

# Chapter 388-315 WAC

## TRIBAL TANF

### WAC

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**WAC 388-315-1000 Tribal TANF—Overview—Why do we have state rules regarding tribal temporary assistance for needy families program and state maintenance of effort funds?** (1) Under RCW 74.08A.040, the department of social and health services is required to adopt rules regarding state maintenance of effort and reporting requirements for tribal TANF programs.

(2) When statutorily required to adopt rules, the department must enact regulations in the Washington Administrative Code consistent with the Administrative Procedure Act.

(3) The department is adopting these rules so that everyone has an understanding of what is required.

[Statutory Authority: RCW 74.08A.040. WSR 12-24-013, § 388-315-1000, filed 11/27/12, effective 1/1/13.]

**WAC 388-315-1050 Tribal TANF—Overview—What is state maintenance of effort?** State maintenance of effort is a federal TANF requirement that a state shall spend at least a specified amount, as required by 45 C.F.R. 263.1, of state funds for benefits and services for members of needy families each year. A broad, but not unlimited, array of benefits and services for low-income families with children can count toward satisfying a state's maintenance of effort obligation.

[Statutory Authority: RCW 74.08A.040. WSR 12-24-013, § 388-315-1050, filed 11/27/12, effective 1/1/13.]

**WAC 388-315-1100 Tribal TANF—Overview—Do tribal TANF programs receive state maintenance of effort funds?** Yes. A tribe or a consortium of tribes may elect to operate a tribal TANF program under 45 C.F.R. 286. Per RCW 74.08A.040, the department shall transfer a fair and equitable amount of the TANF state maintenance of effort funds to eligible tribes, or consortium of tribes, within Washington State upon approval of a tribal TANF program by the secretary of the federal department of health and human services.

[Statutory Authority: RCW 74.08A.040. WSR 12-24-013, § 388-315-1100, filed 11/27/12, effective 1/1/13.]

(11/27/12)

**WAC 388-315-1150 Tribal TANF—Overview—What agreements does the state establish with a tribe or consortium of tribes prior to distribution of state maintenance of effort funding for a tribal TANF program?** In making an allocation of state maintenance of effort funding to a tribe or consortium of tribes for a tribal TANF program, the department shall ensure that the following mutually agreed upon agreements are in place:

- (1) Intergovernmental TANF agreement;
- (2) Data share agreement; and
- (3) Operational agreement.

[Statutory Authority: RCW 74.08A.040. WSR 12-24-013, § 388-315-1150, filed 11/27/12, effective 1/1/13.]

**WAC 388-315-2050 Tribal TANF—State maintenance of effort requirements—What is considered an allowable use of state maintenance of effort funds?** State maintenance of effort funds for tribal TANF programs may be used as follows:

(1) The funds may be used in a flexible manner that meets the needs of their service population within the four purposes of the TANF program, as set forth in 45 C.F.R. 260.20; and

(2) The funds may be used in any manner that meets federal requirements, as set forth in federal law, regulation and guidance, for an allowable use of funds that counts toward state maintenance of effort; and

(3) The funds must be spent on an eligible family, in accordance with 45 C.F.R. 263.2(b) and federal guidance. For the purposes of a tribal TANF program's state maintenance of effort expenditures, an eligible family can include anyone defined in a tribal TANF program's federally approved tribal family assistance plan.

[Statutory Authority: RCW 74.08A.040. WSR 12-24-013, § 388-315-2050, filed 11/27/12, effective 1/1/13.]

**WAC 388-315-3000 Tribal TANF—Reporting requirements—What are the tribal TANF reporting requirements?** The department shall require quarterly reports that are specified in the intergovernmental TANF agreement. The reports shall provide program data in the following areas:

- (1) State maintenance of effort expenditure information;
- (2) Caseload information; and
- (3) Performance measures as identified by the tribe or consortium of tribes.

[Statutory Authority: RCW 74.08A.040. WSR 12-24-013, § 388-315-3000, filed 11/27/12, effective 1/1/13.]