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2400.00.00 NON-FINANCIAL REQUIREMENTS

This chapter contains the various non-financial eligibility requirements which must be considered depending upon the types of assistance for which an individual is applying. The major sections in this chapter are:

Citizenship/Immigration Status (Section 2402)

Requirement to Provide a Social Security Number (Section 2404)

Residency (Section 2406)

Identity (Section 2408)

Age (Section 2410)

SSI Status (Section 2414)

Residence in the Home of a Specified Relative (Section 2420)

Institutional Status (Section 2422)

Child Support Participation (Section 2436)

Work Registration (Section 2438)

Cooperation with Quality Control (Section 2440)

Intentional Program Violation (Section 2442)

Strike Participation (Section 2446)

Reserved (Section 2448)

Personal Responsibility Agreement (Section 2450)

TANF Benefit Time Limits (Section 2452)

Self-Sufficiency Plan (Section 2454), and

Footnotes for Chapter 2400 (Section 2499).

2402.00.00 CITIZENSHIP/IMMIGRATION STATUS

In order to be eligible for assistance, an individual must be:

A citizen of the United States; or

a U.S. non-citizen national (a person born in an outlying possession of the United States, American Samoa or Swain's Island);

an immigrant who is in a qualified immigration status as defined in Section 2402.20, and who meets the specific requirements of each program; or

an individual who meets other specific requirements for a specific program as defined in the following sections.

2402.05.00 DECLARATION OF CITIZENSHIP/IMMIGRATION STATUS

During the eligibility interview, the interviewee is questioned about various personal characteristics of each individual in the assistance group, including whether the person under consideration is a citizen of the United States

When an AG indicates inability or unwillingness to provide documentation of immigration status for any AG member, that individual without documentation must be considered as an undocumented immigrant for SNAP and Cash Assistance.

DFR staff will not report any information about an immigrant applying for SNAP and/or Cash Assistance to the United States Citizenship and Immigration Service (USCIS) unless the USCIS has established that the immigrant is unlawfully present in the United States through a formal review process conducted by USCIS.

A Systematic Alien Verification Entitlements request and response of inaccurate documentation does not serve this purpose. An applicant's statement or any other third party

information does not constitute a determination of unlawful status. An eligibility worker should not seek to obtain an immigrant's status unless the immigrant requests help in obtaining this verification.

A refusal to sign the declaration will result in the ineligibility of the entire AG.

2402.10.00 DEFINITION OF U.S. CITIZENSHIP

To be considered a U.S. citizen, an individual must meet one of the following conditions:

be born in the U.S. or a U.S. territory (2402.10.05);

be a naturalized citizen (2402.10.10); or

be born abroad to a U.S. citizen and meet specified criteria (2402.10.15).

2402.10.05 Born In the U.S. Or A U.S. Territory

An individual is considered born in the U.S. or a U.S. territory if either of the following conditions is met:

The individual is born in one of the United States or the District of Columbia (D.C.); or

The individual is born in one of the following current territories:

- Puerto Rico;
- Northern Marianas;
- American Samoa;
- Harcon Tract;
- Swain's Island;
- Guam; or
- The U. S. Virgin Islands.

2402.10.10 Naturalized Citizens

An individual is considered a naturalized citizen when U.S. citizenship is gained after his birth either:

Through individual naturalization; or

Derived from a naturalized parent

Women who could have been lawfully naturalized and, prior to September 22, 1922, were married to citizens, or were married to aliens who became citizens before that date, automatically become citizens. An alien married to a U.S. citizen on and after September 22, 1922, must apply for naturalization to become a U.S. citizen.

2402.10.15 Children Born Abroad To U.S. Citizens

In most instances, citizenship is acquired at birth if at least one of the natural parents is a U.S. citizen. It should not be presumed, however, that the child was a citizen at birth unless at least one citizen parent was a previous U.S. resident or lived in a U.S. territory. (Refer to Section 2402.10.05)

For children born before May 24, 1934, U.S. citizenship may only be established in this way for legitimate children through their citizen father who would have had to meet the above-mentioned residency requirement. For children born after May 24, 1934, both parent’s U.S. citizenship and residency may serve as the basis for the foreign-born child's own U.S. citizenship.

2402.10.20 Citizenship after Birth

Children become U.S. citizens after birth when all of the following requirements are met:

At least one parent is a U.S. citizen either by birth or naturalization;

The child is under 18 years of age; and

The child is residing in the United States in the legal and physical custody of the United States citizen parent, pursuant to a lawful admission for permanent resident. (If adopted, the child must meet all of the requirements above, as well as satisfy the requirements applicable to adopted children under Section 101(b) (1) of the Social Security Act. (f2)

2402.15.00 VERIFICATION REQUIREMENTS FOR U.S. CITIZENS

Verification of citizenship is required for TANF Cash Assistance.

For the SNAP program, a declaration of U.S. citizenship (whether by birth or naturalization) is accepted, unless the information is questionable. Questionable information should always be verified.

2402.15.05 Verification Sources For U. S. Citizens (S, C)

Acceptable sources of verification for U.S. citizens include, but are not limited to, the following:

Physician's record of birth;

Birth or hospital certificates showing U.S. birth;

Form FS-545 (Certification of Birth);

Form I-197 (U.S. Citizen I.D. card);

Religious documents, such as a baptismal record, showing birth in the U.S.;

SSA records;

County Department of Health birth records;

A census indicating age and citizenship;

U.S. passport;

Certificate of Citizenship or Naturalization;

Resident Citizen Cards;

Form FS-240 (Report of Birth Abroad of a Citizen of the United States);

Form I-97 (Consulate Report of Birth or Certification of Birth);

Form 179 (U.S. Citizen I.D. Card); or

INS correspondence

A signed statement from another person who is a citizen, stating that the member in question is a U.S. citizen, is

also an acceptable verification source if other verification is not available.

2402.20.00 IMMIGRANTS

Individuals who are not citizens of the United States may qualify for assistance based on their status granted by the U.S. Citizenship and Immigration Service (USCIS). Listed below are "qualified" immigrants as defined in Federal law. However, the eligibility of these immigrants varies among the programs and is based on certain factors as explained in the following sections. Do not authorize or deny assistance based solely on this list. Read the following sections to understand the distinctions in program eligibility and benefits. Immigrants in any other INS classification are not eligible for SNAP and TANF.

1. Lawful Permanent Resident under the Immigration and Naturalization Act (INA).
2. Asylees under Section 208 of the INA.
3. Refugees under Section 207 of the INA.
4. Parolees under Section 212(d) (2) of the INA if paroled for at least one year.
5. Persons whose deportation is withheld under Section 243(h) of the INA.
6. Conditional Entrant Refugee under Section 203(a) (7) of the INA in effect prior to April 1, 1980.
7. Cuban and Haitian entrants.
8. Amerasians admitted pursuant to Section 584 of P.L. 100-202 and amended by P.L. 100-461.
9. Iraqi/Afghan Special Immigrants per section 1244(g) of Div. A of Pub. L. 110-181, as amended (8 U.S.C. § 1157 note) and section 602(b) (8) of Div. F of Pub. L. 118-8, as amended (8 U.S.C. § 1101 note)
10. Victims of Human Trafficking per the Victims of Trafficking and Violence Protection Act of 2000, Pub. L. No. 106-386, as amended, 22 U.S.C. § 7105(b) (1) (A) and (C)

NOTE: For SNAP, aliens who are otherwise ineligible for SNAP are not made eligible for SNAP because they receive SSI. That is, the ineligibility status of an alien takes precedence over categorical eligibility.

2402.20.05 Lawfully Admitted for Permanent Residence

Under the Immigration and Nationality Act (INA), a Lawfully Admitted Permanent Resident (LPR) is one who has been lawfully accorded the privilege of permanently residing in the U.S. as an immigrant in accordance with Section 101(a) 15 and 101 (a) 20 of the INA, with such status not having changed since admission.

Lawful Permanent Residents should present INS Form I-551 as documentation of their immigration status.

NOTE: Eligibility workers should check the coding on the I-551 for code, RE-6, RE-7, RE-8, or RE-9. This denotes entry as an individual with refugee assistance eligibility with subsequent adjustment to LPR status. Refer to Section 2402.20.15 concerning eligibility of refugees.

A lawful permanent resident is eligible for SNAP if one or more of the following conditions exist:

The individual has 40 Qualifying Quarters of employment or could be credited with such Qualifying Quarters of employment (See Sections 2402.20.05.10 through 2402.20.05.20 for instructions about how to calculate Qualifying Quarters;

The individual has legally resided in the U.S. for 5 years (Policy Effective 4/1/03);

The individual who is a veteran with an honorable discharge for reasons other than his/her alienage;

The individual is the spouse or dependent of a person whom has 40 qualifying quarters or is a veteran with an honorable discharge and lives with that person;

The individual is a child under age 18 legally residing in the U.S. (Policy Effective 10/1/03);

On or after 11/1/98, the individual had LPR status on 8/22/96 and was age 65 or older at that time; or

The individual is now blind or disabled based upon criteria in IPPM 3210.10.25.05.

Lawful Permanent Residents who were in the country prior to 8/22/96 may receive benefits if they have 40 qualifying quarters of employment or can be credited with such qualifying quarters of employment. (Refer to Sections

2020.20.05.05 through 2402.20.05.15 regarding determining 40 quarters). LPRs who were receiving SNAP as of 8/22/96 did not have to meet the 40 quarter requirement until their first redetermination or verification of quarters worked subsequent to April 1, 1997 but no later than January 31, 1998.

A qualifying quarter may include time worked by a parent of an alien while the alien was under 18 and a quarter worked by a spouse during their marriage if the alien remains married to the spouse or the spouse is deceased.

