



STATE OF NEW MEXICO
HUMAN SERVICES DEPARTMENT

HUMAN SERVICES REGISTER

I. DEPARTMENT

HUMAN SERVICES DEPARTMENT

II. SUBJECT

Temporary Assistance for Needy Families (TANF) State Plan

III. PROGRAMS AFFECTED

New Mexico Works (NMW) Cash Assistance Program

IV. ACTION

Final State Plan

V. BACKGROUND

The New Mexico Human Services Department (NMHSD) is required by Federal Law to file a State Plan to describe how the Department administers the State's TANF-funded cash assistance program. The State Plan must be submitted every two years to the United States Department of Health and Human Services (DHHS), Administration for Children and Families (ACF). The TANF State plan is combined with the Workforce Innovation and Opportunity Act (WIOA), The TANF State Plan was placed for public comment that began on October 15, 2021, and ended on November 29, 2021.

VI. FINAL STATE PLAN

The register and final TANF State Plan are available on the Human Services Department website at: <http://www.hsd.state.nm.us/LookingForInformation/income-support-division-registers.aspx> This HSR addresses comments received regarding this proposed TANF State Plan. A public hearing was scheduled and held on November 29, 2021, where there was attendees and verbal and written comments submitted.

Comment:

Cash Assistance is Critical to Family Well Being But is Not Accessible in New Mexico

The TANF/NM Works cash benefit amount should be meaningfully increased and tied to cost-of-living increases; HSD should bring back full exemptions from work participation; and immediately end full family sanctions including for non-compliance with Child Support Enforcement Division requirements.

Response:

NMHS D receives a TANF block grant annually and monies are appropriated by legislation. Legislation outlines how the funds are distributed and spent. The TANF block grant has not increased since 1996 which makes it difficult to increase the monthly TANF benefits and still serve the same number of participants.

Specific to ending full family sanctions including for non-compliance with Child Support Enforcement Division requirement. The Department administers the TANF program as outlined in New Mexico Statutes Annotated 1978 (Chapter 27, articles 2B). State Statute needs to be amended in Section 27-2B-14 to be able to remove the full family sanctions.

Comment:

TANF benefits are not sufficient to meet even the most basic needs and very few children get help through TANF, despite qualifying.

Many families the undersigned organizations work with have shared that the cash grant amount is too low. In addition to this meager benefits, the Center's review of public records data shows that, in 2019, 30% of all families participating in TANF/NMW had their cash benefits reduced or terminated due to the state's punishing full family sanctions policy. Only 40% of eligible families are enrolled in NMW and only 19% who apply for NMW actually get it, which is below the national average of 26%.¹ The Legislative Finance Committee further estimates that "1,974 families in New Mexico experienced a reduction or halt in TANF benefits in August 2021 for failure to comply with complicated federally mandated child support requirements that asked for information about their child's father, the date of conception, and other personal information."² Currently, there are only 12,549 families participating in TANF in New Mexico.³ New Mexico can do better.

Response:

The Department follows state statute outlined in NMSA 1978, Section 27-2B-14 to apply the sanctioning regulations. The Department follows the Code of Federal Regulations at 45 CFR 264.30 to ensure that the noncompliance process and implementation is federally compliant . 45 CFR 264.30 states: the Title IV-A agency must take appropriate action by: Deducting from the assistance that would otherwise be provided to the family of the individual an amount equal to or not less than 25% of the amount of such assistance; or deny the family any assistance under the program.

Comment:

HSD should begin to advocate for a meaningful cash grant amount increase because a family's cash grant amount has actually lost 31% of its value since 1996.

The standard of need does not meet basic needs. According to the Department, the standard of need includes money for basic needs such as food, clothing, shelter, and utilities, and personal requirements for the benefit group. We understand the Legislature must approve any grant increase. We encourage the Department to seek a meaningful grant increase in upcoming legislative sessions. In New Mexico, the value of the TANF cash grant has actually decreased in value by 31% when adjusted for inflation between 1996 and 2020.⁴ In New Mexico, the monthly TANF benefit for a family of three is a little more than half the estimated cost of a modest two-bedroom apartment and utilities, based on the Department of Housing and Urban Development's (HUD) fair market rents. Study after study has shown the lifelong healthy impacts on children when they have increases in cash support.⁵ The one-time layette allowance of \$25 upon the birth of a child should be increased and the Department should begin plans to request that the legislature provide a meaningful increase to welcome a newborn baby into the home.

Response:

NMHS D receives a TANF block grant annually and monies are appropriated by legislation. Legislation outlines how the funds are distributed and spent. The TANF block grant has not increased since 1996 which makes it difficult to increase the monthly TANF benefits and still serve the same number of participants. NMHS D will evaluate the budget and the option of increasing the layette payment for future payment.

Comment:

HSD Has Continued the Martinez Administration's Punitive Work Requirements, Blocking Opportunity, and Hurting Children – HSD Can Improve the TANF/NMW Program Through Administrative Action Now.

Federal law allows states to exempt certain individuals from meeting NMW work requirements.⁶ While there is no federal right to be exempt from TANF work participation requirements, many states use the tremendous flexibility offered under the law in creating exemptions. The New Mexico Works Act (NMWA) exempts individuals in a number of different circumstances from work requirements “for as long as the described conditions exist”.⁷ Currently, there are nine specified exemptions, as well as a “catch all” exemption for individuals who may request a limited work participation status exempting them from meeting the federal statutory levels”)[italics added]. demonstrate good cause.⁸

In 2012 HSD moved from blanket exemptions from work requirements pursuant to the NM Works Act and implemented a process of requiring all adults to engage in “work activities” or face sanctions for non-compliance. Currently, New Mexico only “limits” work participation. 8.102.420.11(I) NMAC. SL Start/Creative Work Solutions is tasked with doing an assessment of all participants to identify “work readiness, skills and aptitudes, disabilities, personal circumstances, substance abuse, domestic violence, and other factors.” Assessments are to include “as appropriate” information about physical and mental health status, barriers to employment and learning disabilities. The State Plan incorrectly states, “individuals whose work participation is waived are encouraged to begin participation at the earliest possible time.” New Mexico can become a national leader in innovating work activities, similar to what Pennsylvania has done with their work program.⁹ This means meeting families where they are at and working with families to support each other rather than punishing families for noncompliance with work activities. For example, the state could expand how it allows for

certain work program activities for longer than is federally allowed. New Mexico can expand how many hours parents can spend doing job search and work readiness assistance hours. New Mexico can also stop preventing young people over the age of 20 from claiming non-core hours when they continue to try to access their GED, high school equivalency, or high school diploma as not non-core work activities. New Mexico should also stop utilizing the Alison computer program for completing “school” requirements that don’t result in gaining a GED, AA, or four-year college degree.

New Mexico should also expand on the number of weeks a family can engage in temporary work readiness activities. Six weeks is often not enough time for a homeless family to find a home. 24 weeks is often not enough time for a domestic violence survivor and their family to recover from violence. Participating in English as a Second Language classes should count for longer than six weeks of temporary work readiness activities. New Mexico should include Home Visiting as a qualifying work activity.

State regulations should follow the New Mexico Works Act and provide for exemptions and ongoing good cause periods from participating in work requirements. Cash assistance for an individual should not be reduced or terminated for noncompliance with a work activity requirement if the participant has a good cause reason. The following criteria should be considered sufficient to show good cause:

1. Temporary illness or incapacity;
2. Court Required appearances or temporary incarceration;
3. Domestic Violence
4. A family crisis that threatens normal family functioning, including:
 - a. Experiencing homelessness whereby a family:
 - i. Lacks a fixed, regular, and adequate nighttime residence or shares the housing of other persons due to loss of housing, economic hardship, or a similar reason;
 - ii. Lives in a motel, hotel, trailer park, or camping ground due to lack of alternative accommodations;
 - iii. Lives in an emergency shelter or transitional housing;
 - iv. Resides in a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings; or
 - v. Lives in a car park, public space, vacant or abandoned buildings, substandard housing, bus station, or similar setting;
 - b. A housing crisis, including eviction, foreclosure, or other loss of house; or
 - c. Receiving a utility disconnection notice or having a utility disconnected;
 - d. A breakdown in transportation arrangements;
 - e. A breakdown in child care arrangements or lack of child care for a child or children who are 12 years old or younger;
 - f. For a single parent caring for a child younger than 6 years old who is unable to obtain child care
 - i. The unavailability of appropriate child care within a reasonable distance from the parent’s home or work site;
 - ii. The unavailability or unsuitability of informal child care by a relative or others; or
 - iii. The unavailability or unsuitability of appropriate and affordable childcare arrangements;

- g. A lack of supportive services identified and agreed on by an individual and a local department; or
- h. The failure of a local office to offer or provide a reasonable accommodation to an individual with a disability.

Response:

NMHS D does evaluate and afford good cause prior to imposing any sanctions; this is a mandatory process and is outlined in 8.102.620.10 G. NMAC. If good cause is established, sanctions are not imposed.

NMHS D agrees that the activities assigned to the TANF customers should be meaningful and tailored to the family's needs, therefore, extensive assessments are conducted with TANF customers.

NMHS D agrees with the statement “The State Plan incorrectly states, “individuals whose work participation is waived are encouraged to begin participation at the earliest possible time.” The Department has updated the language in the TANF state plan to read “Individuals whose are identified to participate in the work program will be referred to the NMW Provider.”

Comment:

Child Support Enforcement Is Administered as a Barrier, Rather Than A Resource To Families Participating in or Trying to Access TANF.

New Mexico should and can immediately end full family sanctions for noncompliance with Child Support Enforcement Division (CSED), seek maximum flexibility under federal law, and never end cash assistance for the children on the case for this non-compliance reason.

We do applaud HSD’s plan to request \$1.7M in its budget to pass through and disregard 100% of child support funds for NMW/TANF families. Currently, only the first \$100 in child support collected by the Child Support Enforcement Division is passed on to TANF families. This money is disregarded, or not counted as income, in determining eligibility.

Response:

The Department follows state statute outlined in NMSA 1978, Section 27-2B-14 to apply the sanctioning regulations. The Department follows the Code of Federal Regulations at 45 CFR 264.30 to ensure that the noncompliance process and implementation is federally compliant. 45 CFR 264.30 states: the Title IV-A agency must take appropriate action by: Deducting from the assistance that would otherwise be provided to the family of the individual an amount equal to not less than 25% of the amount of such assistance; or deny the family any assistance under the program.

Comment:

HSD should notify families and train workers on CSED exemptions and stop requiring notarization of documents

The State Plan states that “CSED referrals are made no later than the end of the application interview” but ISD workers and HSD contractors do not notify families that they may seek

exemption from this requirement. Per the NMAC, caretaker relatives must be: (1) notified that the requirement to cooperate may be waived; (2) informed of the requirement involved in the waiver; and (3) given an opportunity to request a waiver that would exempt them from the cooperation.¹⁰ Waiver of this requirement includes *where it is not in the best interests of the child*. 8.102.420.14(E) NMAC and 8.50.108.8(C) NMAC. HSD workers and contractors including CSED staff should immediately receive training on providing information about this waiver opportunity during the eligibility interview.

HSD should also immediately rescind the burdensome requirement that exemption forms be notarized. 8.50.112.11(C) NMAC. A sworn statement should be accepted, and HSD should issue guidance to workers about this change. Requirements to notarize documents are referenced throughout CSED regulations. We urge HSD to remove this requirement and to promulgate a regulation that no longer requires this burdensome requirement for any child support enforcement matter. The Courts already accept sworn statements that do not require notarization. The Department should follow the Courts in this matter.

Response:

As referenced in the State Plan the NMHSD does afford CSED exemptions to TANF customers.

Comment:

HSD should immediately end full family sanctions, issue pro rata shares for the cash grant amount, and only reduce or terminate the parent's portion of the cash grant. Currently, HSD terminates the child's portion of the cash grant amount.

States have broad flexibility under federal law to sanction a family's cash grant amount.¹¹ "Federal rules require at least a pro rata grant reduction for a work requirement violation and a grant reduction of at least 25% for a violation of a child support cooperation requirement. States may impose harsher penalties, including a full family sanction, for violations of these requirements and for violations of any additional state-prescribed requirement."¹² We strongly urge New Mexico to utilize this flexibility to sanction a family's grant amount by percentage. New Mexico should apportion 25% of the cash grant amount to the parent(s) and the 75% remainder of the cash grant to the children. *The portion of the grant amount designated for the child or children should never be terminated, and the family's cash grant amount only reduced based on the above pro rata share for a parent's noncompliance with CSED, any work activity, or other program requirements.*

The undersigned understand the requirement to pursue child support from absent parents, however, federal law allows states to retain benefits for at least some family members to continue supporting children in these families. The Center's analysis of public records data from January 2020 to May 2021 shows that hundreds of families are sanctioned off of TANF every month for non-compliance with CSED. During the pandemic alone, from March 2020 to May 2021, 1,363 families had their TANF case closed due to noncompliance with child support requirements. Prior to the pandemic it was one of the leading causes entire families lost their benefits. This should stop immediately.

Response:

The Department ensures that the noncompliance action is taken as outlined in 1978 NMSA 27-

2B-14. To change the sanction process, this would require the State Statute to be amended. As outlined in 45 CFR 261.30 it states: the Title IV-A agency must take appropriate action by: Deducting from the assistance that would otherwise be provided to the family of the individual an amount equal to or not less than 25% of the amount of such assistance; or deny the family any assistance under the program. At this time the action that New Mexico has taken gives the family access to the benefits by prolonging the monthly benefit before suspending the full TANF grant amount.

Any changes to this rule requires amendments to NM State Statute.

Comment:

HSD should require that CSED provide adequate notice of the reason a parent is noncompliant with CSED program rules.

Currently, CSED does not give families a notice reason for their noncompliance - only that someone is out of noncompliance. CSED should state the precise reason for noncompliance in their notices. In addition, CSED case workers should be required to attend Fair Hearings where the reason for the sanction was a noncompliance action alleged by CSED.

Response:

NMHSB recognizes the concern; however, this is not relevant to a State Plan.

Comment:

Opportunities to Transform Cash Assistance into a Two-Generation Family Support Model

New Mexico has a historic opportunity to transform its State's TANF-funded cash assistance program towards a family-support model that works with parents and their children to provide opportunity instead of unnecessary punishment, sanctions, and loss of income to meet basic needs. "The TANF program was premised on racist and sexist principles, which are responsible for long-standing inequities."¹³ Despite this history, the federal TANF program does provide broad flexibility to allow states to develop innovative and creative program strategies when working with families participating in TANF. TANF/New Mexico Works ("NMW") is a temporary benefit that can assist families in stabilizing during crisis events or during periods when work is not possible. We encourage New Mexico to pursue maximum flexibilities offered in the administration of TANF and Office of Child Support Enforcement under federal law. New Mexico can follow the lead of other states like Maryland and the District of Columbia to become a "Two-generation" state where cash resources are never stripped from homes with children.¹⁴ HSD can make many improvements to reverse these barriers to enrollment and participation in NMW.

