the care and control of the child within the one (1) year hardship period, the family unit will not be eligible for POWER; or

(IV) If the applicant or recipient refuses to notify law enforcement and to meet the child support performance requirements the family unit will not be eligible for POWER.

(F) The DFS-SO will review family units, excluding those specified in G. below, within six (6) months of the five (5) year benefit limit to determine if a hardship extension is appropriate and notify the DFS-FO of the action(s) to be taken.

(I) Verification must have been provided to substantiate the applicant or recipient is totally physically or mentally disabled when claiming to be incapacitated/disabled.

(1.) She/he must not be capable of obtaining or retaining employment, of participation in a job training program or of maintaining independence in the community.

(2.) This provision will only be effective as long as the individual is totally disabled or incapacitated.

(II) Verification must have been provided to substantiate the applicant or recipient is needed in her/his home to provide full time care when claiming to care for a totally physically or mentally disabled immediate family member.

(1.) Reasonable absences due to normal household functions will be allowed.

(2.) No other reasonable alternative can be available to provide the needed care.

(III) The POWER extension will be terminated if noncompliance occurs with the Pay-After-Performance requirements during the extension.

(IV) The family unit must reapply for the extension and a re-review will be conducted by DFS-SO to determine if another extension should be granted.

(G) The five (5) year benefit limit will not count for any month an adult Tribal member and their spouse, when applicable, was living on any reservation if, during the month at least fifty percent (50%) of the adults living on the reservation were unemployed (P.L. 104-193, as amended).

(H) If the applicant or recipient fails to report receipt of cash assistance after July 1, 1987, an overpayment will occur for performance payments incorrectly paid and the individual disqualified due to intentional program violation.

(xv) The case will be approved when all eligibility factors and performance requirements are met and the case denied, placed in nonpayment status or found ineligible when one (1) or more of the eligibility factors or performance requirements are not met.

(xvi) A redetermination of eligibility will occur when a change in an eligibility factor becomes known to the DFS-FO.

(xvii) The recipient will be notified in writing of any adverse action.

Section 7. Pay-After Performance - Child Support Requirements. (Title III and IV-A of Public Law 104-193, as amended)

(a) Each applicant or recipient will be informed about and must meet the child support performance requirements to receive a POWER performance payment. These requirements are:

(i) The obligation of the applicant (or recipient) to assign the following to the state (Section 408 of Public Law 104-193, as amended):

(A) Any rights to support in his/her own behalf or on behalf of any other family member for whom the applicant or recipient is requesting a monthly POWER performance payment; and

(B) Support obligations which have accrued at the time such assignment is executed.

(ii) The obligation of the minor parent to sign support forms against the following (W.S. 42-2-103):

(A) Her/His parents, if not residing in the home with the parents; and

(B) The parent of the absent minor parent.

(iii) The adult and minor parent applicant or recipient must sign an Individual Responsibility Certificate of Understanding (IRCU) at application and when a family member's child support status changes. (Section 408 of Public Law 104-193, as amended.)

(iv) The applicant or recipient must cooperate in the following (Sections 333 and 408, Title III-D of Public Law 104-193, as amended):

(A) Identifying and locating the absent parent;

(B) Establishing the paternity of a child born out of wedlock;

(C) Appearing at a DFS-FO or a Child Support Authority office, at initial application and, when requested, to give information, sign papers or provide evidence including answering written or telephone requests;

(D) All putative fathers and all other putative paternal relatives must be referred at the time of application to pursue establishment of paternity; and

(E) Obtaining child and medical support for the child(ren) and minor parent and spousal support for herself/himself and any other payments or property due to self or the child(ren);

(F) Paying immediately to DFS-FO any support payments received for a family unit member; and

(G) Providing new information on the absent parent when it becomes known.

(v) The family's POWER performance payment will be denied, terminated or placed in nonpayment status for noncompliance with the child support requirements when the above listed requirements are not met unless good cause is approved. (Section 408 of Public Law 104-193, as amended)

(b) The caretaker relative, including a minor parent when receiving a grant for her/his needs and the needs of the dependent child(ren) or as part of the caretaker relative's family unit must:

(i) Complete the Assignment of Rights to Support;

(ii) Complete the Report to Child Support Enforcement on each absent parent of each eligible child or potentially eligible unborn child when part of an ongoing case; and

(iii) Show intent to cooperate or not to cooperate when:

(A) A new case is opened, including a deceased parent, a pregnant woman with another eligible child(ren), a parent whose rights were terminated or an adoptive parent;

(B) A reapplication is made for POWER;

(C) A child is added to an open case;

(D) The intact family separates;

(E) Paternity is excluded;

(F) A minor parent applies for POWER and lives in a separate household from his/her parents. Child support forms must be completed against his/her own parents. If the minor is emancipated, the following guidelines are used:

(I) If there is a court order stating child support will be paid until the child reaches the age of eighteen (18) or nineteen (19), child support forms must be completed until the emancipated minor reaches the stated age or the court order is amended.

(II) If there is a court order stating child support will be paid until the child is emancipated, child support forms are not required.

(III) If there is no court order, child support forms are not required.

(G) The caretaker relative or absent parent has a name change.

(H) Opening a IV-E foster care case with the DFS-FO manager making the assignment.

(I) The father is unknown, by completing a Report to Child Support Enforcement on all possible fathers. Since cooperation with child support is a POWER performance requirement, the father(s) must be named or the case will be ineligible for POWER.

(J) The applicant or recipient is married but claiming the husband is not the absent parent, by completing a Report to Child Support Enforcement on the husband and all other possible fathers.

(c) For child support court ordered obligor cases, the child support worker will be responsible for the following (W.S. 20-6-106):

(i) Receiving the court orders and distributing these to the appropriate DFS-FO manager and work program action center along with the information concerning the child(ren);

(ii) Referring the obligor to the work program action center;

(iii) Monitoring the child support payments and;

(iv) Advising the CM when the obligation is met for at least three (3) months;

(d) The applicant or recipient will be required to read the Good Cause Claim form and check the appropriate statement(s) on each copy of the form when good cause is claimed.

(i) The applicant or recipient will be informed no POWER performance payment will be authorized until the good cause claim is approved or if the good cause claim is denied.

(ii) The applicant or recipient has the right to claim good cause if one (1) of the following circumstances exist and evidence is provided:

(A) Cooperation in establishing paternity or securing child support is reasonably anticipated to result in physical harm or emotional harm to the child or caretaker as demonstrated by previous court, medical, criminal, law enforcement, psychological, child protection or social services records.

(B) The child, for whom support is sought, was conceived as a result of incest or rape as evidenced by birth, medical or law enforcement records.

(C) Legal proceedings for the adoption of the child(ren) are pending before a court of competent jurisdiction as verified by legal documents.

(D) A public or private social agency is helping the applicant or recipients resolve the issue of whether to keep or relinquish the child(ren) for adoption as verified by a statement from the public or private social agency.

(iii) The applicant or recipient claiming good cause must provide the required types of evidence within twenty (20) days from the date of the signed request.

(iv) When the other documents listed above cannot be obtained, the caretaker relative must provide two (2) notarized statements from persons who have personal knowledge of the circumstances being claimed in the good cause.

(v) The request for good cause and the supporting documents will be reviewed by DFS-SO and a determination made concerning the good cause claim.

(A) The performance payment will be authorized when the good cause claim is approved; or

(B) The performance payment will be denied, terminated or placed in nonpayment status when evidence is not received within twenty (20) days of signing the Report to Child Support Enforcement.

(vi) The Child Support Authority will not attempt to establish paternity or collect support when the good cause claim is approved.

(vii) The applicant or recipient can request the case no longer be in the good cause status.

(e) The following process must be followed when child support payments have been retained by the client.

(i) The agency recovery process must be followed when support is retained after the POWER performance payment was paid resulting in an overpayment.

(ii) A notice of action will be sent to advise the recipient retaining child support will be considered noncooperation.

(iii) The POWER performance payment will be placed in nonpayment status in the corresponding performance period for a minimum of one (1) month when the client has retained the current month's support.

(iv) The family unit can reapply but the POWER performance payment will not be authorized until the family has complied with the POWER Pay-After-Performance requirements for a full performance period and the child support has been turned in or collected by the child support services.

(f) Child support collection and distribution.

(i) Assigned support must be submitted to the state of Wyoming in all instances after the authorization of the first POWER performance payment.

