



**Michelle Lujan Grisham, Governor**  
Kari Armijo, Secretary  
Alex Castillo Smith, Deputy Secretary  
Kathy Slater Huff, Deputy Secretary  
Kyra Ochoa, Deputy Secretary  
Dana Flannery, Medicaid Director  
Niki Kozlowski, ISD Director

July 15, 2025

**RE: Tribal Notification to request comment for Temporary Assistance for Needy Families (TANF) State Plan for July 1, 2026, to June 30, 2028**

Dear Tribal Leader,

Consultation with New Mexico Indigenous Nations, Tribes, and Pueblos is an important component of the government-to-government relationship with the State of New Mexico. In accordance with the New Mexico Health Care Authority (HCA) State-Tribal Consultation, Collaboration, and Communication Policy requirements, this letter is to inform you that the HCA, through the Income Support Division (ISD), intends to file a State Plan that is required by federal law for the following program:

**Temporary Assistance for Needy Families (TANF) State Plan**

The New Mexico Health Care Authority (NMHCA) is required by Federal Law to file a State Plan to describe how the Authority 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) and Administration for Children and Families (ACF). We are attaching a copy of the Health Care Authority Register (HCAR) Vol.48 No.16 which explains the anticipated impact the provision will have on the Indian Nations, Tribes, and Pueblos. You can also find this information on our website at: [Income Support Division Registers - New Mexico Health Care Authority](#)

**Tribal Impact**

The Authority is submitting the new TANF State Plan for July 1, 2026 to June 30, 2028. The TANF State Plan will be combined in the Workforce Innovation and Opportunity Act combined state plan. NM HCA does not foresee a negative impact on New Mexico's Indigenous Nations, Tribes, and Pueblos as well as Native Americans in New Mexico from the proposed TANF State Plan.

We welcome your comments/questions on the proposed TANF State Plan. You may send your comments/questions to our Native American Liaison, Theresa Belanger at (505) 670-8067 or by email at [theresa.belanger@hca.nm.gov](mailto:theresa.belanger@hca.nm.gov) by September 9, 2025.

Comments may also be sent electronically to [hca-isdrules@hca.nm.gov](mailto:hca-isdrules@hca.nm.gov) or they may be mailed to:

Health Care Authority  
Attn: Evangeline Garcia  
Cash Staff Manager  
PO Box 2348  
Santa Fe, NM 87504-2348

HCA will hold a public hearing to receive testimony on the TANF State Plan on September 15, 2025, from 10:00 am to 11:00 am. The hearing will be held in a hybrid setting: at HCA Income Support Division Sandoval County Office at 4363 Jager Dr NE, Rio Rancho, NM 87144.

You may join virtually from your computer, tablet or smartphone:

<b>Microsoft Teams</b> <a href="#">Need help?</a>	<a href="#">+1 505-312-4308,,772405860#</a> Albuquerque
<a href="#">Join the meeting now</a>	<a href="#">(888) 506-1357,,772405860#</a> United States (Toll-free)
Meeting ID: 237 600 915 288	<a href="#">Find a local number</a>
Passcode: Mq2GZ3LD	Phone conference ID: 772 405 860#

Written comment can be dropped off at HCA Income Support Division Sandoval County Office at 4363 Jager Dr NE, Rio Rancho, NM 87144; verbal comment can be submitted through the Teams Meeting or via telephone.

All comments will be reviewed and recorded. HCA will update the TANF State Plan proposed policies as necessary based on comments and responses received. All comments and responses will be compiled and provided by ISD.

Tribal Leadership may request a government-to-government consultation by September 15, 2025.

This request can be made to: [theresa.belanger@hca.nm.gov](mailto:theresa.belanger@hca.nm.gov) or by calling 505-670-8067.

Thank you in advance for your input and for your continued support of the Department's Native American initiatives.

Sincerely,

DocuSigned by:  
*Niki Kozlowski*

AA2A4C7B2B29454...  
Niki Kozlowski

Division Director Income Support Division

DocuSigned by:

*Kari Armijo*

1BA9EB5EAD00499...  
Kari Armijo,

HCA Secretary

Income Support Division

cc:

Theresa Bellinger, Native American Liaison

Suzanne Duran-Vigil, Acting Deputy Director



# State of New Mexico Health Care Authority **Register**

## **I. DEPARTMENT**

NEW MEXICO HEALTH CARE AUTHORITY

## **II. SUBJECT**

TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) STATE PLAN

## **III. PROGRAM AFFECTED**

NEW MEXICO WORKS (NMW)  
CASH ASSISTANCE PROGRAM

## **IV. ACTION**

PROPOSED TANF STATE PLAN

## **V. BACKGROUND SUMMARY**

The New Mexico Health Care Authority (NMHCA) is required by Federal Law to file a State Plan to describe how the Authority 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) and Administration for Children and Families (ACF). The TANF State Plan is combined with the Workforce Innovation and Opportunity Act (WIOA). The Authority is required to offer a 45-day comment period prior to submittal.

## **VI. CONCISE EXPLANATORY STATEMENT**

Regulations issued pursuant to the act are contained in 45 CFR Parts 200-299. Administration of the Health Care Authority (HCA), including its authority to promulgate regulations, is governed by Chapter 9, Article 8, NMSA 1978 (Repl. 1983).

