

# **LawHelpNewMexico**

Advancing Fairness and Justice for All

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## **Temporary Assistance for Needy Families (TANF)**

### **What is TANF?**

Temporary Assistance for Needy Families (TANF), known in New Mexico as NM Works, provides monthly cash assistance to qualifying low-income families with children. This money is intended to be used for basic needs--such as housing, utilities, and clothing.

### **Is my family eligible for TANF?**

- You must have dependent children
- You must live in New Mexico
- The family must have at least one child age 18 or younger, or age 19 if the child is a full-time student who will graduate before the month he or she turns 20.
- The child must be a citizen or legally in the country. In a family where one child is legally in the country and another is not lawfully in the country, only the lawfully admitted child will qualify for benefits.
- The family must have a very low income and few assets.
- Click [here](#) for Income Eligibility Guidelines.

### **How do I apply for TANF in New Mexico?**

You can apply for TANF by filling out an Application for Assistance at any of the Income Support Division offices in New Mexico. The application can be found at <http://www.hsd.state.nm.us/LookingForAssistance/apply-for-benefits.aspx>. This is the same application you use for SNAP (food stamps), Medicaid, and LIHEAP.

## **What happens after I finish the application?**

When you have filled in as much of the form as you can and turn it in, insist on getting a dated receipt for it. Application forms can and do get lost.

If a worker tells you not to apply because you probably aren't eligible, insist on filling out the written application anyway. The program has many rules, and those rules change frequently. As a result, the ISD may mistakenly deny applications from people who are eligible for TANF and other benefits. Besides, if someone mistakenly discourages you from applying in the first place, you probably can't appeal the wrongful denial of benefits because you didn't officially apply for them and you have no proof that you tried.

## **What information do I need to provide to ISD to receive TANF?**

- Proof of income, including money from work, money from your business, money from the government, money from friends or relatives, money for school, child support or alimony, and any other income
- Assets, or the worth of things that you own, including savings accounts, bank accounts, land you don't live on, cars and other vehicles, and life insurance
- Cost of bill payments, such as rent of your house or apartment, utilities (gas, electricity, garbage, water), child care

You will get an appointment within two weeks to talk to a worker about whether you qualify for benefits, so gather that information before your meeting date and bring it to the meeting. The worker will make copies of the documents you bring. Once again, get a receipt that lists all the documents. Be sure to keep all the originals of the documents.

ISD has only 45 days to decide whether it can give you benefits based on your application. If you do not provide the additional information in time, ISD has no choice except to deny your application even if you are eligible for benefits.

Cash assistance applications must be completed within 30 days from the date of application.

"Clocking" of time limits begins on the day after the completed, and signed application is received.

If an eligibility determination is not made within the required time limits, the applicant shall be notified in writing of the reason for the delay. The notice shall also inform the applicant of the applicant's right to request an administrative hearing regarding the issue of ISD's failure to act within the time limits.

NMW cash assistance shall be approved effective the date of authorization or no later than 30 days following the date of application, whichever is earlier. Payment in the initial month shall be

prorated from the date of authorization.

## **How will I find out if my family will get TANF benefits?**

If ISD approves your application, you will then receive an “electronic benefits transfer” (EBT) card that you can use like a bank debit card, at the grocery store or other merchants and at some bank ATM machines. Keep the card at the end of the month, as it will get more credit each following month.

You will also get a Medicaid ID card for your family. In some cases, you may be able to get financial help with child care, transportation, job counseling, drug or alcohol treatment, or domestic violence counseling.

If an application is denied, ISD shall issue a written notice to the applicant of a denial. The denial notice shall include the date of denial, the reason for denial, the regulation section under which the denial was made, the applicant's right to a fair hearing concerning the denial, and the time limits for filing a fair hearing request. The notice shall also explain that the applicant may discuss the decision with the caseworker, supervisor, or county director.

## **How much will my family get in TANF benefits?**

Aside from food stamps and Medicaid, the amount of TANF you get will depend on such factors as the number of people in your family, and whether there are childcare expenses and the income of the household.

For a single adult with no income and one child, the monthly amount is around \$350. The amount goes up for larger families. If the child is lawfully in the United States, but the parent is not, the grant is a little lower.

## **What if ISD denies my application?**

The denial must be in writing, and it must explain the reason for the denial. If you believe that the denial is wrong, you have the right to appeal the decision by asking for a Fair Hearing.

- You must ask in writing for the appeal.
- There is no cost to appeal the agency's decision.
- If possible, get legal advice about your rights before you appeal. But do not miss your appeal deadline in order to do so!

If you find out from a lawyer that you have no legal ground to force ISD to change its decision, you can withdraw your hearing request. There is no cost for requesting a hearing and withdrawing your request, and it is illegal for ISD to try to punish you for asking for a hearing or withdrawing your request.

### **Do I have any appeal rights if ISD doesn't notify me about my application?**

Yes; you are entitled to notice within 45 days. Before appealing the lack of notice, ask yourself if you have moved to a new address since filing your application.

If you forwarded your mail, you should get the notice soon if ISD sent the required notice. You do need to let ISD know your current address, and update it every time it changes.

If the time limit has gone by, contact the ISD office to find out if or when the decision was mailed. Ask for another copy; offer to pick it up yourself if you can.

Your receipt is important to show when the time limit started.

### **What are my duties once I am approved for TANF?**

**You must always report any changes in the amount of your income and/or the number of people living in your household or your assets.**

**If you have school-age children, you must make sure they attend school regularly.**

**You must participate in the Works program and create an "individual responsibility plan" and participate in a "work activity."**

**In most cases, if the parents are living apart, you must cooperate with ISD and the child support enforcement agency to get support for the children from the other parent.**

### **What is a "work activity" under the Works program?**

With a few exceptions, TANF recipients must spend 20 to 30 hours per week in activities to help

them get work skills that will allow them to leave the TANF program for suitable jobs.