(ii) The child support payment, collection and distribution procedures in Title III, of Public Law 104-193, as amended, will be applied.

Section 8. Pay-After-Performance -- Work Program Requirements.

(a) Exempt individuals.

(i) POWER applicants or recipients who meet the following criteria will be exempt from the POWER work program requirements.

(A) A child, excluding a minor parent, who is enrolled in and attending school full-time or who is preschool age.

(I) If a child under age sixteen (16) is not attending school full-time, the DFS-FO will work with the parent or caretaker relative to resolve the problem. (Section 404 of Public Law 104-193, as amended) Failure of the parent or caretaker relative to cooperate in developing and implementing a plan to resolve the problem will result in nonpayment of the family's POWER performance payment. The child will not be mandatory for the work program. (W.S. 42-2-202)

(II) If a child age sixteen (16) or seventeen (17) is not attending school, she/he shall be mandatory for participation in the work requirements by enrolling in and attending school or accepting suitable work activities, including participating in work activities during summer breaks.

(III) If the child is a minor parent, she/he shall be mandatory for participation in the work requirements by enrolling in school and maintaining satisfactory school attendance.

(IV) The teen parent, ages eighteen (18) and nineteen (19), shall participate in the work requirements by enrolling in and attending school under approved criteria or accepting suitable work activities.

(B) An adult who is sixty-five (65) years of age or older.

(C) The single custodial parent, excluding a minor parent, (Section 407 of P.L. 104-193, as amended) who is personally providing care for a child under the age of three (3) months.

(I) This exemption is only available for twelve (12) months in a lifetime and may be used for more than one (1) child. (Section 407 of Public Law 104-193, as amended)

(II) A parent who is under the age of twenty (20) without a high school diploma or equivalent is mandatory and can only be postponed from the work activities for caring for a child under the age of one (1) month. The parent must continue with all assignments during the postponed period.

(b) Mandatory individuals.

(i) The exempt individual who becomes mandatory must have a signed IRP and be meeting the work requirements the date the exemption changes to mandatory. (Section 408 of Public Law 104-193, as amended)

(ii) Failure of the mandatory family member to begin meeting the performance requirements immediately will result in nonpayment of the POWER performance payment.

(iii) Failure of DFS staff to do a timely status change from exempt to mandatory and to do a referral will result in an overpayment.

(iv) Mandatory individuals must continue to meet performance requirements until the date of the exemption.

(c) Registration at the Department of Workforce Services. (W.S. 42-2-203)

(i) At each application or reapplication and when her/his work exemption status changes to mandatory, the mandatory job seeker will register for work at the Department of Workforce Services and will follow-up on job leads. The following job seekers will not be required to register for work until their job readiness has been assessed by the CM:

(A) Individuals alleging or claiming an incapacity and who have agreed to get a Statement of Incapacity form concerning the incapacity completed by her/his medical professional (W.S. 42-2-103);

(B) Individuals alleging or claiming they are caring for an incapacitated immediate family member full-time (reasonable absences are allowed to perform normal household functions) in the job seeker's home and who have agreed to

get a Statement of Incapacity form concerning the care needed completed by a medical professional (W.S. 42-2-103); or

(C) Individuals alleging or claiming they are fleeing because of being battered or subjected to extreme cruelty because of domestic violence and who have agreed to get statements from a law enforcement or a domestic violence agency verifying the situation. (W.S. 42-2-103)

(ii) Failure of the job seeker to comply with the work registration requirements, within two (2) working days if the Department of Workforce Services is located in the same town as the job seeker or within no more than five (5) working days if the Department of Workforce Services is not easily accessible, will result in denial or nonpayment of the family's POWER performance payment. (Section 408 of Public Law 104-193, as amended)

(d) Work program performance requirements. (Section 407 of Public Law 104-193, as amended and W.S. 42-2-202)

(i) Mandatory family members will be advised on the Individual Responsibility Certificate of Understanding (IRCU) they must have a signed Individual Responsibility Plan (IRP) and be meeting the work requirements. (Section 408 of Public Law 104-193, as amended)

(A) Mandatory family members must contact the work program action center CM within the following time frames or as identified by the Benefit Specialist on the appointment form:

(I) Contact must be completed by Wednesday of the same week if application is made on Monday, Tuesday or Wednesday; or

(II) Contact must be completed by Wednesday of the following week if application is made on Thursday or Friday of the prior week.

(B) Failure of the mandatory family member to begin meeting the performance requirements immediately will result in nonpayment of the POWER performance payment.

(ii) At the initial meeting, the work program action center CM will:

(A) Complete a minimal assessment to determine if the new job seeker is:

(I) Required to do full-time applicant or recipient job search.

(II) Required to undergo appropriate substance abuse treatment. (Section 408 of P.L. 104-193, as amended)

(III) Approved for teen parent educational activities.

(IV) Approved for full-time vocational training.

(V) Required to follow the treatment plan of a medical professional as an incapacitated individual.

(VI) Required to follow the treatment plan of a medical professional as an individual caring for an immediate family member.

(VII) Required to follow a plan to correct circumstances which have contributed to domestic violence.

(B) Develop and implement an IRP. (Section 408 of Public Law 104-193, as amended) The individual is to begin meeting the performance requirements within two (2) working days.

(iii) The CM will do the following when the individual is incapacitated:

(A) Require the job seeker to provide a Statement of Incapacity form completed by her/his medical professional;

(B) Require the job seeker to follow the medical professional's treatment plan.

(C) The CM will do the following in a temporary incapacity situation (W.S.42-2-103):

(I) Set up the work program case and IRP recognizing the limitations of the medical problem and supporting the medical or mental health professional's prescribed treatment.

(II) Update the IRP when the job seeker has recovered from the incapacity sufficiently to be making at least minimal effort to become employed, or request a new Statement of Incapacity if the job seeker indicates she/he is not recovered sufficiently to begin work activities.

(D) The CM will consider referral of the long-term incapacity case to the Division of Vocational Rehabilitation (DVR). (W.S. 42-2-103):

(I) With DVR participation:

(1.) Accept the employability plan developed by the DVR counselor. The DVR approved activities will be considered as work experience activities for the POWER work program.

(2.) Assure the IRP progress will be reviewed at least every three (3) months by staffing the case with the DVR counselor.

(3.) Resolve differences and requirements or expectations with the DVR counselor.

(4.) Notify the Benefit Specialist when the incapacitated job seeker is in noncompliance with the DVR employability plan. Noncompliance will result in nonpayment of the family's POWER performance payment for the corresponding performance period. (Section 407 of Public Law 104-193, as amended)

(5.) The CM may require the job seeker to accept suitable work activities, appropriate life skills training or other appropriate steps leading to self-sufficiency if the DVR plan is failing.

(II) Without DVR participation:

(1.) Require the job seeker to access any available community resources for evaluation.

(2.) Require the job seeker to follow the treatment plan of the medical professional/mental health professional.

(3.) Require the job seeker to accept suitable work activities, appropriate life skills training or other appropriate steps leading to self-sufficiency.

(E) The CM will waive the work requirement by placing the individual in postpone status after reviewing the Statement of Incapacity form if she/he is considered totally or permanently disabled or incapacitated because she/he has a physical or mental impairment to the extent it prevents her/him from achieving (W.S. 42-2-103):

(I) Independent living;

(II) Full-time employment; or

(III) Participation in job training programs that would reasonably lead to independent living or monetary self-sufficiency.

(iv) The CM will do the following if the individual is a caretaker who must stay home to provide care full-time for a totally disabled or incapacitated immediate family member.

(A) Temporarily waive the work requirement by placing the individual in temporary postpone status after reviewing the Statement of Incapacity form or other statement by a medical professional. (The family member must reside with the caretaker because there is no other reasonable alternative.)

(B) Set up the work program case and IRP recognizing the limitations of the medical problem and supporting the medical or mental health professional's prescribed treatment.

(C) Update the IRP when the incapacitated family member has recovered from the incapacity sufficiently to allow the job seeker to be making at least minimal effort to become employed, or request a new Statement of Incapacity if the job seeker indicates the incapacitated family member is not recovered sufficiently to begin work activities.