## **VII. PROPOSED STATE PLAN**

The register and proposed language is available on the HCA website at:

<https://www.hca.nm.gov/lookingforinformation/income-support-division-registers-2/>.

If you do not have internet access, a copy of the final register and rules may be requested by contacting HCA Office of the Secretary at (505) 827-7750.

## VIII. PUBLICATION DATE

July 15, 2025

## IX. EFFECTIVE DATE

July 1, 2026

## X. PUBLIC HEARING

A hybrid public hearing to receive testimony on the TANF State Plan will be held pursuant to Section 14-4-5.6 NMSA 1978, on Monday September 15, 2025, from 10:00 am-11:00 am. You may join in person, virtually, or by phone.

You may join in person at:

HCA Income Support Division Sandoval County Office at 4363 Jager Dr NE, Rio Rancho, NM 87144.

You may join virtually from your computer, tablet or smartphone:

**Microsoft Teams** [Need help?](#)

[Join the meeting now](#)

Meeting ID: 237 600 915 288

Passcode: Mq2GZ3LD

You may join virtually from your computer, tablet or smartphone:

[+1 505-312-4308,,772405860#](#) United States, Albuquerque

[\(888\) 506-1357,,772405860#](#) United States (Toll-free)

[Find a local number](#)

Phone conference ID: 772 405 860#

If you are a person with a disability and you require this information in an alternative format, or you require a special accommodation to participate in any HSD public hearing, program, or service, please contact the American Disabilities Act Coordinator, at Office-505-709-5468, Fax-505-827-6286 or through the New Mexico Relay system, toll free at #711. The Authority requests at least a 10-day advance notice to provide the requested alternative formats and special accommodations.

Individuals who do not wish to attend the hearing may submit written or recorded comments by the following ways:

- Drop of at HCA Income Support Division, Sandoval County Office Attn: Monica Pineda at 4363 Jager Dr NE, Rio Rancho NM 8714
- Calling (505) 819-8118.
- Mailing comments to: Income Support Division: Attn, Monica Pineda at P.O. Box 2348, Santa Fe, NM 87504-2348.
- Emailed electronically to: [HCA-isdrules@hca.nm.gov](mailto:HCA-isdrules@hca.nm.gov).

Written or recorded comments must be received by 5:00 p.m. on the date of the hearing, September 15, 2025. Written and recorded comments will be given the same consideration as oral testimony made at the public hearing.

All written comments will be posted on the agency website at [Income Support Division Registers - New Mexico Health Care Authority](#) within 3 days of receipt.

## **XI. PUBLICATIONS**

Publication of this rule is approved by:

DocuSigned by:  
  
1B9EB3EAD00099  
KARI ARMIJO, SECRETARY  
NEW MEXICO HEALTH CARE AUTHORITY

# State of New Mexico



HEALTH CARE  
AUTHORITY

## TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) STATE PLAN

This plan describes how funding, through the Temporary Assistance for Needy Families (TANF) Block Grant, will be utilized to improve TANF operations.

**Effective Date:**

This State Plan covers the period  
July 1, 2026, through June 30, 2028.

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*New Mexico Health Care Authority Income Support Division*

*PO Box 2348 Santa Fe, NM 87504*

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## 1 ACRONYMS

Abbreviation	Definition
ABE	Adult Basic Education
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	Childcare Development Fund
CFR	Code of Federal Regulations
CSA	Core Service Agency
CSSD	Child Support Service 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
ESL	English as a Second Language
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
HCA	Health Care Authority
HED	Higher Education Department
HHS	U.S. Department of Health and Human Services
HSD	Human Services Department
HSE	High School Equivalency
IDA	Individual Development Account



IET	Integrated Education and Training Programs
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
NMHCA	New Mexico Health Care Authority
NMHSD	New Mexico Human Services Department
NMSA	New Mexico Statutes     Annotated
NMW	New Mexico Works
NMWA	New Mexico Works Act
NMALTS	New Mexico Aging & Long-Term Services
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

## **2 INTRODUCTION**

**On August 22, 1996,** the PRWORA was signed into law. The federal law terminated the AFDC program and replaced it with the non-entitlement TANF Block Grant.

**On February 18, 1998,** Governor Gary E. Johnson signed the 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 NMW.

**On February 6, 2006,** the 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 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. 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 utilizes to administer the NMW program, fulfill the 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 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.

## **3 BACKGROUND**

**1997.** On July 1, 1997, 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 NMW 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 NMW regulations were finalized effective July 1, 1998.

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

**2001.** During the 2001 Legislative Session, the NMWA was amended, 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. The Department recognized that the NMW participants face multiple barriers to participation

and that there was a need to address the barriers. The Department collaborated with community advocates and implemented a modified work participation agreement to address the identified barriers effective July 1, 2001.

**2002.** During the 2002 Legislative Session HB 11 and SB 129 were passed, 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.** During the 2003 Legislative Session, several amendments were passed to the NMWA. The amendments allow for expanded eligibility using state funds for certain circumstances:

1. Individuals in school who receive special education services.
2. Individuals with an SSI application only if the individual is also waived from the NMW work requirement based on disability (an extension of TANF under hardship).
3. An exclusion of all vehicles used for transportation to/from work, school, or other daily living activities; and
4. Removed the requirement of applying non-reporting sanctions or payment reductions 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 EWA, which revised the 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 FPG.

