

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

**CHAPTER 1240-01-54
CHILD CARE FAMILIES FIRST PROGRAM**

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1240-01-54-.01 FAMILIES FIRST CHILD CARE. If child care is required to enable a Families First recipient to accept or hold employment or to engage in employment-related activities, the Department can provide for the cost of child care in either of two ways. The recipient may choose the manner in which child care will be provided, as described in (1) and (2) below, whichever is most advantageous to the AG.

- (1) Deduct the cost of child care from earnings in accordance with 1240-1-50-.16(1)(c)5.(ii); or
- (2) Direct payment to a child care provider for the cost of care (up to established maxima).
- (3) When Families First eligibility is dependent on the deduction of child care from earnings, this will be the method used to provide child care for that individual.
- (4) Families First child care cannot be used for persons not included in the AG (e.g., a grandmother who is the caretaker of children in the AG, but is not herself included in the AG.)

Authority: T.C.A. §§ 4-5-201 et seq., 71-1-105, Public Acts of 1996, Chapter 950, 45 C.F.R. § 255.2 and 255.3, and § 1115 of the Social Security Act. **Administrative History:** Original rule filed December 2, 1996; effective February 15, 1997.

1240-01-54-.02 TRANSITIONAL CHILD CARE COVERAGE.

- (1) Transitional Child Care (TCC) shall be provided following the effective date of the Families First/TANF case closure for a minimum of a twelve (12) month period of time, beginning with the month following the effective date of the Families First/TANF closure for any reason except for closures resulting from circumstances described in paragraphs (3) or (4). If the recipient does not request TCC at case closure and then later requests TCC, then TCC will only be provided for the remaining months in the twelve (12) month period of time that followed case closure.
- (2) TCC for a minimum of twelve (12) months shall be provided when:
 - (a) The caretaker has a minimum of thirty (30) hours per week in allowable activities, as defined by policy;
 - (b) The individual's gross wages equal the current federal minimum wage when averaged over the number of hours worked per week; and
 - (c) Total family income is below the income level established in State Transitional Child Care policies. This income level will be set at sixty percent (60%) of the state median income or higher.
- (3) An Assistance Unit (AU) is eligible for TCC for at least three (3) months, beginning with the month after the Families First/TANF AU becomes ineligible when the case is closed due to noncompliance with work and/or educational activities requirements.

(Rule 1240-01-54-.02, continued)

- (4) Eligibility for Transitional Child Care (TCC) ends and does not begin again until re-application for Families First, when:
 - (a) The AU moves out of state;
 - (b) There is no eligible adult;
 - (c) The only child in the assistance unit leaves the home;
 - (d) The case has no minor parent (Eligible Child) in the AU who has signed a Personal Responsibility Plan;
 - (e) The case that was approved for interim benefits is later found to have been ineligible for Families First;
 - (f) The caretaker fails to cooperate with child support establishment and enforcement requirements as determined by the Department; or
 - (g) The established period of TCC eligibility ends.

Authority: T.C.A. §§ 4-5-201 et seq., 71-1-105; 71-3-104(b)(1); 71-3-107; 71-3-108; 42 USCA § 1315(a); 42 U.S.C. § 9858c(c)(2)(N)(i-iii). **Administrative History:** Original rule filed December 2, 1996; effective February 15, 1997. Amendment filed July 5, 2002; effective September 18, 2002. Amendment filed November 24, 2003; effective February 7, 2004. Repeal and new rule filed April 2, 2014; effective July 1, 2014. Emergency rules filed September 30, 2016; effective through March 29, 2017. Amendments filed December 8, 2016; effective March 8, 2017.