Response:

NMHSB recognizes the concern; however, this is not in the scope of this State Plan.

Comment:

The Work Program Assessment and Individual Responsibility Plan Processes Should Be Transformed to Determine and Include All Factors that Limit a Parent's Participation.

The work program assessment should determine all factors that may prevent parents from

completing work hours because there may be multiple limiting factors that can prevent someone from working. However, families are routinely told that they may only pick one limiting factor. Career Development Specialists (CDS) have also shared that they are not able to select for more than one limiting factor in the IT system. One CDS supervisor stated that she has been at ISD for eight years and had never allowed a participant to select for more than one limiting factor in determining their work participation hours. In one case, an applicant was seeking limiting factors for their own disability, their six-year-old child's disability, and for caring for an infant. The CDS worker, with the supervisor's permission, while on the phone with the applicant's attorney, was able to find a workaround to allow for the additional limiting factors. HSD should take immediate steps to fix this programming error and policy so that ISD workers, DWS contractors, and Creative Work Solutions employees can appropriately apply exemptions from work requirements and tailor any required activities to the individual's circumstances.

Response:

NMHS D agrees that the activities assigned to the TANF customers should be meaningful and tailored to the family's needs, therefore, extensive assessments are conducted with TANF customers.

Comment:

The State Plan should include a process for narrowly tailoring Individual Responsibility Plans that factor a family's lived experiences.

The Individual Responsibility Plan process can be transformed so that it works with families to truly support their goals. There are movements around the United States to create and pilot work programs in TANF that support parents and their children.¹⁵

HSD can "establish participation requirements, specific to the participant's condition or circumstance, such as substance abuse services, mental health services, domestic violence services, pursuit of disability benefits, job readiness, or education directly related to employment."¹⁶ The required activity, however, must "improve the participant's capacity to improve income and strengthen family support."¹⁷ This means that the participant may only be assigned participation requirements specific to the participant's condition or circumstance, including completion of other activities outside the traditional core and non-core activities.¹⁸ Therefore, HSD should provide evaluation of appropriate work activities that is based on multiple factors including:

- i) Literacy, health, mental or physical impairments, housing stability, childcare needs, transportation needs, history of domestic violence, job skills and readiness, and interests;
- ii) Whether the applicant or participant qualifies for an exemption or has a good cause reason not to participate in a work activity; and
- iii) Ensure that the work agreement specifies the reasonable accommodations that a local office will provide to a participant with a disability that are necessary for the participant to meet the participant's obligations under the cash assistance program.

Response:

NMHS D agrees that the activities assigned to the TANF customers should be meaningful and tailored to the family's needs, therefore, extensive assessments are conducted with TANF

customers.

Comment:

The State Plan should require HSD to explain hardship eligibility and automatically refer all participants who have met the 60-month limit for evaluation of an extension of the 60-month time limit.

Waiver of the 60-month lifetime limit is granted under hardship extensions.¹⁹ However, when families apply for TANF after 60 months, they are summarily denied and there is no automatic process for evaluating if a family qualifies for a hardship extension. HSD cannot provide cash assistance from federal TANF funds for more than 60 months to a family that includes an adult recipient, unless the 60-month lifetime limit has been waived for a hardship reason, as defined by HSD.²⁰ HSD and SL Start are also required to explain hardship eligibility and for referring all participants requesting hardship extensions to the appropriate review unit.²¹ HSD/ SL Start caseworkers fail to evaluate prospective TANF hardship participants for eligibility, as required by law. HSD/SL Start's failure to adequately review TANF applications for hardship extensions will continue to result in some families being turned away and denied an opportunity to be evaluated and receive TANF cash assistance beyond the 60-month lifetime limit. We strongly encourage the Department to explain to participants how they may continue to be eligible if they are "otherwise qualified as defined by the Department," and encourage the state to maximize the definition of who can continue to be eligible following the 60-month limit.

Response:

The NMW provider works with individuals who have reached their 60-month time limit to ensure they are awarded an opportunity to be evaluated with the NMW provider. The NMW provider works with the individual to identify if a Hardship can be granted.

NMHS D applies the Hardship Extension policy in accordance with 8.102.410.17 NMAC.

Comment:

HSD should provide permanent and ongoing 30-day periods to correct noncompliance with program requirements. Currently, HSD only provides one 30-day period in a 12-month period to correct a noncompliance action.

Currently, New Mexico allows for **only one** 30-day conciliation opportunity (i.e., a period to correct the non-compliance issue) in a 12-month period. The purpose of the conciliation process is to provide an opportunity for the participant to correct whatever noncompliance caused the sanction. New Mexico should immediately offer permanent and ongoing 30-day periods of conciliation.

Federal law allows the Department to offer unlimited opportunities to provide conciliation when a program participant falls out of compliance. If a participant is found to be in noncompliance with program requirements, then a caseworker should investigate the reasons for noncompliance and provide a 30-day conciliation period **for each instance of noncompliance**. During the 30-day conciliation period, the case manager should advise the participant of the noncompliance, and help the participant to comply by:

1. Investigating the reasons for noncompliance, including by personally contacting the family of the participant.
2. Evaluating and preparing a written determination of whether the participant qualifies for an exemption or good cause;
3. Sending the participant, a letter offering a conciliation conference; and
4. Assisting the participant in identifying and resolving any barriers to compliance.

The Department should not reduce or terminate cash assistance to a family until 30 days after the day on which the first written notice of noncompliance was sent to the participant.

Response:

NMHS D follows state statute that is outlined in NMSA 1978, Section 27-2B-14. The sanctioning regulations for states to ensure that noncompliance takes affect is outlined in Code of Federal Regulation Title 45 (45 CFR 264.30). 45 CFR 264.30.

Comment:

New Mexico should immediately revise its sanction model and sanction levels to offer maximum support and flexibilities to families that are afforded under federal law. Currently, New Mexico utilizes harsh sanction levels and penalties.

We strongly urge HSD to pursue the below sanction levels. For noncompliance with a program requirement (other than a work activity), the full amount of cash assistance shall resume on compliance with the program requirement. For noncompliance with a work activity, cash assistance should resume in the following manner:

1. For the first instance of noncompliance, cash assistance shall resume immediately on compliance.
2. For the second instance of noncompliance, cash assistance shall resume after 10 days of compliance with the work activity; and
3. For each subsequent instance of noncompliance, cash assistance shall resume after 30 days of compliance with a work activity.

In New Mexico if a family fails to resolve the noncompliance issue within the single 30- day period then families are sanctioned 100% for noncompliance with this requirement, the maximum penalty under federal law. As stated above, federal law allows states to sanction a portion of the cash award rather than the entire amount. Reducing the penalty from the maximum to the minimum amount would immediately support children in these families.

New Mexico should immediately revise its policy of sanctioning the entire family for a child who has three unexcused absences from school. This policy only serves to harm children.

Response:

NMHS D follows state statute that is outlined in NMSA 1978, Section 27-2B-14. The sanctioning regulations for states to ensure that noncompliance takes affect is outlined in Code of Federal Regulation Title 45 (45 CFR 264.30). 45 CFR 264.30 states.

NMHS D follows state statute as outlined in NMSA 27-2B-9 regarding unexcused absences.

Comment:

HSD Should Begin to Work with the Legislature to Pursue Reappropriation of TANF Block Grant Funds Spent on Other State Programs

Currently, large portions of the TANF Block Grant is appropriated by the Legislature to support other state programs. HSD should begin to work with the Legislature and other state agencies to reappropriate some of those funds to boost support to families who participate in TANF such as increasing the cash grant amount.

Response:

The NMHSD appreciates the comment and has documented the request.

Comment:

HSD and the Early Childhood Education and Care Department Should Study Why So Few TANF children are Not Automatically Enrolling in Child Care Assistance.

Currently, few TANF households are enrolled in Child Care Assistance. Of the 23,809 children currently on TANF, only 1,052 of them were enrolled in Child Care Assistance, on a monthly average, in 2021.22 Families must go to separate offices to apply for these programs even though TANF families are automatically eligible for Child Care Assistance. We support the state studying why so few families are enrolled in Child Care Assistance, and, as we state above, work with families to make enrollment into Child Care Assistance easier when they enroll in TANF.

Response:

The NMHSD appreciates the comment and agrees that there are areas of opportunity regarding childcare enrollment. The Department will collaborate with other departments and agencies to seek options and areas of improvement.

Comment:

HSD Should Train Its Workers to Appropriately Respond to Domestic Violence and Off the Family Violence Option

We continue to applaud the Department's ongoing implementation of the Family Violence Option (FVO). However, a large number of domestic violence survivors are not receiving the screening, services, or accommodations available to them as participants of NMW. We have written to HSD in the past about the need to screen and refer domestic violence survivors to appropriate services and to allow for NMW program waivers including work participation waivers. ISD workers need to be adequately trained on domestic violence and about the appropriate way to respond to report of domestic violence so that they increase family safety.

Response:


As referenced in the State Plan NMHSD offers the FVO.

VII. EFFECTIVE DATE

July 1, 2022

VIII. PUBLICATION

Publication of these state plan approved on 1/26/2022 by:

DocuSigned by:

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DAVID R. SCRASE, M.D., SECRETARY
HUMAN SERVICES DEPARTMENT

Angela Medrano, Deputy Cabinet Secretary
Signing electronically on behalf of D.S.

NEW MEXICO WORKS

NEW MEXICO'S
TEMPORARY ASSISTANCE FOR NEEDY FAMILIES
(TANF) STATE PLAN

July 1, 2022



New Mexico
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I. ACRONYMS

Abbreviation	Definition
ACA	Affordable Care Act
ACF	Administration for Children and Families
AFDC	Aid to Families with Dependent Children
ASD	Administrative Services Division
ASPEN	Automated System Program and Eligibility Network
ATM	Automated Teller Machines
BIA	Bureau of Indian Affairs
CCDF	Child Care Development Fund
CFR	Code of Federal Regulations
CSA	Core Service Agency
CSED	Child Support Enforcement Division
CWS	Creative Works Solution
CYFD	Children, Youth, and Families Department
DOH	Department of Health (New Mexico)
DOT	New Mexico Department of Transportation
DRA	Deficit Reduction Act
EBT	Electronic Benefit Transfer
ECECD	Early Childhood Education and Care Department
EWA	Education Works Act
EWP	Education Works Program
FLSA	Fair Labor Standards Act
FNS	Food Nutrition Service
FPG	Federal Poverty Guidelines
FPL	Federal Poverty Level
FVO	family violence option
GA	General Assistance
GED	General Educational Development
GRADS	Graduation Reality and Dual Roles Skills
HB	House Bill
HHS	U.S. Department of Health and Human Services
HSD	Human Services Department
IDA	Individual Development Account
INA	Immigration and Nationality Act
IRP	Individual Responsibility Plan
IRU	Incapacity Review Unit
ISD	Income Support Division
LIHEAP	Low Income Home Energy Assistance Program

MAGI	Modified Adjusted Gross Income
MOE	Maintenance of Effort
NM	New Mexico
NMAC	New Mexico Administrative Code
NMDWS	New Mexico Department of Workforce Solutions
NMHSD	New Mexico Human Services Department
NMSA	New Mexico Statutes Annotated
NMW	New Mexico Works
NMWA	New Mexico Works Act
OIG	Office of Inspector General
ORR	Office of Refugee Resettlement
PED	Public Education Department
PHE	Public Health Emergency
POS	Point of Sale
PRWORA	Personal Responsibility and Work Opportunity Reconciliation Act
PUB	Pandemic Unemployment Benefits
SDA	Service Delivery Area
SFSP	Simplified Food Stamp Program
SNAP	Supplemental Nutrition Assistance Program
SSI,	Supplemental Security Income
TANF,	Temporary Assistance for Needy Families
USDA	United States Department of Agriculture
USDOH	United States Department of Health
WFSB	Work and Family Support Bureau
WIOA	Workforce Innovation and Opportunity Act
WPA	work participation agreement
WVP	Work Verification Plan

II. INTRODUCTION

On August 22, 1996, the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) was signed into law. The federal law terminated the Aid to Families with Dependent Children (AFDC) program and replaced it with the non-entitlement Temporary Assistance for Needy Families (TANF) Block Grant.

On February 18, 1998, Governor Gary E. Johnson signed the New Mexico Works Act (NMWA) into law. The state act deleted state statutory references to AFDC and established the parameters of the TANF program in New Mexico. The program created under NMWA is called New Mexico Works (NMW).

On February 6, 2006, the Deficit Reduction Act (DRA) of 2005 was signed reauthorizing the 1996 PRWORA for an additional five years. The reauthorization required the Secretary of the U.S. Department of Health and Human Services (HHS) to promulgate regulations designed to address eligible work activities and uniform reporting and accountability measures. HHS issued the Interim Final rules on June 28, 2006, and the Final rules on February 5, 2008.

In order to obtain the federal TANF Block Grant funds provided in PRWORA and continued through the DRA, the state must develop and submit a state plan for program implementation. This document sets forth the background, goals, and objectives for NMW and generally describes the eligibility criteria, program services, benefits, methods, and procedures the State of New Mexico is using in administering the NMW program, and in carrying out requirements and provisions of the federal TANF legislation.

The contents of this plan are descriptive only and are not determinative with respect to individual case eligibility, payment determinations or other aspects of program operations. The rules governing the New Mexico Works Cash Assistance Program are filed in the New Mexico Administrative Code (NMAC) at 8.102 NMAC. The general provisions for the TANF program are found at 8.100 NMAC with an effective date of April 13, 2001.

III. BACKGROUND

1997. On July 1, 1997, the Human Services Department (HSD) implemented a TANF program developed from a lengthy series of meetings with advocates and clients, open community meetings and interagency meetings.

1998. During the 1998 session of the New Mexico Legislature, the NMWA was passed and signed into law creating New Mexico's TANF program as a statutory entity. The New Mexico Works program was implemented effective April 1, 1998, under interim regulations. Following a public review and comment period culminating in a statewide public hearing on June 5, 1998, the New Mexico Works regulations were finalized effective July 1, 1998.

2000. In February 2000 HSD implemented a TANF funded Diversion program for specific employed families.

2001. The 2001 Legislature amended the NMWA, which resulted in substantial changes to the State's TANF regulations. The final regulations for the amendments to the NMW Cash Assistance Program were effective July 1, 2001.

Based on discussion with advocates in the community, and because there is a need to address barriers to participation, and because the Department recognizes that work program participants face multiple barriers to full participation in work programs, the Department implemented a modified work participation agreement effective July 1, 2001.

2002. The 2002 Legislature passed House Bill 11 and Senate Bill 129, identical bills that allow for the State to opt out of the provision in PRWORA to prohibit TANF funded cash assistance to an individual convicted of a drug related felony. Governor Gary Johnson signed both bills into law on March 1, 2002. In compliance with the law, the NMW program does not disqualify from participation any individual who has been convicted of a drug-related felony effective May 15, 2002.