(v) The CM will perform the following when the mandatory applicant or recipient alleges the family is fleeing for personal safety or for the safety of her/his children, or has been victimized by being battered or subjected to extreme cruelty because of domestic violence, or is at risk of further being battered or subjected to extreme cruelty because of domestic violence on the IRCU (W.S. 42-2-103):

(A) The CM will require a statement from law enforcement or the domestic violence agency, or both, verifying the situation;

(B) For job seekers who have not exhausted their five (5) year benefit limit:

(I) Work requirements may be waived for up to one (1) year through postponement, without reevaluation if participation in work activities would endanger the health or safety of the family;

(II) The waiver of the work requirements will be limited to one (1) year unless reevaluation occurs each six (6) months after the first year; and

(III) The waiver of the work requirements will be limited to two (2) years unless:

(1.) Reevaluation occurs each six (6) months after the first year; and

(2.) The job seeker is cooperating in the

development and implementation of a plan approved by DFS which includes the domestic violence agency, DFS social services or a licensed counselor, to correct circumstances which have contributed to the being battered or subjected to extreme cruelty because of domestic violence or threat of domestic violence.

(C) For the job seekers who have exhausted their five (5) year benefit limit, the waiver of the work requirements under this section may be waived for a job seeker only if participation in work activities would endanger the health or safety of the family. The waiver can only occur when:

(I) The job seeker's circumstances are reevaluated at six (6) months intervals; and

(II) After one (1) year, the job seeker is cooperating in the development and implementation of a plan approved by DFS which includes the domestic violence agency, DFS social services or a licensed counselor, to correct circumstances which have contributed to the being battered or subjected to extreme cruelty because of domestic violence or threat of domestic violence.

(vi) The work program action center CM will:

(A) Assure the IRP provides progress toward private sector employment and increases the responsibility and amount of work the job seeker is to handle over time. (Section 408 of Public Law 104-193, as amended)

(B) Complete a job readiness assessment if the job seeker does not obtain full-time employment within the first four (4) weeks of participation. (Section 408 of Public Law 104-193, as amended)

(C) Specify the job seeker's employment goal reflects urgency, is specific, includes a target date and is realistic. To be realistic, the employment goal must correspond to the job seeker's skills, strengths and the labor market.

(D) Require a labor market assessment to be researched and completed by the job seeker who has a questionable employment goal or who is requesting placement in an enhancement assistance work activity.

(e) Participation requirements – Title IV (Subtitle A, Section 407 of Public Law 104-193, as amended):

(i) The CM shall start with forty (40) hours per week of participation as the requirement for every job seeker.

(ii) Time spent commuting to or from the assignment or to or from a child care provider is not countable for participation.

(iii) Class or lab hours will be considered as follows:

(A) Job seekers in approved vocational or job skills training will be considered to be participating:

(I) Only during the hours when in a class, including lab time if listed on the job seeker's class schedule; but

(II) Not for hours during study periods, out-of-class preparation time or breaks between classes.

(B) Job seekers will not be considered to be participating in an educational or training activity unless enrolled full-time during summer break. They will be required to participate in job search or another countable work activity.

(C) Home schooling is not countable as a work activity for either the “teacher” or the minor parent.

(I) Home schooling will be countable for the mandatory child if she/he is in a full-time program approved by the local school district, and

(II) The child’s progress toward a high school diploma or equivalent is documented each midterm and end of term.

(iv) Self-employment hours will be computed by dividing the gross income by the minimum wage.

(v) Each job seeker must be actively performing during the hours established in the IRP and must immediately report to the CM any anticipated deviation from the plan.

(vi) The CM will report noncompliance with the work activity requirements to the Benefit Specialist immediately, but no later than the fifteenth (15th) of the month or the first working day after the fourteenth (14th) of the month.

(vii) The Benefit Specialist will assure nonpayment of the family’s POWER performance payment when the mandatory job seeker has failed to comply with the POWER work program requirements. (Section 408 of Public Law 104-193, as amended)

(viii) Assignment to work activities must: (Title IV, Subtitle A, Section 407 of Public Law 104-193, as amended)

(A) Be consistent with policy requirements and limitations;

(B) Lead to unsubsidized employment or self-sufficiency through accessing other resources; and

(C) Meet the federal participation requirements.

(ix) The following work activities meet the federal participation requirements:

(A) Unsubsidized employment;

(B) Subsidized employment in the private or public sector;

(C) Work experience:

(I) Work experience is unsalaried job training at a clearly supervised site;

(II) The training must include skills which are transferable to the work place and must afford the participant the opportunity to develop basic work habits, practice skills, acquire on-the-job experience or demonstrate skills to a prospective employer.

(D) On-the-job training;

(E) Job search which includes:

(I) Developing job seeking skills;

(II) Receiving information and counseling concerning job availability and job search;

(III) Participating in job club;

(IV) Completing job applications;

(V) Setting up and participating in job interviews;

(VI) Developing job retention skills; and

(VII) Accepting employment.

(F) Job readiness which includes assistance in:

(I) Preparing for work;

- (II) Retaining work;
- (III) Becoming familiar with general work place expectations;
- (IV) Exhibiting work behavior and attitudes necessary to compete successfully in the labor market; and
- (V) Preparing for self-sufficiency.
- (G) Job retention training which includes:
 - (I) Achieving upward mobility;
 - (II) Budgeting;
 - (III) Goal setting;
 - (IV) Life-long learning;
 - (V) Decision making.
- (H) Vocational educational training which:
 - (I) Must be directly related to the preparation of individuals for employment in a nonprofessional career or to upgrade skills for a nonprofessional career;
 - (II) Will only be approved if it is the first training program for the job seeker unless the job seeker is upgrading skills to obtain or maintain certification or employment;
 - (III) Must be targeted to a specific job with assurance the job seeker will have a job;
 - (IV) Must be completed within twelve (12) months and the job seeker must maintain full-time enrollment and a “C” cumulative grade point average;
 - (V) Will be limited to the number of approved job seekers allowed by federal requirements.
- (I) High school or GED for only teen parents meeting satisfactory school attendance:

- (I) Maintaining continuous enrollment;
- (II) Maintaining at least a “C” cumulative grade point average; and
- (III) Completing the requirements within six (6) months or graduating with his/her graduation class.

(f) Failure to comply.

(i) Failure to comply occurs when the mandatory job seeker fails to:

(A) Contact the work program action center CM within the time frame established by the Benefit Specialist on the appointment form;

(B) Keep the initial and all other scheduled appointments;

(C) Follow through with any items specified on the IRP;

(D) Cooperate by contacting the CM upon request; and

(E) Accept and maintain employment.

(ii) A failure to comply notice will be sent immediately to the noncomplying job seeker which:

(A) Explains the specific reason for the failure to comply;

(B) Indicates the effective date of the action;

(C) Explains what needs to occur for the job seeker to come back into compliance; and

(D) Provides applicable legal cites.

(g) Good cause for failing to comply. (W.S. 42-2-103 and 42-2-202 and Section 407 of Public Law 104-193, as amended)

(i) The job seeker must request a good cause determination within the time frame specified in the failure to comply notice.

(ii) Good cause must be provided in writing.

(iii) Good cause for failing to meet the POWER work performance requirements will only be granted for the following reasons:

(A) The job seeker is verifiably unable to perform the type of work involved or lacks the basic skills to do the job.

(B) Employment is reduced or terminated through no fault of the job seeker.

(C) The job seeker is subjected to intimidation, abuse, exploitation, harassment or unsafe working conditions as verified by substantiated evidence.

(D) The job does not pay applicable federal minimum wage or the prevailing wage for like work in the community.

(E) The job seeker encounters an emergency (involving herself/himself or an immediate family member) that reasonably precludes full cooperation and participation with assigned work activities.

(F) The job seeker did not provide a mandated report of a change to the CM, which would affect compliance with the IRP, but did report the change to the Benefit Specialist.

(G) The job seeker is a single custodial parent caring for a child under age six (6) who has demonstrated an inability to obtain needed child care under one (1) of the following reasons:

(I) Appropriate child care;

(II) Reasonable distance;

(III) Unsuitability of informal child care;

(IV) Affordable child care arrangements.

(H) Case manager error.

(iv) The POWER work program case will be inactivated for the following reasons:

(A) The POWER performance payment ended.

(B) The job seeker becomes exempt from the POWER work program requirements.

(h) Work activity expenditures. (W.S. 42-2-211 and Sections 402, 408 and 409 of Public Law 104-193, as amended)

(i) Limited work activity expenditures.

(A) Work activity expenditures will be only available to job seekers who are assigned to a countable work activity.

