

Muscogee (Creek) Nation Tribal Family Assistance Plan (TFAP)

SECTION 1: GENERAL PROVISIONS

1.1 Statutory Authority

The 1996 Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), Section 412, authorized Indian tribes to operate Tribal Temporary Assistance for Needy Families (TANF) program.

The Muscogee (Creek) Nation (MCN), in accordance with such authority, implemented a TANF program effective January 1, 2008. This document, in its entirety, constitutes the MCN TANF plan, a three (3) year plan effective January 1, 2014 through December 31, 2016. This plan is being submitted to the U.S. Department of Health and Human Services, Administration for Children and Families, for review and approval.

1.2 Program Administration

The MCN Executive Branch will have overall administrative authority for the MCN Tribal TANF Program. Program management responsibilities will be delegated to the MCN Tribal TANF Program. This department will be administered through the Department of Community and Human Services. (See Attachment for Organization Chart)

1.3 Program Purpose

In accordance with the purposes established by P.L. 104-193 (42 U.S.C 601 (a)), MCN's key areas of focus are to:

- **Provide** assistance to needy families so that children may be cared for in their own homes or in the homes of relatives.
- **Promote** job readiness and assist participants in increasing their employability and enhancing their marketability.
- **Educate** to prevent and reduce the incidence of out-of-wedlock pregnancies.
- **Encourage** the formation and maintenance of two parent families.

To help adults with the basic living expenses so children may be cared for in their own homes or homes of relatives, monthly financial assistance will be provided.

To promote job readiness, participants' work activity options will include activities specific to enhancing one's marketability. Some services may be mandated to address significant employment barriers (e.g. educational deficiencies, mental health and/or substance abuse issues).

To educate on prevention and reduction of out-of-wedlock pregnancies, the MCN TANF program will work with youth in communities throughout the program service area. This may be accomplished through guidance, training, education, mentoring, youth services, and other character building activities.

To encourage the formation and maintenance of two parent households, the MCN TANF program will offer services that address those challenges. Such services may include, but are not limited to counseling, workshops, parenting skills, diversion and transitional services, educational/work incentives, and work subsidies.

1.4 Program Mission

The mission of the MCN Tribal TANF Program is to strengthen American Indian and Alaska Native families' ability to attain self-sufficiency by providing financial assistance, work experience opportunities, and career coaching in a consultative manner that educates, encourage and promote self-reliance.

1.5 Program Goal

The Goal of the MCN Tribal TANF program is to assist families in positioning themselves towards attaining self-sufficiency.

To meet the goal, MCN Tribal TANF will provide temporary support in meeting basic needs, promote training that will lead to employment, and continue to offer and expand youth services.

The goal will be measured by the number of cash grants awarded, work participation rate, and an increase in youth participation.

1.6 Public Involvement

MCN Tribal TANF Program shall make their TFAP plan available for a 45 day public comment period prior to submission.

1.7 Service Area and Population

The MCN TANF Program intends to provide services to American Indian and Alaska Native families that reside in Creek, Okfuskee, Hughes, and Okmulgee counties and only members of the Muscogee (Creek) Nation in Tulsa, Wagoner, Mayes, Rogers, Muskogee, Seminole, and McIntosh counties who meet the MCN TANF program eligibility criteria.

In addition, the MCN TANF program has received concurrences to serve three Tribal Towns: Kialegee, Alabama Quassarte, and Thlopthlocco. (See attached concurrences)

SECTION 2: USE OF TANF FUNDS AS RELATED TO THE PURPOSES OF TANF

Only needy families may receive: (a) any form of Federally-funded “assistance” (as defined in 45 CFR 286.10); (b) any benefits or services pursuant to TANF purposes (increase self-sufficiency within our native families by breaking the cycle of dependency on welfare program or provide participants with assistance so they may care for their children in their own homes), regardless of the purpose served; and (c) any benefits or services funded with State-provided matching funds (MOE). “Needy” means financially deprived, according to income and resource (if applicable) criteria established in the TANF plan by the Tribe to receive the particular “assistance,” benefit or service.

The Tribe may use segregated Federal Tribal funds (not State MOE funds) to provide services (and related activities) that do not constitute “assistance” (as defined in 45 CFR 286. 10) to individuals and family members who are not financially deprived but who need the kind of services that meet TANF purposes (prevention and reduction of out of wedlock pregnancies or formation and maintenance of two parent households). Objective criteria will be established for participation in these programs unless the state instructs otherwise. The tribe may also use MOE funds to pay for non-assistance pro-family activities for individuals or family members, regardless of financial need.

