

# TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF): ASSISTANCE FOR FAMILIES BASED ON THE ABSENCE OF ONE OR BOTH PARENTS

## 1. WHAT IS TANF?

Temporary Assistance to Needy Families (TANF) is an assistance program which provides cash to needy children and their families. Families who receive TANF will also qualify for medical assistance under the Medicaid/OHP program.

To be eligible for TANF, a child must be deprived of parental care and support. A child may be deprived of parental support due to the absence, disability, or under- or unemployment of one or both parents. This flyer explains the rules that the Department of Human Services (DHS) uses to decide if a child is eligible for TANF because of the continued absence of one or both parents.

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## 2. WHO IS ELIGIBLE FOR TANF BASED ON THE CONTINUED ABSENCE OF A PARENT?

Children may be eligible for TANF if they are deprived of parental care and support because one or both of their parents are out of the home. This may include children who live with only one parent because the other parent lives

somewhere else, cannot be located or is dead.

This may also include children who are living with relatives who are not their parents (such as grandparents, sisters, brothers, aunts, uncles, or first cousins). The parent or relative who is caring for the deprived child may also be eligible for TANF.

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According to the DHS rules, a child is “deprived” (and so eligible for TANF) if the absent parent:

- Doesn’t live in the child’s home or
- If the parent doesn’t visit the child **in the child’s home** more than 4 times per week or more than 30 hours per week

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## 3. PROVING THE ABSENT PARENT DOES NOT LIVE WITH THE CHILD

To qualify for TANF based on the absence of a parent, you may need to prove to DHS that the absent parent is not living in the child’s home. Some ways you can prove that the absent parent is really living somewhere else are:

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Public Benefits Hotline – 1-800-520-5292

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- You can show that the absent parent receives mail somewhere other than in your home
- You can show that the absent parent pays rent somewhere other than in your home. Use a lease agreement or a rent receipt for another residence
- You can show that the absent parent pays utilities like cable or electricity somewhere other than in your home
- You can show that the absent parent keeps his or her clothing and personal possessions somewhere other than in your home. This can be established by a statement from an absent parent's housemate
- You can get statements from your landlord or neighbors that the absent parent does not live in your home.

**4. HOW LONG MUST THE ABSENT PARENT LIVE IN A SEPARATE HOUSEHOLD BEFORE YOU ARE ELIGIBLE FOR ASSISTANCE?**

You may be eligible for assistance immediately when the absent parent ceases to live with you. *There is no minimum period that the absent parent must live elsewhere before you can qualify for assistance.* However, if the parent has been absent for less than 30 days, DHS may want additional proof that the parent is living elsewhere.

If the absent parent is living on the same property as the dependent child, she or he is considered to be living in the same home as the child unless **all** of the following are true:

1. The absent parent is the owner of the property, or is a tenant on the property. To

be a tenant, the absent parent must be billed for rent.

2. The absent parent lives independently from the dependent child and caretaker relative.
3. The absent parent:
  - a. Has and uses sleeping, bathroom, and kitchen facilities separate from the dependent child and caretaker relative; **OR**
  - b. Shares bathroom or kitchen facilities with the dependent child and caretaker relative, but the facilities are in a commercial establishment that provides room or board or both at a fair market rate.

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**5. HOW OFTEN CAN THE ABSENT PARENT VISIT THE CHILD?**

DHS rules allow the absent parent to visit the child **in the child's home** only 4 times per week or for a total of 30 hours per week. DHS cannot deny assistance if the absent parent has additional visits with the child in places other than the child's home. Therefore, it is best if the absent parent visits with the child outside the child's home.

If the absent parent visits the child in your home more than this, DHS may deny you assistance. However, if the absent parent does not provide the child with reliable care, support, and guidance during those visits in the child's home, the child should remain eligible for TANF, although you may have to go to a hearing since DHS may deny you the assistance.

**Example:** Pamela lives with her two children, Doug and Ricky. The boys' father, Juan, lives across town with his mother. Juan watches the

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boys at Pamela's house every Monday through Thursday from 4 p.m. until 7 p.m. Every Sunday, the boys visit Juan at their grandmother's house.