2003. The 2003 Legislature passed several amendments to the NMWA. The amendments allow for expanded eligibility using state funds for certain individuals in school who receive special education services; an extension of TANF under hardship for an individual with an SSI application only if the individual is also waived from the NMW work requirement based on disability; an exclusion of all vehicles used for transportation to/from work, school or other daily living activities; and do not allow a non-reporting sanction or payment reduction when an adult fails to report that a dependent child is not in compliance with school attendance requirements. The Legislature also passed the state funded Education Works Act (EWA), which revised the Education Works Program (EWP). It remains a time-limited program based on attendance in an institution of higher education.

2005. The 2005 TANF State Plan was amended to include the recovery of benefits from dormant EBT accounts after 180 days and clarify those benefits removed do not count toward the individual's 60-month lifetime limit and to allow early childhood development programs to include pre-kindergarten children programs at 185% of Federal Poverty Guidelines (FPG).

2006. The US Department of Health and Human Services (HHS) Administration for Children and Families (ACF) clarified that under the Fair Labor Standards Act (FLSA), TANF participants cannot be required to participate in non-paid work activities beyond their TANF cash assistance benefit divided by the federal minimum wage. However, the United States Department of Agriculture (USDA) and Food Nutrition Service (FNS) provides a solution under their Simplified Food Stamp Program (SFSP).

The 47th Legislature, Second Regular Session, appropriated an increase to the payment standard for the month of August. The clothing allowance payment standard for eligible benefit groups was increased to \$100 from \$44 for each school-age child included in the benefit group.

2007. The 48th Legislature, Regular Session, passed House Bill 140, which clarified and expanded the eligibility requirements, delineating allowable uses of and the treatment of resources, creating the Individual Development Account Program and aligned the NMW

regulations.

The same Legislative Session passed House Bill 342 clarifying work program activities, countable hours of participation, waivers, and treatment of CSED payment disregards. Regulations were aligned with said bill by incorporating a limited participation waiver which mandates that disabled individuals who cannot meet work participation hours must still be actively involved in activities specific to their conditions and circumstances. The goal is to eliminate as many barriers as possible in order to prepare the individual to meet the standard work participation requirements.

The diversion payment was expanded to include a higher payment amount based on household composition. The requirements for diversion payments were also expanded to include not only certain employed individuals but individuals needing non-recurring assistance to alleviate a short-term need.

2008. The cash assistance Standard of Need was increased by 15%. This is the first increase to the Standard of Need in 15 years. Along with the increase, NMW participant with school age children are eligible to receive two clothing allowance payments in the amount of \$100 per each child. NMW participant receive the clothing allowance payments every August and January for each school age child in the benefit group. (The January clothing allowance and the increase in the standard of need was due to a regulation change promulgated January 1, 2008). The Excess Work Deduction was removed from the eligibility calculation.

2009. The 49th New Mexico Legislature, Regular Session of 2008, amended the NMWA through Senate Bill 137, signed into law April 7, 2009. Senate Bill 137 removed legal guardian from the definition of parent, making a legal guardian an optional member for inclusion in the NMW cash assistance benefit group.

2010. Due to budgetary constraints during Federal Fiscal Year 2011, several actions were taken to reduce the TANF spending. These actions included eliminating or reducing support service contracts and suspending the issuance of support service reimbursements such as transportation, employment related costs and educational reimbursements.

2011. January 1, 2011, the Department implemented several changes to reduce the TANF budgetary constraints:

- Reduced the TANF monthly benefit amount with a 15% budgetary adjustment
- Reduced the issuance of the clothing allowance for school age children in an active TANF benefit group to an annual payment. In August 2011, Governor Susana Martinez identified State General Fund to provide a \$50 allowance.
- February 1, 2011, suspended the Transition Bonus Program indefinitely

The following contracts for supportive services were reduced due to the TANF and/or general fund budgetary constraints:

Contractor	Program
Commission on The Status of Women	New Mexico Works Service Provider
Children, Youth and Families Department	Child Care TANF
Children, Youth and Families Department	Domestic Violence
Children, Youth and Families Department	Pre-Kindergarten
New Mexico State University	New Mexico Works Service Provider
Navajo Nation	TANF Support Services
Pueblo of Zuni	TANF Support Services

The following contracts were terminated because of the TANF and/or general fund budgetary constraints:

Contractor	Program
Aging & Long-Term Services	Gold Mentor Program
Mid-Region Council of Governments	Transportation Services
Public Education Department	GRADS Program
Public Education Department	Pre-Kindergarten

2012. April 1, 2012, the Department promulgated final regulation to ensure that all adult and minor teen parents receiving cash assistance participate in work activities. Work activities include support and training for those with barriers to getting jobs, help in finding jobs and learning the skills to keep a job. The work activities help families succeed in becoming self-sufficient, which is one of the goals of the NMWA.

2014. The Section 4004 of the Middle-Class Tax Relief and Job Creation Act of 2012 (P.L. 112-96) requires states receiving TANF grants to “maintain policies and practices as necessary to prevent assistance provided under the State program from being used in any electronic benefit transfer transaction in any liquor store; any casino, gambling casino, or gaming establishment; or any retail establishment which provides adult-oriented entertainment in which performers disrobe or perform in an unclothed state for entertainment. NMAC was updated to reflect the changes to prohibit the use of EBT cards in any liquor store; any casino, gambling casino, or gaming establishment; or any retail establishment which provides adult- oriented entertainment in which performers disrobe or perform in an unclothed state for entertainment, effective April 15, 2014. Should a TANF participant report a problem with accessing TANF benefits based on the new law restriction, HSD will, on a case-by-case basis, assist them with information and assistance in getting free or low-cost access to cash assistance benefits. Posters notifying EBT card users of the change were posted in all county Income Support Field offices.

TANF participants can use the EBT card at a retail and grocery store where you are allowed to get cash back or at an ATM (automated teller machine). There is never a fee charged for using cash benefits to buy food or get cash at a Point of Sale (POS) device at a retail or grocery store, but there is a transaction fee charge of \$0.50 (plus other possible fees) for a cash withdrawal at an ATM machine. This information is given to clients upon receipt of their EBT card. This information can also be found on the HSD website. EBT cards are accepted at all FNS approved locations, this allows participants that are in rural areas adequate access

to cash benefits. If there are issues with clients accessing benefits, HSD, along with our EBT vendor, will work with participants and assist them in accessing their benefits free or at a low cost.

The Affordable Care Act (ACA) was implemented in New Mexico and replaced the Jul Medicaid that was offered to eligible TANF participants, to a Modified Adjusted Gross Income (MAGI) Medicaid.

2015. August 2015, the Department increased the clothing allowance to a biannual payment. The clothing allowance was issued in August 2015 and January 2016 in the amount of \$50 per eligible school age child. The budgetary adjustment reduced from 15% to 7.5%.

2016. August 2016, the Department increased the August clothing allowance to \$100 clothing allowance and a \$50 clothing allowance to be issued January 2017 per eligible child.

The following contracts for supportive services were reduced due to general fund budgetary constraints:

Contractor	Program
Navajo Nation	TANF Support Services
Pueblo of Zuni	TANF Support Services

2017. The New Mexico Department of Workforce Solutions (NMDWS) Vocational Training and University of New Mexico High School Equivalency Program was implemented.

2018. July 1, 2018, the Department removed the 7.5% budgetary adjustment from the TANF monthly calculation. The removal of the budgetary adjustment resulted in the payment increase of the TANF monthly allotment.

2019. During the 2019 Legislation Session, Senate Bill 22 created a new Department, Early Childhood Education and Care Department (ECECD). ECECD was created to focus on early childhood by coordinating and aligning an early childhood education and care system. This includes childcare, pre-kindergarten, early pre-kindergarten, home visitation, early head start, head start, early childhood special education and early intervention and family support. The ECECD will provide New Mexico families with consistent access to appropriate care and education services.

2020. Declaration of Public Health Emergency Response to COVID-19. A State of Public Health Emergency was declared March 16, 2020, by Governor Michelle Lujan Grisham for the State of New Mexico as a result of the Coronavirus Disease-2019 (COVID-19). In response to the State of Public Health Emergency, the State of New Mexico HSD issued the following flexibilities for the TANF program to assist those customers impacted by the COVID- 19:

- Removed the Asset Test from eligibility determination.
- Allowed all case management to be completed via telephone.
- Suspended all notifications and implementation of noncompliance from the works

- programs and allowed good cause.
- Guidance and Procedures were issued for the Wage Subsidy Clerical Staff who was affected by the Stay-at-Home Order and not able to telework
 - ISD expanded the eligibility criteria of who can apply for TANF hardship during COVID-19 to capture additional customers.
 - Excluded the income received by customers from the Coronavirus Aid, Relief, and Economic Security (CARES) Act Direct Payments for eligibility determinations.
 - Excluded the income received by customers through the Pandemic Unemployment Benefits (PUB) for eligibility determinations.
 - ISD received a waiver to extend certification during the PHE. The Department did not require Interim Reports or Recertifications to be submitted during this time.
 - Implemented online purchasing and delivery (where available) of products through Walmart utilizing the cash benefits.

As State of Public Health Orders were being imposed, many families felt the burden of not being able to access internet or have access for computers. This is referred to the “digital divide.” NM felt the need to address the digital divide and purchased Chrome Books. The Chrome Books were used to remove barriers by allowing families to borrow the Chrome Book to access services virtually.

2021.Public Health Emergency was extended and the waivers that were implemented continued.

January 1, 2021, HSD contracted with the Department of Workforce Solution (DWS) to manage the Wage Subsidy and Career Link Programs.

July 1, 2021, The DWS was added to the NMW Contract to help with the case management for all ready to work participants. The NMW provider Creative Works Solution (CWS) will continue assisting the NMW participants who have barriers and are not work ready or who have disabilities.

August 1, 2021, ISD reinstated the work requirements for participants of TANF program.

IV. PUBLIC PROCESS

In accordance with section 402(a)(4) of PRWORA, the Department allows a 45-day public comment period for the TANF State Plan.

The notice of a public comment period for the proposed TANF State Plan for the period beginning July 1, 2022, was published on October 13, 2021, in the New Mexico Human Services Register, Albuquerque Journal, and Sunshine Portal for public comment. A virtual public hearing will be held on November 29, 2021, through GoTo Meeting. A call-in number was provided to those who wanted to attend via call-in.

V. PURPOSE

The purpose of the NMW program is to help families gain the skills, experience and resources needed to help improve the family's stability and enable them to find employment and receive a living wage.

VI. GOALS

In defining the goals and objectives of the New Mexico TANF plan, the state considers the DRA of 2005, TANF legislation and the New Mexico Works Act of 1998, as amended. It is the goal of the NMW program to:

- Develop a program focus and environment that supports self-reliance and personal responsibility.
- Provide assistance to needy families so that children may be cared for in their own homes.
- End family dependence on public benefits by promoting work.
- Prevent and reduce the incidence of out-of-wedlock pregnancies.
- Encourage the formation and maintenance of two-parent families.
- Increase the number of TANF participants engaged in work activities by increasing engagement in suitable job-readiness programs for participants that are state-defined exempt through limited work participation activities.
- Require the NM Works services contractor to secure contracted services that promote work activities.
- Ensure participants engaged in work activity have access to work support services through collaborations with private and public sector entities.
- Foster an environment of self-sufficiency and work participation for clients that are about to be sanctioned.
- Review hardship extensions of participants that are motivated to be self-sufficient and encourage them to fully participate in work activities.

VII. OBJECTIVES AND METHODS

The State of New Mexico HSD applies the purpose of the TANF program by achieving the following objectives:

- Develop and implement the NMW program, a TANF program designed to provide cash assistance, childcare, and supportive services to New Mexico's needy families to assist them in achieving self-sufficiency. Through the work program, NMW program will:
 - Assist participants obtain and keep employment sufficient to sustain and strengthen the family.
 - Parents will be provided with education and training, job preparation and readiness, and work and support services to enable them to obtain and retain employment, which assists them to complete the program.
 - Transition participants from cash assistance into the workforce. During this transition the participant will receive transitional services and program features to support employment retention.

- Provide assistance and services to participants that focus on addressing and overcoming barriers to participation in work activities.
- Provide a reasonable level and duration of support for those who are not able to transition into employment in the near term.
- Allow for NMW assistance and services to be available in all geographic areas of the state.
- Encourage family formation by rule and policy formulation supportive of two-parent families.
- Align certain NMW and Supplemental Nutrition Assistance Program (SNAP) provisions in order to simplify the programs and to control the program's administrative costs.
- Implement the Family Violence Option under TANF.
- Implement Separate State Programs using Maintenance of Effort (MOE) funds.
- Implement the state's statutory Rape Prevention Education plan for law enforcement officers.
- Implement an Out-of-Wedlock Birth Reduction plan for the state.

VIII. Program Scope

Statewide Program Access:

The NMW Cash Assistance Program operates statewide. Program services are available to families who meet program eligibility criteria. Program eligibility criteria and payment standards are uniform throughout the state.

Work program activities, training and educational services operate statewide. Such activities and services may vary from place to place depending on the availability of community resources.

Native Americans living within a Tribal TANF Service Delivery Area (SDA) may not receive benefits concurrently from the Tribal program and NMW Cash Assistance Program. The Department will continue to provide SNAP and Medicaid benefits to eligible tribal members. Subject to availability, tribal members may participate in service only programs funded with state general funds claimed as state TANF MOE, regardless of whether they live in a Tribal SDA. SDAs may include areas outside of tribal lands and each tribe will have their own eligibility criteria:

- Zuni
- Santo Domingo Pueblo
- Navajo Nation

Program Administration:

The NMHSD administers the NMW program. The Department staff determine eligibility and ensure compliance with program requirements.

Work program activities, training and educational services are administered by NMW Service

Providers who are contracted with the HSD. The Department may delegate responsibility or contract for provision of work program services with other public agencies, such as the NMDWS or with private for-profit or non-profit entities.

The Department administers a state-funded General Assistance (GA) program for eligible dependent needy children and disabled adults who are not eligible for assistance under a federally matched cash assistance program, as well as Child Support Enforcement, Medicaid, SNAP, Refugee Resettlement, Low Income Home Energy Assistance Program (LIHEAP), USDA Commodities, and the Community Services Block Grant programs.

Effective Date:

This State Plan covers the period July 1, 2022, through June 30, 2024.

Cooperating Agencies:

HSD cooperates with the ECECD for providing childcare and addressing the education needs of children and with the New Mexico Department of Transportation (DOT) concerning transportation needs. The Department also cooperates with regional community colleges, universities, alternative high schools, teen pregnancy and domestic violence organizations, other community-based programs, and local public and private sector employers.