SECTION 3: CASH GRANT ELIGIBILITY CRITERIA

3.1 Non-Financial Eligibility Requirements include:

- 1. American Indian and/or Alaska Native:** At least one person who is an enrolled member of any federally recognized tribe, exception is given to child(ren) under one year of age .
- 2. Residency:** The American Indian and Alaska Native participant must reside within the service area as defined in section 1.7.
- 3. Citizen/Alien Status:** The participant must be a U.S. citizen or have an approved alien status. Client must sign a statement attesting to citizenship or alien status.
- 4. Social Security Card:** The participant must supply or apply for all persons in the assistance unit.
- 5. Child Support:** Participant must pursue and assign child support, unless there is a good cause or ineligibility is determined by funding agency.
- 6. Custody:** A dependent child must live with a parent or relative who is responsible for the care and supervision of the child(ren).

3.2 Financial Eligibility Requirements

1. **Income Limits:** Countable adjusted income must not exceed 150% of the Federal Poverty Guidelines

2. **Resource Limits:**

- a. \$3,500.00 per assistance unit
- b. Automobile exemption for one car per adult
- c. Exclude home

3.3 MCN TANF Program Assistance Unit - The following persons are included in the program unit:

1. Applicants who meet all non-financial eligibility criteria
2. Applicants who are parents or relatives meeting custody requirements, dependent children, and emancipated minors.

SECTION 4: PROGRAMS AND SERVICES

4.1 Cash Assistance

TANF payments are as follows:

Payment Standard – With Adult

Number of Persons	Payment Standard
n/a	n/a
2	275
3	342
4	411
5	482
6	533
7	594
8	648
9 or more	700

Payment Standard – Child Only

Number of Persons	Payment Standard
1	150
2	225
3	300
4	375
5	450
6	525
7	600
8	675
9 or more	750

4.2 Incentives for Adults

To encourage consistent engagement in activities contributing to job readiness, personal development and family strengthening, educational and work participation incentives will be offered. One parent must complete a minimum of 20 hours and two parent must complete a minimum of 30 hours with each parent completing a minimum of 10 hours per week.

4.3 Supportive Services

In an effort to promote family stability and increase participant's ability to attain self-sufficiency, supportive services will be offered. Payments may be issued to the TANF program participant (excluding diversion participants) or directly to their service providers.

Types of Services:

1. Job Skills Training Payments
2. Professional License
3. Special Tools or Equipment
4. Driver's License
5. Automobile Insurance
6. Vehicle Service
7. Transportation
8. Clothing
9. Grooming/Hygiene

Issuance Decisions: Decisions regarding whether to issue a supportive service payment and in what amount will be made by the Case Management Staff based on assessments of participants' situations and requirements.

4.4 Nonrecurring short term benefits

Nonrecurring short term benefits will be offered to participants (excluding diversion participants) to address specific crisis situation or episode of need consistent with 45 CFR 286.10. Nonrecurring short term benefits are:

1. Housing Expenses
2. Emergency Shelter Expenses – Homeless
3. Utilities

Issuance decisions are based on:

1. Loss of employment due to layoff, wrongful termination, or quit with good cause
2. Medical reason (i.e. terminal illness, injury/accident, etc.)
3. Death in assistance unit
4. Other crisis situation with management approval

4.5 Children and Youth Services

These services are designed to promote academic, social, and emotional growth. Children on Diversion cases are not eligible.

1. Cultural Preservation Activities
2. Teenage Pregnancy Prevention activities
3. Education and Academic Outreach
4. Grade/Attendance Incentives for students enrolled in grades K-12.
5. High School Completion Incentive
6. Personal Responsibility Plan Incentive
7. Extra-Curricular Allowance
8. Clothing Allowance for school age children.
9. Grooming
10. School Supplies
11. ACT/SAT fees

4.6 Suspension Services

When a family's countable income exceeds the payment standards, the case may remain open for a period of six consecutive months. During this period, the family may remain eligible for other services, but not eligible for monthly cash assistance. After six consecutive months of suspension, a case will close or move to Transition based on the source of income. The family must continue to comply with all cash assistance and eligibility guidelines or case will close.

4.7 Transitional Services

When a family's countable earned income exceeds the payment standard, the case may move to Transition for a period of six consecutive months following suspension. During this period, the family may remain eligible for other services, but not eligible for monthly cash assistance. After 6 consecutive months of transition the participant will be eligible for a program completion incentive and case will close.