A qualifying quarter belonging to a parent(s) may be credited to the parent, the parent's spouse **and** to one or more children.

In addition, a lawful permanent alien of any age can be credited with qualifying quarters earned by a parent through the quarter the alien attains age 18, whether or not the parent(s) is currently living.

> Example:
>
> A lawful permanent resident couple and their two children, who are also lawful permanent residents, (one age 12 and the other age 23) all apply for SNAP. Each member of the couple has earned 20 qualifying quarters for work done more than 5 years earlier, before the older child turned age 18. All four applicants meet the 40 qualifying quarter’s eligibility requirement based on the couple's combined 40 qualifying quarters.

Spouses cannot get credit for quarters of a spouse when the couple divorces prior to a determination of SNAP eligibility. However, if eligibility is determined based on the quarters of coverage of the spouse and then the couple divorces, the non-citizen's eligibility determination must then be made without crediting the non-citizen with the former spouse’s quarters of coverage.

Beginning January 1, 1997 any quarter in which the LPR received TANF cash assistance, SNAP, SSI or Medicaid (except emergency coverage) is not counted as a qualifying quarter.

Lawful Permanent Residents who were residing in the U.S. prior to 8/22/96 are eligible for TANF cash assistance.

However, LPRs who enter the U.S. on and after 8/22/96 are not eligible for TANF cash assistance unless they are veterans or in active military. (Refer to Section 2402.20.45).

2402.20.05.05 LPRs Who Have Adjusted From another Refugee Assistance Eligible Status

Legal Permanent Residents whose I-551 contains code RE-6, RE-7, RE-8, or RE-9 indicates the individual had previously entered the U.S. with a classification that afforded them potential eligibility for TANF or Refugee Assistance. They retain this eligibility even though they have adjusted to LPR status.

2402.20.05.10 American Indians Born in Canada

Within the C category, the policy stated in this section only applies to ADCU and ADCR.

A North American Indian born in Canada may freely enter and reside in the U.S. and is considered to be lawfully admitted for permanent residence if he is of at least 50% American Indian blood. This does not include the spouse or child of such an Indian nor a non-citizen whose membership in an Indian tribe or family is created by adoption, unless such person is of at least 50% American Indian blood.

Sources of verification are:

Birth or baptismal record issued on a reservation;

Tribal records;

Letter from the Canadian Department of Indian Affairs; or

School records

2402.20.05.15 Obtaining 40 Qualifying Quarter Verification (S)

During the interview the worker must obtain information to determine whether the applicant/recipient of immigrant status has worked or obtained credit for 40 quarters of employment. Since the applicant's work and work by his/her parents and/or spouse can be combined to attain the 40 quarters, it is necessary to obtain information to

determine the proper relationships, the date of birth of the applicant and certain identifying information.

The quarters of the following individuals may count in the 40 quarter determination.

- the applicant
- the applicants natural/adoptive or step parents (while the applicant was under age 18, including quarters worked before the child was born). If a step parent relationship ends based on marital status the quarters of the step parent are no longer applicable.
- the current spouse
- former spouse (only if deceased).

The eligibility worker must also determine if it is possible for the applicant to meet the 40 quarter requirement by asking how many years each relevant individual (persons who quarters may count) and the applicant have lived in this country, then add the years together. If the total is less than 10, the applicant cannot meet the 40 quarter requirement and will be determined to be ineligible.

Then, determine how many years in total the applicant and relevant individuals have worked in the U.S. Four quarters in each year can be credited to the applicant and each relevant individual. Quarters of work not covered by Title II of the Social Security Act may be counted in the determination.

The 40 quarter verification will be completed via interface with the Social Security Administration.

Aliens are also deemed eligible when the DFR or applicant has requested verification/information from a Federal agency, and verification is pending from the agency.

2402.20.05.20 40 Quarter Match (S)

If an applicant is coded in the eligibility system as a legal permanent resident, the eligibility system will automatically request the qualifying quarter verification from SSA for the applicant and the spouse, and parent(s) listed in the eligibility system via an interface.

If there are relevant individuals (spouse, deceased spouse, or parents) not in the home for whom data must be obtained, update the eligibility system with the following information for the spouse/parents:

- full name of individual (non-AG member spouse/parent)
- date of birth
- social security number
- sex of individual
- relationship to applicant

On Friday of each week, the eligibility system sends SSA a file containing all the individuals that have been entered in the last week requesting the 40 quarter information. SSA sends the file back with the information the next week and ICES processes it on Fridays. The schedule may vary if problems result. The following Monday the eligibility worker will be notified when the information is available.

The process will also compare current wage information for the most recent two years with Workforce Development wage information for the recipient.

All quarters verified as a qualifying quarter during the most recent two years will be added.

The eligibility worker must compare the quarters with other information obtained during the interview regarding receipt of other public assistance benefits (Medicaid, SNAP, TANF or SSI) received in a month of a qualifying quarter. Those months must not be included in the 40 quarter count. Documentation should be entered in the eligibility system regarding any quarter not considered.

Any quarter for a parent or spouse of the applicant/ recipient must be reviewed to determine if it is a countable quarter; that is, the quarter was in a time when the child was under 18 if the parent has the quarter, or the applicant was married if the spouse has the quarter.

After the 40 quarter determination is complete, the worker is to enter the lawful permanent resident alien's status in the eligibility system.

If the client requests review by Social Security that should be entered in the eligibility system and the client

will be able to participate up to 6 months pending the completion of the review.

AGs which contain lawful permanent residents who do not have 40 qualifying quarters of income and are determined ineligible should have their qualifying quarters re-evaluated at each redetermination. This will be an off-line determination made by adding the quarters of employment obtained since the last determination to the number previously recorded. The total should be documented in the eligibility system and updated with each re-determination.

If all members of an AG are determined to be ineligible because the individuals do not have 40 qualifying quarters and later re-apply, another interface will automatically occur if the eligibility system is coded with the alien status of PR.

2402.20.05.25 Reconciling 40 Qualifying Quarter Verification (S)

If DEQE shows QUESTION MAXIMUM NBR QC's 1937-1950, and the amount is needed to meet the 40 quarter determination, the individual must request a review by SSA.

If DEQE displays one of the 3 following messages the client must also request a review by SSA:

- CASEWORKER TO DETERMINE
- EARNINGS RECORD NOT FOUND
- RECORD NOT PROCESSABLE

If the individual believes that the work he/she performed was covered and is not counted for a past year, SSA is responsible for investigating the discrepancy and correcting the record.

Refer the individual to the local Social Security office to resolve the issue.

A copy of screen DEQE should be given to the individual along with the SSA contact form.

SSA will give the individual a form to verify that a request for a review has been made.

If the information from a rematch is not obtained within 60 days, call the local SSA office.

If the information is obtained and shows that the individual is not eligible based on the 40 quarters a claim will be needed for the months during which benefits were received pending the verification.

When an applicant cannot meet the 40 qualifying quarter exemption using covered earnings or Medicare only Federal, State, or local wages but alleges that he/she had additional work that is not shown on the data match, determine if qualifying quarters are missing from the record.

If qualifying quarters are missing, obtain the following information:

a. Name and address or employer
b. Dates of employment
c. Amount of earnings
d. Type of business or self-employment
e. Rate of pay
f. Work performed

Request the AG obtain evidence to credit the qualifying quarters. Evidence may include, but not be limited to: Form W-2 and W-2c, employer prepared statements, IRS copy of tax returns, union records, pay envelopes, vouchers and individual personal records.

When verification is obtained and submitted by the AG, contact the Help Desk with the information for assistance in determining the number of qualifying quarters that can be credited.

Since 97 percent of all employment is now covered under the Social Security Act, these instances of non-covered employment should be rare.

2402.20.10 Conditional Entrant Refugee

Section 203(a) (7) of the Immigration and Nationality Act (INA) in effect before April 1, 1980 provides conditional entrant refugee status for persons who, because of persecution or fear of persecution on account of race, religion, or political opinion, have fled from a Communist or Communist-dominated country or from the area of the

Middle East or who are refugees from natural catastrophes. (Section 203(a) (7) of the INA was replaced by Section 207 effective April 1, 1980.)

Conditional entrant refugees are eligible for SNAP as would be qualified aliens whom have had 5 years in qualified status.

Individuals with this status can be eligible for TANF or Refugee Cash Assistance (RCA). (Note a person entering the U.S. on and after 8/22/96 will not be given this INS status, since it is no longer in effect.)

Verification is established by viewing INS Form I-94, Arrival-Departure Record, bearing the stamped legend "Refugee - CONDITIONAL ENTRY" and citing the section of the INA under which they were admitted.

2402.20.15 Refugees under Section 207

Individuals admitted as refugees under Section 207 of the INA are eligible for SNAP, TANF or Refugee Cash Assistance (RCA) once they obtain this status. Refugees usually adjust to Lawful Permanent Resident status after 12 months in the U.S., but retain eligibility based on their original refugee status.

Refugees will have INS Form I-94 annotated with a stamp showing entry as refugee under Section 207 and date of entry, or I-766 annotated "A3". INS Form I-571 also indicates status as a refugee, but does not reflect the date of admission. If Form I-94 is not available, verification must be obtained from the USCIS.

2402.20.20 Parolees under Section 212(d) (5)

Individuals granted parole into the country under Section 212(d) (5) of the INA would be eligible for SNAP if lawfully residing in the U.S. and;

In receipt of disability benefits; or

Has 40 qualifying quarters; or

Has 5 years of qualified status; or

Is under age 18; or

Is a veteran or in active military duty, including spouses and dependent children; or

Was born on or before 8/22/31.