**2006.** The US Department of Health and HHS ACF clarified that under the 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 USDA and FNS provides a solution under their SFSP.

During the 2006 Legislative Special Session, funds were appropriated to increase 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.** During the 2007 Legislative Session, HB 140 was passed, which clarified and expanded the eligibility requirements, delineating allowable uses of and the treatment of resources, creating the IDA Program and aligned the NMW regulations.

During the same Legislative Session HB 342 was passed 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 to prepare the individual to meet the standard work participation requirements.

During the same Legislative Session HB 1280 was enacted 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 WIOA. The TANF State Plan is a part of the Combined WIOA State Plan. You can access it via link: <https://wioaplans.ed.gov/>

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 participants with school age children were now eligible to receive two clothing allowance payments in the amount of \$100 per child. The clothing allowances are issued 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.** During the 2008 Legislative Regular Session the NMWA through SB 137 was amended and signed into law April 7, 2009. SB 137 removed legal guardian from the definition of parent, now making a legal guardian an optional member for inclusion in the NMW cash assistance benefit group.

**2010.** Due to budgetary constraints during FFY 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:

1. Reduced the TANF monthly benefit amount with a 15% budgetary adjustment.
2. Reduced the issuance of the clothing allowance for school age children in an active TANF benefit group to an annual payment instead of twice a year, August, and January. In August 2011, Governor Susana Martinez identified SGF to provide a \$50 allowance.
3. February 1, 2011, suspended the Transition Bonus Program.

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	Childcare 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 regulation in NMAC 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. 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 ISD Field offices.

TANF participants can use the EBT card at a retail, grocery store, or an ATM where you are allowed to get cash back. There is never a fee charged for using cash benefits to buy food or get cash back at a 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.

ACA was implemented in New Mexico and replaced the JUL Medicaid previously offered to eligible TANF participants, to a MAGI Medicaid.

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

**2016.** August 2016, the Department increased the August clothing allowance to \$100 and kept the January 2017 clothing allowance at \$50 per eligible child.

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

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

**2017.** During the 2017 Legislative Session, funds were appropriated to implement the NMDWS Vocational Training and University of New Mexico High School Equivalency Program.

**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 Legislative Session, Senate Bill 22 created a new 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 provides New Mexico families with consistent access to appropriate care and education services. The services that were coordinated within ECECD were transitioned from CYFD and the programs were funded with TANF monies.

**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 because of the 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:

1. Removed the Asset Test from eligibility determination.
2. Allowed all case management to be completed via telephone.
3. Suspended all notifications and implementation of noncompliance from the work requirements and allowed good cause.
4. Guidance and procedures were issued for the Wage Subsidy Clerical Staff who were affected by the Stay-at-Home Order and not able to telework.
5. ISD expanded the eligibility criteria for the TANF hardship during COVID-19 to capture additional customers.
6. Excluded the income received by customers from the CARES Act Direct Payments for eligibility determinations.
7. Excluded the income received by customers through the PUB for eligibility determinations.
8. Implemented a waiver to extend certification periods during the PHE. The Department did not require Interim Reports and extended Certification period for an additional 6 months, during this time.
9. 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 to computers. This is referred to the “digital divide.” NM recognized the need to address the digital divide and purchased Chrome Books. 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 Public Health Emergency waivers that were implemented continued.

January 1, 2021, HSD contracted with the 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 CWS would continue assisting the NMW participants who have barriers or disabilities and are not work ready.

August 1, 2021, ISD reimplemented work program requirements that were suspended due to the response to COVID-19.

October 1, 2021, the ARPA of 2021 included \$1 billion PEAFF for States, Tribes, and Territories. These monies were intended to assist needy families impacted by the pandemic who were

eligible for Cash programs. ISD issued a one-time supplement payment to all Cash participants in the amount of \$446.

HSD and DWS embarked on a partnership to address barriers and align services to better serve our customers. The HSD and DWS collaborated to develop a robust type of case management for our families who are mandatory to participate in the TANF work program. Through the case management services families are provided with opportunities that assist them in meeting their goals. The programs offered are:

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

DWS continues to be informed of the above 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.

**2022.** September 30, 2022, the contract with CWS terminated, and HSD created a new unit to conduct case management services for those families that are identified as having barriers to complete the TANF work requirements.

**2023.** The Public Health Emergency waivers that were implemented ended. July 1, 2023, TBP was reimplemented to support families transitioning out of the TANF Program. The bonus incentive is a set amount of \$200 which families can receive for up to 18 months.

April 7, 2023, Governor Michelle Lujan-Grisham signed SB 192, which appropriated general funding for legislative fiscal year 2023 and 2024. Human Services Department (HSD), Income Support Division (ISD) was awarded eighty thousand dollars (\$80,000) for food assistance for human trafficking (HT) victims, non-citizens. This funding was non-reoccurring.

August 1, 2023, monies were appropriated in HB2 to increase the Cash monthly benefit by 23%.

**2024.** HSD did not receive funding in HB2 for the Pre-Kindergarten Public Program, Pre-Kindergarten Private Program or Home Visiting Program.