The 48th Legislature, First Regular Session of 2007, enacted House Bill (HB) 1280 to improve the effectiveness of the workforce service and delivery system. HB 1280 combined all functions and staff of the Governor's Office of Workforce Training and Development with the functions and staff of the New Mexico Department of Labor to create DWS. In conjunction with DWS, HSD is working toward the objectives of the Workforce Innovation and Opportunity Act (WIOA). The TANF State Plan is a part of the Combined WIOA State Plan. You can access it the link below:

<https://wioaplans.ed.gov/>

In 2021, HSD and DWS collaborated to begin addressing barriers to serve our customers by aligning services. HSD refers TANF participants to DWS for case management to individuals who are mandatory for the work requirement as well as taking advantage of all opportunities such as:

- Employment Services
- Adult Education
- Adult, Dislocated Worker and Youth
- Vocational Rehabilitation
- Senior Community Service Employment Program

DWS continues to be informed of the services that are available and concentrates on aligning workforce training programs with the current and emerging needs of the business communities and to help improve New Mexico's economy.

IX. ELIGIBILITY PROCESS FOR NMW

NMW provides for a methodical progression through the program. Beginning with application, the participant will progress through work and program orientation, eligibility and payment determination, assessment, referral, individual responsibility planning, work program activity, redetermination, sanctions, hearings, and other applicable administrative or program processes. During contact with applicants and participants, ISD emphasizes the importance of the NMW requirements and child support compliance.

HSD may delegate to, or contract with, other agencies or entities for the provision of some or all of the activities described in this section.

The procedural steps for providing cash, services, and activities to NMW participants are explained below:

Application

- **Application Filing.** The application is accepted and registered as long as it contains the name, residence address and signature of an applicant and with whom a dependent child resides.
- **Eligibility Interview.** An interview follows the filing of an application. During the interview, applicants are provided information concerning benefits and services available through the NMW and Child Support Enforcement programs. Rights and responsibilities, eligibility issues and verification requirements are reviewed and explained. A work program assessment is completed to determine whether the individual is immediately subject to work and work program requirements. The worker explains that NMW is intended to meet the short-term needs of a family and should be considered temporary assistance and that compliance with work and work program standards and cooperation with Child Support Enforcement are program requirements. The worker explains the exemptions, participation requirements, program services and childcare benefits, as well as Transitional Child Care and Transitional Medicaid benefits. Applicants are referred to CSED by no later than the end of the application interview.

Individuals who are identified to participate in the work program will be referred to the NMW Provider. The worker documents in the client's case record that the individual has been informed about work program participation requirements and benefits. Work participation is reviewed during periodic reviews on an on-going basis.

A single parent, not living with the other parent, of a child under the age of one is informed of available childcare services in the event that he or she decides to participate in work program activities. In discussing NMW, the worker explains that the program's primary focus is on obtaining unsubsidized employment.

- **Child Support Enforcement.** In New Mexico, by law, assignment of child support rights is made upon application for NMW cash assistance. NMW applicants may be required to show compliance with Child Support Enforcement cooperation requirements or to begin

the good-cause waiver process prior to approval. Applicants show cooperation by providing key information about non-custodial parent(s). Failure to cooperate and good cause waiver determinations are made by HSD's Child Support Enforcement Division. Consequences of failure to meet cooperation requirements are detailed in Section XXXII of this plan.

Eligibility Determination (Approval or Denial)

Following receipt of all necessary verification, the eligibility determination is finalized and if eligible, payment is calculated and issued to EBT card. Approval is effective the date of authorization. Benefits are prorated for the month of approval.

After approval, the state agency may authorize for mandatory work program participants a reimbursement payment to help cover immediate childcare expenses related to work program registration. mandatory work program participants in the benefit group to help cover immediate childcare expenses related to work program registration.

Approval is for a fixed certification period, after which eligibility expires if the recipient does not timely pursue recertification.

Change Reporting

- Dependent on the reporting type, the benefit group shall be required to report changes and the agency will determine if the changes affect eligibility or benefit amount.
- Benefit groups are required to report changes at the sixth month simplified report. Changes that should be reported at the sixth month simplified report include: income and resources, benefit group composition and school attendance for dependent children. A benefit group subject to simplified reporting is not required to report any changes between certification periods and the month the benefit group is required to file its simplified report unless the benefit group's income exceeds 85 percent of Federal Poverty Guidelines (FPG).

Simplified Reporting. All households that do not meet the criteria for regular reporting are assigned to simplified reporting. Simplified reporting is a periodic reporting requirement for certain benefit groups that receive NMW cash assistance. A benefit group that is assigned to simplified reporting must file a report of changes in the sixth month of a twelve-month certification period.

Regular Reporting. Regular reporting benefit groups: A benefit group not subject to simplified reporting requirements shall be certified every six months or less.

Determination of Participation

Prior to NMW case approval and as part of each recertification of eligibility, the worker determines the eligibility and work program participation status of each benefit group member.

Work Program Enrollment

NMW applicants are enrolled in the NMW Work Program at time of approval.

Work Program Participation

The work program orientation, the screening for barriers, the Individual Responsibility Plan, the Assessment, and development of work program activities are commonly provided by an entity operating under contract with the Department. Following the assessment, the participant develops an Individual Responsibility Plan identifying long-range goals, objectives and activities. The participant subsequently submits to the Department a Work Participation Agreement identifying the chosen work activity or activities. Immediate entry into the labor market is the preferred activity. If an individual is not able to find work, he or she participates, at the appropriate participation standard, in one or more of the qualified work activities. Individuals who would benefit from additional education are encouraged to and assisted in participating in those activities.

NON-FINANCIAL ELIGIBILITY FOR NMW

This section describes non-financial eligibility requirements which each recipient of cash assistance must meet in order to be included in the benefit group. Non-Financial are requirements.

Defining the NMW Benefit Group

The NMWA defines the benefit group as a pregnant woman or a group of people that includes a dependent child, all of that dependent child's full, half, step or adopted siblings living with the dependent child's parent or relative within the fifth degree of relationship and the parent with whom the child lives.

The NMW benefit group must include all full, half, step or adopted siblings living in the home, and must include the natural or adoptive parent, stepparent, or legal guardian of a dependent child. The specified relative within the fifth degree of relationship or an unrelated dependent child living in the home may be included in the benefit group.

For purposes of defining the NMW benefit group, a parent means a natural parent, adoptive parent, or stepparent.

During her last trimester of pregnancy, a woman with no other dependent children is considered as having a dependent child for eligibility purposes but is treated as only one person in determining payment. The father of the unborn child is also included in the benefit group if he lives in the home.

Living in the Home

To be eligible for inclusion in the benefit group, the dependent child must be living, or considered to be living, in the home of a parent or specified relative.

To be eligible for inclusion in the benefit group, a parent or specified relative must be living in the home with a dependent child.

For the purposes of determining the benefit group, a pregnant woman is considered to have a dependent child.

To be eligible for NMW benefits, an unmarried, unemancipated teen parent must be living with a parent, legal guardian, a responsible relative, or in an approved adult-supervised setting.

For the purposes of this requirement, a teen parent is an individual who has not reached the age of 18. A teen parent and his or her dependent child(ren) living in an adult-supervised setting do not have to be related to the adult providing the supervision.

A parent or specified relative who fails to report, within ten days, the departure from the home of a child is individually ineligible, and the benefit group may be subject to the payment sanctions set forth in Section XIII.

Enumeration

Individuals with a Social Security Number must report the number. Individuals who do not have a Social Security Number must apply for one and report it within 60 days of approval of the NMW application.

Citizenship/Non-Citizen Status

To be included in the NMW benefit group the benefit group member must have a status to make them eligible for the NMW benefit.

U.S Citizens

Individuals born in the United States or born to at least one U.S. citizen parent are eligible on the basis of citizenship.

Non-citizen nationals

Individuals born in an outlying possession of the U.S. (American Samoa or Swain's Island) on or after the date the U.S. acquired the possession or a person whose parents are non-citizen nationals (subject to certain residency requirements) are eligible to be included in the benefit group.

Immigrant

Individuals who are not citizens of the United States are eligible for inclusion in the NMW benefit group, with respect to qualified immigrants' status, in accordance with the provisions of Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

A qualified immigrant means an immigrant:

- who is lawfully admitted for permanent residence under the Immigration and Nationality Act (INA).
- who is granted asylum under section 208 of the INA.
- who is admitted to the United States as a refugee under section 207 of the INA.
- who is paroled into the United States under section 212(d)(5) of the INA for a period of at least one year.
- whose deportation is withheld under section 241(b)(3) of 243(h) of the INA.
- who is granted conditional entry into the United States pursuant to section 203(a)(7) of the INA as in effect prior to April 1, 1980.
- is a Cuban or Haitian entrant as defined in section 501(e) of the Refugee Education Assistance Act of 1980.

Battered or subjected to Extreme Cruelty

A qualified immigrant also includes an immigrant who has been battered or subjected to extreme cruelty by a spouse or parent, an immigrant who is a parent of a battered child or an immigrant who is the child of a battered parent. The requisite abuse can also be caused by a member of the family residing in the household if the spouse or parent consented to or acquiesced to the battery or cruelty. Such individuals must meet all conditions for treatment of immigrant who have been battered or subjected to extreme cruelty as qualified immigrant set forth at Title 8 U.S.C. 1641(c).

Victims of Trafficking

A victim of a severe form of trafficking shall be eligible for NMW cash assistance, without regard to the actual immigration status of the individual and to the same extent as an immigrant who is admitted to the United States as a refugee under section 207 of the Immigration and Nationality Act. In order to allow eligibility for a victim of trafficking, HSD will require a certification from the Office of Refugee Resettlement (ORR) that an adult is a victim of severe trafficking or that a child has been determined eligible as a minor victim of severe trafficking.

State funded immigrants

An immigrant who arrived in the United States on or after August 22, 1996, and who meets the definition of qualified immigrant is not eligible for federally funded TANF assistance under the terms of Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (five years from date of entry into the U.S. with a qualified immigrant status or five years from the date the non-citizen residing in the U.S. received qualified immigrant status). The qualified immigrant may be included in the NMW benefit group, if otherwise eligible, and may receive cash assistance, with the costs of the immigrant's benefits paid entirely by state funds. Benefits paid to these individuals are claimed as part of the state's MOE requirement.

Ineligible Immigrants

Undocumented immigrants who are not qualified immigrants, immigrants who are in the United States temporarily, or immigrants who are not authorized to work in the United States, are not eligible for inclusion in the NMW benefit group.

Residence

To be eligible for NMW, the head of household must reside in New Mexico with the intent to remain. Persons traveling through, employed for a short term, present for medical care, or in similar situations do not meet residency requirements. The residence of the dependent child is based on the residence of the child's parent, relative or caretaker.

Other Assistance

An individual who receives cash assistance from Supplemental Security Income (SSI), Bureau of Indian Affairs-General Assistance (GI-BIA), another state or tribal TANF program, is ineligible for NMW on the basis of concurrent receipt of assistance.

Lifetime Limits

A benefit group is not eligible on the basis of lifetime limits, if the benefit group contains an adult or minor head of household who is ineligible because of the lifetime limit:

60-Month Lifetime Limit

Adult or minor head of household members of the NMW benefit group are eligible for a lifetime limit of no more than 60 months of TANF cash assistance benefits (includes NMW cash assistance effective April 1, 1998, and its predecessor program known as PROGRESS, which was effective July 1, 1997). The counting of months began with July 1997 or the first month thereafter in which the individual received TANF cash assistance as an adult or

a minor head of household or their respective spouse. Months that have benefits issued and those benefits are later fully recovered by the Department in a dormant EBT account will not be counted as a month of receipt in the 60-month lifetime limit.

Waiver of the Lifetime Limit

Once the 60-month lifetime limit is reached, eligibility for the adult may continue if:

- it is determined eligible for a limited work participation status due to one of the following qualifying conditions:
 - an impairment, either temporarily or permanently, as determined by IRU in accordance with Paragraph (1) of Subsection C of 8.102.420 NMAC;
 - is the sole provider of the care for an ill or incapacitated person;
 - does not have the ability to be gainfully employed because the individual is affected by domestic violence;
 - has been battered or subjected to extreme cruelty.
- applicant has an application for supplemental security income (SSI) pending in the application or appeals process and:
 - is currently granted a limited participation status because of a temporary or complete disability; or
 - was granted a limited participation status because of a temporary or complete disability in the previous twenty-four months;
- applicant has reached the age of 60 by the end of the last month of his or her term limit; or
- is otherwise qualified as defined by the Department.

Excluded from the Lifetime Limit

An individual who resides in Indian country where at least 50% of the adult population is not working shall not have months of participation in the NMW TANF program counted toward the 60-month lifetime limit.

Age

For purposes of the NMW cash assistance program, a dependent child means a natural or adopted child, stepchild or ward who is seventeen years of age or younger; or an individual who is eighteen years of age and is enrolled in high school.

An individual who is over age eighteen and under age twenty-two is considered a dependent child if the individual is enrolled in school and is receiving special education services regulated by the New Mexico Public Education Department (PED). Such an individual may participate in the NMW cash assistance program as a state-funded participant.

There is no age limit with respect to the inclusion of adults in the benefit group.

School Attendance

- To be eligible for inclusion in the NMW benefit group, a dependent child who has not graduated from high school must regularly attend school.
- A child who has turned 18 years of age may be included in the benefit group as long as they comply with school attendance requirements, until the end of the month in which they graduate or the end of the month in which they turn 19, whichever occurs first. A child between the ages of 18 and 22 and receiving special education services regulated by the New Mexico Public Education Department may also be included in the benefit group.
- The minor unmarried parent who does not have a high school degree must attend high school, an approved alternative educational program, or participate in an approved work activity, unless he or she has a child under the age of 12 weeks.

Institutionalization

An individual is not eligible for inclusion in the NMW benefit group if the individual resides in a public medical or behavioral health treatment facility or is confined to a jail or penal facility.

Fraud and Criminal Activity

- Dual State Benefit Fraud. An individual who has been convicted of fraud for receiving TANF, SNAP, Medicaid, or SSI in more than one state at the same time is not eligible for inclusion in the NMW benefit group for a period of 10 years following such conviction. The conviction must have occurred on or after August 22, 1996.
- Fleeing Felon. An individual who is a fleeing felon or has been indicted and flees to avoid prosecution for a felony shall be an ineligible household member.
- Fugitives and Probation or Parole Violators. An individual who is a has been determined to be in violation of conditions of probation or parole, is not eligible for inclusion in the NMW benefit group.

Child Support

An individual applying for cash assistance whose household has been identified as having an absent parent must comply with the Child Support Department.

Assignment. Pursuant to state statute at New Mexico Statutes Annotated (NMSA) 1978, Section 27-2-28F, an application for public assistance by any person constitutes an assignment by operation of law of any support rights the person is entitled to from any other person. An adult assigns rights to child support to the Department upon receipt of NMW cash assistance.

Cooperation. The adult responsible for a child included in the benefit group must cooperate in the pursuit of child support as a condition of individual eligibility for benefits. Failure to cooperate with child support enforcement efforts results in a payment sanction.