Individuals who were granted parole under Section 212(d)(5) for at least one year, and who entered the U.S. prior to 8/22/96 can be eligible for TANF. Those who enter the U.S. on and after 8/22/96 are not eligible for TANF unless they are veterans or in active military duty. Veterans and military personnel can be eligible for TANF or Refugee Cash Assistance (RCA). (Refer to Section 2402.20.45 concerning veterans and active duty military.)

Verification is established by viewing INS Form I-94 annotated with a stamp showing granting of parole under Section 212(d)(5) of the INA and a date showing granting of parole for at least 1 year or Form I-766 annotated “C11” or “A4”.

2402.20.25 Asylees under Section 208

Individuals granted asylum under Section 208 of the INA are eligible for SNAP for 7 years after they obtain this status.

Asylees can be eligible for TANF or Refugee Cash Assistance (RCA).

Verification of the asylee status includes INS Form I-94 annotated with a stamp showing granting of asylum under Section 208 of the INA or a grant letter from the Asylum Office of the INS. Form I-766 annotated "A5" indicates status as an asylee. The date of the form does not reflect when the status was granted. Request Form I-94, the grant letter, or the person's copy of a court order. Verify with USCIS if none of these are available.

2402.20.30 Deportation Withheld under Section 243(h)

Individuals who have had deportation withheld by an Immigration Judge under Section 243(h) of the INA are eligible for SNAP for 7 years after they obtain this status. However, if these individuals meet one of the conditions that make qualified immigrants eligible (such as qualified status for 5 years), they would be eligible indefinitely.

Individuals with a deportation withheld order are eligible for TANF. An immigrant who has had deportation withheld under this status will have an Order of an Immigration Judge showing deportation withheld under Section 243(h) of the INA and date of the grant. Form I-766 annotated "A10" indicates deportation was withheld under Section 243(h) or removal withheld under Section 241(b) (3), but normally do not reflect the date of withholding. Request the person's copy of the court order. If not available, verification must be obtained from the USCIS.

2402.20.35 Amerasian Immigrants

Certain Amerasians from Vietnam, with their close family members, have been allowed entry into the U.S. in immigrant status through the Orderly Departure Program beginning March 20, 1988.

They can be eligible for SNAP, TANF or Refugee Cash Assistance (RCA).

Acceptable documentation of this status is:

- I-94 indicating codes AM1, AM2, or AM3;
- I-551 indicating codes AM6, AM7, AM8;
- Vietnamese Exit Visa, Vietnamese Passport, or U.S. passport if stamped by the USCIS with the codes AM1, AM2, or AM3;
- Temporary I-551 stamp in foreign passport; or
- I-571 Refugee Travel Document

2402.20.40 Cuban and Haitian Entrants

Cuban and Haitian entrants, as defined in Section 501(e) of the Refugee Education Assistance Act of 1980, can be eligible for SNAP, TANF or Refugee Cash Assistance (RCA).

2402.20.43 Hmong/Lao Immigrants (S)

Effective 11/1/98, any individual lawfully residing in the United States who was a member of the Hmong or Highland Laotian tribe at the time that the tribe assisted the United States personnel during the Vietnam era is eligible for SNAP.

The spouse and un-remarried dependent child(ren) of this immigrant are also eligible. The un-remarried surviving spouse of a deceased individual with this status is

eligible as well.

2402.20.44 Cross Border Native Americans (S)

Native Americans with treaty rights to cross the U.S. borders with Canada and Mexico, regardless of whether they were born on the Canadian or Mexican side of the border are eligible for SNAP effective 11/1/98.

2402.20.45 Veteran or Active Duty Member of the Armed Forces

As explained in the previous sections, immigrants with certain USCIS classifications who would otherwise be subject to assistance limitations can be eligible if they are: veterans, are on active duty in the military, or have served minimum active duty service requirements, or are spouses or dependent children of veterans or military personnel who die during active military duty. The exemption for veterans also applies to individuals who served in the Philippine Commonwealth Army during World War II or as Philippine Scouts following the war.

An eligible veteran is a person who served in the active U.S. military, naval, or air service, and was released with a discharge characterized as honorable and not on account of alienage. Veterans should have received a full copy of DD Form 214 (Certificate of Release of Discharge from Active Duty) that contains the necessary information. An honorable discharge is denoted by the entry of "Honorable" in the "Character of Service" block of DD Form 214. If the evidence characterizes the discharge as anything other than "Honorable", such as "Under Honorable Conditions", the individual and family members cannot be determined eligible based on the veteran exception. Eligibility based on veteran status cannot be established if the reason for discharge was based on alien status, lack of U.S. citizenship or other "alienage" reasons, or if the "Separation Code" block contains an entry JCP, KCP, SCP, or YCP. Those codes establish discharge based on alienage. If the individual states that he or she meets the veteran requirements but is unable to present the appropriate discharge papers as documentation, the caseworker should contact the Veterans Affairs Regional Office.

The eligibility exception for veterans also applies to the Hmong and other Highland Lao tribal people who fought on

behalf of the U.S. Armed Forces during the Vietnam conflict.

Persons who fulfill the minimum active duty service requirements or their un-remarried surviving spouse and dependent children are also exempt from other alien requirements. Minimum active duty served by a person who initially enters service after 9/7/80 is 24 months of continuous active duty or the full period for which the person was called or ordered to active duty.

A person who is on active duty in the U.S. Armed Forces (other than active duty for training) is also not subject to the assistance limitations placed on immigrants in his particular classification. Documentation of active duty status is the individual's service identity card (U.S. Form DD-02) which should be a green service identity card marked "Active" after the form number. A red service identity card marked "Reserved" is not evidence of active duty unless supported by a copy of the individual's current orders showing active duty, and not active duty for training. A blue (retiree) or beige (dependent) card is not evidence of active duty.

2402.20.47 Battered Alien Spouse/Child (S)

Certain aliens who have been subjected to battery or extreme cruelty in the United States by a family member with whom they resided are considered qualified aliens. Battered aliens who are not eligible under any other qualified status may be eligible for SNAP if they are lawfully residing in the U.S. and meet one of the following conditions:

Are in receipt of disability benefits, OR

Have 40 qualifying quarters, OR

Have 5 years in qualified status, OR

Are under age 18, OR

Were born on or before 8/22/31, OR

Are a veteran with an honorable discharge or who are on active duty. Applies to spouse and dependent children of veterans and active duty personnel.

A battered alien with a connection to one of the preceding conditions also must meet four requirements as listed below.

Following are the four requirements which must be met to make a battered alien/child or parent a qualified alien:

(1) The USCIS (United States Citizenship and Immigration Service) or the EOIR (Executive Office for Immigration Review) has granted a petition or application filed by or on behalf of the alien, the alien's child or the alien child's parents. To prove this, the applicant needs to present documentation of an INS-130 or an INA-360. After this is provided, INS must be contacted to verify there is an approved petition or application pending under 204(a)(1)(A)(B) or 244(a)(3) of the Immigration and Nationality Act; (contact the Help Desk for assistance in this requirement);

(2) The individual must have been battered or subjected to extreme cruelty in the United States by a spouse or a parent, or by a member of the spouse or parent's family residing in the same household as the alien and the spouse or parent consented to, or acquiesced in, the battery or cruelty;

> The phrase "battered or subjected to extreme cruelty" includes, but is not limited to being victim of any act or threatened act of violence, including any forceful detention, which results or threatens to result in physical or mental injury. Psychological or sexual abuse or exploitation, including rape, molestation, incest (if victim is a minor), or forced prostitution are considered acts of violence.
>
> "Member of the spouse or parent's family" includes any person related by blood, marriage, or adoption to the spouse or parent of the alien, or any person having a relationship to the spouse or parent that is covered by the civil or criminal domestic violence status of the state.

(3) There is a substantial connection between the battery or extreme cruelty and the need for SNAP; and

In determining whether or not there is a substantial connection between the battery or cruelty and the need for benefits the worker should look at some of the following questions as guidance:

Will the benefits enable the applicant/child or parent to become self-sufficient? Will the benefits enable the abused individual(s) to escape the abuser?

Are the benefits needed due to a loss of financial support resulting from the applicant's, his or her child and/or his or her parent's separation from the abuser?

Are the benefits needed for medical attention or mental health counseling as a result of the battery/abuse or cruelty?

Are the benefits needed to alleviate nutritional risk or need resulting from the abuse or following separation from the abuser?

(4) The battered/abused alien, child or parent no longer resides in the same household as the abuser.

An applicant is not technically considered a qualified alien eligible for benefits until the battered/abused applicant or child, or parent ceases residing with the batterer/abuser. However, applicants will generally need the assurance of the availability of benefits in order to be able to leave their batterer/abuser and survive independently. Therefore, any relevant credible evidence supporting the claim of non-residency with the batterer/abuser should be accepted. Such examples would include, but not be limited to, a civil protection order requiring the battered/abuser to stay away from the applicant or the applicant's children or parent, employment records, utility or school records, an affidavit from a staff member at a shelter, family member's friends or other third parties with personal knowledge, or the battered applicant himself or herself if no other sources are available.

If the battered/abused alien meets all four criteria requirements, they are considered to be a qualified alien and eligible for benefits assuming all other eligibility criteria is met.

Qualified battered aliens who are sponsored are exempt from having the income and resources of their spouse deemed in their eligibility determination for a period of twelve months. After expiration of the one year period, alien applicants continue to be exempt from the deeming requirements with regard to the income and resources of the batterer only if the applicant can show that the battery or cruelty has been recognized in an order of a judge or administrative law judge. In addition, a substantial connection between the abuse or battery suffered by the applicant/child or parent and the need for the benefits being applied for must be shown as continuing to exist.