June 30, 2024, the food assistance for HT victims ended.

July 1, 2024, the HCA was created and merged with HSD, SEBB On April 7, 2023, Governor Michelle Lujan-Grisham signed SB 16, which transitioning HSD to HCA

**2025.** The HCA received funding in HB 2 to fund HED for ABE in the amount of \$3 million, to support an expanded portfolio of IET in the amount of \$1, million-throughout the state, which helps adult learners obtain their high school equivalency and career certifications simultaneously.



#### 4. **PUBLIC PROCESS**

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

The notice of public comment period for the proposed TANF State Plan will be published in the New Mexico Health Care Authority Website, Albuquerque Journal, and Sunshine Portal for public comment. The public hearing will be held in a hybrid setting on September 15, 2025, from 10:00 am-11:00 am at HCA Income Support Division Sandoval County Office at 4363 Jager Dr NE, Rio Rancho, NM 87144.

You may join virtually from your computer, tablet or smartphone:

<b>Microsoft Teams</b> <a href="#">Need help?</a>	<a href="#">+1 505-312-4308,,772405860#</a> Albuquerque
<a href="#">Join the meeting now</a>	<a href="#">(888) 506-1357,,772405860#</a> United States (Toll-free)
Meeting ID: 237 600 915 288	<a href="#">Find a local number</a>
Passcode: Mq2GZ3LD	Phone conference ID: 772 405 860#

#### 5. **PURPOSE**

The purpose of the NMW program is to improve the quality of life for families by increasing family income, resources, and support. The program provides the experience and training to improve the family's stability and enable them to find employment that will lead to a living wage.

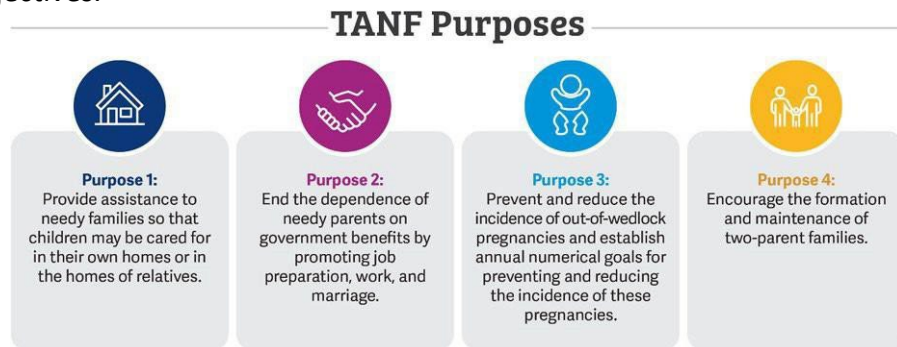
#### 6. **GOALS**

In defining the goals and objectives of the New Mexico TANF State Plan, the state considers the DRA of 2005, TANF legislation and the NMWA 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 NMW service 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.

## 7. OBJECTIVES

The State of New Mexico HCA applies the purpose of the TANF program by achieving the following objectives.



HCA develops and implements 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 to obtain and keep employment, sufficient to sustain and strengthen the family.
- Provide parents 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 receives transitional services, and program features to support employment retention.
- Provide case management 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 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 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.

## 8. PROGRAM SCOPE

### Statewide Program Access

The NMW Cash Assistance Program as well as the work program activities, operate

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, such as training and educational services may vary from place to place depending on the availability of community resources.

Native Americans living within a Tribal TANF SDA may not receive benefits concurrently from the Tribal program and NMW Cash Assistance Program. HCA 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**

HCA administers the NMW program. HCA staff determine eligibility and ensure compliance with TANF work program requirements.

Work program activities, training and educational services are administered by NMW Service Providers who are contracted with the HCA. The Authority 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 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 Services, Medicaid, SNAP, Refugee Resettlement, LIHEAP, USDA Commodities, and the CSBG programs.

## **9. ELIGIBILITY PROCESS FOR NMW**

NMW provides for a methodical progression through the program. Beginning with the application, the participant progresses through eligibility and payment determination, work program orientation, referral for assessment, individual responsibility planning, work program activity, non-compliance sanctions, redeterminations, hearings and other applicable administrative or program processes.

During contact with applicants and participants, ISD emphasizes the importance of the NMW work requirements and child support compliance.

HCA may delegate to or contract with other agencies or entities for the provision of some or all the activities described in this section. The procedural steps for providing cash, services and activities to NMW participants are explained below:

### **9.1 APPLICATION PROCESS**

#### **Application**

An application shall be submitted to HCA either electronically or in writing and is made

under oath by the applicant with whom a dependent child resides. The application must contain the applicant's residence address, age of child(ren), statement of income in the household, and a signature.

### **Interview**

An interview needs to be conducted to complete the application process. The purpose of the interview will be to collect and verify unclear or incomplete information reported on the application. The interview will provide the applicant with the information regarding the work program, child support benefits, the temporary nature of the program, eligibility requirements and provide the case worker with necessary facts to make an accurate determination.

### **Approval/Denial**

Following receipt of all necessary verifications, an eligibility determination is made. If eligible, the payment is calculated and will be issued to the customer via their EBT card. Approval is effective the date of authorization and benefits are prorated for the month of approval. If the application is denied, a Notice of Case Action (NOCA) will be mailed to the applicant with the reason for the denial.

