ALABAMA DEPARTMENT OF HUMAN RESOURCES FAMILY ASSISTANCE DIVISION ADMINISTRATIVE CODE

CHAPTER 660-2-2
AID TO DEPENDENT CHILDREN

660-2-2-.40 Time Limits.

(1) Funds provided by the Federal Government under the TANF block grant cannot be used to provide assistance to a family in which the grantee or spouse of the grantee has received assistance for more than 60 months (whether or not consecutive). A month of assistance does not include any month a check is not issued due to minimum payment, sanction or recoupment to a zero check amount. The count began for current recipients with the payment made for December, 1996; for applicants awarded November 15 - 30, 1996 for a November, 1996 benefit, the count begins November, 1996. The count will begin for applicants with the month for which payment is first authorized, whether or not prorated and regardless of when payment for the month is actually received but no earlier than November 15, 1996.

(2) A month of assistance will not be counted against the sixty-month lifetime limit:

(a) if the assistance unit does not include a grantee or spouse of the grantee;

(b) for any member of the assistance unit that is not the grantee or the spouse of the grantee;

(c) if assistance is received by an adult while living in Indian country where at least 50 percent of the adults are unemployed;

(3) Some families may receive Federal TANF assistance beyond 60 months if the grantee or spouse of the grantee meets the extension criteria as follows:

(a) has a personal hardship and

(b) is currently complaint/cooperative and continues to be complaint/cooperative with JOBS and Child Support program criteria. Conditions in (3)(a) and (3)(b) must be met for each month of receipt over 60.

(4) A personal hardship exists for an assistance unit in which the grantee or spouse of the grantee:

(a) Is a person whose presence is required on a substantially continuous basis due to the illness or incapacity determined

on the basis of medical evidence of an individual who is related to the caregiver within a specific degree as provided for in departmental operating manuals and no other person is available to provide the needed care.

(b) Has an illness or injury which has lasted or is expected to last at least 30 days which is serious enough to temporarily prevent employment (or training with the hope of employment) when determined on the basis of medical evidence from the attending physician/clinic. This includes pregnancy when it has been determined by medical evidence that working or participating in training would be detrimental to the woman or the unborn child.

(c) Is incapacitated with a physical or mental impairment determined by a physician or a licensed or certified psychologist which prevents the individual from engaging in employment.

(d) Has been battered or subjected to extreme cruelty to the extent participation in program work requirements is precluded. An individual has been battered or subjected to extreme cruelty if the individual has been subjected to:

1. physical acts that resulted in, or threatened to result in physical injury to the individual;

2. sexual abuse;

3. sexual activity involving a dependent child;

4. being forced as the caretaker relative of a dependent child to engage in nonconsensual sexual acts or activities;

5. threats of, or attempts at physical or sexual abuse;

6. mental abuse; or

7. neglect or deprivation of medical care.

(e) Is participating in drug, alcohol, or mental health counseling to the extent participation in program work requirements is precluded.

(f) Is age 60 or older.

(g) Has a personal barrier of such significance as to preclude training and/or employment as provided for in departmental operating manuals and determined by the case manager.

(h) Lives in a SNAP ABAWD waiver county and has not been disqualified due to noncompliance with JOBS since December, 1996.

(5) Eligibility under the extension criteria is lost if the personal hardship ceases to exist but may be regained if a hardship occurs again. The personal hardships in "(b), (c), and (g)" above automatically cease to exist if the individual with the hardship becomes employed or employable as determined by the case manager pursuant to program policies. The personal hardship in "(h)" above also ceases to exist if the individual becomes employed or the county loses ABAWD status but may be regained if the individual loses the job with good cause as defined by program policy or the county regains ABAWD status or the client moves to an ABAWD county.

(6) Eligibility under the extension criteria is **permanently** lost if the individual with the personal hardship is non-compliant with JOBS or Child Support. The non-compliant/non-cooperative individual is permanently barred from receiving assistance for him/herself and cannot receive for any child(ren). The permanent bar also applies to the included spouse of the non-compliant/ non-cooperative individual in the unit. When the extension is lost due to non-compliance/non-cooperation, any benefits received after the 60^{th} month are months of ineligibility which must be processed as erroneous payments and recovery sought.

Author: Melody Armstrong
Statutory Authority: Code of Ala. 1975, Social Security Act, title IV-A; State Plan for Title IV-A; Title 38; Title I of Public Law 104-193.
History: Emergency adoption effective November 15, 1996. **New Rule:** Filed January 3, 1997; effective February 7, 1997. **Amended:** Filed April 4, 1997; effective May 9, 1997. **Amended:** Filed April 5, 2001; effective May 10, 2001. **Amended:** Filed August 6, 2007; effective September 10, 2007. **Amended:** Filed April 4, 2008; effective May 9, 2008. **Amended:** Filed August 6, 2018; effective September 20, 2018. **Amended:** Filed August 6, 2018; effective September 20, 2018.