Determination of Noncompliance. If the Child Support Enforcement Division determines

that an individual has failed to cooperate and the individual does not have good cause, the benefit paid to the benefit group is then subject to the payment sanction described in Section XIII of this plan.

X. FINANCIAL ELIGIBILITY FOR NMW

To be eligible for NMW, the benefit group must qualify with respect to income and resources. Eligibility and payment are determined prospectively.

Gross Income

For purposes of determining initial eligibility, the benefit group must pass a gross income test. The gross income maximum is equal to eighty five percent of the Federal Poverty Guidelines (FPG) for the size of the benefit group. The gross income test is adjusted effective October 1 of each year.

The total countable monthly gross earned, and unearned income of the benefit group cannot exceed 85 percent of the FPG for the size of the benefit group.

Net Income

The net countable income of benefit group members, after allowable earned income deductions, cannot exceed the Standard of Need for the size of the benefit group.

Income Exclusions

Certain types of income are excluded in their entirety based upon the source of the income or the person who receives it. This includes types excluded by federal statute and/or by NMWA. Other types may be excluded at the discretion of the Department.

Excluded income sources include, but may not be limited to, benefits from Medicaid, SNAP, LIHEAP, government subsidized foster care, if the child for whom the foster care payment is received is also excluded from the benefit group, SSI, government subsidized housing and housing payments, certain education payments, Census Income, and up to \$100 received by a benefit group from the State's Child Support Enforcement Program. Federally excluded income types are based on a listing in the State's SNAP regulations.

The earned income of dependent children included in the benefit group is excluded. The earned income of a minor head of household is not excluded. The unearned income of a dependent child included in the benefit group is considered available to the benefit group.

Resources

To be eligible on the condition of need with respect to resources, the benefit group's countable liquid resources must be no more than \$1,500. The value of non-liquid countable resources must be no more than \$2,000. Only resources belonging to benefit group members and immigrant sponsors, if sponsored individuals are included in the benefit group, are considered.

Excluded Resources The following resources are excluded in determining eligibility:

- The value of any vehicle used by the benefit group for transporting individuals to or from employment, school, or other daily living activities or for transporting goods. Recreational vehicles such as boats, trailers or mobile homes are not excluded.
- Amounts contained in a restricted Individual Development Account (IDA) for first-time home purchase or home repair and maintenance, business capitalization, acquisition of a vehicle necessary to obtain or maintain employment by an account holder or spouse, expenses to attend an approved post-secondary or vocational institution, a post-secondary education account for the benefit of a dependent child or transferring of funds to a beneficiary in the event of the account holder's death. Any money withdrawn for a purpose other than the allowable expenses listed above shall be counted as a resource unless the withdrawal was approved by the IDA program administration and the withdrawal amount is replaced within 12 months from the date of withdrawal.

In the event such funds are not used for approved purposes, the funds revert to the Human Services Department to the extent of benefits paid.

- Amounts that are excluded from consideration by federal law at 7 CFR 273.
- Value of the home owned and occupied by the family.
- Value of burial plots and funeral contracts for family members.

Countable Resources The following resources are included in determining eligibility:

- Liquid resources include cash on hand, funds in savings or checking accounts, certificates of deposit, bonds and other documents for which cash is available on demand.
- Non-liquid resources consist of all real and personal property not defined as liquid resources.

Deductions from Income.

Business and Self-Employment Costs

Business expenses and self-employment costs are deducted from the gross earning of a self-employed benefit group member. The remainder becomes the gross countable income of the individual.

Earned Income Deductions

Earned income deductions are applied to the earned income of benefit group members. Deductions are allowed in both applicant and recipient status and without regard to how long benefits have been received.

Work Incentive Deduction.

A deduction of \$125 for each adult or minor parent in a single-parent benefit group, and \$225 for each parent in a two-parent benefit group is subtracted from the recipient's gross earnings. From the balance, one-half of the remainder is subtracted.

Contributions to Individual Development Accounts

The actual amount contributed to an approved IDA from an employed member's earnings is deducted from the individual's earned income.

Child Care Costs

Out-of-pocket expenses for childcare, for a dependent child included in the benefit group, that are necessary due to the employment of a benefit group member are allowed. The deductible amount may not exceed \$200 per month for a child under age two and \$175 per month for a child aged two or older.

XI. NEED AND PAYMENT

To be eligible for NMW, the benefit group must qualify with respect to income and resources. Eligibility and payment are determined prospectively.

Need

Section 7-A of the NMWA authorizes the HSD Secretary to create financial standards to be used in determining income eligibility for NMW and amount of cash assistance. Pursuant to this authority, and the statutory requirements of the NMWA, the Secretary has created a financial standard consisting of three elements:

- a standard of need used to determine payment;
- an eligibility standard used with respect to income; and
- an eligibility standard used with respect to resources.

Standard of Need for the Benefit Group

The Standard of Need is the maximum cash assistance grant that is available to the benefit group and is based on the size of the benefit group. The Standard of Need includes basic needs such as food, clothing, shelter and utilities, and personal requirements of the benefit group.

<u>Persons</u>	<u>Maximum Monthly Grant</u>
1	\$ 266
2	\$ 357
3	\$ 447
4	\$ 539
5	\$ 630
6	\$ 721
7	\$ 812
8	\$ 922
+1	+\$91

- Only benefit group members are counted in determining the applicable standard of need. Total countable earned and unearned income, after allowable deductions, is subtracted from the benefit group's standard of need to determine the cash assistance benefit.
- Each August, the payment standard for eligible benefit groups is increased by the clothing allowance for each school-age child included in the benefit group. The amount of the clothing allowance is dependent on the availability and appropriation of state or federal funds.
- A one-time layette allowance of \$25 is allowed upon the birth of a child who is or will be included in the benefit group. The allowance is authorized to occur no later than the end of the month following the month in which the child is born.

Determining the Cash Assistance Benefit

The benefit calculation below explains how the benefit will be determined. For the net countable income to be determined, the gross earned income minus the deductions plus the unearned income of a household will equal the net countable income.

- The net countable income of the benefit group is deducted from the standard of need applicable to the benefit group to determine the cash assistance benefit amount.
- If the benefit group is subject to sanction for failure to comply with work program, child support or reporting requirements, the grant amount is reduced by the applicable sanction percentage.
- The grant is further reduced by the budgetary adjustment, if applicable. The budgetary adjustment is determined based on federal and state funds availability and is outlined by budget each fiscal year.
- If the benefit group has received TANF, NMW benefits in excess of the amount for which they were eligible, a claim is established. An amount equaling 15 percent of the payment standard for the benefit group is recouped from the cash assistance benefit amount each month. Recouped amounts are credited against the group's outstanding overpayment.
- The remaining amount is the amount of the cash assistance payment.

Payment Issuance

NMW cash assistance payments are issued through the Electronic Benefit Transfer (EBT) system for the Department. EBT is an arrangement under which the Department transfers funds to a fiscal agent who creates a bank account for each NMW benefit group. The funds can then be withdrawn through Automated Teller Machines (ATMs) or by cash issuance made by food retailers federally certified to participate in the Supplemental Nutrition Assistance Program.

XII. WORK PROGRAM ACTIVITIES

NMW is designed to help families become self-supporting through work. Work is the primary focus and goal of participation in all activities at all times. Once the TANF recipient reaches their 24 months of cash assistance, whether consecutive or not, they should have gained skills to be able to engage in work. The only exception to a participant being able to engage in employment by the 24th month of assistance is if the Department has identified barriers that are preventing them from doing so.

To encourage rapid movement towards the goal of employment, NMW participants are required to meet work program participation standards unless participation is waived or barriers that prevent a recipient from completing the full participation standard. Work program participation waiver provisions are listed in Section XII of this plan.

HSD may delegate to, or contact with, other agencies or entities for the provision of some or all of the activities described in this section. These entities include, but are not limited to, the NMDWS, public or private non-profit and for-profit organizations.

The NMW provider will coordinate services with WIOA Workforce Boards to increase support services to TANF participants and avoid duplication of services. The provider will ensure that the strategic elements and employment needs of the state are being addressed and informing participants of the needs. As the NMDWS starts to identify the high demand employees and employers, the NMW provider will provide a list of jobs and the training services to explain to the NMW participant. This will help TANF participants be educated and informed about the job positions that are needed around the State. Through these services the participant may be able to get the trainings and skills needed to be employed by these high demand jobs. Most of these trainings can fall under core activities, such as, but not limited to, On-the-Job Trainings, part-time employment, work experience, vocational and education training and can eventually lead to full-time subsidized or unsubsidized employment.

Participation Standards

State participation requirements may vary from federal standards in certain instances. In some cases, individuals may be in compliance with state program participation requirements but may not meet federal standards. In such cases, the individuals are not listed in federal reports as meeting federal participation rates.

An individual may participate in a number of approved activities at the same time in order to

meet program participation standards. To be allowed, activities must be approved by the Department, or its designee, in a Work Participation Agreement.

Consequences for failure to meet participation standards are detailed in Section XIII of this plan.

Single-Parent Families

Each individual in a single-parent family unit who is subject to participation in work program activities must participate in work activities at the applicable federal weekly standard:

- Child under six-86 hours per month work activities
- Child six or older-129 hours per month work activities.

Two-Parent Families

Together, the parents must participate in core and non-core work activities at the applicable federal weekly standard:

- Parents receiving childcare assistance-237 hours per month work activities
- Parents not receiving childcare assistance-151 hours per month work activities
- One Parent is disabled and not receiving SSI-129 hours per month work activities.

Qualified Work Activities

A TANF participant must be engaged in activities that promote progression towards employment and are qualified work activities to meet the federal monthly participation standard.

Qualified work activities are separated into core work activities or non-core work activities:

- A single participant with a child aged five or less must engage in core work activities at least 20 hours per week (multiplied by 4.3 = 86 hours per month). A single participant with a child aged six or older must engage in core work activities at least 20 hours per week (multiplied by 4.3 = 86 hours per month) with 10 additional hours per week comprised of core or non-core activities (multiplied by 4.3 = 43) for a combined total of 129 hours per month.
- Requirements for two-parent families vary from 30 to 50 core hours per week, dependent upon the receipt of federally funded childcare.
- For families not receiving federally funded childcare, the monthly participation standard is 151 hours: 129 (30 per week) in a core activity and 22 (5 per week) in either a core or non-core activity.
- For families receiving federally funded childcare, the monthly participation standard is 237 hours: 215 (50 per week) in a core activity and 22 (5 per week) in either a core or non-core activity.
- Pursuant to the New Mexico Works Act, participants may engage in certain work program activities for longer than is federally allowed. Such persons are not reported by the state as participants for the purposes of federal reporting for longer than is federally allowed.

Core Work Activities

A participant may engage in one or more of the following activities in a month:

- Unsubsidized employment, including self-employment;
- Subsidized private sector employment;
- Subsidized public sector employment;
- Work experience – monthly hours limited to Fair Labor Standards Act (FLSA);
- On-the-job-training;
- Job search and work readiness assistance: Job search hours are limited to no more than 20 hours a week and 120 hours within the preceding 12-month period for a work eligible single custodial parent with a child under the age of six and 30 hours a week and 180 hours (the equivalent of six weeks) within the preceding 12-month period for all other work eligible individuals. A participant can be placed in this activity for no more than four consecutive weeks. A week constitutes seven days and the first day of the first week begins on the first day in which job search and/or work readiness is used;
 - If NM would be determined as a needy state by USDOH the maximum numbers of hours allowed for participation is as follows:
 - i. single parent with a child under age of six cannot participate for more than 80 consecutive hour and not to exceed 240 hours in the preceding 12 months; and
 - ii. a single parent with a dependent child over age six cannot participate for more than 120 consecutive hours and not to exceed 360 hours in the preceding 12 months.
- Community service: monthly hours limited to Fair Labor Standards Act (FLSA);
- Vocational Education training: for a period not to exceed the 12-month lifetime limit; and
- Providing childcare services to a TANF recipient participating in a community service program.

Non-Core Work Activities

A non-core activity is allowable for a participant to meet those hours in excess of the minimum work participation standard. Non- core activities include:

- Job skills training directly related to employment;
- Attendance at a secondary school or course of study leading to a certificate of general equivalency in the case of a participant who has not completed secondary school or received such a certificate; and
- Education directly related to employment for a participant who has not received a high school diploma or a certificate of high school equivalency. If the participant is a minor head of household or is a single head of household and under age 20, this activity will count as a core activity for his/her participation standard for the month if he/she:

- Maintains attendance at secondary school or in a GED program during the month; the single head of household must be enrolled in enough hours to ensure graduation prior to turning age 20 for attendance deemed to be meeting the participation standard; or
- Participates in education directly related to employment for at least the average number of hours per week based on the child's age.

Temporary Work Readiness Activities

As part of work readiness preparation, an individual may participate in one or more work readiness activities. Temporary work activities are mandated by the New Mexico Works Act (NMSA 1978, Section 27-2B-5 (E)). The following qualify as temporary work activities for no more than six weeks, except as otherwise provided:

- Participating in parenting classes, money management classes or life skills training;
- Participating in a certified alcohol or drug addiction treatment program;
- In the case of a homeless benefit group, finding a home;
- In the case of a participant who is a victim of domestic violence, residing in a domestic violence shelter, receiving counseling or treatment, or participating in criminal justice activities directed at prosecuting the domestic violence perpetrator, for no longer than 24 weeks; and
- In the case of a participant who does not speak English, participating in a course in English as a Second Language.

Modified Work Participation Agreement

An individual who requests a waiver of work program participation and is denied such a waiver, or who requests an accommodation for a verified limitation(s) to full participation in work activities, may enter into a modified work participation agreement. The purpose of the modified work participation agreement is to take into account special needs or considerations where an individual is found to be capable of engaging in work activities and the Department's Incapacity Review Unit has documented limiting factors in the individual's capacity to work.

The modified work participation agreement (WPA) must include at least twenty hours in core work activities. The balance of the hours is considered as non-core activities. The balance of the hours must include participation in services, activities or programs that are intended to enhance the individual's capabilities and capacity to engage fully in work program activities based upon the individual's applicable participation standard.

Activities may include, but are not limited to, additional screening and assessment to help the individual identify barriers to work, a family assessment, referrals to treatment or counseling facilities, requiring the individual to schedule and attend

doctor's visits, mental health counseling, or substance abuse treatment.

The Incapacity Review Unit (IRU) may temporarily exempt an individual from participation in work program activities as long as the individual works with the work program contractor to develop and subsequently implement a modified work participation agreement. The duration of the temporary exemption is determined by the Incapacity Review Unit.

Limited Participation Waiver

An individual who requests a waiver of the work program participation requirement or who requests an accommodation for a verified limitation to full participation in work activities may be approved for a limited participation waiver. The purpose of this limited participation waiver is to account for special needs or considerations where an individual is found to be capable of engaging in work activities.