### **Native American Participation**

Native Americans living within a Tribal TANF SDA may not receive benefits concurrently from the tribal program and NMW Cash Assistance Program. The Authority will continue to provide SNAP and Medicaid benefits to eligible tribal members. During the interview process, NMHCA eligibility worker will review the application and determine to check for dual participation. The Authority has a validation process to assist with dual participation verification. For any reason a Native American who is residing on or near the Tribal TANF SDA will be referred to their Tribal TANF agency to apply for benefits. Subject to availability, tribal members may participate in service only programs funded with state general funds claimed as state TANF Maintenance-of-Effort (MOE), regardless of whether they live in a tribal SDA. The Authority provides NMW cash assistance and services to all eligible tribal members in accordance with the TANF State Plan provisions detailed in this document.

## ***9.2 CASE ADMINISTRATION***

### **Recertifications**

Cash assistance is approved for a fixed certification period. If the individual still wishes to receive Cash assistance, they will be required to submit a recertification application otherwise have the assistance be terminated. The recertification consists of a complete review of eligibility and determination on each benefit group member.

### **Simplified reporting**

Households assigned to simplified reporting shall be required to file an interim report no later than the 10<sup>th</sup> day of the sixth month of the 12-month certification period or in compliance with SNAP simplified report, whichever is appropriate.

**Regular reporting**

A benefit group not subject to simplified reporting requirements and shall be certified every six months or less.

**Change reporting**

A caseworker must review possible changes in circumstances which must be reported if they occur.

***9.3 DEFINING THE ASSISTANCE GROUP*****Basis for defining the benefit group**

The NMW benefit group is defined as a pregnant woman or a group of people that includes a dependent child, all the 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 children live and the spouse of a parent.

A woman with no other dependent children who is in her last trimester of pregnancy will be considered as having a dependent child for eligibility purposes and will be treated as one person in determining payment. The father of the unborn child is also included in the benefit group if he lives in the home. The mother and the alleged father of the unborn child must provide the authority with a written sworn statement attesting to paternity.

**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.

An unmarried, unemancipated teen parent must be living with a parent, legal guardian, a responsible relative, or in an approved adult-supervised setting. For 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.

9.4 A parent or specified relative who fails to report within 10 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 9.12 Compliance Requirements.

***9.5 GENERAL RECIPIENT REQUIREMENTS*****Enumeration**

Individuals must report a social security number (SSN) within 60 days of approval for the cash assistance program.

**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.

### **US Citizens**

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

### **Non-citizen nationals**

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

### **Non-Citizen**

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 non-citizen means a person:**

- Who is lawfully admitted for permanent residence under 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 a 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 non-citizen also includes a non-citizen who has been battered or subjected to extreme cruelty by a spouse or parent, a non-citizen who is a parent of a battered child or a non-citizen 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 or acquiesced to the battery or cruelty. Such individuals must meet all conditions for treatment of non-citizen who have been battered or subjected to extreme cruelty as qualified non-citizen 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 non-citizen status of the individual and to the same extent as a non-citizen 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, HCA 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 Legal Non-Citizen**

A non-citizen who arrived in the United States on or after August 22, 1996, and who meets the definition of qualified non-citizen 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 the date the non-citizen residing in the U.S. received qualified non-citizen status). The qualified non-citizen may be included in the NMW benefit group, if otherwise eligible, and may receive cash assistance, with the cost of the non-citizen's benefits paid entirely by state funds. Benefits paid to these individuals are claimed as part of the state's MOE requirement.

### **Ineligible Non-Citizens**

Undocumented non-citizens who are not qualified non-citizens, non-citizens who are in the United States temporarily, or non-citizens 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 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 based on concurrent receipt of assistance.

**Lifetime Limits:** A benefit group is not eligible based on 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 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 authority 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 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; or
- 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 the months of participation in the NMW TANF program counted toward the 60-month lifetime limit.

### ***9.6 SPECIAL RECIPIENT REQUIREMENTS***

#### **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. 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 if 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 21 and receiving special education services regulated by the New Mexico Public Education Department may also be included in the benefit group.

A minor unmarried parent who does not have a child under the age of 12 weeks must attend high school full time to obtain a high school diploma or must participate in a GED program full time or participate in approved alternative schooling unless the minor unmarried parent has already graduated from high school or obtained a GED.



### **Institutionalization**

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

### **Fraud and Criminal Activity**

Dual state benefit fraud is when an individual who has been convicted of fraud for receiving TANF, SNAP, Medicaid, or SSI in more than one state at the same time and 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.

A fleeing Felon is an individual who is a fleeing felon or has been indicted on charges to avoid prosecution for a felony shall be an ineligible household member.

Fugitives and Probation or Parole Violators are 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 Services Division.

### **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 services efforts may result in a payment sanction or termination of TANF benefits.

### **Determination of Non-compliance**

The Child Support Services Division determines an individual compliance with the Child Support requirement. CSSD will review good cause, and if good cause does not exist a noncompliance can be implemented, and the benefit group is then subject to be sanctioned as outlined in Section 9.12 Compliance Requirements.