4.8 Diversion Assistance

Diversion Assistance may be provided to applicants who have accepted employment or currently employed with a barrier to maintaining said employment. Applicants must meet all diversion eligibility criteria(see appendix A). The family's countable adjusted income must not exceed 150% of the Federal Poverty Guidelines. Payments will be issued directly to the service provider to enable participant to accept and maintain employment.

4.9 Subsidized Employment Program (SEP)

SEP is a program through which a participant is hired in full-time employment with MCN TANF reimbursing the employer up to 100% of gross wages. Public agencies, nonprofit private agencies, private employers, government agencies and tribal agencies are eligible to participate.

SEP allows participants to learn the customs and routines of work, acquire work-task skills, establish an employment record, generate employer references, enhance their competitiveness and increase their

opportunity of securing unsubsidized employment. Participants are assigned based on their employability and the availability of participating employers.

SECTION 5: TIME LIMIT

Basis for modified time limit: Under the Temporary Assistance for Needy Families (TANF) block grant program, adults are limited to 60 cumulative months of assistance. MCN will count prior months of TANF assistance provided by any State or Tribe funded by the TANF block grant: exception will be granted for any months exempted or disregarded by statute, regulation, or under any experimental, pilot or demonstration project approved under Section 1115 of the Social Security Act.

Per 45 CFR 286.115 and 120, a month is not counted towards the time limit when:

1. The person is a dependent child living with the caretaker who is not in the TANF assistance unit.
2. The person was a dependent child, and is now a minor parent who receives TANF benefits as a caretaker for their own child.
3. Hardship Exemption:
 - a. The person is a dependent child in a two-parent family and the principal wage earner dies;
 - b. The adult member of the family required to care for the family member with a serious health problem or physical or mental handicap requiring full time care. Must be verified by a licensed physician or other competent medical authority;
 - c. Both parents are incapacitated or one parent has to care full-time for the other incapacitated parent;
 - d. When the not employed rate, based on labor force records, is equal to 50% or more within the MCN jurisdictional boundaries in any given month, that month will not be counted toward the 60 month time limit for assistance. However, the month(s) will only be excluded for the participating residents of the county or counties.
 - e. Survivors of battery and extreme cruelty

Hardship exemptions will not exceed 20% of the participant population.

SECTION 6: WORK PARTICIPATION REQUIREMENTS

All adult and minor parent TANF participants will be required to complete work activities, unless exempt.

Participation Rate: MCN acknowledges the factors which may affect its TANF client population. These factors may range from educational deficiencies to long-term unemployment rates. As a result, the participation rates presented in this Plan are appropriate.

All Families Minimum Participation Rate

Fiscal Year	Rate
2014	30%
2015	30%
2016	30%

Minimum Average Participation Hours per Week: MCN acknowledges its TANF client population may have factors prohibiting the immediate attainment of self-sufficiency. These factors may range from educational deficiencies to long-term unemployment. As a result, the minimum weekly hours presented in this Plan are appropriate.

All Families Minimum Weekly Hours

Fiscal Year	One Parent	Two Parent
2014	20	30
2015	20	30
2016	20	30

In a two-parent family assistance unit, the hours of each parent are shared to satisfy the hour requirement. Each parent will be required to complete a minimum average of ten (10) hours per week.

SECTION 7: COUNTABLE WORK ACTIVITIES FOR PARTICIPATION RATE:

MCN will provide or approve work participation activities.

Work participation activities will be categorized as:

- Organizational
 - Activities for the preparation of work readiness
- Family Strengthening
 - Activities which are family focused, including, but not limited to: wellness, cultural and the enhancement of family/individual
- Employment and Education & Training
 - Activities to increase employability by developing marketable skills, including, but not limited to: education, job search, work experience, and job skills training.
 - As provided in 45 CFR 286.105, limitations concerning job search and job readiness are:
 - Only count for six (6) weeks in any fiscal year
 - The unemployment rate in the Tribal TANF service area is at least 50% greater than the United States total unemployment rate for that fiscal year, then an increase to twelve (12) weeks is allowed in that fiscal year.
 - If an ancillary part of another activity, there is no limitation on counting the time spent in this activity.

- Barrier Removal
 - Activities directed at assisting families/individuals addressing issues of health, wellness and self-sufficiency barriers.
- Other activities that will assist families achieve self-sufficiency

Due to MCN service area, the lack of alternative transportation, and the distance to participate in countable work activities, MCN will allow reasonable transportation time. Reasonable will be the actual time between home and countable work activities, including travel time to child care. On-line web mapping service will be utilized in determining reasonable travel time.