2402.20.48 Victims of Severe Trafficking in Persons

Victims of trafficking who are non-U.S. citizens are eligible for SNAP under the Trafficking Victims Protection Act of 2000 (Public Law 106-386). Severe forms of trafficking in persons is defined as Sex Trafficking which is the recruitment, harboring, transportation, provision or obtaining of a person for the purpose of a commercial sex act induced by force, fraud or coercion, or in which the person is forced to perform such act is under the age of 18 years; or Labor Trafficking which is the recruitment, harboring, transportation, provision or obtaining of a person for labor or services, through the use of force, fraud, or coercion, for the purpose of subjection to involuntary servitude, peonage, debt bondage or slavery. In addition, minor children, spouses and in some cases the parents and siblings of victims of severe trafficking may also be eligible for benefits.

Victims of trafficking are issued T Visas by U.S. Citizenship and Immigration Service (USCIS). Eligible relatives of trafficking are entitled to visas designated as T-2, T-3, T-4 or T-5 (Derivative T Visas). In the case of an immigrant who is awarded a T Visa and who is under 21 years of age on the date the T Visa was filed, Derivative T Visas are available to the alien’s spouse, children, unmarried siblings under 18 years of age on the date on which the alien’s Visa application was filed as well as the parents of the alien victim. In the case of an alien who is awarded a T Visa and was 21 years of age or older on the

date the T Visa application was filed, the Derivative T Visas are available to the alien’s spouse and children.

Eligibility for SNAP may be verified through the HHS Trafficking Victim’s toll-free number (1-866-401-5510). Since the law also confers potential eligibility for TANF or Refugee Cash Assistance (RCA), individuals with these Visas are also categorically eligible for SNAP.

2402.20.49 Iraqi and Afghani Special Immigrants

Certain Iraqi and Afghan nationals have special immigrant status under section 101(a) (27) of the Immigration and Nationality Act (INA) and may be eligible for SNAP, TANF or Refugee Cash Assistance (RCA). Iraqi and Afghani Special immigrants are eligible for all benefits available to the same extent and for the same period of time as refugees pursuant to Section 207 of the Immigrations and Nationality Act.

Both Iraqi and Afghani special immigrants will either enter the U.S. as Lawful Permanent Residents (LPRs) with the special immigrant visa or will adjust to special immigrant status after entering the U.S. under another immigration status (such as an asylee or parolee). Therefore, unless the immigrant is a qualified alien and is eligible under current program rules, the date of eligibility may or may not coincide with the special immigrant’s date of entry.

This policy is based on the Department of Defense Appropriations Act of 2010 (Section 8120, P.L. 111-118) enacted on December 19, 2009.

2402.20.50 Other Immigrants, Visitors, and Non-Immigrants

Any other immigrants, including those who are undocumented, who are not specified in the previous sections, are not eligible for SNAP or TANF. It is important to remember that the eligibility restrictions and prohibitions apply only to the applicant's immigration status, not other family members. For example, a child who is a U.S. citizen may have parents who are undocumented

If an immigrant alleges to be in a qualified immigrant status as defined in the previous sections, but is unable to present documentation, the Local Office is to advise him in writing of his obligation to contact the INS to obtain

the documentation if not obtainable through using SAVE. They must meet all eligibility requirements except the factor of citizenship/immigration status and Social Security numbers. Note, that these individuals may not meet the State residency requirement and would not be eligible for health coverage.

Visitors, tourists, foreign students, temporary workers, crewmen on shore leave, diplomats, members of foreign information media, exchange visitors, and so forth, who are lawfully admitted for specific periods of time and with no intention of establishing a permanent residence in the U.S.

These non-citizens would have the following types of documentation:

- I-94, Arrival - Departure Record;
- I-185, Canadian Border Crossing Card;
- SW-434, Mexican Border Visitor's Permit;
- I-186, Non-Resident Alien Mexican Border Crossing Card;
- I-95A, Crewman's Landing Permit; or
- I-184, Crewman's Landing Permit and Identification Card.

2402.20.55 Systematic Alien Verification for Entitlements (SAVE)

In addition to obtaining documentation from the AG (as discussed in Section 2402.20.05), the Local Office is required to verify each alien's immigration status with Systematic Alien Verification for Entitlements (SAVE). SAVE was established by the Immigration and Naturalization Service (INS) to implement a provision of the Immigration Reform and Control Act of 1986 which mandated direct verification of alien immigration status with INS. INS has undergone a name change to Citizenship and Immigration Services (CIS) under the Department of Homeland Security.

NOTE: SAVE procedures are not to be initiated for individuals who declare that they are U.S. citizens by

birth or naturalization. Verification requirements for citizens are discussed in Sections 2402.15.00 and 2402.15.05.

2404.00.00 REQUIREMENT TO PROVIDE SOCIAL SECURITY NUMBER

Each applicant must, as a condition of eligibility, furnish his Social Security Number (SSN). A verbal statement from the individual or his authorized representative is sufficient to meet this requirement. If the SSN is unknown or has never been obtained, the individual must apply for a SSN through the local Social Security Administration (SSA) office. The procedure to apply for a number is outlined in Section 2404.10.00.

The applicant should be informed that when applying for SNAP providing the Social Security Number (SSN) of each household member is voluntary, however, failure to provide the SSN will result in the denial of SNAP to each individual that does not provide this information.

The eligibility worker must request that AG members whose income or resources are included in the budget, but who are not participating members of the AG, provide their SSN for purposes of data exchange. These individuals are not required to comply with this request. Refer to Section 3205.00.

If any applicant/recipient shows multiple cards for himself to the DFR, it is to be reported to the local SSA District Office for investigation. The same procedure applies if it is suspected that multiple SSNs exist.

2404.10.00 COMPLETION OF SOCIAL SECURITY NUMBER REFERRAL

An applicant/recipient who does not have an SSN or who cannot remember the SSN must contact the SSA and apply for a number. An eligibility system generated Social Security Number Referral must be given to the individual at the time of the initial interview. The eligibility worker enters a "?" in the verification field in the eligibility system. The eligibility worker then enters the print request in the eligibility system. The eligibility worker and applicant/recipient are to sign the form. The original and

one copy are given to the applicant/recipient, and the third copy is retained in the case file. When the SSN application has been submitted, the SSA will complete the bottom portion of the Social Security Number Referral and send the original to the Local Office and the copy to the applicant/recipient. The form must be retained in the case file as documentation that the individual has complied with the eligibility requirements, and the appropriate verification code is to be entered on the eligibility system.

2404.10.05 Social Security Number Referral Follow-Up (C)

If the Social Security Number Referral form is not received by the DFR within 10 days of the date it was given to the individual, the eligibility worker must send a follow-up letter to the applicant/recipient, advising him of the responsibility to apply for a SSN. The eligibility worker must track the initial 10 day period. The letter must advise the individual to immediately contact the eligibility worker if he is having difficulty complying with the SSA's request for documentation, or if the individual has received his copy of the Social Security Number Referral form. If the individual does not respond, a final follow-up letter must be sent, allowing him adequate time to comply before the application is denied.

If an individual has fully complied with the SSA's requirements for an SSN application and is otherwise eligible, the DFR is not to deny assistance, delay granting assistance, or discontinue assistance pending issuance of the SSN.

2404.15.00 HOSPITAL ENUMERATION

The notice provided by hospitals indicating that an individual applied for a SSN is sufficient verification of compliance with eligibility requirements **only** if the notice (SSA-2853) contains the applicant's name and is signed and dated by a hospital representative and includes the title of the representative.

2404.20.00 EXCEPTION TO PROVIDING/APPLYING FOR A SSN (S)

The SSN requirement may be waived for the month of application for individuals in expedited households. These

individuals must apply for or provide a SSN prior to the first full month of eligibility unless good cause exists. Refer to Section 2404.20.05)

EXCEPTION: AGs who receive combined benefits will have until the 30th day to provide verification.

Individuals who have good cause as determined by the caseworker for failure to apply for a SSN are eligible for one month in addition to the month of application. For example, if the AG applies on January 15, and is eligible for January, the re-evaluation of good cause begins March 1. Good cause must be evaluated each month in order for the individual to continue to be eligible.

If the AG is unable to provide proof of application for an SSN for a newborn, the SSN requirement will be waived until the next recertification or six months from the month the baby was born, whichever is later. The AG should be informed of this requirement when the baby is added to the case. If the AG is unable to provide the newborn's SSN or proof of application by the end of the waiver period, the worker must determine if good cause exists. Refer to Section 2404.20.05.

Categorically eligible AGs are assumed to have fulfilled this requirement. No further verification is required.

2404.20.05 Social Security Number Good Cause Determination (S)

To determine if good cause exists for failure to comply with the requirement to apply for or provide an SSN, the eligibility worker shall consider information provided by the AG or SSA. Documentary evidence or collateral information indicating that the AG member has applied for a SSN or made every effort to supply information to complete the application is considered good cause for not complying timely with the requirement. Good cause must be determined monthly for the member to participate as a member of the AG.

Good cause does not include delays due to illness, lack of transportation, or temporary absences, because SSA makes provisions for mailing applications in lieu of applying in person. If the AG member can show good cause why an application for a SSN has not been completed in a timely manner (for example, obtaining an out-of-state birth

certificate), that person shall be allowed to participate for one month in addition to the month of application.

2404.25.00 REFUSAL TO COMPLY WITH SOCIAL SECURITY NUMBER REQUIREMENT

Penalties may be assessed when an individual does not apply for, or provide, a SSN. These penalties are discussed in the following sections.

2404.25.05 Penalties for Social Security Number Non-Compliance (S)

The individual who does not comply with the SSN requirement is an ineligible AG member. He is not counted in the AG size, but a portion of his income and expenses is counted. His resources count in their entirety. This sanction will continue until the person who has failed to comply comes into compliance with the SSN requirement.