## ***9.7 GENERAL INFORMATION***

### **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.

### **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, utilities, and personal requirements of the benefit group.

<b><u>Persons</u></b>	<b><u>Maximum Grant Payment effective August 1, 2023</u></b>
1	\$327
2	\$439
3	\$549
4	\$663
5	\$775
6	\$887
7	\$999
8	\$1,134
+1	+\$111

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.

### **Clothing Allowance**

Each year, for the benefit month of January and August, the payment standard is increased for each school age child included in the benefit group. The amount of the benefit is dependent on the availability and appropriation of state or federal funds. Benefits are issued on the customers EBT card.

### **Layette payment**

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.

### **Diversion payment**

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 monthly in lieu of receiving a one-time lump sum 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 intended to assist the benefit group to alleviate a specific short-term need, to accept a bona fide job offer, retain employment, remedy an emergency or an unexpected short-term need.

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 services requirements.

### **Transition Bonus Program**

The 2022 New Mexico Legislature provided HCA \$1.8 million dollars to reinstate the Transition Bonus Program. The state general fund would be claimed as a part of the state's TANF MOE requirement in accordance with federal guidelines.

The purpose of this program is to encourage participants of NMW to obtain employment. The TBP will provide a family \$200 a month payment and support services for up to 18-months while transitioning off public assistance. To qualify for TBP a family must:

- Have received at least 3 months of TANF lifetime limits;
- Have received at least 1 month of TANF in the last 3-months;
- Be working 30 hours per week at federal minimum wage; and
- Have income under 150% of FPG

## ***9.8 RESOURCES***

### **Resources**

To be eligible on the condition of need with respect to resources, the benefit groups countable liquid resources must be no more than \$1,500. The value of non-liquid countable resources must be not 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.

- 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 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 HCA to the extent of benefits paid.

- Amounts that are excluded from consideration by federal law at 7 CFR 273.
- The value of the home owned and occupied by the family.
- The 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.

## 9.9 INCOME

### **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<sup>st</sup> of each year.

### **Net Income**

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

### **Excluded income**

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

Excluded income sources include but may not be limited to benefits from:

- Career Link
- Medicaid, SNAP and LIHEAP
- Government subsidized foster care (if the child for whom the foster care payment is received is also excluded from the benefit group)
- Universal Based Income (UBI)
- Guaranteed Based Income (GBI)
- SSI
- Government subsidized housing and housing payments
- Certain education payments
- Census Income
- Child Support Services Division up to \$200

Federally excluded income types are based on a listing in the states SNAP regulations.

Earned income of a minor head of household or a dependent child included in the benefit group is excluded. The unearned income of a dependent child is considered available to the benefit group and is included.

Other types of income may be excluded at the discretion of the Department.

**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.

- Business 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.
- The Work Incentive 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 approved Individual Development Accounts (IDA) are deducted from the employed members earned income for the actual amount that is contributed.

### **Childcare 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 the age of two and \$175 per month for a child aged two or older.

## ***9.10 PROGRAM DELIVERY***

### **Payment Issuance**

NMW cash assistance payments are issued through the EBT system for the Department. EBT is an arrangement in which the Authority transfers funds to a fiscal agent who creates a bank account for each NMW benefit group. The funds can then be withdrawn through ATM's or by cash issuance made by food retailers who are federally certified to participate in SNAP.

### **Support 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 cost; 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.

### **Childcare**

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

### **Referrals to Other Agencies and Institutions**

Participants requiring education, vocational training or domestic violence services are referred to other agencies. Referrals to training and educational institutions are made to ensure that the participant can obtain the knowledge, skills, and experience to achieve their employment goals.

### **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.

#### ***9.11 WORK PROGRAM***

NMW is designed to help families become self-supporting through work. Work is always the primary focus and goal of participation in all activities. 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 prevent 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 there are barriers that prevent the recipient from completing the full participation standard. Work program participation waiver provisions are listed in the Modified Work Participation Agreement section 9.11.

HCA may delegate to or contact with other agencies or entities for the provision of some or all 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 inform 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 training 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. NMW provider along with the NM HCA TANF program manager participates with WIOA State Workforce Development meetings to keep informed about any updates or changes with the any new employment and training services that will be available to families. As this information is being updated, the case managers will be informed and trained on the new services available to families. The case managers during their appointments will discuss the new employment and training opportunities and determine if the family would be a good fit to participate in the services.

### **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 several 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.

The consequences for failure to meet participation standards are detailed in Section 8 of this plan.

### **Single Parent Families**

Each individual in a single-parent family unity 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
- Child six or older= 129 hours per month

### **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
- Parents not receiving childcare assistance= 151 hours per month
- One parent is disabled and not receiving SSI= 129 hours per month

### **Qualified Work Activities**

- 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.
- 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.
- 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.

### **Higher Education Department**

The purpose of ABE Program exists to support adults to strengthen their core academic skills by providing courses toward a HSE; improve their proficiency in ESL; improve their print literacy, digital literacy, and numeracy skills. The ABE Program also supports family literacy programs.

The purpose of Integrated IET Program is to provide adult education and literacy services concurrently and contextually with workforce preparation activities and workforce training. IET help adult learners prepare for a specific occupation while improving their basic skills, their English language skills, and/or earning their high school equivalency diploma.

### **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.

#### **Wage Subsidy Program**

The NM Wage Subsidy Program administered by HCA 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.