XIII. Participation Activity

Participation Activity

All adults and minor head of household participants are required to complete an Assessment, Individual Responsibility Plan, Work Participation Agreement and applicable participation requirement hours. Allowable work and work program activities include any activity listed under Part III-D-2. Each participant activity is documented in a Work Participation Agreement and the hours of participation are monitored through periodic monitoring as described in the approved NMW Work Verification Plan (WVP). The current WVP is available to the public on the HSD website.

Work Program Participation Standards

All NMW participants are required to engage in work program activities at federal statutory requirements (Section 407 of the Social Security Act) or by FLSA Standards, unless they have requested limited work participation. Provisions in the NMWA allow for a work participation standard that does not exceed four hours of the federal statutory levels. Sanctions for failure to participate are described in Section XIII of this plan.

Limited Work Participation Status

A participant may request a limited work participation status exempting them from meeting the federal statutory levels, requiring the participant to engage in an activity for no less than one hour per week, as determined by the Department at 8.102.420 NMAC. Individuals who demonstrate extraordinary circumstances may be granted a zero-hour limited work participation status. Participants granted a limited work participation status are required to meet the NMW compliance requirements as indicated at 8.102.460.9 NMAC. Failure to complete the assessment, Individual Responsibility Plan (IRP) and WPA will be considered non-compliance with program

requirements. The Incapacity Review Unit (IRU) or the NMW Service Provider will establish participation requirements specific to the participant's condition or circumstances, such as substance abuse services, mental health services, domestic violence services, pursuit of disability benefits, job readiness, or education directly related to employment. The activities chosen are to address the participants barriers and to improve the participant's capacity to improve income and strengthen family support. The qualifying conditions are listed below:

- An individual age 60 or older;
- A single parent, not living with the other parent of a child in the home, or caretaker relative with no spouse, with a child under the age of 12 months. A participant may be eligible for a limited work participation status using this qualification for no more than 12 months during the participant's lifetime;
- A single custodial parent caring for a child less than six years of age or who is a medically fragile child if the parent is unable to obtain childcare for one or more of the following reasons and the Childhood Education and Care Department (ECECD) certifies as to the unavailability or unsuitability of child care:
 - the unavailability of appropriate childcare within a reasonable distance from the parent's home or work site; or
 - the unavailability or unsuitability of appropriate and affordable formal childcare by a relative or under other arrangements; or
 - the unavailability of appropriate and affordable formal childcare by a relative or under other arrangements;
- A participant who is a woman in her third trimester of pregnancy, or six weeks post-partum;
- A participant whose personal circumstances preclude participation for a period not to exceed 30 consecutive days in a calendar year;
- A participant who demonstrates by reliable medical, psychological, or mental reports, court orders, police reports, or personal affidavits (if no other evidence is available), that family violence or threat of family violence effectively bars the parent from employment;
- A participant who is completely impaired, either temporarily or permanently, as determined by IRU;
- A participant may be entitled to the family violence option (FVO). This option allows for a parent in a domestic violence environment to be in a limited work participation status for the length of time certified by a trained domestic violence counselor. The certification shall indicate that the parent is in a domestic violence environment which makes them eligible for a limited work participation status:
 - A participant's FVO limited work participation status shall be reviewed every six months and shall be determined by IRU based on the domestic violence counselor's certification.
 - A participant who can continue to comply with work requirements as certified by a trained domestic violence counselor may be eligible for a limited work participation status for 24 weeks as described in 8.102.461.15 NMAC.
- A participant who is the sole provider of the care for an ill or incapacitated person. In order to meet this exception, the participant must show that the parent is the sole caretaker for a disabled person and must demonstrate that the participant cannot be out of the home for the number of hours necessary to meet standard work participation hours. The following

apply to caretaker conditions in determining if the standard work participation rate applies or if a limited work participation rate will be granted:

- Only those core activities around which work program activities cannot be scheduled are taken into consideration.
- Food purchase and preparation activities, home maintenance chores, etc. are activities which may be scheduled and performed at time other than work program participation hours and are not taken into consideration when determining the standard work participation rate.
- A requirement to be on call for the medical emergencies of a medically fragile person is taken into consideration in determining the standard work participation rate for the participant.
- A participant may demonstrate good cause for the need for the limited work participation status. A good cause limited work participation status may exist and shall be determined by the Department based on the participant's existing condition(s) to include any barriers identified during the NMW assessment process that impair an individual's ability to comply with the standard work participation rate or capacity to work.
- A parent and caretaker receiving assistance will engage in work activity in accordance with section 407, is met through periodic monitoring as described in an approved Work Verification Plan.

XIV. Non-Compliance Sanctions

This section describes the process when a participant fails to comply with the NMW or CSED requirements.

Conciliation Process Prior to Sanction

A 30-day conciliation opportunity is available to an individual once during a given occurrence of assistance. The conciliation process occurs once prior to the imposition of a sanction. There must be a period of at least 12 months between occurrences of assistance for a 30-day conciliation to be available to the benefit group.

The purpose of the conciliation process is to provide an opportunity for the individual to correct whatever failure has generated the noncompliance determination. The process also requires the individual and the Department to address the noncompliance and to identify good cause for noncompliance or barriers to compliance.

Within ten days of a determination of noncompliance, action will be taken to initiate the 30-day conciliation process. The individual is given ten working days to respond and initiate the conciliation process. Failure to respond after the ten working days results in a sanction at the appropriate level for the benefit group. A sanction results after the 30-day conciliation expires if the individual initiates conciliation but fails to follow through with the process.

Work Program and Child Support Enforcement

If an individual fails to comply with work program requirements or child support enforcement efforts, the cash assistance amount for the benefit group can be reduced or terminated.

Occurrence of Non-Compliance

Each instance in which an individual fails to comply with a work program or child support enforcement requirement is considered as a separate occurrence of non-compliance.

When the non-compliance continues for three months without the sanctioned individual reestablishing compliance, progression to the next higher-level sanction shall result in the fourth month.

Once a sanction level has been imposed, any subsequent sanction for the benefit group is imposed at the next higher level.

Child support enforcement sanctions are removed when the non-compliant individual is determined to be in compliance by Child Support Enforcement Division (CSED). Work program sanctions are removed when the non-compliant individual has met his participation standard in work activities for 30 days or resumes compliance with program requirements within 13 days after receiving notice of failure to comply.

Sanction Levels

Following the first occurrence of non-cooperation, the cash assistance benefit for which the group is eligible is reduced by 25 percent of the benefit group's standard of need.

Following the second occurrence of non-cooperation, the cash assistance benefit for which the group is eligible is reduced by 50 percent of the benefit group's standard of need.

Following the third occurrence of non-cooperation, the case is closed for six months. The TANF grant will count as unearned income toward the SNAP calculation.

Non-Reporting Sanctions

A benefit group member who fails to report a change that results in an overpayment to the benefit group may be sanctioned. A sanction period is determined and cannot be lifted or corrected, except within the 13 days covered by the notice of reduction in benefits.

The cash assistance benefit is reduced by 25% of the benefit group's standard of need for the length of the sanction period.

An adult member of the benefit group who fails to report that a dependent child has three unexcused absences or is not in school will not be sanctioned and the benefit group's

payment will not be reduced for this reason. The needs of the non-compliant child will not be included in the payment for the benefit group. If the child is the only dependent in the benefit group, the cash assistance benefit will be closed.

XV. Supportive Services

NMW participants may be eligible for certain supportive services that will assist them in meeting NMW work requirements. The NMWA defines support services as "childcare assistance; payment for employment-related transportation costs; job search assistance; employment counseling; employment, education and job training placement; one-time payment for necessary employment-related costs; case management; or other activities whose purpose is to assist transition into employment."

Transportation Reimbursement

Except for those in paid employment, participants may be reimbursed for transportation costs incurred in meeting participation requirements.

Educational Reimbursement

If no other funding is available, participants may be reimbursed for certain educational costs. Reimbursable costs include fees, books, and supplies. Tuition does not qualify for reimbursement.

Employment-Related Reimbursement

Participants who have a verified job offer may be reimbursed or receive an advance payment for certain costs necessary to accept or retain employment. Allowable costs include but are not limited to, special clothing, licensing fees, vehicle repairs, and tools. Payments are limited to a one-time payment totaling no more than \$300.

Child Care

In most circumstances, childcare is provided by the ECECD with federal Child Care Development Block Grant funds. The New Mexico Legislature appropriates the funds from the TANF Block Grant to ECECD to provide childcare.

Other Support Services

The work participant, along with the work program contractor, may determine other types of support services needed to address barriers to work participation, or otherwise comply with work participation requirements of the NMW Cash Assistance Program.

Referrals to Other Agencies and Institutions

Participants requiring education, vocational training or domestic violence services are

referred to other agencies or entities. Referrals to training and educational institutions are made to ensure that the participant is able to obtain the knowledge, skills and experience to achieve their employment goals.

Expected Timeliness Standards

ACTIVITY	PROCESS TIME
Application Registration	Same day signed application is received
Application Interview	Within ten working days of application
Work Program Orientation	Within the 30-day application process time period
Child Support Enforcement Requirement	Requirement to assign support rights during the application process; following application approval, recipient is deemed to be cooperating until child support enforcement office notifies ISD of noncompliance
Work Program Registration	Individual is registered upon approval of application
NMW Approval	No later than 30 days from date of application
Assessment	No later than 15 days from date of approval
Initiation and Full Participation in Work Program Activity	No later than within 5 days of ISD approving the WPA days following approval
Issuance of Notice of Adverse Action	No later than 10 days following determination of non-compliance
Affecting a Sanction and Reduction in Benefits	Effective the first benefit month following expiration of the notice of adverse action
Submitting Application for Recertification and Redetermination	Due by the 15 th day of the last month of the certification period
NMW Certification Period	Assigned for same period as the SNAP certification period, but no longer than six months, except for the 12-month certification period for Simplified Reporting benefit groups

XVI. MEDICAID ELIGIBILITY

Effective January 1, 2014, JUL Medicaid was replaced with the following category called MAGI- Parent/Caretaker. The MAGI-Parent/Caretaker, MAGI children and Transitional Medicaid participants are required to participate in Centennial Care, New Mexico's Medicaid Managed Care program, subject to applicable exemptions allowed under state Medicaid rules, utilizing the income eligibility guidelines under the new Modified Adjusted Gross Income (MAGI) guidelines per the Affordable Care Act of March 23, 2010.

Families whose Medicaid benefits have been terminated due to an increase in gross earnings are eligible for Transitional Medicaid for a period of 12 months. Families whose Medicaid benefits have been terminated due to an increase in child support are eligible for Transitional Medicaid for a period of 4 months.

XVII. NOTICE & FAIR HEARING RIGHTS

Notice Affecting Eligibility

Applicants for and participants of NMW are provided written notice of Department decisions affecting benefit group or individual eligibility, amount of benefit, and about delays in action affecting timely processing of applications. In cases where the Department is taking an action that adversely affects the eligibility or benefit amount of a recipient, the recipient is issued a notice of adverse action 13 days prior to actual implementation of the action. Where advance notice is not given, the household is provided a notice of the change at the same time the change is made (concurrent notice).

Fair Hearing Rights

The fair hearing process is available to a benefit group who believes that an HSD decision affecting benefit group or individual eligibility, amount of benefit or procedures related to eligibility and/or benefit calculation is based on incorrect information or represents a faulty application of program regulations. Failure by HSD to take action within established time frames is also subject to the fair hearing process.

Applicants are informed verbally and in writing of their rights and the procedures for requesting a fair hearing.

Time Limit for Requesting a Hearing

An applicant or recipient has 90 days from the date on the notice of adverse action to request a fair hearing. To be considered timely, the request must be received by the HSD Fair Hearings Bureau or the local county office no later than the close of business on the 90th day.

Continuing Benefits During the Hearing Process

If the recipient files a fair hearing request prior to expiration of the 13-day adverse action time period, the change is not made pending completion the fair hearing process. If an individual files a fair hearing request within 13 days of issuance of a concurrent notice, benefits are restored pending completion of the fair hearing process. Excess benefits issued during the fair hearing process must be repaid if the hearing is decided in favor of the Department.

Applicant or Recipient Rights During the Hearing Process

An applicant or recipient has the following rights with respect to the conduct of a fair hearing. The claimant has the right to:

- Review the household's case file prior to, during and after the hearing;
- Request and receive copies of documents in the case file for use during the hearing process;
- Request an agency review conference to be scheduled prior to the hearing to discuss the

issues involved in the hearing. The agency conference is optional and does not delay or replace the hearing process;

- Present his/her case or have it presented by an attorney or other representative;
- Bring witnesses to present information that is relevant to the case;
- Submit evidence to establish facts and circumstances in the case;
- Advance arguments without undue interference; and
- Question or contradict any testimony or evidence, including the opportunity to confront and cross-examine the Department's witnesses.

Who Conducts the Hearing

The hearing is conducted by an independent hearing officer who makes a recommendation to the Director of the Income Support Division or designee. The ISD Director makes the fair hearing decision for the Department. Fair hearings are most frequently conducted telephonically but, a face- to-face hearing may be held at the applicant's request.

Appealing a Decision of the Director

If the applicant or recipient does not agree with the fair hearing decision, the decision may be appealed to the New Mexico Court of Appeals. NMSA 1978, Section 27-2B-13(F).

Costs for Copying Documents

The costs of the fair hearing and costs for copying relevant Department records to be used by the applicant or recipient in the fair hearing are met by HSD. HSD is not responsible for meeting any other costs incurred by the applicant or recipient in either the fair hearing or judicial appeals process.

XVIII. CONFIDENTIALITY OF INFORMATION

Information collected regarding applicants for and participants of NMW is kept confidential except as otherwise allowed under NMW program regulations. Under certain circumstances, confidential information is released to other agencies or individuals involved in the administration of a state, federal or federally assisted program which provides assistance in cash, in-kind or in services directly to individuals on the basis of need. If the information will be used for establishing eligibility and benefit amount or services, the receiving agency must have standards of confidentiality comparable to those of HSD. The agency or individual must have the actual or implied consent of the applicant or recipient to release the information. Consent is considered implied if a recipient or member of the benefit group has made application to the inquiring agency.

XIX. FRAUD & ABUSE IDENTIFICATION AND CONTROL

Participants who fail to meet reporting requirements are subject to reporting sanctions and may be prosecuted for fraud.

HSD's Office of Inspector General (OIG) is responsible for fraud and abuse identification and control. Cases are referred to the OIG for a fraud determination in a variety of ways:

Referrals are made by Income Support Division staff as a result of program compliance reviews when payment errors are entirely client-caused or when the client refuses to cooperate with the review process. Cases are referred by county office staff as a result of their interaction with clients and based on an indication that information pertinent to the eligibility determination was withheld by the client.

OIG may initiate its own investigations when referrals made by the public or other agencies who have contact with participants. Once referred, OIG determines appropriate follow-up action through intensive investigation that may result in a determination of criminal intent and prosecution or in pursuit of other restitution activity including tax intercept and immediate collection.