2404.25.10 Penalties for SSN Non-Compliance (C)

The refusal of an applicant to provide or apply for an SSN results in his ineligibility. This ineligibility will continue until the person who has failed to comply comes into compliance with the SSN requirement.

When the ineligible individual is a parent or sibling required to be included in the AG, his income and resources must be considered when determining the financial eligibility of the remaining AG members.

When the ineligible person is the only participating person or dependent child in the AG, the entire AG is ineligible for TANF as there is no eligible child.

2404.30.00 VERIFICATION OF SOCIAL SECURITY NUMBER

The eligibility system will complete an interface with the SSA for the purpose of verifying SSNs.

2404.30.05 Social Security Numbers Not Verified Through Data Exchange

If verification does not occur through interface, the eligibility system will generate alert number 708, SSA Numident Match DISCRP-DENB. The eligibility worker must obtain verification of the individual's SSN to ensure the correct number is being submitted for verification. The following documentation is acceptable:

SS card;

correspondence from SSA containing the individual's name and account number (if the number has an A, J, M, or T suffix, this is the SSN);

a Social Security check issued on the individual's own account number;

a Medicare card issued on the individual's own account number (if the number has an A, J, M, or T suffix, this is the SSN); or

a SSA certificate of award which will contain a claim number (if the number has an A, J, M, or T suffix, this is the SSN).

The eligibility worker must establish that Social Security coverage is provided under the individual's own account number and not someone else's with the individual as a beneficiary.

Once verification is obtained, the eligibility worker enters a verification code in the eligibility system.

2406.00.00 RESIDENCY

In order to receive assistance, all individuals must be residents of Indiana. Specific program requirements are explained in the following sections.

2406.05.00 RESIDENCY OF HOMELESS INDIVIDUALS

Homeless individuals and residents of public or private nonprofit shelters for the homeless and/or Domestic Violence victims located in Indiana meet Indiana residency requirements. An otherwise eligible individual must not be required to reside in a permanent dwelling or have a fixed mailing address. (10)

2406.10.00 RESIDENCY REQUIREMENTS (S)

Residency requires the intent to reside either permanently or temporarily in the state; however, individuals in the state solely for vacation purposes are not considered residents. (13)

Residency requirements do not have to be assessed for categorically eligible AGs.

2406.15.00 RESIDENCY REQUIREMENTS (C)

A resident of Indiana is one who is living in Indiana voluntarily with the intention of making a home here and **not** for a temporary purpose. Residence does not depend upon the reason for which the individual entered Indiana, except insofar as it may bear upon whether he is here voluntarily or for a temporary purpose. Under this definition, the child is a resident of the state in which the caretaker relative is a resident.

Individuals who are receiving assistance from another state while in Indiana are presumed to be residents of that state. Verification of the termination of assistance from that state is needed in order to establish eligibility in Indiana.

An individual visiting relatives in Indiana would not be considered to be an Indiana resident. However, migrants and itinerant workers moving from state to state for employment purposes, and homeless individuals, meet the residency requirement and may receive assistance if they are otherwise eligible.

Additionally, residents of Indiana who leave the state for shelter from Domestic Violence are to be considered Indiana residents unless they specifically state that they have no intention of returning to Indiana.

2406.25.00 TEMPORARY ABSENCE FROM INDIANA

Residence is retained until abandoned. Temporary absence from Indiana, with subsequent returns to the state or intent to return when the purpose of the absence has been accomplished, does not interrupt continuity of residence. See also Temporary Absence for TANF and SNAP households in Section 3205.05.10. Assistance cannot be discontinued when an individual leaves the state temporarily and no other state recognizes him as a resident for assistance purposes during the absence.

2406.30.00 PERMANENT ABSENCE FROM INDIANA

If the recipient leaves Indiana with the intent of establishing residence in another state, assistance is to be discontinued.

2406.35.00 RESIDENCY VERIFICATION (S)

For SNAP, residency documentation is only required if the client’s current state of residence is questionable. If the address of a client is questionable, please see 2407.00.00. Documentation that provides a name and address, such as the following, may be used to verify residency:

driver's license;

school records;

other forms of I.D;

employment records;

church records;

rent/mortgage receipts and/or utility bills;

local postal record; or

written statement from a third party

In the event no written documentation is available, a collateral contact such as the following may be used:

landlord;
neighbor;
utility company;
school;
shelter manager; or
employer

2406.40.00 RESIDENCY VERIFICATION (C)

For TANF residency must be verified and documented. Documentation that provides a name and address, such

as the following, may be used to verify residency:

driver's license;

school records;

other forms of I.D;

employment records;

church records;

rent/mortgage receipts and/or utility bills;

local postal record; or

written statement from a third party

In the event no written documentation is available, a collateral contact such as the following may be used:

landlord;
neighbor;
utility company;
school;
shelter manager; or
employer

2407.00.00 QUESTIONABLE ADDRESS (S)

When the eligibility worker becomes aware that the address most recently reported by the AG may not be its residence, resolution of this discrepancy is required. The eligibility worker may become aware of these discrepancies through such circumstances as:

His own observations; or

The AG's mail is returned to the DFR with notations indicating that the addressee does not reside at that location.

The fact that the AG is not residing at the last reported address does **not** render the AG ineligible for assistance, but it is an indication that further investigation is required.

The steps required to resolve this discrepancy are described below:

Send the AG a pending checklist asking for proof of current address of residence and household composition. Send this notice to the last known address within 10 days of the date the discrepancy.

If there is no response and the pending checklist is not returned to the DFR, send a notice of eligibility to the last known address, notifying the AG that benefits will be cancelled due to "failure to verify information necessary to determine eligibility such as identity, assistance group composition, resources and/or income". The termination is effective the first of the month after the date advance (13-day) notice is sent.

If the pending checklist is returned by the Post Office, the eligibility worker should check the case file to ensure that the form was sent to the correct address. If the form was sent to the correct address ,and the pending checklist is returned by the Post Office indicating no known forwarding address, send a notice of adverse action to the last known address. If the address was incorrect, and the eligibility worker still has reason to believe the AG does not live at the reported address, repeat the procedures in the paragraph above.

2408.00.00 IDENTITY (S)

The identity of the individual making application must be established. If an authorized representative applies on behalf of a household, the identity of both the authorized representative and the individual making application must be established.

2408.05.00 VERIFICATION OF IDENTITY (S)

Identity may be verified by using any type of readily available documentation or, if this is unavailable, through

a collateral contact. Examples of acceptable documentation include, but are not limited to, the following:

Driver’s license;
Work or school I.D.;
Voter registration card;
Wage stubs;
Birth certificate; and
I.D. for health benefits or for any assistance or social services program

2410.00.00 AGE

All assistance programs have age related requirements. Age may be either a requirement for eligibility, a requirement for special budget considerations, or a requirement for an exemption from employment and training activities.

2410.05.00 DEFINITION OF A CHILD (C)

To be considered a child for program eligibility purposes, an individual must be under the age of 18 and unmarried, divorced or separated. A married minor is, therefore, not treated as a child in the TANF eligibility determination. He is excluded from the TANF AG unless he is the parent/caretaker relative of a dependent child.

2410.05.25 Verification of Age (C)

Acceptable sources of verification of age include, but are not limited to, the following:

Birth certificate or health department records; or other credible sources, including:

- hospital records;

- physician's records;

- Bureau of Vital Statistics;

- baptismal, confirmation, or other church records;

- passport;

- naturalization papers;

- immigration papers;

- alien registration card;

- court records, including adoption records, in which the child's age has been noted;

- records of social agencies (including the Local Office);

- insurance company records; and

- school records

2410.10.00 AGE OF ELDERLY INDIVIDUALS (S)

Individuals who are or will be 60 in the month of application are considered "elderly". These individuals may have medical expenses deducted and are eligible for special budget considerations (uncapped shelter, not subject to gross income limits).

2410.10.05 Verification of Age for the Elderly (S)

Verification of age is not required for SNAP unless it is questionable.

2414.00.00 SSI STATUS

In some situations, an individual's benefit status with the Supplemental Security Income (SSI) program has an effect on his non-financial eligibility. The following sections discuss these situations.

2414.05.00 SSI RELATED INELIGIBILITY FOR CASH ASSISTANCE (C)

An individual is ineligible for Cash Assistance for any month in which he receives an SSI benefit. (f36)

When the only dependent child would be eligible for TANF if he were not an SSI recipient, the parent or other caretaker relative may be eligible for TANF as a one person AG.

2414.10.00 SSI 1619 STATUS

Section 1619 of the Social Security Act provides an incentive to the blind or disabled SSI recipient to

continue work when his earned income reaches levels that would otherwise jeopardize eligibility. Individuals in 1619(a) status receive reduced SSI benefits, while individuals in 1619(b) status receive no SSI benefits.

A recipient's 1619-SSI status is verified through an interface with the SSA. An individual's SSI status is automatically updated on the eligibility system and the eligibility worker is notified of the update through an alert.

2414.10.05 Categorical Eligibility (S)

Any AG in which all AG members are certified as eligible for SSI, TANF or a combination of both are categorically eligible for SNAP. Individuals are considered certified for TANF if they are considered part of the AG. Members not receiving a benefit because of the 24-month limit, members with a voluntary quit penalty, and family cap children are considered part of the AG. Members who have a TANF sanction for IMPACT or IV-D non-compliance are not considered part of the AG or part of the TANF AG.

Categorical eligibility still exists for SSI individuals in 1619 status regardless of receipt or non-receipt of SSI payments. However, individuals who are suspended from receiving SSI benefits because of noncompliance with Drug Addiction and/or Alcoholism (DAA) treatment requirements cannot be considered categorically eligible for SNAP. Eligibility for suspended cases would be determined without including an SSI amount until the suspension period ended and benefits are resumed.