**Q Are Doug, Ricky, and Pamela eligible for TANF based on Juan's continued absence?**

**A** *Doug, Ricky, and Pamela are eligible for TANF because Juan visits with the boys in Pamela's house no more than 4 times or 30 hours per week. The Sunday visits do not disqualify the boys since the visits are outside of Pamela's home.*

**Example:** Pamela lives with her two children, Doug and Ricky. She's not sure where Juan, the boys' father, is living as he moves often. Occasionally he shows up at her house, sometimes in the middle of the night when the boys are asleep, and other times they may not see him for months.

**Q Is Pamela eligible for TANF for the boys if Juan shows up 5 days in a row and stays 4 hours each time?**

**A** *You may have to go to a hearing to show this but Pamela should be eligible for assistance for the boys because there is no way one could argue that their father was providing reliable care, support and guidance to his children.*

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## **6. WHAT IF THE ABSENT PARENT SLEEPS OVER IN THE CHILD'S HOME?**

According to DHS rules, if the absent parent and the child sleep in the same house 30% or more of the time in a month, the child will be ineligible for assistance in that month. However, you may still be eligible if you can prove that the absent parent really lives elsewhere and does not provide the child with care, support, and guidance. It may be necessary to request a hearing to prove this. Therefore, it is best to keep the absent parent's overnight visits with your child within the 30% guideline.

**Example:** Kim lives with her daughter, Chris. Chris's father, Luke, sleeps over at Kim's house 3 times per week. Luke does not tell Kim where he stays the rest of the time. Luke usually arrives at Kim's after Chris has gone to sleep and does not help much with parenting. He occasionally brings Chris a toy or some other treat.

**Q Are Chris and Kim eligible for TANF based on Luke's continued absence?**

**A** *According to DHS rules, Chris and Kim are not eligible for TANF because Luke sleeps over more than 30% of the time. However, if Kim requests a hearing, she may be eligible if she can prove that Luke really lives somewhere else and that he does not provide Chris with care, financial support, and guidance.*

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## 7. WHAT IF THE PARENTS SHARE CARE, CONTROL, AND SUPERVISION OF THE CHILD?

In situations where both parents share care, control, and supervision of the child (including **joint legal custody**), the child will **not** be eligible for TANF if:

1. The parents jointly make significant decisions about the child's life, **AND**
2. The child sleeps at least 30% of the time during a calendar month in the home of each parent.

Thus, the child may qualify for TANF if the parents do not share in making significant decisions about the child's life. Even if the parents share in decision making, the child may qualify if he or she does not sleep at least 30% of the time in the home of each parent.

**Example:** Cathy and Jerome are divorced but share joint legal custody of their child, Jackie. They share in making decisions about Jackie's educational, religious, and health needs. Jackie spends weekdays with Jerome in his house and sleeps at Cathy's house on Friday and Saturday nights.

**Q Are Jackie and Jerome eligible for TANF based on Cathy's continued absence?**

**A Jackie and Jerome are eligible for TANF because Jackie sleeps at Cathy's house less than 30% of the time.**

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## 8. OTHER EXAMPLES

### 1. ABSENT PARENT IN THE MILITARY

If a parent is absent solely because of participation in the military, then the child and caretaker relative will **not** qualify for TANF.

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### 2. ABSENT PARENT IN JAIL OR OTHER INSTITUTION

If the parent's absence is due to confinement in an institution, such as jail or hospital, and the confinement is expected to last for more than 30 days, then the child and caretaker relative may be eligible for TANF.

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### 3. IDENTITY OF FATHER NOT KNOWN

If the identity of the child's father is not known, then the child and caretaker relative may qualify for TANF.

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### 4. PARENT LIVING IN HOME ON COURT ORDER

If one parent is ordered by a court to live at home while performing community service or public work for free, then the child and caretaker relative may qualify for TANF.

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For more information, call the **Public Benefits Hotline (1-800-520-5292)** or your local Legal Aid Services or Oregon Law Center Office for advice or possible representation. Go to [www.oregonlawhelp.org](http://www.oregonlawhelp.org) for a directory of legal aid programs.

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