(B) The maximum of all limited work activity expenditures will not exceed one thousand dollars (\$1,000) per job seeker per year which begins with the month the first work activity expenditure was paid for the job seeker and goes for twelve (12) consecutive months.

(C) Work activity expenditures which are available on an as needed basis are limited for each job seeker as follows:

(I) Transportation services, including gas for a job seeker's own vehicle or transportation by another person, taxi or bus, will be limited to seventy-five dollars (\$75) per month for unemployed job seekers.

(II) Transportation services for job seekers enrolled in the Laramie County Community College Job Skills Pilot Project shall not exceed one hundred thirty dollars (\$130) per month.

(III) Union dues or professional licensing fees will be available only once within a year not to exceed three hundred sixty dollars (\$360) per year.

(IV) The total authorized for clothing, personal grooming, uniforms, and interview assistance will not exceed five hundred dollars (\$500) per year.

(V) Interviewing assistance (transportation and per diem) can be provided to a job seeker to enable her/him to accept a bona fide appointment for a job interview in a city that is located fifty (50) miles or greater from the city in which the job seeker resides.

(VI) The total authorized for vehicle insurance, licensing or repair will not exceed five hundred dollars (\$500) per year and must be for a vehicle which is owned by the job seeker who has a valid driver's license.

(VII) The total authorized for tools will not exceed one thousand dollars (\$1,000) per year.

(VIII) The total authorized for relocation assistance will not exceed one thousand dollars (\$1,000) per year.

(1.) Financial assistance can be provided to a job seeker to move to another location or city to accept a job opportunity that does not exist in her/his current location or city.

(2.) Relocation assistance (transportation, per diem, rental of moving van or trailer) shall be allowed one-time only for one-way relocation to the nearest location where the job opportunity will be available and does not include shelter or utility deposits.

(3.) The employment must be verified.

(ii) Work activity expenditures which will be available on an as-needed basis, but are not subject to the one thousand dollar (\$1000) limit for each job seeker, include:

(A) Assessment expenditures such as literacy tests, other tests and test summaries.

(B) Educational or training expenditures such as:

(I) GED tests for minor parents or teenagers only.

(II) Tuition, books and other educational supplies for minor parents only.

(III) Tutoring for minor parents or teenagers only.

(IV) DVR requested and approved training expenditures for incapacitated job seekers only.

(iii) The job seeker must:

(A) Make a written request for assistance with an expenditure necessary to become employed and include the date she/he plans to be employed.

(B) Document the work activity expenditure need by:

(I) Showing how the assistance is a requirement for complying with the IRP or will be essential to becoming employed within the next twelve (12) months.

(II) Providing estimates as required by the CM showing she/he has taken the responsibility to find the best price and quality.

(III) Providing supporting or related information, i.e. driver's license, insurance, tags, etc., as required by the CM.

(C) Take responsibility for the expenditure by paying for, or by making a mandatory contribution towards the purchase, or by accessing other resources that might be available.

(D) Execute the requirements of the IRP.

(E) Repay any expenditure, or agree to off-set the overpayment against future POWER payments or work activity expenditures, or return any nonperishable expenditure item over one hundred dollars (\$100), directly related to a failure to comply with an IRP or POWER work program requirement, failure to accept employment, fraud or other illegal actions.

(iv) The CM must:

(A) Assure the assistance by POWER to purchase the requested need will not result in an illegal action.

(B) Inform the job seeker repayment, or off-setting against future POWER or work activity expenditures, for any expenditure, or recoupment of any nonperishable expenditure item over one hundred dollars (\$100), will be required when the job seeker:

(I) Fails to comply with the IRP;

(II) Fails to seek and accept employment within the twelve (12) month period; or

(III) Fails to provide correct information in order to obtain the work activity expenditure.

(C) Send a notice which includes all legal cites, the decision and the basis for an adverse decision on the work activity expenditure request.

(i) Child support court ordered obligor cases. (W.S. 20-6-106 and Section 365 and 407 of Public Law 104-193, as amended)

(i) The CM will assure a court ordered child support obligor is a parent who:

(A) Is a Wyoming resident court ordered to pay child support who has not been meeting the child support obligation for her/his child(ren),

and
(B) Has been ordered by the court to participate in POWER,

(C) Is unemployed.

(ii) See Section 7, (c).

(iii) The child support court ordered obligor will comply with the court order and:

(A) Have an initial meeting with the work program action center CM within the time frame established in the court order.

(B) Complete, sign and date a manual IRP.

(C) Follow all instructions/directives outlined on the IRP.

(iv) The CM will:

(A) Provide the court with a status report each month if the obligor is cooperating or advise the court and the Child Support Authority when it is determined the obligor is not cooperating.

(B) Advise the court of the status of the child's POWER case.

(C) After reviewing the case with the DFS-FO Manager, recommend to the court the POWER work program action center case be closed when the obligor is employed and meeting the child support obligation.

(D) Terminate the work program case when the judge has terminated the work program requirement in the court order.

Section 9. Budgeting and Payment Process. (W.S. 42-2-103 and 42-2-104)

(a) Budgeting process:

(i) DFS will determine which persons in the household must be included in a family unit as follows:

(A) One (1) family unit when:

- (I) Two (2) parents with at least one (1) child in common, whether married or not; or
- (II) Two (2) parents, each with a POWER eligible child(ren), are married to each other; or
- (III) Three (3) generations live in the household and are eligible and there is a minor parent also living in the household; or
- (IV) A caretaker relative is making application for POWER for her/his child or a child(ren) of one (1) or more relatives; or
- (V) A caretaker relative is applying for a child(ren) of one (1) or more relatives.

(B) Two (2) family units when:

- (I) Two (2) unrelated caretaker relatives live in the same household; or
- (II) Two (2) siblings are caretaker relatives and live in the same household with their child(ren) and each of the sibling caretaker relatives is at least eighteen (18) years of age; or
- (III) A mother or father with a daughter's or son's child and a second daughter or son with her/his own child who live in the same household and the daughter or son is at least eighteen (18) years of age; or
- (IV) A mother or father with her/his own children who lives in the same household with a son or daughter who is over age eighteen (18) or emancipated and who lives in the household with his or her own children.

(ii) DFS will determine the financial responsibility of family members:

- (A) Income of the spouse will be considered available for her/his spouse; and
- (B) Income of a parent will be considered available to a child(ren), excluding emancipated minors, up to age eighteen (18) or up to age nineteen (19) when expected to graduate from high school prior to attaining age nineteen (19).
- (C) Earned income of a dependent child under the age of eighteen (18) who is not a full-time student or a dependent child age eighteen (18) who will graduate by age nineteen (19) will be considered to be available to the family unit.

(iii) DFS will determine which individual(s) within a family unit(s) will be counted for the purpose of calculating a performance payment.

(A) The following individuals, if living in the same household as the dependent child and otherwise eligible to receive POWER, must be included in one (1) family unit:

(I) The natural, legal or adoptive parent(s) of a dependent child.

(II) The blood related or adoptive brothers and sisters of the dependent child who are themselves dependent children within the age limits and deprivation factor. An emancipated minor is not considered a dependent child.

(B) The following individuals must be excluded from the family unit:

(I) Individuals who receive SSI benefits.

(II) Individuals for whom IV-E, other federal state or local foster care maintenance payments are being made, including a voluntary placement.

(III) Aliens who are ineligible due to deeming income of their sponsors or due to sponsorship by an agency or organization.

(IV) Individuals ineligible due to receipt of lump sum income.

(V) Emancipated minors and parents age eighteen (18) and over must be in a separate family unit and are no longer in their parents' unit.

(VI) Any individual who meets one (1) of the following but the income and resources of the individual will be used in determining eligibility and calculating the POWER payment:

(1.) Is a fugitive felon,

(2.) Is a parole violator,

(3.) Is an illegal alien, or

(4.) Has been convicted of fraud after January 1, 1997, or

(5.) Was found to have fraudulently misrepresented residence in order to obtain assistance in two (2) or more states in the U.S. or its territories after January 1, 1997, will be ineligible for ten (10) years.

(iv) DFS will determine whether the family unit will be eligible for a shelter included maximum payment level or a shelter supplied maximum payment level.