2414.10.15 1619 Status of Cash Assistance Recipients (C)

An individual who has 1619(a) status continues to receive an SSI benefit. This individual is ineligible to receive Cash Assistance due to the receipt of SSI.

An individual who has 1619(b) status no longer receives an SSI benefit and is not automatically excluded from membership in the Cash Assistance AG determination.

2420.00.00 **RESIDENCE IN THE HOME OF A SPECIFIED RELATIVE (C)**

Within the C category, the policy stated in this section only applies to ADCU and ADCR.

An otherwise eligible child must be **living with** a person having a specified degree of relationship, in a place of **r**esidence maintained by one or more of such relatives as hi**s o**wn home. (f65) Once this relationship is established, the specified relative will be denoted as the parent or other caretaker relative.

2420.05.00 RELATIONSHIP OF RELATIVE TO CHILD (C)

Within the C category, the policy stated in this section only applies to ADCU and ADCR.

The individual with whom the child resides must be related to the child as specified in the following groups:

1. Mother;

2. Father, legal or biological;

3. Any blood relative within the fifth degree of relationship, including, but not limited to, those of half blood, including first cousins, first cousins once removed, nephews, nieces, and individuals of preceding generations as denoted by prefixes of grand, great, great-great, or great-great-great (this group includes the sister, brother, aunt, and uncle of the child);

4. Stepfather, stepmother, stepbrother, and stepsister; (The parent of the stepparent does not meet this degree of relationship. There is no blood relationship, nor can this relationship be established through marriage);

5. An individual who legally adopts a child or the child's parent, as well as the natural and other legally adopted children and other relatives of the adoptive parents; and

6. Legal spouses of any individuals named in the five (5) above groups, even though the marriage was terminated by death or divorce. (f66)

When the parental rights of a parent are terminated, that parent cannot be a specified relative unless he has another specified relationship to the child. For example, a child could be adopted by his grandparents. The child and his birth parent would become siblings which is another specified relationship.

A guardian may receive assistance only when such person is a relative listed above and the child lives with that person.

2420.05.05 Verification of Relationship (C)

Within the C category, the policy stated in this section only applies to ADCU and ADCR.

It is the responsibility of the applicant/recipient to assist the eligibility worker to verify the degree of relationship between a child and a specified relative.

The relationship of a child to a relative listed in the previous section, except for an alleged father, is verified when the eligibility worker either:

Sees the child's birth certificate; or

Obtains verification from two of the sources listed below, when the birth certificate is not seen:

- Hospital records established at the time of birth (including a hospital issued birth certificate);
- Physician's records;
- Marriage records;
- Court records, including adoption records;
- Social Security Administration records;
- Church documents, such as baptismal certificates;
- Passport;
- Immigration records;
- Naturalization records;

- School records;

- Records of social agencies (including the Local Office); or

- Signed statement from an unrelated reliable person having specific knowledge about the relationship of the child to the specified relative

2420.05.05.05 Definition of Presumed Biological Father (C)

Within the C category, the policy stated in this section applies to both ADCU and ADCR.

Verification of the relationship of a child to an alleged father is contingent upon Indiana law used for establishing paternity.

IC 31-14-7-1 states that a man is presumed to be a child's biological father if:

He and the child's biological mother are or have been married to each other and the child is born during the marriage or within 300 days after the marriage is terminated by death, annulment, or dissolution;

He and the child's biological mother attempted to marry each other by a marriage solemnized in apparent compliance with the law, even though the marriage is void under IC 31-11-8-2, IC 31-11-8-3, IC 31-11-8-4, or IC 31 11-8-6 or voidable under IC 31-11-9, and the child is born during the attempted marriage or within 300 days after the attempted marriage is terminated by death, annulment, or dissolution; or

The man undergoes a genetic test that indicates with at least a ninety-nine percent (99%) probability that the man is the child’s biological father.

2420.05.05.10 Paternity Acknowledgment (C)

Within the C category, the policy stated in this section applies to both ADCU and ADCR.

If there is not a presumed biological father, there is a rebuttable presumption that a man is the child’s biological father if, with the consent of the child’s mother, the man:

(1) Receives the child into the man’s home; and

(2) Openly holds the child out as the man’s biological child.

The circumstances under this section do not establish the man’s paternity. (A man’s paternity may only be established as described in IC 31-14-2-1.) (f66a)

When a child is living with a paternal relative, the Local Office must verify the child's relationship to the father in order to establish the specified relationship of the relative.

2420.05.05.15 Paternity by Affidavit

A man is a child’s legal father if the man executed a paternity affidavit in accordance with IC 16-37-2-2.1 and the paternity affidavit has not been rescinded or set aside under IC 16-37-2-2.1.

2420.10.00 THE "LIVING WITH" DEFINITION (C)

Within the C category, the policy stated in this section only applies to ADCU and ADCR.

The child must be living with a specified relative (as defined in Section 2420.05.00) in a place of residence maintained as their own home. A home is the family setting maintained or in the process of being established by the parent or relative, as evidenced by assumption and continuation of responsibility for day to day care of the child by the relative with whom the child is living. (f67) A home exists so long as the relative exercises responsibility for the care and control of the child, even though either the child or the relative is temporarily absent from the customary family setting. (f68)

Within this interpretation, the child is considered to be living with his relative even though:

1. He is under the jurisdiction of the court (for example, receiving probation services or protective supervision); or

2. Legal custody is held by an agency that does not have physical possession of the child.

Placement may be made by either state or out-of-state courts or agencies.

The primary responsibility of the DFR is to establish that the applicant is, in fact, exercising primary responsibility for the care and control of the child.

2420.10.05 Verification of Living With (C)

Within the C category, the policy stated in this section only applies to ADCU and ADCR.

The "living with" requirement may be satisfied by the applicant's/recipient's statement, unless discrepant information exists.

If there is a question whether the child is living with his relative, verification may be obtained from other sources based on the individual situation. Such sources include, but are not limited to:

Seeing the child in the home;

School records;

Child care provider's records;

Landlord's statement;

Hospital, clinic, or physician's records;

Social Security or other benefit records;

Church records;

Court support order;

Child welfare records; and

Signed statement from a reliable individual having personal knowledge of the child living with the specified relative.

2420.15.00 TEMPORARY ABSENCE FROM THE HOME (C)

Within the C category, the policy stated in this section only applies to ADCU and ADCR.

Absence of the recipient child or parent/caretaker relative from the home for limited periods of time (f69) does not affect eligibility, provided that:

1. The absent member intends to return to the home by the end of the payment month; and

2. The parent/caretaker relative continues to exercise responsibility for the care and control of the child.

2420.20.00 CHILDREN WHO REMAIN HOSPITALIZED AFTER BIRTH (C)

Within the C category, the policy stated in this section only applies to ADCU and ADCR.

Children who remain hospitalized following birth in order to receive medical care are not eligible for assistance in the above categories.

2420.25.00 UNSUITABLE HOME (C)

Within the C category, the policy stated in this section only applies to ADCU and ADCR.

An otherwise eligible child may not have assistance denied or discontinued because the home in which he resides is considered unsuitable due to the neglect, abuse, or exploitation of the child. The home shall be considered suitable until such time as the court has ruled it unsuitable and, as a result of such action, the child is removed from the home.

2420.30.00 OBTAINING PHYSICAL CUSTODY TO ESTABLISH TANF ELIGIBILITY (C)

The policy stated in this section affects only the ADCU and ADCR categories of cash assistance. It applies to all assistance groups whose eligibility is determined under those categories.

When a person applies for TANF cash assistance, and at the proposed addition of a child to an existing assistance group, the child's current living arrangement (and the

reason for it) must be reviewed to determine whether the child is living with the adult for the sole purpose of qualifying for TANF cash assistance, which is prohibited. (f70)

This eligibility criterion is considered to be met without further investigation when the child is in the physical custody of a parent or other specified relative who also has sole legal custody or when there is sufficient documentation to establish that:

- The child resides with a parent and no other parent is known;

- The child resides with a non-parent caretaker relative and the only known parent is deceased or cannot be located;

- The child resides with a non-parent caretaker relative and both parents are deceased or cannot be located;

- The child resides with a non-parent caretaker relative and one parent is deceased and the other parent's whereabouts are unknown; or

- The child resides with a non-parent caretaker relative after placement in the relative's home as a result of parental neglect or abuse.

Note: A "known" parent, in this context, is defined as the child's undisputed mother or father as established legally, biologically or informally. When two men claim paternity or have been named as the child's father, there is no "known" father.

If one of the above situations exists, the caseworker is to indicate on ICES that the physical custody criterion is met by coding "N" in the "Attain Custody for TANF" field on the eligibility system.

Further inquiry will be necessary if none of the circumstances listed above apply. The first step involves asking the current caretaker relative why the child is living with her/him and when the living arrangement began. At this point, the eligibility system will be coded "Y" for physical custody <u>only</u> if the caretaker states that the child did, in fact, begin living with him or her to obtain or increase TANF cash assistance.

If the current living arrangement has been in place for three months or more prior to the application for assistance, a presumption can be made that physical custody was not obtained for the purpose of establishing eligibility for TANF cash assistance. Verification in these circumstances may be limited to documenting the length of time the caretaker relative and the dependent child have been together. Verification can be obtained from another relative, a friend or neighbor having knowledge of the family history, school, medical or religious records or other legitimate sources.

