

Introduction

The Tennessee Department of Human Services shall determine which individuals living in the home must be included in an assistance unit.

Scope

The purpose of this policy is to outline the requirements for constructing the Families First assistance unit.

Policy

Assistance Unit

1. Construction of the assistance unit (AU) begins with the child(ren) for whom Families First is requested.
2. Children must be within the specified degree of relationship to the applicant.
3. All AU members must be technically eligible as outlined in policy [23.03 Families First Technical Eligibility](#).
4. Countable income and resources of AU members must be considered as outlined in policies [23.05 Families First Income Eligibility](#) and [23.04 Families First Resource Eligibility](#).

Mandatory Assistance Unit Members

Mandatory AU members include the following:

1. The dependent child.
2. The technically eligible whole, half, and/or adopted siblings of the dependent child.
3. The technically eligible parent(s) living in the home with the dependent child.
4. The technically alleged parent in the home.
 - a. The blood relationship to the child must be established.
 - b. An alleged parent cannot be included in the AU of the child has a legal father.
5. If a minor parent is applying for their child, the child must be included in the major parent's AU if the major parent is receiving assistance for the minor parent.

Optional Assistance Unit Members

Optional AU members include the following:

1. A grantee relative who:
 - a. Provides a home for the child;
 - b. Exercises primary responsibility for the care and control of the child;
 - c. Asks to be included; and
 - d. Is otherwise eligible for Families First.

2. A stepparent when:
 - a. A natural/adoptive parent in the home is incapacitated, or
 - b. The stepparent is the only relative in the home who meets the requirements as a caretaker.
3. A major parent when:
 - a. A minor parent in the home is applying for Families First for their child, and
 - b. The major parent is not requesting assistance for the minor or any half or whole sibling(s) of the minor parent.
4. A minor parent's child if:
 - a. The major parent is applying for the minor parent, or
 - b. The minor parent moves into the home of the major parent and must be included in the AU with their sibling(s).

Note: If the minor parent opts to exclude their child, their child cannot be eligible for a separate grant.
5. A spouse married during the receipt of assistance for the first three (3) calendar months after the marriage as outlined in policy [23.16 Families First Marriage During the Receipt of Assistance](#).

Individuals Excluded from the Assistance Unit

The following individuals must be excluded from the AU:

1. Any individuals who receive Supplemental Security Income (SSI).
2. Individuals who are not technically eligible as outlined in policy [23.04 Families First Technical Eligibility](#).
3. Individuals disqualified for Intentional Program Violations (IPV).
4. Individuals who are convicted or who enter a guilty plea or plea of nolo contendere in a federal or state court for having made a fraudulent statement or representation with respect to the place or residence in order to receive assistance simultaneously from two (2) or more states.
5. Fleeing felons who have knowledge that they are or could be wanted for a felony level criminal act and have taken or are in the process of taking action to avoid prosecution.
6. Probation/parole violators who are in violation of a condition of probation or parole under a federal or state law.
7. Individuals who are convicted under Federal or State law of any felony offense which occurred after August 22, 1996, which has an element of the offense of possession, use, or distribution of a controlled substance.
 - a. All persons convicted of a class A felony of this type, or its equivalent if the offense occurred outside of Tennessee.
 - b. Other felony classes of this type may be eligible as described in Exceptions.
 - c. An individual convicted on or after July 1, 2011, of any substance subsequent drug felony offense under federal or state law which involves possession, use, or distribution of a controlled substance, shall not be eligible for Families First for three (3) years from the date of conviction.
 - i. The applicability of this section is tied to the conviction date (on or after July 1, 2011) and is not linked to the date the offense occurred.
 - ii. If a drug treatment program is prescribed for an individual convicted on or after July 1, 2011, of a drug felony (first offense or multiple offenses) and the individual fails to successfully complete the substance abuse program within three (3) attempts, the individual will be ineligible for Families First for a period of three (3) years.

8. Individuals with a positive drug test result who fail to cooperate with the requirements of their substance abuse evaluation and/or treatment as outlined in policy [23.06 Families First Drug Testing](#).
9. Individuals sanctioned for failure, without good cause, to cooperate with the minor parent school attendance requirement as outlined in policy [23.09 Families First School Attendance](#).

Exceptions

1. Emancipation of a minor by court order or any other action has no effect on a person's status as a minor for Families First purposes.
2. Different sets of children living in the home with a caretaker (within the specified degree of relationship) and the caretaker's children may be included in one (1) AU when it is to the advantage of the AU.
3. Legal guardians or custodians may receive Families First for a child only if the guardian is within the specified degree of relationship to the child.
 - a. A guardian/custodian may file an application on behalf of a dependent child and be appointed payee for the grant. However, the child must live in the home of a specified relative to be eligible.
 - b. If a child lives with a specified relative who has a legally appointed guardian or custodian, the guardian/custodian must file the application and be named payee for the grant.
4. An individual convicted of a drug felony offense which occurred on or after August 22, 1996, and involves possession, use, or distribution of a controlled substance, may be eligible for Families First if they are in compliance with, or have already complied with, all obligations imposed by the criminal court, including any substance abuse treatment obligations, and the convicted individual:
 - a. Is participating in a TDHS-approved substance abuse treatment program; or
 - b. Is currently enrolled in and/or on a waiting list to enter a TDHS-approved substance abuse treatment program; or
 - c. Has successfully completed a substance abuse treatment program approved by TDHS; or
 - d. Has been determined by a treatment provider licensed by the Tennessee Department of Mental Health and Substance Abuse Service not to need treatment.
5. Individuals who have been granted judicial diversion for a Class E felony charge will continue to be eligible for Families First benefits as long as they are cooperating with the conditions of the court, including successful completion of their probationary period provided no future charges occur. The court does not recognize a diversion plea as a conviction.
6. Parents who are not in the home must be included in the AU when:
 - a. The parent is temporarily out of the home and maintains their function as a provider of maintenance, physical care, or guidance for the child.
 - b. The parents have true 50/50 joint custody of the child.