“Work Activity” is important because, in most cases, there is a time limit for receiving TANF benefits. The time limit to receive TANF benefits is 60 months (5 years) per family.

Work activities can include:

- employment
- sponsored or sheltered employment
- on-the-job training
- volunteer work experience
- community service
- job search/job readiness training
- education and vocational education
- obtaining GED
- learning English
- finishing high school

You will need to keep records of the activities you do and report your activity every month to ISD. If you fail to participate in the works program and if you do not have proof that you are in compliance with the program your TANF benefits may be sanctioned/reduced.

## **What if I am unable to do any of these work activities?**

If you think you cannot do a work activity, you must request an exemption.

You can be excused from the work activity requirement for one of these reasons:

- If you are 60 years of age 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. This waiver shall not exceed 12 months during a participant’s lifetime. No more than one such waiver is granted to a benefit group at a time.
- A single custodial parent caring for a child who has not attained six years of age or who is a medically fragile child if the parent is unable to obtain child care for one or more of the following reasons and children youth and families department (CYFD) certifies as to the unavailability or unsuitability of child care:
  - the unavailability of appropriate child care within a reasonable distance from the participant’s home or work site; or
  - the unavailability or unsuitability of informal child care by a relative or under other arrangements; or
  - the unavailability of appropriate and affordable formal child care by a relative or under other arrangements.
- A woman in her third trimester of pregnancy. The waiver is extended for six weeks beyond the termination of the pregnancy when the participant's work requirement cannot be waived

by another participation waiver.

- A participant whose personal circumstances preclude participation for a period not to exceed one month. This includes persons who are temporarily ill, who are pending a domestic violence determination, or who have requested a waiver related to disability but for which the disability waiver has not been determined.
- 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 participant from employment. IRU shall make the determination whether a waiver should be granted.
- Who is completely disabled, either temporarily or permanently, as determined by IRU in accordance with 8.102.420.11, 8.102.420.12, and 8.102.420.13 NMAC.
- A participant may be entitled to the family violence option (FVO). This option allows for a participant in a domestic violence environment and unable to meet work program requirements to have all work requirements waived for the length of time certified by a trained domestic violence counselor. The certification that waives work requirements shall be made, on the basis that the environment where the participant resides would make it more difficult to escape the domestic violence or would unfairly penalize the participant in light of past or current experiences. The certification shall indicate that the participant is in a domestic violence environment which precludes compliance with work program requirements.
  - A participant's FVO waiver shall be reviewed every six months and shall be determined by IRU based on the domestic violence counselor's certification. The participant shall be temporarily waived from work program requirements pending the determination from IRU.
  - A participant who can continue to comply with work requirements as certified by a trained domestic violence counselor may participate in a temporary alternative work activity for 24 weeks as described in 8.102.460.24 NMAC.
- Who provides the sole care for a disabled household member as defined in 8.102.420.11 NMAC.
  - In order to show that the participant is the sole caretaker for a disabled household member, it must be demonstrated that the participant cannot be out of the home for the number of hours necessary to meet program participation requirements.
  - Only those care activities around which work program activities cannot be scheduled are taken into consideration.
  - Transportation to medical appointments, food purchase and preparation activities, home maintenance chores, etc. are activities which may be scheduled and performed at times other than work program participation hours and so would not be taken into consideration.
  - A requirement to be on call for the medical emergencies of a medically fragile participant is taken into consideration in determining whether a waiver is granted.
- A participant may demonstrate good cause for the need for the waiver. A good cause waiver may exist and shall be determined by IRU based on the participant's existing condition(s). Good cause is not considered to exist for failure to meet any of the above criteria.

ISD case managers decide about those on a case-by-case basis. If they deny the exemption, you can appeal their decision.

## **If I am not eligible for an exemption, what happens if I don't complete my work activities?**

If you don't keep up with your work activity without a good reason, ISD can reduce your TANF payments. These reductions are known as "sanctions." Your payments can also be sanctioned if you knowingly violate any program rule.

- You have a duty to report income changes or changes in the number of adults or children in your household.
- You must comply with the works program. You must complete the work activity plan and your individual responsibility plan.
- You must turn in your work activity timesheet at the beginning of each month.

Before ISD sanctions you, you are entitled to a chance to fix the problem. This chance is called "conciliation."

What happens if you are sanctioned by ISD?

- The first sanction will cause your TANF payment to go down by 25%.
- The second sanction will reduce the payments by 50%.
- A third sanction will end your TANF benefits for six months.

If you are sanctioned, you have the right to appeal any adverse notice or change you do not agree with.

## **Is it ever possible to keep getting TANF after 60 months' benefits?**

There is a hardship exception that allows some families to keep getting TANF payments after 60 months. The exception applies when:

- You have a disability and have applied for SSI and are waiting for a decision from Social Security
- You have been excused from the program work activity requirement because of a disability
- You are the only care giver to a family member who is ill or has a disability
- You cannot become fully employed because of domestic violence or extreme cruelty
- If you are aged 60 by the 60<sup>th</sup> month of TANF, have an eligible child, and still meet the income and asset limits for the TANF program

- You must ask for this exception; it is not automatic.
- You must also provide all the required documents to ask for a hardship. For example, to prove your disability you must provide copies of your medical records and for domestic violence, you must provide police reports etc. Remember to obtain receipts for any information you take to ISD and keep the receipt for your records.

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Printed: January 27, 2023

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