When the child and the specified relative have been living together less than three months the person with whom the child previously lived should be located for corroboration. Once there is sufficient verification that the child does not currently live with the parent or caretaker to acquire benefits, the eligibility system can be coded "N" for physical custody. The reason for the change in physical custody as well as other pertinent information (dates, individuals contacted, etc.) should be entered on the eligibility system and all correspondence and collateral documents filed in the case file.

If a non-parent caretaker relative has physical custody of the dependent child and the living arrangement is not long-term, the situations of both absent parents must be addressed as indicated above.

The provision of the TANF benefit is not to be delayed or denied because the child's previous caretaker failed to provide verification or could not be reached. Verification that physical custody was or was not obtained for the purpose of qualifying for TANF cash assistance also may include (but is not limited to):

A court order addressing physical custody of the child;
Documentation from Child Protective Services indicating that the child has been placed with the current caretaker relative;

A statement from a professional person having knowledge of the family's situation; or

A statement from a friend, neighbor or family member verifying or refuting the current caretaker relative's stated reason for acquiring physical custody.

The physical custody field on the eligibility system is coded "Y" only when there is documented evidence that the child lives with the caretaker relative for the purpose of qualifying for TANF cash assistance. TANF cash assistance will fail for the child. The caretaker relative will also be ineligible for benefits unless there is another dependent child in the caretaker's assistance group who meets the physical custody requirement and is otherwise TANF cash assistance eligible.

2422.00.00 INSTITUTIONAL STATUS

An institution, as defined by federal regulation, is an establishment that furnishes (in single or multiple facilities) food, shelter, and some treatment or services to four or more persons unrelated to the proprietor.

2422.05.00 RESIDENTS OF INSTITUTIONS (S)

Residents of institutions, with certain exceptions, are not eligible to participate in the SNAP program. Individuals are considered residents of institutions when the institution provides them with the majority of their meals (50% of three meals or at least two meals a day) as a part of its normal services.

Students who purchase a majority of their meals at one of a school's facilities are considered residents of an institution regardless of whether obtaining meals at a school facility is mandatory or optional. (Refer to Section 3210.15.35 for definition of eligible student.)

Individuals who do not receive their meals from an authorized institution and prepare their own food, or are participating in a delivered meals program or a communal dining program, are eligible for SNAP on the factor of residency.

2422.05.05 Exemptions from Institution Provisions (S)

The following individuals residing in group facilities are residing in eligible institutions and are eligible for SNAP consideration:

Any narcotics addict or alcoholic who resides at a public or private non-profit facility or treatment center under the supervision of a drug alcohol treatment and rehabilitation program;

residents of federally subsidized housing for the elderly under either Section 202 of the Housing Act of 1959 or Section 236 of the National Housing Act;

certain blind and disabled individuals as defined in Section 3210.10.25 who live in authorized small group living arrangements;

Persons temporarily residing in a shelter for battered persons(such individuals shall be considered individual household AGs for purposes of applying for and participating in the program); and

residents of public or private nonprofit shelters for homeless individuals.

2432.05.00 REQUIREMENTS FOR REFUGEES (C)

The policy stated in this section only applies to the ADCQ category of assistance.

Eligibility under the TANF program must be determined for a refugee who applies for Cash Assistance. If the refugee is not eligible for TANF cash assistance, eligibility is then determined for the Refugee Cash Assistance Program.

[Likewise, a refugee's eligibility for MA is first considered for all categories of assistance other than Refugee Medical Assistance. The eligibility system automatically determines a refugee's eligibility in this manner to comply with federal regulations. (Refer to Section 1605.20.00)]

In addition, the eligibility worker must refer refugees who are 65 years of age or older, or who are blind or disabled, to the SSA to apply for assistance under the SSI program. Cash Assistance is to be furnished to eligible refugees until eligibility under the SSI program is determined.

2436.00.00 CHILD SUPPORT PARTICIPATION (C)

Within the C category, the policy stated in this chapter only applies to ADCR and ADCU.

Certain individuals must cooperate with child support enforcement as a condition of eligibility.

The purpose of the Child Support Program is to identify and locate absent parents, establish paternity, and obtain child support. In effect, the Child Support program:

Promotes greater financial responsibility of parents toward their children; and

Provides a support collection service to reduce dependency upon public funds.

The eligibility worker must thoroughly explain to applicants, recipients and non-recipient parents/caretaker relatives the IV-D requirements as they relate to eligibility, and the consequences involved if they do not cooperate. The Rights and Responsibilities are incorporated in the application, which contains an explanation of cooperation, assignment and penalties for non-cooperation. Refer to Section 2436.20.05.

2436.05.00 CHILD SUPPORT ENFORCEMENT REQUIREMENTS (C)

Within the C category, the policy stated in this section only applies to ADCU and ADCR.

Child support enforcement activities include the assignment of rights to support and cooperation in obtaining support. These requirements are discussed in the following sections.

2436.05.05 Assignment of Rights to Support (C)

The policy stated in this section applies only to the ADCR and ADCU categories of assistance.

All applicants/recipients must assign their rights to child and spousal support to the Child Support Bureau (f92) regardless of whether support is currently being paid or whether paternity has been established.

The applicant's signature on the application serves to assign all current and pending support payments due him or any participating member of his AG, and any arrearage that accrues while receiving TANF. The assignment date is the date of application. The child support collection date becomes effective the first of the month following the month in which the eligibility worker takes action on the

case. For example, if application is made 8/29/94, and the case was acted upon by the eligibility worker in September, the collection date would be 10/1/94. TANF benefits would be effective 9/1/94. The only individual who may legally assign support rights is the parent/caretaker relative. If an individual other than the parent/caretaker signs the application, a separate assignment of support rights must be obtained from the parent/caretaker.

One of the results of this assignment is that the payment of all child and spousal support to which the AG is entitled, is made to the Division of Family Resources rather than to the TANF recipient. All support payments must be reported and paid to the Child Support Bureau. The DFR is responsible for the conversion of child support payments to the Child Support Bureau as soon as possible after eligibility is established.

2436.05.10 Cooperation in Obtaining Support (C)

Within the C category, the policy stated in this section only applies to ADCU and ADCR.

Each applicant for or recipient of assistance or non-recipient parent/caretaker relative, unless exempt as described in Section 2436.10.05, is required to cooperate in:

Identifying and locating the parent of a child for whom assistance is requested;

Establishing the paternity of a child born out of wedlock for which assistance is requested;

Providing complete information required to obtain support;

Obtaining support payments for the applicant/recipient and for a child for whom assistance is requested; and

Obtaining any other payments or property due the applicant/recipient or the child for whom assistance is requested.

Cooperation includes the following:

Appearing at the offices of the child support agency as necessary, to provide verbal or written information or documentary evidence known to be possessed (or reasonably obtainable) that is essential to obtaining support;

Appearing as a party to or witness at court or other hearings or proceedings;

Providing information, or attesting to the lack of information, under penalty of perjury; and

Forwarding any support payments received after the assignment has been executed to the designated child support agency.

2436.05.10.05 Child Support Cooperation Requirements (C)

Information is to be provided about each absent parent named as a parent of the child. This includes any alleged, acknowledged, or legal parent.

When a minor parent is included as the eligible caretaker in the TANF AG, cooperation is required in providing information about the parent of the minor's child as well as the parent(s) of the minor parent who do not reside with him.

2436.10.00 CHILD SUPPORT COOPERATION EXEMPTIONS (C)

Within the C category, the policy stated in this section only applies to ADCU and ADCR.

A recipient parent/caretaker or non-recipient parent/caretaker may be exempt from cooperation requirements if certain conditions exist, or if there is good cause for failing to cooperate. These exemptions are discussed in the following sections.

2436.10.05 Automatic Child Support Exemptions (C)

Cases which fall under any of the following categories are automatically exempt from cooperation requirements:

Documentation exists of the verified death of the absent parent.

The parent is living in the home.

The absent parent's parental rights have been involuntarily terminated by court order.

The parent/caretaker relative receives TANF based solely upon the only child's receipt of SSI benefits.

The child was adopted by a single parent and is living with that parent.

The child is excluded from receiving cash assistance due to the Family Cap policy. (Exemption from cooperation applies only to the capped child’s situation.)

The parent of the minor TANF parent resides with the AG. This exemption exists only during the period of shared residence.

For ADCR and ADCU only, other than in cases of capped children as indicated in the above exemptions, there is no exemption from assignment or collection of child support paid in behalf of recipient children or adults. An exemption granted from pursuit of support against one absent parent does not automatically exempt the entire case. In the event the case involves more than one absent parent, all absent parents must qualify for an exemption in order to exempt the entire case. If one absent parent in the case and his child qualify for an exemption, while other absent parents in the case and their children do not, the normal procedures for completing and processing information regarding the nonexempt absent parent are to be followed.

2436.10.10 Child Support Good Cause Exemptions (C)

Within the C category, the policy stated in this section only applies to ADCU and ADCR.

A recipient parent/caretaker relative or non-recipient parent/caretaker relative may have good cause for refusing to cooperate in child support enforcement activities, and thus be exempt from the cooperation requirement. Good cause

exists when cooperation would be against the best interests of the child.

Each recipient parent/caretaker relative or non-recipient parent/caretaker relative subject to the cooperation requirement is to be informed of his right to claim good cause **prior** to the requiring of cooperation. If the recipient parent/caretaker relative or non-recipient parent/caretaker relative wishes to make a claim, he must provide corroborative evidence to establish the existence of the good cause circumstance and, if requested, provide sufficient information to permit the DFR to conduct an investigation.

Assistance is not to be denied, delayed, or discontinued depending upon a good cause claim determination on cooperation, if all other eligibility requirements are met.

The Child Support Bureau will not undertake activities to establish paternity or to secure support when notified that an individual has claimed good cause.

The determination of whether or not good cause exists is to be made by the DFR within 45 days of the date on which the good cause claim is made.