Unstable Assistance Units

The caseworker must consider whether changes in the AU are needed if the child's parent(s) comes into the home but does not stay for long periods of time when there is a non-parental caretaker.

1. When it is determined that the parent(s) is in and out of the home and the non-parental caretaker continues to maintain care and control of the child, both the non-parental caretaker and the parent(s) should be included in the AU.
2. When it is determined that the parent(s) is in the home permanently and has assumed care and control of the child(ren), the non-parental caretaker's case must be closed. See [Families First Assistance Unit Procedures](#) for more information.

Pregnant Woman Only Cases

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RDA SW22

Page 3 of 5

1. A Families First AU may consist of a pregnant woman only when:
 - a. There are no living eligible children in the home;
 - b. It is medically verified that the woman is at least in her sixth (6th) month of pregnancy;
 - c. The woman and child, if born, would meet all other Families First eligibility criteria; and
 - d. The pregnant woman is not a minor whose parent is in the home and is receiving Families First for the pregnant minor's sibling(s).
2. The pregnant woman must have a Personal Responsibility Plan, including a work and/or education activity unless otherwise exempt.

Caretaker of a Child Receiving SSI

When the only child(ren) in the home receives SSI, an AU may be created consisting of only the caretaker:

1. The SSI child must meet all other Families First technical eligibility requirements as outlined in policy [23.03 Families First Technical Eligibility](#).
2. The caretaker of the SSI child must meet Families First income eligibility as outlined in policy [23.06 Families First Income Eligibility](#).
3. The caretaker of the SSI child must meet Families First resource eligibility as outlined in policy [23.05 Families First Resource Eligibility](#).
4. A stepparent may be included with the SSI child's parent if the parent is incapacitated.
5. The spouse of the non-parental caretaker is not eligible to be included in the AU.

Supporting Documents

[23.03 Families First Technical Eligibility](#)

[23.04 Families First Resource Eligibility](#)

[23.05 Families First Income Eligibility](#)

[23.16 Families First Marriage During Receipt of Assistance](#)

[23.06 Families First Drug Testing](#)

[Assistance Unit Procedures](#)

[Family Relationship Chart](#)

[Assistance Units Desk Guide](#)

[Pregnant Women Desk Guide](#)

[Unstable Assistance Units Desk Guide](#)

Definitions/Acronyms

Term	Definition
Assistance Unit	A group of people applying for or receiving Families First benefits
AU	Assistance Unit
Intentional Program Violation (IPV)	A determination or adjudication by an administrative disqualification hearing or state or Federal court that an individual or group of individuals knowingly obtained benefits to which they were not entitled.
Major Parent	A biological or adoptive parent of a minor parent.

Minor Parent	A parent under the age of eighteen (18).
Minor Parent Caretaker	Biological parent who is under the age of eighteen (18) and is the head of their own AU.
Specified Degree of Relationship/Specified Relative	Any blood relative, i.e., father, mother, brother, sister, uncle, aunt, first cousin, nephew, niece, or first cousin once removed. This includes relationships to preceding generations, grandparents, great-grandparents, great-great-grandparents, great uncles/aunts, and great-great-great-grandparents.
Spouse	Either of a married pair in relation to the other. If a married couple presents themselves as married, they are to be considered married.
SSI	Supplemental Security Income
TDHS	Tennessee Department of Human Services
True 50/50 Joint Custody	Each parent has custody of the child for equal periods of time through the year and provides equal financial responsibility for that child.

Supersedes

Policy 23.01 Families First Assistance Units (AU) effective 05/01/2017 and Policy 23.03 Impact of a Drug Felony Conviction on Receipt of Families First effective 10/31/2016.

Approval History

Approved By	Approver Title	Approved Date	Effective Date
Clarence H. Carter	Commissioner	03/11/2024	04/01/2024
Cherrell Campbell-Street	Chief Officer of Programs and Services	03/13/2017	05/01/2017

Revision History

Date	Version	Location of Change	Description/Reason for Change
03/11/2024	04/01/2024	Subject line, Introduction, Assistance Unit, Mandatory Assistance Unit Members, Optional Assistance Unit Members, Individuals Excluded from the Assistance Unit, Exceptions, Unstable Assistance Units, Pregnant Woman Only Cases, and Caretaker of a Child Receiving SSI.	Updates to the language in the policy, added hyperlinks to the document, and completed re-writes in sections for clarity.
03/13/2017	05/01/2017	New Document	New Document

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