

**RULES  
OF  
TENNESSEE DEPARTMENT OF HUMAN SERVICES  
FAMILY ASSISTANCE DIVISION**

**CHAPTER 1240-1-1  
INTRODUCTION AND RIGHT TO APPLY**

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**1240-1-1-.01 SCOPE AND PURPOSE**

- (1) Pursuant to the requirements of Public Chapter 950 (1996), the Families First Act of 1996, the Families First (Temporary Assistance) Program was created to replace the Aid to Families with Dependent Children (AFDC) program in order to reform the program of economic assistance to needy families in Tennessee. These rules implement the Families First program as authorized by the Public Act 950 (1996), and as codified in Title 71 of the Tennessee Code Annotated; the federal Temporary Assistance for Needy Families (TANF) block grant under Title IV-A of the Social Security Act; the Personal Responsibility Act of 1996 (P.L. 103-196); and, the Deficit Reduction Act of 2005 ( P.L. 109-171), as amended.
- (2) Pursuant to Tennessee Code Annotated, Section 71-3-157(d), the Department of Human Services is directed to administer the program of economic assistance to families under Title IV-A of the Social Security Act pursuant to federal statutes or regulations as they continue to exist after the effective date of Public Chapter 950 on September 1, 1996 or pursuant to any waivers authorized by the federal government as a result of the enactment of Public Chapter 950 (1996).
- (3) Effective Date of Waiver; Applicable Rules for Eligibility or Appeals of Cases Determined During Waiver Period.
  - (a) A waiver to operate the Families First program under certain exceptions to federal law was granted to the State of Tennessee by the U.S. Department of Health and Human Services on July 25, 1996 until June 30, 2007.
  - (b) Upon review of cases or upon review of eligibility determinations, all initial eligibility determinations prior to the expiration of the waiver shall be reviewed, or determined on appeal, pursuant to applicable terms of the waiver and otherwise applicable law during such period. All eligibility determinations after June 30, 2007, shall be reviewed, or determined on appeal, pursuant to the terms of applicable law then in effect. Where terms of the waiver and federal or state law or regulations are in conflict, the terms of the waiver control during the waiver's effective dates.
- (4) In order to provide continued specific interpretation of certain responsibilities of the Department of Human Services under Title IV-A, Title IV-D, and Title XIX of the Social Security Act which continue to be necessary for the administration of the Families First program, the provisions of paragraph (5) referencing Chapters 1240-1-2 through 1240-1-44 inclusive, Rules of the Tennessee Department of Human Services, Family Assistance Division, as they existed prior to September 1, 1996 or prior to the implementation date of Public Chapter 950 (1996), or as they may be amended thereafter, will apply to Chapter 1240-1-45 through 1240-1-56, but only where not otherwise in conflict with, or superseded by:
  - (a) The specific requirements of 1240-1-45 through 1240-1-56;

(Rule 1240-1-1-.01, continued)

- (b) Federal law or regulations or action transmittals or interpretations of the United States Department of Health and Human Services, as they exist or are amended, or by federal or state court orders which affect Chapter 1240-1-1—1240-1-56 or which otherwise affect the Department of Human Services' responsibility under Title IV-A, Title IV-D and Title XIX of the Social Security Act.
- (5) The following provisions of Chapters 1240-1-2 through 1240-1-44, as limited by Paragraph (4), and as they relate to the Title IV-A, Title IV-D, and Title XIX Medicaid programs concerning the operation of the Families First program, are incorporated by reference into the Families First Program:
  - (a) Chapter 1240-1-13 - Case Records Management.
  - (b) Chapter 1240-1-14 - Application Process.
  - (c) Chapter 1240-1-15 - Interviewing for Eligibility.
  - (d) Chapter 1240-1-16 - Verification Procedures.
  - (e) Chapter 1240-1-17 - Timeliness Standards.
  - (f) Chapter 1240-1-18 - Authorization of Grants and Allotments.
  - (g) Chapter 1240-1-19 - Continuing Responsibilities.
  - (h) Chapter 1240-1-43 - Protection of Children.
- (6)
  - (a) Families First, also referred to as Temporary Assistance or Temporary Assistance to Needy Families (TANF), means the program to provide economic support and other support services to families which is provided by the State of Tennessee utilizing funds made available by the Congress of the United States and the Secretary of the Federal Department of Health and Human Services to the State of Tennessee pursuant to the Social Security Act, and any state funds which may be appropriated by the General Assembly designated to support the temporary assistance program.
  - (b) Throughout Chapter 1240-1-1 through Chapter 1240-1-44 and Chapters 1240-1-45 through 1240-1-56, and where the context requires, the use of the term "Families First" shall encompass the Temporary Assistance (TA)/Temporary Assistance to Needy Families (TANF) program referenced in Public Chapter 950 (1996), and references to the receipt or application for "Families First" shall, only where the context so requires, mean Temporary Assistance or Temporary Assistance to Needy Families.
  - (c) Any existing references to "Aid to Families with Dependent Children" or "AFDC" shall be construed to refer to the Families First program.

**Authority:** T.C.A. §§ 4-5-201 *et seq.*, 4-5-202, 4-5-209, 71-1-105, 71-3-152, 71-3-153, 71-3-154, 71-3-158(d)(2)(D); 42 U.S.C. §§ 601 *et seq.*; Deficit Reduction Act 2005 (Pub. L. 109-171 §§ 7101 and 7102, February 8, 2006); 71 Federal Register 37454 (June 29, 2006); and Acts 2007, Chapter 31. **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980. Amendment filed December 2, 1996; effective February 15, 1997. Public necessity rule filed July 2, 2007; expired December 14, 2007. Amendment filed October 1, 2007; effective December 15, 2007.

#### **1240-1-1-.02 RIGHT TO APPLY.**

- (1) Any person wishing to do so shall have the opportunity to apply for Food Stamps/AFDC without delay.

(Rule 1240-1-1-.02, continued)

- (2) Information about the programs of assistance administered by the Department of Human Services shall be provided to any person requesting it.
- (3) Applications must be filed in the Department of Human Services county office of the applicant's residence and must be on a form prescribed by the agency. The application must be filed by the applicant himself/herself, his/her authorized representative or designated agent, or someone acting responsibly for him/her.
- (4) An applicant may be assisted by an individual of his/her choosing in the various aspects of the application/redetermination of eligibility process. However, it is unlawful for any person/agency to charge or receive anything of value, either directly or indirectly, for providing such assistance to a person requesting aid.
- (5) Reserved for future use.
- (6) Proof of eligibility is not required of a person prior to his/her filing an application.
- (7) The right to file an application shall not be denied to any person even though it is apparent to the worker that eligibility for Food Stamps/AFDC benefits does not exist.

**Authority:** TCA §§ 4-5-201 *et seq.*, 4-5-202, 4-5-209, 14-8-106; 14-8-118; 14-27-104; 7 CFR 273.2; 45 CFR 206.10, 71-1-105, 71-3-152, 71-3-153, 71-3-154; 71-3-158(d)(2)(D); 42 U.S.C. §§ 601 *et seq.* and 42 U.S.C. § 608(a)(6)(A); 45 C.F.R. § 206.10; Deficit Reduction Act 2005 (Pub. L. 109-171 §§ 7101 and 7102, February 8, 2006); 71 Federal Register 37454 (June 29, 2006); and Acts 2007, Chapter 31. **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980. Public Necessity rule filed July 2, 2007; expired December 14, 2007. Amendment filed October 1, 2007; effective December 15, 2007.