#### **Career Link Program**

The Career Link Program administered by the HCA 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.

### ***9.12 WORK PARTICIPATION REQUIREMENTS***

#### **Participation**

All adults and minor head of household participants are required to complete an Assessment, IRP, WPA and applicable participation requirement hours and timely submit documentation showing completion of required work hours. Each participant's activity is documented in a WPA and the hours of participation are monitored through periodic monitoring as described in the approved NMW WVP. The current WVP is available to the public on the HCA 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 below.

### **Limited Work Participation Status**

A participant may request a limited 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 complete their assessment to be able to identify any barriers that may impact their ability to meet the NMW program. Those who have been identified to participate in the limited work participation will not be sanctioned for failure to meet hours or provide a time sheet as identified on their WPA (8.102.620.10(2)(b)(iv) NMAC).

The new unit overseen by WFSB provides wrap around services to TANF participants who are seeking limited participation and who require intense case management. This population are those who have extreme barriers and who need more hands-on coaching and mentoring will receive the services needed to help become work ready and find meaningful employment or they may receive services with other resources such as applying for Social Security Disability.

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 participants 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 the 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 child if the parent is unable to obtain childcare for one or more of the following reasons and the ECECD certifies as to the unavailability or unsuitability of childcare:
  - The unavailability of appropriate childcare within a reasonable distance from the parent's home or worksite; 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 the IRU;
- A participant that may be entitled to the 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 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 participants 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 the requirements 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. 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 times 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 participants 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.

### *9.13 COMPLIANCE REQUIREMENTS*

#### **Work Program and Child Support Services**

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

#### **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 Authority 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 state sanction results after the 30-day conciliation expires if the individual initiates conciliation but fails to follow through with the process.

#### **Occurrence of Non-Compliance**

Each instance in which an individual fails to comply with a work program or child support services 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 services sanctions are removed when the non-compliant individual is determined to be in compliance by CSSD. 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 groups 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 groups 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 groups 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 groups 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 case assistance benefit will be closed.

## **10. 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 is used for establishing eligibility and benefit amount or services, the receiving agency must have standards of confidentiality comparable to those of HCA. 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 submitted an application to the inquiring agency.

## **11. REDUCING THE ILLEGITIMACY RATIO OF THE STATE**

HCA seeks to reduce the ratio of illegitimate births in New Mexico. Of particular importance is the significant rate of pregnancy a month in 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 ration 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, HCA, 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 program 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 covered by the State Plan.

## **12. 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 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.

## **13. FAMILY VIOLENCE OPTION**

Family Violence Option: The Department recognizes that the safety of those impacted by domestic violence is of paramount importance and that domestic violence must be prevented and reduced. The NMHCA adopted the FVO under PROWRA of 1996 to establish and enforce standards and procedures regarding the screening for and identification of domestic violence, sexual assault, or stalking. If the applicant discloses information at any time, NMHCA provides the applicant with a list of resources to housing, childcare, transportation services, domestic violence services, and other options available in the community. The NMHCA provides annual training to caseworkers as well as any other staff, such as contractors, regarding relevant state standards and procedures.

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, NMHCA intends to provide domestic violence services to TANF eligible whose income falls below one hundred percent of federal poverty limits. The TANF applicant receives a list of resources by the NMHCA or NMW contractor, available in the community, the NMW contractor makes a referral to a trained domestic violence counselor and starts the process of assessing the work capacity of the customer and completes paperwork as needed for a possible waiver of the work requirements.

### **Definition of Domestic Violence**

The NMHCA uses the definition of domestic or family violence as it is found in the New Mexico State Statutes under the Family Violence Protection Act (*Chapter 40, Article 13 NMSA 1978*).

**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 workplace
- Telephone harassment
- Stalking
- harassment
- 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 purpose 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 is provided to all management staff, ISD staff, and NMW providers regarding the Family Violence Option. Training includes: (a) how to discuss the concepts of domestic violence; (b) recognizing a victim of domestic violence; (c) making appropriate referrals; and (d) preserving the confidentiality of victims of domestic violence.

NMHCA requires that all ISD staff and contractors complete a yearly blackboard training on Domestic Violence, Sexual Assault and Stalking in the Workplace Prevention. The training gives information to employees on the awareness and signs of domestic violence, sexual assault and stalking and gives resources for employees to review and distribute to the applicant who discloses this information.

The annual training that staff completes ensures that they are trained in: the nature of dynamics of sexual harassment and domestic violence, sexual assault, and stalking; state standards and procedures relating to the prevention of, and assistance for, individuals who are victims of sexual harassment or survivors of domestic violence, sexual assault, or stalking; and methods of ascertaining and ensuring the confidentiality of personal information and documentation related to applicants for assistance and their children who have provided notice about their experiences of sexual harassment, domestic violence, sexual assault, or stalking.

### **Screening and Identifying Domestic Violence, Sexual Assault, or Stalking**

Individuals in a domestic violence environment must feel safe and comfortable to make good decisions for themselves and their children. ISD and NMW providers established ways for the applicant to disclose they are experiencing family violence.

- The Application for Assistance (HCA 100) has language where the customer can self-disclose if they are in a domestic violence environment.
  - Once the applicant self-discloses this information, a list of resources is given to the applicant.
  - NMW program service providers have information available for work program participants.