Requesting flexibility on this criterion demonstrates MCN commitment in promoting self-sufficiency.

Note: An adult of a Child Only case may be required to participate in countable work activities if deemed necessary by the MCN TANF staff. Activities will be related to self-improvement and improving the care and development needs of the child(ren).

SECTION 8: EXEMPTION FROM WORK PARTICIPATION REQUIREMENTS

Exemption Criteria: MCN recognizes that some conditions and circumstances may limit or prevent persons from benefiting from such engagements. The following is a list of conditions and circumstances allowed for exemption. Documentation will be required.

1. Pregnant females who are experiencing medical complications
2. Females during the eight weeks after giving birth
3. Persons age 65 or over
4. Person unable to participate in TANF activities due to their individual conditions or circumstances (e.g. care for disabled child(ren), spouse, elder care, physical or mental disability)
5. Adults in a Child Only case
6. Domestic Violence Victims
7. Single parent caring for a child under the age of six that has demonstrated an inability to obtain needed child care based on the three below reasons:
 - a. Appropriate child care within a reasonable distance from the person's home or work site is unavailable
 - b. Informal child care by a relative or under other arrangements is unavailable or unsuitable
 - c. Appropriate and affordable formal child care is unavailable

SECTION 9: GOOD CAUSE FOR NON PARTICIPATION

Participants who fail to participate in assigned MCN TANF activities or fail to accept/maintain employment are subject to penalties unless there is good cause. It is the participant's responsibility to provide verification of good cause.

1. A sudden and temporary situation beyond the family's control
2. The participant must appear in court or serve on a jury
3. Transportation breaks down or becomes unavailable, and the participant lacks a reasonable alternative
4. Extreme weather conditions that prevent safe travel
5. Child care arrangements are unavailable

Good Cause Criteria for Failure to Accept/Maintain Employment

1. The work site violates health and safety standards
2. The wage does not meet minimum wage or piece work standard
3. The job is vacant due to a strike, lock out or other labor dispute
4. Joining a union is required and the participant has religious objection
5. The job conflicts with the participant's current union membership
6. Hostile work environment

SECTION 10: SANCTIONS

MCN TANF program sanction provisions are designed to encourage progress towards self-sufficiency. Unless a participant is allowed an exemption or good cause, a sanction will be imposed for non-compliance. Participants will receive timely written notice of the reason for the sanction and the Appeals Process instruction. Sanctions are as follows:

- First Sanction - \$50 benefit reduction will be imposed.
- Second Sanction - \$100 benefit reduction will be imposed.
- Third Sanction – Warrants case closure for a period of six months. After the six month period, participant may re-apply.

An active participant who has received less than 3 sanctions within a 12 month period will at their 13th month be deemed at the beginning of the sanction level.

Termination Due to Fraud: Fraud is an action taken by an individual that intentionally misrepresents, conceals, or withholds a material fact for the purpose of establishing or maintaining a family's eligibility for TANF benefits, or for increasing or preventing a reduction in benefits. Fraud may occur with or without a dollar loss.

In cases where there has been a termination for Fraud, the participant may be declared ineligible for a period up to a lifetime.

SECTION 11: APPEALS PROCESS

Clients will be notified of any action against their case and the right to appeal the action. Each step of the appeal must be followed or the appeal will be dismissed. The appeal process is as follows:

Stage 1 – Appeal to Case Management Supervisor

- Appeal must be in writing
- Appeal must be submitted within 10 calendar days from the date of the notification letter
- Supporting documentation verifying program compliancy may be attached
- A decision will be issued within 10 calendar days from the date the appeal is received
- If the individual disagrees with the Case Management Supervisor, they may further their appeal to the TANF Manager

Stage 2 – Appeal to TANF Manager

- Appeal must be in writing
- Appeal must be submitted within 10 calendar days from the date of the Stage 1 decision letter
- Supporting documentation verifying program compliancy may be attached
- A decision will be issued within 10 calendar days from the date the appeal is received
- If the individual disagrees with the TANF Manager, they may further their appeal to the Appeals Panel

Stage 3 – Appeal to the Appeals Panel

- Appeal must be in writing
- Appeal must be submitted within 10 calendar days from the date of the Stage 2 decision letter
- Supporting documentation verifying program compliancy may be attached
- The TANF Manager will select a panel consisting of three of the directors/managers within the Department of Community & Human Services.
- A date of hearing will be mailed within 10 days from the receipt of the appeal
- The client will have the opportunity to present their position. TANF staff will also be present and available for discussion/questions from the Appeals Panel.
- A decision will be issued within 10 calendar days from the date of the hearing
- The decision of the hearing is final