Criminal prosecution is coordinated with local District Attorneys and/or the state Attorney General. In the case of federal programs, fraud prosecutions may be pursued through the federal court system.

The Administrative Services Division (ASD) is responsible for recovery of overpayments. This includes both cash repayments and recoupment from ongoing assistance payments.

XX. MANAGEMENT INFORMATION & REPORTING

Automated System Program and Eligibility Network (ASPEN) is the Department's automated eligibility determination, benefit delivery and case management system that supports the administration of the state's NMW, SNAP, Medicaid, and NMW work program activities. Data needed for program management purposes, program performance evaluation and Federal reporting is generated through ASPEN. Most program reports are generated based on the entire database; however, the Department retains the option to use a sampling methodology to determine compliance with Federal performance requirements.

XXI. PARTICIPATION BY NATIVE AMERICANS

Under Section 412 of the federal Act, Indian tribes are authorized to operate their own TANF programs through a direct grant from the federal government. Tribes are authorized to define a TANF service delivery area (SDA). Funding for tribal programs is deducted from the state grant amount, based on the tribe's share of Federal fiscal year 1994 Federal AFDC expenditures in the TANF service delivery area.

Native Americans living within a tribal TANF service delivery area may not receive benefits concurrently from the tribal program and NMW Cash Assistance Program. The Department will continue to provide SNAP and Medicaid benefits to eligible tribal members. Specific procedures regarding state tribal exchange of information are negotiated with each tribe. Subject to availability, tribal members may participate in service only programs funded with state general funds claimed as state TANF Maintenance-of-Effort, regardless of whether they live in a tribal

SDA.

The State, through the Human Services Department, provides NMW cash assistance and services to all eligible tribal members in accordance with state plan provisions detailed in this document.

XXII. INTERSTATE MIGRANTS

Families residing in New Mexico 12 months or less are not treated differently from those who have resided in the state for more than 12 months with respect to NMW benefits. To be eligible for NMW, they must have an intent to reside in New Mexico as described in Part III-B-5 of this plan.

XXIII. BLOCK GRANT TRANSFERS

The state may transfer federal TANF block grant funds to the state's Child Care Development Block Grant and/or the Social Services Block Grant during the period covered by this plan.

XXIV. WORK SUPPORT SERVICE ELIGIBILITY

Work program and supportive services are available to all NMW cash assistance participants.

Pursuant to the NMWA, NMSA 1978, Section 27-2B-12, support services are available to a benefit group that includes at least one dependent child living with a parent or relative, or a pregnant woman, who is not receiving cash assistance but whose gross income is less than 100 percent of FPG for the size of the benefit group.

The Human Services Department may authorize childcare reimbursement for persons for a period not to exceed 30 days. All other childcares shall be authorized by ECECD. The caseworker shall authorize childcare in compliance with ECECD program requirements and standards. Childcare payments shall not be paid for with federal TANF funds and shall not count towards the TANF term limits.

XXV. TRAINING AND JOB DEVELOPMENT FOR ELDER CARE OCCUPATIONS

The HSD NMW service provider is responsible for identifying training opportunities and job development in emerging professions. To comply with the Patient Protection and Affordable Care Act of 2010, the State intends to assist participants to seek employment in elder care professions such as Home Care Attendants as identified by the Aging and Long-Term Services Department as being a growing profession.

The New Mexico Works contractor uses individually tailored employment assessments and plans to meet the needs of families and the business community. The employment plans provide parents an opportunity to gain job skills and experience through an array of work readiness programs. The program strives to develop self-sufficiency through employment with benefits and wages that will enable adults to support their families.

The New Mexico Works contractor also uses job developers who are skilled and experienced in developing and identifying employment opportunities for NMW participants by developing, locating, and securing subsidized or unsubsidized employment opportunities for NMW parents. Job developers identify employers who are hiring and collect data from employers related to job orders including job requirements and skills, match job requirements with qualifications of job-ready NMW parents, refer qualified applicants to employers, participate in and/or coordinate job fairs, and provide job search internet resources, where available.

XXVI. TANF MAINTENANCE-OF-EFFORT PROGRAMS

As a part of its state general fund appropriations, the New Mexico Legislature has funded programs in agencies other than the New Mexico Human Services Department that are intended to provide support services to eligible low-income families. To participate in these programs, individuals and families must meet the low-income guidelines as specified in "Section IX: Eligibility for NMW and Section X: Need and Payment." Related general funds expended in most of these programs may be claimed as a part of the state's TANF MOE requirement in accordance with federal guidelines. Other low-income programs that are not specific to the definition of support service may also be claimed as MOE.

The requirements for application processing, determination and re-determination of eligibility and other similar procedural requirements may vary from program to program.

The following funds listed below are state expenditures that are counted towards the state's MOE requirement for eligible families only.

Human Services Department

State Funded Immigrants:

An immigrant who arrived in the United States on or after August 22, 1996, and who meets the definition of qualified immigrant is not eligible for federally funded TANF assistance under the terms of Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (five years from date of entry into the U.S. with a qualified immigrant status or five years from the date the non-citizen residing in the U.S. received qualified immigrant status). The qualified immigrant may be included in the NMW benefit group, if otherwise eligible, and may receive cash assistance, with the costs of the immigrant's benefits paid entirely by State funds.

Transition Bonus Program:

This program was implemented July 1, 2008, as required by the 2007 Legislature Regular session. This program was implemented to encourage participants of NMW Cash Assistance to leave NMW for employment. Eligible benefit groups must have: 1) a monthly gross income less than 150 percent FPL; 2) received fewer than 60 months of TANF; 3) received at least three months of TANF; and 4) received at least one month of TANF in the last three months. Eligible benefit groups receive a monthly fixed \$200 bonus during

an 18-month lifetime limit certification. Benefit groups are required to submit two six-month reports during the 18-month certification.

On February 1, 2011, this program was suspended due to State fiscal budget reductions. This program may be reinstated based on the availability of State and Federal funds.

Child Support Disregard:

The first \$100 in child support collected by the Child Support Enforcement Division is passed on to the TANF benefit group. This money is disregarded, or not counted as income in determining eligibility. This has the effect of increasing the monthly benefit amount. The total expenditure for that child support disregard is paid with State MOE dollars.

Early Childhood Education and Care Department

The Department and Early Childhood Education and Care Department (ECECD) will develop training programs for NMW participants to become licensed daycare providers. New Mexico utilizes both state and federal funds in program administration of these services. ECECD also provides several other programs that are essential to eligible TANF participants who have at least one child in the home such as:

Childcare TANF:

Available to all families receiving TANF and TANF eligible families. Childcare is provided through the Child Care Development Fund (CCDF). The purpose of this program is to assist and support low-income families in caring for their children while the adult family members work or are engaged in training or other work-related activities. The relevant TANF purpose is to provide assistance to families in need so children may remain in their homes or the homes of relatives.

Childcare for low-income non-TANF households:

Available to low-income families receiving non-TANF funded childcare assistance through the CCDF and the New Mexico State general fund.

Taxation and Revenue Department

Child and Dependent Care Tax Credit:

The Child and Dependent Care Tax Credit is 40% of the expenses incurred during the tax year. This credit helps families with a modified gross income of \$30,160 or less to pay for the childcare they need in order to work or look for work.

Low Income Comprehensive Tax Rebate:

The Low-Income Comprehensive Tax Rebate allows a rebate to households with a

modified gross income of \$22,000 or less.

Many low-income New Mexicans qualify for this rebate as it is not an income-based credit. It rebates a portion of the gross receipts tax on necessities. The rebate amount ranges depending on a taxpayer's modified gross income and number of exceptions claimed on the state income tax return.

The Working Families Tax Credit:

A New Mexico resident who qualifies for the Federal Earned Income Tax Credit may claim a credit against their New Mexico tax liability. This is called the Working Families Tax Credit. Any amount more than the tax liability is refunded to the taxpayer.

Property Tax to Low Income:

The Property Tax Rebate for low-income residents who file a return and incur a property tax liability on their principal place of residence during the tax year and who are not dependents of another person. The rebate is based on modified gross income on a sliding scale from \$0 to \$24,000 and results in a rebate of a percentage of the taxpayer's property tax liability.

Special Needs Child Credit:

Special Needs Child Credit allows rebate to taxpayers who adopted a special needs child.

Public Education Department

Graduation Reality and Dual Roles Skills (GRADS): The mission of the multi component New Mexico GRADS system is to facilitate parenting teen's graduation and economic independence; promote healthy multi-generational families; and reduce risk-taking behaviors.

Children, Youth, and Families Department

Community Based Services:

The purpose of these programs is to improve and enhance the emotional, mental, and behavioral health of children, youth and eligible families served. The outcomes of this program include improved child behavioral and emotional functioning, reduced substance abuse, and improved school performance, improvement in family functioning, increased home stability/safety, and decrease in involvement in the legal system. For TANF, these services provide assistance to families in need so children may remain in their own homes or the homes of relatives. Children eligible for Medicaid up to 235 percent of poverty are eligible to participate.

Family preservation:

This program will focus on providing intensive short-term services aimed at keeping families intact. Services include intensive home-based interventions, family counseling and referrals to other services necessary to keep families intact. The intent of the program is to provide assistance to needy families so that children may be cared for in their homes or in the homes of relatives. Those families with an income up to 235 percent of FPG will be eligible for this program.

Child Protective Services Prior to Adjudication:

This program will encompass the investigation of abuse and neglect in the Child Welfare System. The services include the referral, investigation and assessment of at-risk families and interventions necessary to keep families intact. Services will continue until a determination is made at an adjudication hearing that the family cannot remain intact, and a court of competent jurisdiction places the children in the custody of the Children, Youth and Families Department. The time frame for providing these services is from 60 to 90 days. The program intends to provide assistance to needy families so that children may be cared for in their homes or in the homes of relatives. Those families with an income up to 235 percent of FPG will be eligible for this program.

Community Programs

S.A.F.E. House:

The shelter provides a safe haven from domestic violence where residents receive nutritious meals, clothing and personal needs; health care; individual and group counseling; employment and housing referrals; transportation; legal advocacy and information; counseling for children and parental support. S.A.F.E. House services are available to all victims of domestic violence, regardless of gender. Services are available 24 hours a day, 365 days a year.

Bienvenidos Outreach:

Bienvenidos manages three programs that assists individuals and families with basic needs. The food box program assists participants with groceries. The lunch bag program assists with lunch bags for the homeless and the clothing program provides, clothing, housewares, books, etc. free of charge to its participants.

Lutheran Family Services "Sisters" Program:

The Sisters Program through Lutheran Family Services provides job training, preparation, and placement for refugee women in the work force.

Casa Familia Urgent Transition Center and Sonrisa Family Supportive Living Programs:

The Casa Familia Urgent Transition Center program provides emergency shelter for women, children, and families. The Sonrisa Family Supportive Living program provides transitional housing for formerly homeless women, children, and families. Both programs are managed through the Saint Elizabeth Shelter Corporation

Storehouse West Pantry:

The Storehouse West Pantry is a food pantry that provides food to hungry individuals and families.

XXVII. SUBSIDIZED EMPLOYMENT PROGRAMS

- The New Mexico Wage Subsidy Program: The Human Services Department administers the New Mexico Wage Subsidy Program. The New Mexico Wage Subsidy Program is a subsidized employment opportunity for a TANF cash Assistance recipient to be hired into full-time employment. The employer is reimbursed through the TANF Block Grant for up to twelve months.
- The Career Link Program: The Human Services Department administers the Career Link Program. The Career Link Program is a subsidized employment opportunity for a TANF cash assistance recipient to be hired into full-time employment. The employer is reimbursed through the TANF Block Grant for up to six months.

Displacement Procedures for Subsidized Employment participant:

Is the process for Subsidized Employment programs so an employer cannot use a wage sub or Career Link participant to satisfy a vacancy.

- Prior to placement of a NMW program participant, in a vacant position, the work program contractor certifies with the employer that the position is not vacant as a result of a layoff or termination by the employer, or a reduction in force in order to fill the position with the NMW participant. The work program contractor certifies with the Income Support Division/Work and Family Support Bureau Chief that displacement has not occurred.
- An assertion of displacement by an employer will be investigated within 10 working days of the date the employee contacts the Work and Family Support Bureau (WFSB) of the ISD. WFSB staff will contact the employer and the work program contractor. WFSB staff will issue a written report to the ISD Director.
- Once the ISD Director has reviewed, they will issue a written finding to the employee, employer, and work program contractor about the finding. If there is fault the letter will indicate that a displacement has occurred and will result in immediate removal of the

NMW participant from the position of the displaced employee. If there is no fault in the finding that a displacement has not occurred, this will result in continued employment of the NMW funded work participant in the position.

XXVIII. ANNUAL CLOTHING ALLOWANCE

New Mexico uses both State and Federal block grant funds to issue monthly cash benefits to TANF-eligible families. Each year, for the benefit month of August and January, an additional cash assistance amount of \$100 and \$50, respectively, per school age child is issued to the benefit group as a school clothing allowance. Benefits are issued via the NM Electronic Benefit Transfer system.

XXIX. DIVERSION PAYMENT FOR APPLICANTS

A diversion payment is offered to a NMW applicant benefit group who is otherwise eligible for cash assistance but chooses not to participate in the NMW Cash Assistance Program on a monthly basis in lieu of receiving a one-time diversion payment. The diversion payment is limited to two times in an applicant's 60-month lifetime limit. Effective November 15, 2007, the amount of the diversion payment is \$1,500.00 for households of one - three and \$2,500.00 for households of four or more.

The diversion payment is a lump sum payment, which is intended to assist the benefit group to alleviate a specific short-term need, to accept a bona fide offer of employment, retain employment, and remedy an emergency situation or an unexpected short-term need. The applicant must demonstrate that monthly cash assistance to meet basic needs is not required because there is a means of financial support for the benefit group. If the amount needed to meet the specific need is more than the diversion payment, it shall be determined whether the maximum payment will alleviate the specific need; if not, the diversion payment cannot be authorized.

The diversion payment is available to an initial applicant benefit group who meets all NMW eligibility criteria. An initial applicant is one that has never been known to the Department or did receive benefits and has been closed for one or more calendar months. Initial application does not include a NMW cash assistance case that has a six-month mandatory closure because of a third- level sanction.

An applicant who accepts a diversion payment is prohibited from participating in the NMW Cash Assistance Program for a period of twelve months beginning in the month the diversion payment is authorized. An applicant who has accepted a diversion payment in any other state is prohibited from receiving NMW cash assistance or a diversion payment in New Mexico for a period of twelve months beginning in the month the diversion payment in the other state was authorized, or the length of the lock-out period in the other state, whichever is shorter. The twelve month lock out period is applied to those receiving a diversion payment in New Mexico as well as those receiving a diversion payment from any other state who move to New Mexico, and treats all New Mexico residents the same.

The receipt of a diversion payment has no effect on eligibility for Medicaid.