All applicants and participants of TANF are notified of the availability to waive the work program participation based on domestic violence.

### **Referrals and Confidentiality**

An applicant or recipient may self-disclose a domestic violence situation to the NMHCA or to the NMW 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 NMW contractor whether the disclosure is made to the NMHCA or the work program contractor. If the disclosure is made to the NMHCA, an immediate referral is made to the NMW contractor then 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 NMHCA or to the NMW 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 IRU, Income Support Division.

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

The NMW contractor works with the applicant closely to make sure all referrals and requirements of the work program are being met.

### **Work Program Requirements**

An applicant/participant in a domestic violence environment is 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 identified as domestic violence victims may participate in 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, that individual may participate in a temporary alternative work activity for 24 weeks.

### **Waiver of Cooperation with Child Support Services**

Cooperation with the state's CSSD 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 would unfairly penalizes the individual in light of his/her past or current experiences. These waivers are approved by CSED.

### **Developing Community Linkages**

The NMHCA works with entities 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 (which is in the participants service area), ISD, CYFD, and NMW contractor and other relevant entities, will create an activity for the family that is experiencing family violence.

## **14. INTERSTATE MIGRANT**

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 Section 8 of this plan.

## **15. 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 with 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 HCA 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 HCA to act 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 HCA Fair Hearings Bureau or the local county office no later than the close of business on the 90<sup>th</sup> 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 of 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;

- 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 conform 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 ISD 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).

### **Cost 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 HCA. HCA is not responsible for meeting any other costs incurred by the applicant or recipient in either the fair hearing or judicial appeals process.

## **16. TRAINING AND JOB DEVELOPMENT FOR ELDER CARE OCCUPATIONS**

The HCA 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 professions such as Home Care Attendants as identified by the Aging and Long-Term Services Department as being a growing profession.

The NMW 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 NMW 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.

## **17. MAINTENANCE OF EFFORT (MOE) FUNDED SERVICES**

### **TANF MOE PROGRAMS**

As a part of its state general fund appropriations, the New Mexico Legislature has funded programs in agencies other than the HCA. To participate in these programs, individuals and families must meet the low-income guidelines as specified in “Section 8 Eligibility Process for NMW 2.8: General Requirements.” 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.

### **Health Care Authority:**

#### **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). 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, and may receive cash assistance, with the costs of the immigrant’s benefits paid entirely by State funds.

#### **Child Support Disregard**

The first \$100 in child support collected by the Child Support Services 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**

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 Childcare 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

Childcare services are 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 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 \$36,000 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.

### Low Income Property Tax Rebate

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.

### Special Needs Adopted Child Credit

Special Needs Adopted Child Credit allows a 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.

### **Higher Education Department**

The purpose of Adult Basic Education (ABE) Program exists to support adults to strengthen their core academic skills by providing courses toward a high school equivalency (HSE); improve their proficiency in English as a Second Language (ESL); improve their print literacy, digital literacy, and numeracy skills. The ABE Program also supports family literacy programs.

The purpose of Integrated Education and Training (IET) Program is to provide adult education and literacy services concurrently and contextually with workforce preparation activities and workforce training. IET help adult learners prepare for a specific occupation while improving their basic skills, their English language skills, and/or earning their high school equivalency diploma.

### **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% of poverty are eligible to participate.

#### **Domestic Violence**

Domestic violence provides an array of residential and non-residential services for adult survivors and child witnesses of domestic violence. Services include shelter care, counseling, crisis intervention, case management, life skills, education, and training.

### **Community Programs**

#### **Bienvenidos Outreach**

Bienvenidos manages three programs that provide assistance with basic needs to needy families. 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.

#### **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.

#### **18. FRAUD & ABUSE IDENTIFICATION AND CONTROL**

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

HCA's OIG is responsible for fraud and abuse identification and control. Cases are referred to OIG for fraud determination in a variety of ways.

Referrals are made by Income Support Division staff because 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 because 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 that are 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.

ASD is responsible for the recovery of overpayments. This includes both cash repayments and recoupment from ongoing assistance payments.

HCA prohibits the use of EBT cards in any liquor store, 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. HCA provides information to a household when they receive their EBT card. Identified establishments and ATM's are not coded as being able to accept our benefits based off of store type. The New Mexico Gaming Control Board and the Office of the Inspector General (OIG) have an MOU in effect that allows them to visit casino establishments to test EBT cards containing benefits to ensure that benefits are not allowed to be taken out from those locations.

#### **19. MANAGEMENT INFORMATION & REPORTING**

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 options to use a sampling methodology to determine compliance with Federal performance requirements.

WorkPath is HCA's case management tool for the operations of TANF work requirements. It is a web-based application that is used for capturing strengths, barriers, skills, employment plans and activities of participants to help guide the participant towards self-sufficiency and gainful employment.

## **20. BLOCK GRANT TRANSFERS**

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

## **21. 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 HCA 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.

## **22. ASSURANCES AND 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, HCA 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 the State Plan. The public comment period will begin on August 15, 2023 and end at 5:00 pm on October 6, 2023. Notice of 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.

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Michelle Lujan-Grisham,  
GOVERNOR STATE OF NEW  
MEXICO