SECTION 12: EMPLOYMENT OPPORTUNITIES WITHIN SERVICE AREA

Population: The Oklahoma Indian population ranks second only to California in total Indian population (Census 2010). A total of 321,687 Oklahomans identified by race as American Indians and Alaskan Natives (AI/AN) and 482,760 individuals identified as American Indian when given the opportunity to report more than one race. As a percent of total state population, American Indians in Oklahoma represented 12.9 percent – ranking as the fourth highest percentage of all 50 states.

Employment Trends: The following are the State of Oklahoma Industries with the greatest employment growth for the period 2006 – 2016 according to the Oklahoma Employment Commission.

Administrative and Support Services; Educational Services; Food Services and Drinking Places; Professional, Scientific, and Technical Services; Local Government, Excluding Education and Hospitals; Specialty Trade Contractors; Hospitals; Self-Employed Workers, Primary Job; Ambulatory Health Care Services; and Nursing and Residential Care Facilities.

Tribal Economic Development: MCN offers a diversity of economic development. These range from Tribal government, gaming and Business Enterprises. Two of the operating divisions are Professional Services and Life Safety Services. Professional Services specializes in three advanced areas: Enterprise Information Technology Services, Project/Program Management, and Scientific and Research Support. Life Safety Services Division specializes in providing surveillance, access control and alert systems to universities, public schools, law enforcement, tribal governments and casinos.

MCN TANF Program will partner with private and public sector employers to establish work experience and/or subsidized employment opportunities for participants. These opportunities will allow the participant to enhance their ability to compete for sustainable employment.

SECTION 13: CONFIDENTIALITY

The MCN will take all necessary steps to restrict the use and disclosure of information regarding TANF participants. The MCN will not release or disclose any participant information, except as specifically in administrative rule or as ordered by a court.

Confidential information includes all verbal, written, printed or electronic display of data that can identify any specific participant's name, SSN or address. Confidential data cannot be released in any format, including mailing labels; PC downloads on disk or spreadsheet, or other computer printouts, unless specifically authorized by the TANF manager.

All verbal information related to a participant's eligibility is documented in the participant's file along with other written documents. The files will be stored in secure cabinets. The file and its contents are accessible to all TANF staff.

Staff members must sign an acknowledgement statement on confidentiality.

SECTION 14: INFORMATION ACQUISITION AND EXCHANGE

Information exchange with other States and Tribes: The MCN TANF program, the States, and other tribes are authorized to exchange specific data necessary for the administration of the MCN programs. This will ensure duplicate benefits are not extended and cumulative months are counted.

Exchange of information with Law Enforcement Agencies: The MCN TANF department will provide information to law enforcement officers involved in carrying out public assistance laws, or any investigation, criminal or civil proceedings connected with administering the agency's benefit programs. The agency will also provide the current address of any participant to a law enforcement officer if he officer furnishes the name and SSN of the participant and notifies the agency that the participant is a fugitive, felon or a probation/parole violator (as defined by the State), and that the location or apprehension of such person is within the law officer's duties. Otherwise, no information is given to law enforcement officers on participant's case records, conversations or sources obtained. However, personal knowledge that does not come from the participant's interaction with the TANF department can shared.

Information Pertaining to Support Enforcement: The MCN Child Support Enforcement Department has established administrative rules to safeguard all confidential information of participants. The MCN TANF department will coordinate with the Child Support Enforcement Department on all Child Support Enforcement issues.

SECTION 15: FISCAL ACCOUNTABILITY ASSURANCE

For each fiscal year during which the MCN receives or expends funds pursuant to a block grant under Section 412 of Title I-Block Grants for Temporary Assistance for Needy Families, the fiscal accountability provisions of Section 5(f) (1) 9of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450c (f) (1), relating to the submission of a single-agency audit report required by chapter 75 of title 31, United States Code, applies.

SECTION 16: DATA COLLECTION AND REPORTING

The Muscogee (Creek) Nation will comply with all the statutory and regulatory data collection and reporting requirements pertaining to Tribal TANF.

SECTION 17: RETROCESSION

If the Muscogee (Creek) Nation elects to retrocede this program back to the State, it will adhere to all the statutory and regulatory requirements pertaining to retrocession of a Tribal TANF program.