(A) The shelter supplied maximum payment level will be used when the family unit:

(I) Has no obligation to pay any portion of the shelter costs or the costs are completely furnished as a contribution; or

(II) Is living in a government housing subsidy; or

(III) Is a minor parent and the dependent child(ren) living in the household of a parent(s) or in a supervised setting with an adult relative or court appointed guardian or custodian; or

(IV) The household includes a relative who is an SSI recipient.

(B) The shelter included maximum payment level will be used when the above criteria for shelter supplied is not met or when shelter is provided as earnings.

(v) DFS will determine when the six hundred dollars (\$600) or twelve hundred dollars (\$1200) will be disregarded from the gross earned income as follows (W.S. 42-2-103):

(A) The six hundred dollar (\$600) earned income disregard will be allowed for a stepparent or when the family member is an eligible applicant or recipient in a two-parent family, single parent family or is a caretaker relative included in the performance payment.

(B) The twelve hundred dollar (\$1200) earned income disregard will be allowed when an eligible married couple is applying for or receiving POWER with a child in common regardless of whether both are employed.

(C) The earned income disregard will not be allowed:

(I) When establishing an overpayment due to a client error or intentional program violation relating to earned income and the overpayment occurred prior to August 1, 1997; or

(II) When deeming the income of an alien sponsor.

(vi) The succeeding procedures will apply to the following individuals for the purpose of calculating performance payments for a family unit:

(A) The following will be used when calculating the POWER performance payment for disqualified individuals:

(I) The gross earned income, including tips, or net profit from self-employment will be anticipated; and

(II) The six hundred (\$600) or twelve hundred dollar (\$1200) earned income disregard will be deducted; and

(III) The anticipated unearned income of the disqualified person will be added; and

(IV) The balance will be considered the best estimate of available income for the computation of the POWER performance payment.

(B) The following will be applied when calculating the contribution of the parent(s) or stepparent(s) of the unemancipated minor parent when a minor parent under age eighteen (18) lives with her/his parent(s):

(I) The anticipated gross earned income including tips or anticipated net profit from self-employment of the parent(s) or stepparent(s) will be determined; and

(II) The six hundred dollar (\$600) earned income disregard will be allowed for each parent or stepparent with anticipated earnings; and

(III) The anticipated unearned income available to each parent or stepparent is added; and

(IV) The appropriate maximum payment level will be deducted for the following persons:

(1.) Each parent or stepparent living in the home; and

(2.) Any other person(s) living in the home who is not part of the family unit and is a dependent of the parent(s) or stepparent.

(V) The amounts anticipated to be paid by each parent or stepparent during the month to individuals not living in the home, but who could be claimed as a dependent for federal income tax purposes will be deducted; and

(VI) The anticipated income available from each parent or stepparent will be considered to determine eligibility and the POWER performance payment amount for the family unit of the minor parent and child(ren) by comparing the income to the appropriate shelter supplied maximum payment level.

(C) The following will be applied when calculating the contribution of the stepparent:

(I) The anticipated gross earned income including tips or anticipated net profit from self-employment of the stepparent will be determined; and

(II) The six hundred dollar (\$600) earned income disregard will be deducted; and

(III) The anticipated unearned income available to the stepparent will be added; and

(IV) The appropriate maximum payment level will be deducted for a household the size of the stepparent's; and

(1.) Excluding the POWER eligible persons; and

(2.) Including any person living in the home who is not claimed by the stepparent as dependents for federal income tax purposes.

(V) The amounts anticipated to be paid by stepparent during the month to individuals not living in the home, but who could be claimed as a dependent for federal income tax purposes will be deducted; and

(VI) The anticipated income available from the parent will be considered to determine eligibility and the POWER performance payment amount for the POWER family unit.

(D) One hundred percent (100%) of the income and resources of a sponsor, and the sponsor's spouse, will be deemed available to the alien(s) until:

(I) The alien achieves U.S. citizenship through naturalization through INS; or

(II) The alien has worked forty (40) qualifying quarters as defined under Title IV, Subtitle A, Section 402 of Public Law 104-193, as amended).

(vii) The following steps will be used in determining prospective eligibility and computing POWER performance payments for each family unit.

(A) Eligibility will be determined prospectively for all performance payment months using the best estimate of income anticipated to be received during the performance payment month.

(I) The best estimate will be reviewed and recalculated each time a change in circumstances is reported or becomes known and at the time of a periodic review.

(II) The best estimate of available income for computation of the performance payment will be determined by:

(1.) Computing the anticipated gross earned income, including tips, or the anticipated net profit from self-employment using;

- a. Historical income and business expense information; or
- b. Income verified by pay stubs; or
- c. Income verified by employer statements; and
- d. Income will be converted to monthly amounts when received;
 - i. Weekly by multiplying the weekly amount times four and three tenths (4.3); or
 - ii. Bi-weekly amount times two and fifteen hundredths (2.15); or
 - iii. Semi-monthly amount times two (2); or
 - iv. Monthly amount times one (1).

(2.) Income from self-employment, employment on a contractual basis or income received intermittently on a quarterly or semi-annual or yearly basis is prorated or averaged over the period covered by the income unless not indicative of future months.

(3.) Fluctuating income due to an extra paycheck, more than one (1) job, tips, commissions, overtime, increase in hours, etc. will be estimated at the weekly amount and multiplied times four and three tenths (4.3).

(B) The maximum payment level test must be met by the family unit prospectively. The maximum payment level test includes:

(I) The anticipated gross earned income of the family unit, excluding the earned income of a dependent child who is a full-time high school student under the age of eighteen (18), will be used prospectively;

(II) The six hundred (\$600) or twelve hundred dollar (\$1200) earned income disregard is deducted;

(III) The anticipated unearned income is added including;

(1.) Child or spousal support anticipated to be received by the family unit;

(2.) State assigned and collected nonexempt child or spousal support; and

(IV) The best estimate of deemed income of stepparent, parent(s) of minor parent or the disqualified person is added after applying the appropriate calculation;

(V) The balance is compared against the maximum payment level for the number of POWER eligible individuals;

(VI) The case will be eligible when the balance in (V) is less than the maximum payment level.

(VII) The performance payment will be calculated by subtracting the balance in (V) or

(VIII) The performance payment amount is compared against the anticipated child support collection. The case is terminated in the second prospective payment month following the first month of prospective ineligibility when the performance payment is equal to or less than the nonexempt child support anticipated to be collected and it is anticipated the child support amount will be ongoing.

(IX) The case is found eligible for the prior month's performance payment for the first month of ineligibility due to an increase in prospective child support when:

(1.) The total income is equal to or exceeds the income limit; and

(2.) The family unit has continuously received a POWER performance payment for two (2) or more full payment months; and

(3.) Compliance with the performance requirements has occurred in the corresponding performance period.

(X) The earned income incentive will be available for up to six (6) consecutive months after the family unit has become ineligible for a regular POWER performance payment because of earned income when (W.S. 42-2-103):

(1.) The family unit will be given the option to choose between (2.) and (3.) below. Both the one (1) month or six (6) month option will count toward the five (5) year benefit limit.

(2.) The case will be eligible for the amount of the prior month's payment for the first month of ineligibility due to an increase in earned income when:

a. The total income is equal to or exceeds the income limit; and

b. The family unit has continuously received a POWER performance payment for two (2) or more full payment months; and

c. Compliance has occurred in the corresponding performance period.

(3.) The Benefit Specialist will determine if the case is eligible for the earned income incentive payment.

a. The earned income incentive payment will be available for up to six (6) consecutive months after the family unit has become ineligible for a POWER performance payment because of prospective earned income.

b. The six (6) consecutive months count whether or not the earned income incentive payment continues unless the income is reduced or ceases due to no fault of the employee. Any remaining earned income

incentive payment months can be applied if the earned income is reduced or ceases due to no fault of the employee if she/he again becomes ineligible for a POWER performance payment due to earned income.

c. The amount of the earned income incentive payment is based on fifty percent (50%) of the family's maximum payment level for the family unit size as long as the family member remains employed regardless of fluctuations in earnings.

d. The family unit will be eligible for the one-time-only earned income incentive payment when:

i. The family unit has continuously received a POWER payment for two (2) or more full payment months;

ii. The family member entered new employment or has an increase in earnings;

iii. The family unit has not previously received an earned income incentive payment, has not previously been penalized because of noncompliance with the POWER performance requirements or disqualified because of other program restrictions or violations;

iv. The employment is not temporary; and

v. The family has the option of receiving the earned income incentive payment for the current employment or to save the payment for a future situation.

vi. Exception: Job seekers enrolled in the Laramie County Community College Job Skills Pilot Project may be eligible for the earned income incentive payment even if previously penalized because of noncompliance with the POWER performance requirements prior to entering the pilot project. If penalized while participating in the pilot project the exception will not be available.