The diversion payment is considered as a non-recurring lump sum payment for individuals participating in the Supplemental Nutritional Assistance Program (SNAP). The payment is considered as a resource in the month received and would not affect eligibility for food stamps if the payment is spent prior to the end of the month in which it was received. If the payment is received towards the end of the month, the payment would not affect eligibility for food stamps if it is spent prior to the end of the month following the month in which it was received.

The applicant must enter into a written agreement that defines the term and conditions for receiving a diversion payment and must agree not to apply for NMW cash assistance for twelve months from the date the diversion payment is issued.

If an applicant is unable to adhere to the terms and conditions of the agreement for receiving a diversion payment, the applicant may apply for cash assistance to meet basic needs. An applicant is ineligible for a cash assistance payment regardless of good cause within the first four months of receiving a diversion payment. An applicant may be eligible for a cash assistance payment if good cause is met at least five months after receipt of the diversion payment.

If an applicant re-applies for cash assistance during the lockout period, the Department may consider the application if the applicant demonstrates good cause and at least four months has passed since the applicant received the diversion payment. Good cause considerations are not applicable during the first four months from the initial receipt of a diversion payment.

A benefit group that receives monthly cash assistance within the 12-month lockout period shall not be subject to an overpayment if the household meets good cause. The benefit group may be subject to an overpayment if the diversion payment was issued in error and subject to recoupment.

A recipient of a diversion payment is not required to comply with work program or child support enforcement requirements.

XXX. TRANSITION BONUS PROGRAM

The 2007 Legislature Regular Session amended the New Mexico Works Act to remove the Excess Hours Earnings Deduction and replaced it with an employment retention and advancement program, the Transition Bonus Program. The state general fund would be claimed as a part of the state's TANF Maintenance-of-Effort requirement in accordance with federal guidelines.

This program is to encourage participants of NMW Cash Assistance to leave NMW for employment. Eligible households are those who have a monthly average of working 30 or more hours per week, has a household gross income less than 150% of FPL, has received fewer than 60 months of TANF, has received TANF or at least three months and has received at least one month in the last three months. Eligible benefit groups receive a monthly fixed \$200 bonus during an 18-month lifetime certification. Benefit groups are required to submit a six-month

report during the 18-month certification

On February 1, 2011, this program was suspended due to state fiscal budget reductions. This program may be reinstated based on the availability federal or state funds.

XXXI. FAMILY VIOLENCE OPTION

Background

The Department recognizes that the safety of those in a domestic violence environment is of paramount importance and that domestic violence must be prevented and reduced. The Department implemented the Family Violence Option under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

Consistent with the purposes of TANF, as well as the purposes and provisions of the New Mexico Works Act, and subject to the availability of funds, the Department intends to provide domestic violence services to TANF eligible families whose income falls below one hundred percent of the FPG.

The Department provides NMW cash assistance participants with appropriate services to address their domestic violence situation.

Definition of Domestic Violence

The Department will use the definition of domestic or family violence as it is found in the New Mexico State Statutes under the Family Violence Protection Act.

Domestic violence (domestic abuse) means any incident by a household member against another household member resulting in:

- Physical harm;
- Severe emotional distress;
- Bodily injury or assault;
- A threat causing imminent fear of bodily injury by any household member;
- Criminal trespass;
- Criminal damage to property;
- Repeatedly driving by a residence or work place;
- Telephone harassment;
- Stalking;
- Harassment; or
- Harm or threatened harm to children.

Domestic violence also means:

- Sexual abuse;
- Sexual activity involving a dependent child;

- Forced or non-consensual sexual acts or activities;
- Threats of or attempts at physical or sexual abuse;
- Mental or emotional abuse which would significantly reduce the victim's capacity to care for himself or herself or his or her children or significantly reduce the victim's capacity to perform essential activities of daily living; and/or
- Neglect or deprivation of medical care.

For the purposes of determining domestic violence, a household member means a spouse, former spouse, family member, including a relative, parent, present or former stepparent, present or former in-law, child or co-parent of a child, or a person with whom the petitioner has had a continuing personal relationship. Cohabitation is not necessary to be considered a household member.

Training

Training will be provided to all management staff and eligibility staff in county field offices regarding the Family Violence Option. Training will include elements in the area of: (a) how to discuss the concept of domestic violence; (b) recognizing a victim of domestic violence; (c) making appropriate referrals; and (d) preserving the confidentiality of victims of domestic violence. Management staff will, in turn, provide on-going training and support to eligibility staff.

The Department will work with the Children, Youth and Families Department, local police Departments, domestic violence counselors and staff of domestic violence shelters, the Child Support Enforcement Division, representatives from the health care profession, and the judicial system to develop and implement appropriate training for HSD staff. In addition, more intensive training will be developed and implemented for those who will be working closely with families in a domestic violence environment.

Screening and Identifying Those Who Have a History of Domestic Violence

Individuals in a domestic violence environment must feel safe and comfortable to make good decisions for themselves and their children. The culture of the Income Support Division and NMW field offices must be one that allows the individual to tell the truth about their situation. Such individuals must have the opportunity to self-disclose when in a domestic violence situation.

- The Department will make available information on the Family Violence Option and will encourage individuals in a domestic violence environment to self-disclose. In addition, NMW program service providers will have the information available for work program participants.
- All applicants and participants of cash assistance will be notified of the requirements for a waiver of work program participation based on domestic violence.

Referrals and Confidentiality

An applicant or recipient may self-disclose a domestic violence situation to the Department or to the work program contractor. In either case, the referral process to a trained domestic violence counselor begins at the point of disclosure. The referral process is handled and monitored by the work program contractor whether the disclosure is made to the Department or the work program contractor. The Department makes an immediate referral to the work program contractor. The work program contractor makes an immediate referral to a trained domestic violence counselor.

The applicant or recipient will be assured of the confidentiality of all information provided to the Department or to the work program contractor.

The certification of a domestic violence environment is made by a trained domestic violence counselor. The certification must include an individualized assessment of the situation and a service plan that is designed to lead to work. A service plan is developed by a trained domestic violence counselor and is provided to the work program service provider. A copy of the certification is provided to the Incapacity Review Unit, Income Support Division.

The applicant or recipient is considered to be meeting work program requirements for the time period required by the trained domestic violence counselor to make a decision regarding the domestic violence environment.

Work Program Requirements

An individual in a domestic violence environment will be placed in Limited Work Participation and is not required to complete the full work program requirements. Participants are assessed by their capacity for work. Participants, who have been identified as domestic violence victims, may participate in domestic violence work activities to receive services focused on assisting the participant to overcome the effects of domestic violence and abuse.

Where there is a domestic violence environment in which the individual may continue to comply with work program requirements, as certified by a trained domestic violence counselor, that individual may participate in a temporary alternative work activity for 24 weeks.

Waiver of Cooperation with Child Support Enforcement

Cooperation with the state child support enforcement program is waived in those situations where a trained domestic violence counselor has certified that cooperation would make it more difficult to escape the domestic violence or unfairly penalizes the individual in light of his/her past or current experiences.

Developing Community Linkages

The Department will also work with the entities mentioned above to develop the linkages necessary to assist a family in a domestic violence environment, including development of a safety plan for the family in cases where the family's safety may be compromised.

Screening and Identifying TANF Eligible Families

In collaboration with the domestic violence shelter, Income Support Division (ISD), CYFD, and ISD work program contractor and other relevant entities, a determination will be made as to the eligibility of a family for domestic violence services under the Family Violence Option. Eligibility must be established before services are provided.

XXXII. CHILD CARE

Childcare assistance is the responsibility of the New Mexico ECECD. NMW and Food Stamp participants constitute a large portion of the childcare clientele. ECECD's program covers a larger group that includes low income working families, students and services for children involved in the Department's social services system.

ECECD is responsible for regulating and certifying childcare providers, processing childcare applications, and determining eligibility and calculating and issuing childcare payments. NMW participants are referred to ECECD by HSD for childcare services.

Reimbursements for childcare costs are issued through the Child Care Block Grant by either HSD or ECECD staff. NMW participants, who are assigned to ongoing work program activities, are referred to ECECD field offices. The ECECD worker develops a childcare agreement and instructs the participant on program procedures. ECECD issues the childcare reimbursements directly to the childcare provider each month.

Participants whose NMW cases close due to earned income may be eligible to receive transitional childcare assistance for one year. Ongoing assistance is provided to former NMW participants who meet childcare program and income guidelines.

The Department provides an advance payment for immediate childcare needs no later than five days after approval of a NMW cash assistance case. The advance payment is meant to cover those childcare needs related to registration and compliance with work program requirements and is authorized through the Department's automated eligibility system upon approval of the NMW cash assistance case. The advance payment is required under the provisions of the NMWA.

XXXIII. FOSTER CARE

The Children, Youth, and Families Department (CYFD) is the state agency responsible for children's protective services and foster care in the state of New Mexico. CYFD also administers juvenile justice programs, thereby providing a full range of services for troubled and in-trouble youth.

CYFD is the grantee for Titles IV-B and IV-E, as well as the Social Services Block Grant. Children's protective services and foster care are provided by CYFD staff located in local offices. CYFD cooperates closely with tribal foster care and children's protective services workers to assure that Native American children in New Mexico receive appropriate services.

CYFD provides foster care and childcare protective services funds to tribes and community-based programs for services best provided by those agencies.

XXXIV. CHILD SUPPORT ENFORCEMENT

Administering Agency

The single state agency for child support enforcement in the State of New Mexico is HSD. Within the Department, child support enforcement is the responsibility of the Child Support Enforcement Division (CSED).

CSED program operations are carried out by central office staff, as well as field staff located in 14 offices statewide. Central office is located in Santa Fe.

Enforcement functions and purposes

- The functions and purposes of child support enforcement are to:
 - Locate absent parents;
 - Establish paternity, if necessary;
 - Enforce and modify existing court orders for support;
 - Effect actions necessary to obtain a court order for support if none exists;
 - Enforce the collection of child and spousal support payments; and
 - Establish and enforce medical support orders.
- The Department has a contract with the Navajo Nation to provide child support services on the reservation. The Navajo Nation has offices located in Crownpoint and Shiprock.

XXXV. REDUCING THE ILLEGITIMACY RATIO OF THE STATE

HSD seeks to reduce the ratio of illegitimate births in New Mexico. Of particular importance is the significant rate of pregnancy among the state's teenage population resulting in an excessive number of teens bearing children they are not prepared to care for.

The Department anticipates that activities to reduce the illegitimacy ratio of the State will be funded through state and/or federal funds and may include funding from the TANF block grant.

To address the State's illegitimacy ratio, HSD, in consultation with the CYFD, the Department of Health (DOH), and PED and other agencies such as schools, and faith-based or community organizations, will seek to develop and implement an educational plan for New Mexico's population and with special emphasis on a teen pregnancy prevention program.

The Department will seek to include all entities in the state that deal with teenage individuals and/or their parents or guardians, including ECECD, CYFD, DOH, PED, DWS, juvenile detention facilities, hospitals, and schools.

Teen prevention programs and activities emphasizing abstinence and responsibility may include but are not limited to, posters informing young teens about abstinence and pregnancy prevention, informational brochures and pamphlets distributed statewide and outreach by qualified counselors to children in the public schools.

Through these efforts, the Department seeks to reduce the illegitimacy ratio for the State by up to three percent in the time period covered by this State Plan.

XXXVI. STATUTORY RAPE EDUCATION PLAN

Victims of Statutory Rape can access county mental health programs, community mental health center or Core Service Agencies for services in 32 counties across New Mexico. A Core Service Agency (CSA) coordinates care and provides the essential services such as counseling services to children, youth and adults who have a serious mental illness, severe emotional disturbance, or dependence on alcohol or drugs.

Each New Mexico Judicial District also has victim advocates that refer and coordinate services with the Rape Crisis Center where individual and group counseling is provided for the victim, the family members, friends, or anyone affected by the assault.

The New Mexico Coalition of Sexual Assault Program provides education, training and technical assistance to service providers, law enforcement officers, prosecutors, medical practitioners, and mental health professionals to reduce sexual abuse and sexual violence for any individual including men.

PART II-ASSURANCES & CERTIFICATIONS

I, Michelle Lujan-Grisham, Governor of the State of New Mexico, hereby certify that:

Child Support. In accordance with 402(a)(2) of PRWORA, the State of New Mexico will operate a child support enforcement program during each of the fiscal years covered by this state plan, and in accordance with the state plan approved under title IV-D of the Social Security Act.

Foster Care. In accordance with 402(a)(3) of PRWORA, the State of New Mexico will operate a foster care and adoption assistance program under the state plan approved under Title IV-E of the Social Security Act and that the state will take action to ensure that children receiving assistance under title IV-E are eligible for medical assistance under Title XIX of the Social Security Act.

State Agency Designation. In accordance with 402(a)(4) of PRWORA, the Human Services Department is designated as the state agency with responsibility for administration and supervision of the Temporary Assistance for Needy Families (TANF) block grant in New Mexico.

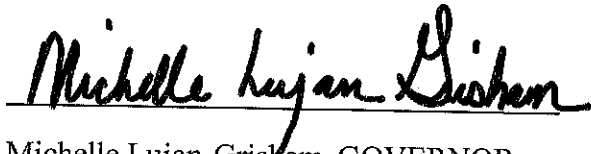
Consultation/Public Comment Period. In accordance with 402(a)(4) of PRWORA, the Department allowed a 45-day public comment period for this State Plan. The public comment period began on October 15, 2021 and ended at 5:00 pm on November 29, 2021. Notice of the proposed TANF State Plan comment period was published in the NM Register on October 13, 2021 and in the Albuquerque Journal and Sunshine Portal on October 13, 2021. The proposed TANF State Plan was available in written and electronic format throughout the comment period.

Equitable Access. In accordance with 402(a)(5) of PRWORA, during each of the fiscal years covered by this plan, the State of New Mexico will provide equitable access to assistance under the State program to each member of an Indian tribe who is domiciled in the State and who does not participate concurrently in both the State and Tribal TANF program.

Fraud and Abuse. In accordance with 402(a)(6) of PRWORA, the State of New Mexico has established and is enforcing standards and procedures to ensure against program fraud and abuse, including standards and procedures concerning nepotism, conflicts of interest among individuals responsible for the administration and supervision of the state's program, kickbacks and the use of political patronage.

Displacement. In accordance with 407(f) of PRWORA, the Department has established procedures for addressing concerns of displacement of employees by the State's TANF work program.

Election of the Family Violence Option. In accordance with 402(a)(7) of PRWORA, the State of New Mexico has established a system to screen, identify, and provide services and assistance to individuals with a history of domestic violence and to waive program requirements for such individuals when compliance would make it difficult for the individual to escape the violence or would endanger the individual's life.

A handwritten signature in black ink that reads "Michelle Lujan-Grisham". The signature is written in a cursive style and is positioned above a horizontal line.

Michelle Lujan-Grisham, GOVERNOR
STATE OF NEW MEXICO