(C) The individual will be considered to be a recipient when a zero money performance payment results from the ten dollar (\$10) limit as a result of noncompliance, nonpayment or the recovery of an overpayment.

(D) An extra paycheck will not be a "change in circumstances" when the best estimate calculation has included the conversion to a monthly amount.

(E) An underpayment will be processed only to correct an erroneous payment when:

(I) A performance payment was made for an amount less than the family unit was eligible to receive due to a change not acted upon timely; or

(II) No performance payment was made and the family unit was eligible for a performance payment due to a change not acted upon timely; or

(III) A performance payment is directed by a final order following an administrative hearing.

(IV) There is no outstanding overpayment as the underpayment will be used for offsetting.

(F) A redetermination of the best estimate will be required for the performance payment month when a change in circumstances is reported or becomes known. Each of the following constitutes a change in circumstances:

(I) Beginning or ending employment or an unearned income source;

(II) Changing employers or obtaining additional employment;

(III) Increase or decrease in number of work hours that is expected to continue;

(IV) Increase or decrease in rate of pay;

(V) Increase or decrease in family unit members;

(VI) Change in resources or address;

(VII) Moving from or to a shelter supplied situation to or from a shelter included situation.

(G) A change in circumstances ~~must~~ shall be reported ~~and verified immediately~~ not later than 10 calendar days when after the change in circumstances becomes known to the family assistance unit. The applicant/recipient shall provide verifications needed for redetermination of eligibility not later than ten (10) days from the date of a notice requesting the verification.

(H) When a change in family unit composition is reported or becomes known, the following will occur:

(I) An application form will be completed.

(II) An IRCU will be completed for or by the individual entering the home when she/he is required to meet the Pay-After-Performance provisions. This is required whether or not her/his needs are added to the POWER performance payment.

(III) Eligibility must be redetermined and the amount of the performance payment will be recalculated considering the individual's income and resources.

(IV) The performance payment must be authorized by deadline for the first of the following month when the individual will be exempt from the Pay-After-Performance requirements and the family unit has complied with the requirements; or

(V) As follows when the individual is mandatory for the Pay-After-Performance requirements:

(1.) For the first (1st) of the month following the month of application when the application was received prior to the fifteenth (15th) and the Pay-After-Performance requirements were met; or

(2.) An immediate issuance on the first of the month following the month of application when the application was received on or after the fifteenth (15th) and the Pay-After-Performance requirements were met.

(VI) The noncompliance penalty will be authorized when the mandatory individual fails or refuses to comply with the POWER performance requirements.

(viii) Lump sums:

(A) Lump sums will be considered exempt unearned income and a nonexempt asset in the month of receipt.

(B) If there is a remaining balance in the following month(s), it shall be included as an asset until it is gone.

(b) POWER payment process:

(i) The performance payment will be processed using the following procedure when the family unit is eligible for a performance payment.

(A) A performance payment will be allowed for the performance payment month for a family unit who met all of the eligibility conditions and Pay-After-Performance requirements.

(I) A change due to receipt of a lump sum, participating in a strike, receipt of excess income or resources may cause ineligibility and the ineligibility is for the entire performance payment month.

(II) A change in school attendance, parent in or out of the home or age during a month does not cause ineligibility for the performance payment month when the case will be eligible on the date payment will be paid as long as the performance requirements are met within specified time frames.

(ii) Nonpayment of the performance payment will occur for the affected performance period when a mandatory family member has failed to comply with the POWER Pay-After-Performance requirements.

(iii) Nonpayment of the performance payment will occur for the corresponding performance period when any family member without an IRP voluntarily quits a job and:

(A) The employment was for at least twenty (20) hours per week or provided weekly earnings equivalent to the federal minimum wage multiplied by twenty (20) hours; and

(B) The quit was without good cause.

(iv) Failure of the family unit to comply with any of the child support performance requirements will result in the family's POWER performance payment not being issued for the affected performance payment month.

(v) The POWER performance payment will be payable to the caretaker relative, the protective payee, court appointed guardian or custodian, vendor or two (2) payees as in a two-party check.

(vi) The POWER performance payment will be based on the number of eligible persons in the family unit, excluding the unborn child.

(vii) No restrictions will be imposed on the use of the performance payment by the individual, excluding the protective payee.

(viii) The warrant will not be altered in any way.

(A) The warrant will be delivered to the client in the existing form when an error occurs.

(B) The correction will be processed before the next warrant will be issued and an underpayment or recovery will be executed when appropriate.

(ix) The warrant will be endorsed by the payee in ink on the reverse side.

(x) A caretaker relative will be entitled to a performance payment for the entire month in which a child leaves the home after the payment is received provided payment was not made for the same child in the same month to:

(A) Another relative; or

(B) Local, state, or IV-E foster care for maintenance, including a voluntary placement.

(xi) A caretaker relative will be entitled to a performance payment the first of the month following the month in which a child enters the home when all performance requirements are met.

(A) A payment must not have been made for the same child in the same month to:

(I) Another relative; or

(II) Local, state or IV-E foster care for maintenance, including a voluntary placement.

(xii) Duplicate payments will not be made on behalf of the same child in the same month.

(xiii) One (1) performance payment can be allowed to a person acting for a caretaker relative in an emergency situation to provide time to make and carry out plans for the child's continuing care and support.

(xiv) The applicant or recipient, case or person will be ineligible for the performance payment month when cash assistance has been received in the same month in another state. The performance payment will be computed from the first of the following month and performance requirements must be met.

(xv) Actual warrants will not be issued for amounts less than ten dollars (\$10). The eligible persons will be considered as recipients and the month will count toward the five (5) year benefit limit.

(xvi) The POWER performance payment will begin from the date of application when the program and performance requirements have been met.

(xvii) When adding a person(s) the performance payment begins the first of the month following the month of application and all performance requirements have been met.

(xviii) A protective payee or payment will be used as follows (W.S. 42-2-107):

(A) A protective payment, when appropriate, will be authorized to one (1) of the following:

- (I) A protective payee;
- (II) A vendor;
- (III) A foster care provider;
- (IV) Two (2) payees as in a two-party check.

(B) A protective payment must be issued to the parent, adult relative or court appointed guardian or custodian when the performance payment is paid on behalf of a minor parent (unless emancipated) and his or her dependent child(ren).

(C) A protective payment will be issued and the needs of the caretaker relative left in the performance payment when the caretaker relative shows a current inability to manage funds which threaten the health and safety of the child(ren).

(I) Mismanagement will be presumed when DFS has information the recipient has two (2) or more months of nonpayment of rent.

(II) All relevant circumstances will be considered to determine if mismanagement exists including but not limited to:

(1.) There are unpaid bills for a reason other than:

a. The occurrence of an unusual event, or a circumstance beyond the individual's control, which required the expenditure of the funds available; or

b. The necessary bills which exceed the performance payment and other income of the family unit; or

c. The result of the recipient's consumer right when there is a legitimate dispute over whether the terms of an agreement were met; or

d. The person is unable to manage funds due to a mental or physical condition verified by written medical or psychological reports.

(III) When mismanagement is believed to be a child neglect situation, the caretaker relative will be referred to Child Protection Services, who will determine if other services are needed.

(D) The recipient will be allowed to select the protective payee or participate in the selection to the extent possible.

(I) The person or relative selected to be the protective payee must be interested in or concerned with the welfare of the child(ren).

(II) Social service or fiscal staff employed by the agency may be a protective payee only when no other individual is available.

(III) The following are excluded from being a protective payee:

- (1.) The DFS-FO manager;
- (2.) Any DFS-FO staff member who determines the financial eligibility;
- (3.) Personnel involved in Quality Control, recovery or special investigative staff;
- (4.) Child support and contract staff; and
- (5.) Landlords, grocers and other vendors of goods and services who deal directly with the recipient.

(IV) The requirement of confidentiality must be explained to the protective payee;

(V) The recipient must be notified of the appointment and the name of the protective payee.

(E) The protective payee status will be removed when:

(I) The minor parent reaches eighteen (18) years of age or becomes emancipated; or

(II) The caretaker relative has demonstrated the ability to manage funds in the best interest of the child(ren); or

(III) A guardian or legal representative has been appointed because the need for a protective payee will continue beyond two (2) years due to the lack of improvement in the client's management skills.

(F) The protective payment status must be reviewed and a report required quarterly from the protective payee. (W.S. 42-2-107)

(xix) A recovery case must be processed and followed-up when a performance payment was paid for a month in which the family unit was overpaid or ineligible. (W.S. 42-2-112)

(A) When an adverse change is unreported or reported untimely and a performance payment was paid incorrectly in the performance payment month, an overpayment exists.

(B) The six hundred (\$600) or twelve hundred dollar (\$1200) earned income disregard will not be allowed when establishing an overpayment due to an earned income client error or intentional program violation which occurred prior to August 1, 1997.

(C) After August 1, 1997, an unreported or untimely reported adverse change is considered noncompliance and the noncompliance penalty will be applied.

(D) Recovery cases will include agency errors.

(xx) A POWER overpayment case will be referred to the DFS Prosecution, Recovery, Investigation, Collection Enforcement (PRICE) unit who administers recovery and overpayments for possible prosecution or intentional program violation (IPV) when it appears the client purposely misreported or failed to report information for more than one (1) performance payment month or the violation is the same as previous program offenses. (W.S. 42-2-112 and Section 911 of the Public Law 104-193, as amended.)

(A) When the hearing decision or any court decision on criminal or civil misrepresentation or IPV has been received the Benefit Specialist will:

(I) Generate an adverse action using the computer system notice within ten (10) days of receipt of the disqualification decision, and

(II) Require the client to sign the Installment Contract, as it will be a performance requirement for a performance payment; and

(III) Require the client to choose a method of repayment.

(B) The penalties for IPV or criminal or civil misrepresentation will be imposed as follows:

(I) All of the resources of the disqualified individual count; and

(II) The penalty will be applied to the family unit member who was not prosecuted but did lose the disqualification hearing as follows:

(1.) Twelve (12) months for the first disqualification; or

(2.) Twenty-four (24) months for the second disqualification; or

(3.) Permanently, or as specified in the notice from the hearing officer, for the third (3rd) or subsequent disqualifications.

(xxi) Underpayments will be computed and processed when a determination has been made there has been an underpayment and will be offset against any overpayments.

(xxii) POWER warrant or check hold.

(A) The POWER warrant or check may be held and not mailed to the payee for the following reasons:

(I) The recipient reports an address change too late to make the change for the first of the month and verbally agrees to pick up the warrant at the DFS-FO;

(II) The DFS-FO issues written notice to the recipient an address change was not processed and the warrant can be picked up at the office;

(III) The recipient requests the warrant be held due to problems with the postal service or the mailbox;

(IV) The recipient requests the POWER payment be terminated; or

(V) The DFS-FO finds the family unit ineligible for a reason which requires an adequate notice.

(B) The POWER warrant or check will not be held for the following reasons:

(I) The DFS-FO shall refuse to request a hold on a case which is currently active in another field office; or

(II) When a recipient has failed to provide information, the DFS-FO shall terminate the POWER payment instead of holding the warrant or check.

(xxiii) Lost stolen, mutilated or returned warrants are reported and submitted to DFS-Benefits Processing Unit (BPU).

Section 10. **Notification.** The regulations at W.S. 42-2-106, W.S. 42-2-110 shall apply.

(a) An adequate notice shall be issued on the computer system advising the applicant of the action taken on the application.

(b) An adequate notice shall be issued as a notice of intended action on the computer system using the following procedure. The notice will be received no later than the date of action or the date payment would have been received and include:

(i) The intended action to be taken in the manner of the performance payment;

(ii) The amount of the performance payment;

(iii) The date the action will occur;

(iv) The reason and specific regulation(s) supporting the action;

(v) A statement of the person's right to request an informal conference at the DFS-FO and an administrative hearing. (W.S. 42-2-110.)

(vi) The explanation of the recipient's obligation and responsibility to report changes in income, resources or living situation to the DFS-FO ~~immediately~~ no later than 10 calendar days when after the change in circumstances becomes known;

(vii) A statement if an administrative hearing decision upholds the action taken by DFS an overpayment will be established for each month the eligibility factors and performance requirements were not met.

(c) A notice of intended action shall be generated from the computer system when a change in circumstances is reported or becomes known and the information is incomplete or verification has not been furnished.

(d) A notice of action will be generated to inform the applicant or recipient the request for hearing has been received and performance payments will not continue pending the outcome of the administrative hearing.

(i) The notice of action will include a statement if the administrative hearing decision is in favor of the caretaker relative, an underpayment will be issued for each month the eligibility factors and performance requirements are met.

(ii) The notice of action will include a statement if the administrative hearing decision is in favor of DFS, an overpayment will be established for each month the eligibility factors and performance requirements were not met.

Section 11. **Review of Eligibility and Performance Requirements.** (W.S. 42-2-109)

(a) Each family unit must report changes by phone, in person, in writing or on the change report form during regular business hours as follows:

(i) Expected changes in income, resources, school enrollment, family unit size and address; and

(ii) Changes in circumstances during the performance period.

(b) The caretaker relative ~~must~~ shall report ~~and provide verification of~~ any change in circumstances ~~immediately when~~ within 10 calendar days after the change in circumstances becomes known by the family assistance unit. The applicant/recipient shall provide verifications needed for redetermination of eligibility not later than 10 days from the date of a notice requesting the verification.

(c) A change report will be mailed to the applicant after authorization of the first full month of POWER and will include an explanation of the reporting requirement.

(d) The following procedure will be followed when a change in circumstances is reported timely and is complete.

(i) Eligibility will be redetermined.

- (ii) Appropriate action will be initiated to:
 - (A) Leave the payment as it is when there is no change; or
 - (B) Process a change in the performance payment amount, address or other change; or
 - (C) Process a termination for ineligibility.
- (iii) An adequate notice of action will be issued to the caretaker relative of any adverse action.
- (iv) An updated change report form will be sent to the caretaker relative.
- (e) The following procedure shall be used when a change is reported timely and the information is incomplete or verifications are missing:
 - (i) A notice of adverse action shall be generated upon discovery of the incomplete or unverified reported change to notify the caretaker relative the case in nonpayment status or terminated for the first of the following month or the corresponding performance payment month, whichever is affected.
 - (ii) The notice will identify the missing information and verification needed.
 - (iii) The notice will advise the client assistance will be available, upon request, to obtain information or verification when the individual is or would have difficulty in obtaining same.
 - (f) The information or verification when received, and the change shall be considered complete when the requested information or verification is received within the appropriate performance period; and
 - (i) Eligibility shall be redetermined.
 - (ii) The case file will be documented when the best estimate is recalculated indicating the information used and how the calculation was done; and
 - (iii) The POWER performance payment will be processed, authorized in nonpayment status, or terminated or transferred to Medicaid only status, as appropriate; and
 - (iv) An adequate notice of action shall be issued to the caretaker relative of any adverse action caused by information given on the change report.

(g) Good cause shall be determined for untimely reporting of changes by requiring the caretaker relative to provide verification of the cause of untimely reporting of a change in circumstances.

(i) A report of a change will be considered untimely when not reported within the appropriate performance period unless the caretaker relative can provide proof of good cause.

(ii) The following will be considered to be good cause circumstances:

(A) The caretaker relative was out of town due to illness or death of an immediate family member;

(B) The caretaker relative or a member of the family unit was in the hospital;

(C) The postmark on the envelope proves the information or verification or change report was late due to postal problems;

(D) Circumstances of weather or disaster prevented the delivery or return of the information, verification or change report form;

(E) The job seeker did not do a mandated report of a change to the CM which would affect compliance with the IRP, but did report the change to the Benefit Specialist.

(F) Other circumstances beyond the family unit's control and for which no alternative was available.

(h) A redetermination of eligibility shall be done prospectively whenever a change in income, resources, or family unit size is reported.

(i) A periodic review of the eligibility factors shall be conducted whenever a change is known or suspected or at the time specified in policy for a specific eligibility factor or performance requirement. The periodic review will be done no less than every six (6) months: (W.S. 42-2-109)

(i) For child only family units;

(ii) When Food Stamps are due for recertification and POWER is also received;

(iii) When a social security card is due;

- (iv) For child support good cause claims;
- (v) For a child who is age eighteen (18) and expected to graduate by age nineteen (19);
- (vi) For an educational program (POWER-SASFA) student family unit;
- (vii) When resources which are subject to change or close to the limit; or
- (viii) For the minor parent provision.

(j) When transferring a case to another DFS-FO, the caretaker relative must perform the following at the receiving field office before the field office accepts transfer no later than the fifteenth (15th) of the performance payment month:

- (i) Appear for a face-to-face interview to complete a periodic review of all eligibility factors except age and citizenship;
- (ii) Furnish verification(s) of all changes affecting eligibility; and
- (iii) Comply with the child support and work performance requirements.

(k) The CM will:

- (i) Have contact with the job seeker at least once a month to assure performance requirements were met and review progress areas.
- (ii) Monitor good and satisfactory progress and performance requirements and immediately advise the Benefit Specialist and generate the appropriate computer system notice when the requirements have not been met.
- (iii) Update the IRP, as appropriate.
- (iv) Monitor the decisions and agreements made in any administrative hearing, good cause, incapacity, domestic violence and postponement situations.
 - (A) Administrative hearing and good cause decisions must be implemented immediately.
 - (B) Incapacity and domestic violence decisions must be reviewed at least every six (6) months.

(C) Postponement shall be limited to six (6) month periods with a reassessment done at the end of the period prior to extension.

(v) Review progress of vocational training, on-the-job training or work experience activities at least quarterly in addition to the monthly performance requirements and include:

(A) Compliance with full-time participation and the educational or training time limits.

(B) Completion of the training within one (1) year.

(C) Maintenance of the equivalent of a “C” grade point average, competency gains or achievement of proficiency levels as determined by the CM, instructor, trainer or WIA.

(D) Consistent enrollment and attendance.

(vi) Review, in addition to the monthly performance requirements, basic education (high school or GED) progress at least every term or semester and require:

(A) Compliance with full-time participation.

(B) Maintenance of the equivalent of a “C” grade point average, competency gains or achievement of proficiency levels as determined by the instructor.

(C) Consistent enrollment and attendance.

Appendix B

Personal Opportunities With Employment Opportunities (POWER) Chapter 1

Types of Resources and Treatment

TYPE OF RESOURCE	TREATMENT
Advanced Earned Income Tax Credit (AEITC)	Exempt in the month of receipt and the following month. Any remaining is nonexempt in third month.
Burial funds < fifteen hundred dollars (\$1,500)	Exempt fifteen hundred dollars (\$1,500) for each person in the family unit when funds are in a bona fide burial agreement, burial trust or contract (does not apply to bank accounts, savings, etc.). The funds are no longer exempt if withdrawn for a purpose other than burial.
Burial plot	Exempt one (1) for each person in the family unit.
Cash gifts	Exempt up to fifty dollars (\$50) per recipient per quarter.
Commingled funds	Do not exempt funds when previously exempt funds are commingled with nonexempt funds.
Earned Income Tax Credit (EITC)	Exempt the EITC in the month received and the following month. Any remaining portion is to be considered nonexempt in the third (3 rd) month.
Educational funds	Exempt educational loans, grants and scholarships which are designated for educational purposes only and not commingled with other nonexempt funds.
Home (Also see Land, buildings and other real property)	Exempt the home which is the current place of residence including the building and land upon which it is located, the land that appertains the home and all the buildings and/or mobile homes located thereon.
Household furnishings/ goods and personal effects	Exempt those items determined to be essential for day-to-day living.
HUD escrow account	Exempt a HUD escrow account which was established under the Family Self-Sufficiency Program for participants receiving housing assistance and the funds remain in the account.
IIM account (restricted) (See Appendix D)	Exempt IIM's when only moneys listed under P.L. are deposited and BIA authorization is required to withdraw or use the deposited funds.
Income producing property	Exempt income producing property of a self-employed client, excluding real property. If unemployed, s/he must be reasonably expected to return to that line of work for the exemption.
Indian judgment funds	Exempt funds appropriated in satisfaction of judgments of the Indian Claims Commission or Claims Court in favor of any Indian tribe, band, etc., (see Appendix D) to include: <ol style="list-style-type: none"> 1. Cash retained after the month of receipt to the extent it does not exceed two thousand dollars (\$2,000) per individual in total; and 2. Stock (including stock issued or distributed by a Native Corporation as a dividend or distribution on stock); and 3. A partnership interest; and 4. Land or an interest in land (including that received from a Native Corporation as a dividend or distribution on stock); and 5. An interest in a settlement trust.

TYPE OF RESOURCE	TREATMENT
Insurance settlement for damaged property	<ol style="list-style-type: none"> 1. Exempt money received from an insurance settlement for the repair or replacement of property which is lost, damaged or stolen for ninety (90) days or until the client makes a decision not to repair or replace the property, whichever happens first. 2. Require the funds to be maintained separately from other funds and not commingled. 3. Exempt the interest earned on this money. 4. Consider the entire amount or the excess a lump sum payment (income) when the insurance settlement is not used for or exceeds the cost of the replacement or repair.
Joint bank account	Exempt for the month following the month of deposit when the applicant or recipient cannot legally withdraw the funds from the account.
Livestock, Farm Machinery, Tools	<p>Count the average of two (2) appraisals/estimates of the fair market value and subtract any legal encumbrances when not used for self-support.</p> <p>Exempt if used for self-employment or there is a reasonable expectation the self-employment will resume within twelve (12) months of last use.</p>
Loans	<p>When the household is the lender:</p> <ol style="list-style-type: none"> 1. Exempt the unpaid loan balance if the note cannot readily be liquidated or if the note has no FMV because it cannot be sold. 2. The principal amount on the loan payment is considered a nonexempt asset. <p>When the client is the borrower:</p> <ol style="list-style-type: none"> 1. Exempt the loan proceeds unless the funds are placed/transferred to an accessible asset.
Lump sum (See Section 9 (a)(viii) for further information)	A lump sum is exempt unearned income and a nonexempt asset in the month of receipt. The balance is an asset in the month(s) following the month of receipt.
PASS account	Exempt income and resources of an SSI recipient.
Property	<p>Exempt property:</p> <ol style="list-style-type: none"> 1. That is used for self-employment, excluding real property; 2. That is unavailable or has a barrier to sale; 3. Belonging to an SSI recipient, an ineligible stepparent, ineligible parent(s) of a minor parent or ineligible caretaker relative (other than a parent).
Resource replacement (See Insurance settlement also)	Exempt any governmental payments which are designated for restoration of a home damaged in a disaster when the family unit must legally use the funds for that purpose.
Retirement/ Pension plans/ funds - not available	Exempt pension/retirement funds not available or belonging to an ineligible individual/spouse.

TYPE OF RESOURCE	TREATMENT
Retroactive RSDI and SSI payments	Exempt income and resources of an SSI recipient. (RSDI is nonexempt and considered a lump sum payment (income) when retroactive.)
Savings of a dependent child W.S. 42-2-202	Exempt savings of a dependent child who is a full time secondary student under the age of eighteen (18) when deposited from the child's earned income and designated for future educational purposes and not commingled with nonexempt funds.
Vehicles - Leased	Exempt during the contract or agreement period. If purchased, treat as a licensed/unlicensed vehicle, as appropriate.
Vehicles - Unlicensed	Count the equity value of the unlicensed vehicle unless used in self-employment and does not require licensing, i.e., farming.
Vehicles - W.S. 42-2-109 (See leased and unlicensed vehicles also) This category includes: cars, motorcycles, vans, trucks, other vehicles used for transportation	Allow the exclusion of two (2) duly registered and licensed motor vehicles from personal resources in determining eligibility for any household under POWER.
Victims Compensation payments	Exempt payments until the total amount paid is sufficient to fully compensate the individual for losses suffered as a result of the crime.

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Vehicles - W.S. 42-2-109 (See leased and unlicensed vehicles also) This category includes: cars, motorcycles, vans, trucks, other vehicles used for transportation	Allow the exclusion of one (1) <u>two (2)</u> duly registered and licensed motor vehicle <u>vehicles</u> from personal resources in determining eligibility for any household under POWER. Married couples shall be allowed a second duly registered and licensed motor vehicle.
Victims Compensation payments	Exempt payments until the total amount paid is sufficient to fully compensate the individual for losses suffered as a result of the crime.