2436.10.10.05 Child Support Good Cause Circumstances (C)

Within the C category, the policy stated in this section only applies to ADCU and ADCR.

Good cause may be established if cooperation by the recipient parent/caretaker relative or non-recipient parent/caretaker relative would be against the best interests of the child only if:

The recipient parent/caretaker relative's or non-recipient parent/caretaker relative’s cooperation in establishing paternity or securing support can reasonably be anticipated to result in:

- Physical harm to the child for who support is to be sought;

- Emotional harm to the child for who support is to be sought;

- Physical harm to the parent/caretaker relative with whom the child is living, which reduces the parent/caretaker relative's capacity to adequately care for the child; or

- Emotional harm to the parent/caretaker relative with whom the child is living, of such nature or degree that it reduces the parent/caretaker relative's capacity to adequately care for the child.

- Physical or emotional harm to either of the child’s biological parents.

Proceeding to establish paternity or to secure support would be detrimental to the child due to the existence of **at least one of the following circumstances**:

- The child for whom support is sought was conceived as a result of incest or forcible rape;

- Legal proceedings for the adoption of the child are pending before a court of competent jurisdiction; or

- The parent is currently being assisted by a public or licensed private social agency to resolve the issue of whether to keep the child or to relinquish him for adoption **and** the discussions have not gone on for more than three months.

2436.10.10.10 Child Support Good Cause Considerations (C)

Within the C category, the policy stated in this section only applies to ADCU and ADCR.

Physical and emotional harm must be of a serious nature in order to justify a finding of good cause.

Emotional harm is based upon demonstration of an emotional impairment that substantially affects the individual's functioning. The following factors are to be considered when emotional harm to the child, recipient parent/caretaker relative, non-recipient parent/caretaker relative or child’s parent(s) not in the household is claimed:

The present emotional state of the person subject to emotional harm;

The emotional health history of that person;

The intensity and probable duration of the emotional upset;

The degree of cooperation required by the recipient parent/caretaker relative or non-recipient parent/caretaker relative; and

The extent of involvement of the child in paternity establishment or support enforcement activities.

2436.10.10.15 Child Support Good Cause Corroborative Evidence (C)

Within the C category, the policy stated in this section only applies to ADCU and ADCR.

The SF 4149 Notice of Right to Claim Good Cause should be provided to any recipient parent/caretaker relative or non-recipient parent/caretaker relative claiming or inquiring about good cause. (The information contained on the form is also included in the Application for Assistance in Section 3 of the Rights and Responsibilities.) The recipient parent/caretaker relative or non-recipient parent/caretaker relative is to provide a signed statement regarding the reasons good cause is claimed and also provide corroborative evidence to establish the claim. Evidence is to be submitted no more than 20 days from the date on which the good cause claim was made. A good cause claim may be corroborated with the following types of evidence:

Birth certificate or medical or law enforcement records which indicate that the child was conceived as the result of incest or forcible rape;

Court documents or other records which indicate that legal proceedings for adoption are pending before a court of competent jurisdiction;

Court, medical, criminal, child protective services, social services, psychological, or law enforcement records which indicate that the absent parent might inflict physical or emotional harm on the child or caretaker;
Medical records or records of a mental health professional which indicate emotional health history or the present emotional state of the caretaker or child subject to emotional harm;

A written statement from a public or licensed private social agency that the applicant/recipient is being assisted by the agency to resolve the issue of whether to keep the child or relinquish him for adoption; or

Sworn statements from individuals other than the caretaker with knowledge of the circumstances which provide the basis for the good cause claim.

In addition, if the evidence submitted is insufficient to establish good cause, the Division of Family Resources is to:

Promptly notify the recipient parent/caretaker relative or non-recipient parent/caretaker relative that additional evidence is required;

Advise him of the type of documents needed and how to obtain the necessary documents; and

Make a reasonable effort to obtain any specific documents which he cannot reasonably obtain without assistance.

Further, the Division of Family Resources **may** conduct its own investigation by contacting the absent parent or alleged father, if such contact is necessary to establish the good cause claim.

Prior to making contact, the recipient parent/caretaker relative or non-recipient parent/caretaker relative is to be notified so that he may:

Present additional corroborative evidence or information so that contact with the parent or alleged father will be unnecessary;

Withdraw the application for assistance or have the case closed; or

Have the good cause claim denied.

2436.10.10.20 Evaluation of Child Support Good Cause Claim (C)

Within the C category, the policy stated in this section only applies to ADCU and ADCR.

All good cause claims are reviewed by the DFR Policy Section (refer to Section 2436.10.10) to determine whether good cause exists. The good cause claim is to be approved if the statements and evidence substantiate potential harm to the child, recipient parent/caretaker relative, non-recipient parent/caretaker relative or the child's parent(s) not in the household if child support is pursued.

2436.10.10.25 Child Support Good Cause Determination (C)

Within the C category, the policy stated in this section only applies to ADCU and ADCR.

Once the good cause decision has been received from Central Office the decision is entered into the eligibility system by the eligibility worker and a written notice must be sent to the recipient parent/caretaker relative or non-recipient parent/caretaker relative.

If good cause is not approved, the notice must include the following:

The decision that good cause does not exist and the basis for the findings;

The right to appeal this decision;

The individual must cooperate with the child support collection effort if his/her needs are to be included in the grant; and

The right to withdraw the application or have the case closed.

If the claim is approved, cooperation is not required. If the claim is denied, the recipient parent/caretaker

relative or non-recipient parent/caretaker relative is required to cooperate. (See Section 2436.20.00)

2436.10.10.30 Review Of Child Support Good Cause Determination (C)

Within the C category, the policy stated in this section only applies to ADCU and ADCR.

Any time the circumstance upon which good cause was based appears to have changed, the eligibility worker should submit their findings to Central Office for review. If Central Office determines that there is not sufficient evidence to revoke the good cause exemption, it is to continue.

If Central Office determines that good cause no longer exists based on the original circumstance, the recipient parent/caretaker relative or non-recipient parent/caretaker relative is to be given the opportunity to claim good cause based on their current situation and to provide evidence to support a new good cause claim (IPPM 2436.10.10.15). The good cause claim should then be submitted to Central Office for a new determination to be completed; or, if no new good cause claim is made, cooperation with IV-D requirements will be enforced.

2436.15.00 CHILD SUPPORT NON-COOPERATION (C)

Within the C category, the policy stated in this section only applies to ADCU and ADCR.

Non-cooperation is determined by the prosecutor’s office and they will notify the DFR of any non-cooperation through the agreed upon procedures.

2436.15.05 Blood Test Results (C)

Within the C category, the policy stated in this section only applies to ADCU and ADCR.

When the prosecutor determines that a child's alleged father is excluded by blood tests, they will notify the recipient parent/caretaker relative or non-recipient parent/caretaker relative of the paternity exclusion and the requirement to name all men who could have fathered the

child in question. Ten (10) days is given to provide this additional information. Information regarding the penalty for failure to cooperate is also included on the notice.

2436.20.00 PENALTIES FOR CHILD SUPPORT NON-COOPERATION (C)

Within the C category, the policy stated in this section only applies to ADCU and ADCR.

Penalties for non-cooperation are applied only when the caseworker receives notification from the prosecutor's office that the action is required. These penalties are discussed in the following sections.

2436.20.05 TANF Penalties for Child Support Non-Cooperation (C)

When the prosecutor's office determines that the recipient parent/caretaker relative or non-recipient parent/caretaker relative with whom the TANF child is living refuses without good cause to cooperate in obtaining support, they will notify the eligibility worker that a sanction should be initiated. As of 11-01-07, sanctions are Full Family, resulting in the AG's ineligibility for TANF cash assistance. (f106)

2436.25.00 ENDING CHILD SUPPORT SANCTIONS (C)

Within the C category, the policy stated in this section only applies to ADCU and ADCR.

A sanction must be applied and removed only as directed by the prosecutor's office.

2438.00.00 WORK REGISTRATION (S)

Work Registration is completed when an Assistance Group (AG) member signs the application. All mandatory work registrants are exempt from IMPACT participation unless they choose to volunteer.

2438.05.00 IMPACT (S, C, I)

Within the TANF category (C) the policy stated in this section only applies to TANF ADCR and ADCU Assistant Groups (*not ADCQ*).

IMPACT is defined as “Indiana Manpower Placement and Comprehensive Training” and represents the State’s Employment and Training Program. IMPACT is the cooperative effort of the Family and Social Services Administration (FSSA), the Department of Workforce Development (DWD), the Department of Education (DOE), and various other service agencies that offer employment and training services for TANF and SNAP individuals.

Services are designed to assist individuals in overcoming employment barriers due to poor education, absence of marketable skills, or lack of support services including child care and transportation.

For IMPACT policy not covered in this chapter, refer to Section 2500.00.

2438.05.05 Referral to IMPACT (C, I)

During the eligibility interview, the eligibility worker reviews the applicant’s circumstances and determines whether the person is IMPACT mandatory or exempt. (Refer to Section 2438.15.10.05 for TANF exemption criteria).

Effective July 1, 2011, all IMPACT mandatory TANF applicants are referred to Applicant Job Search (AJS).

TANF individuals determined mandatory for IMPACT participation, and exempt individuals who wish to voluntarily participate, are referred to IMPACT when the eligibility worker enters the appropriate information in the eligibility system.

TANF recipients determined to be **exempt due to age** who wish to participate are referred as voluntary participants. The eligibility worker will enter the correct TANF exemption code and ‘V’ for voluntary under TANF status in the eligibility system. These individuals will not be subject to the TANF sanction penalties for non-compliance.

Other exempt TANF recipients who wish to participate are demonstrating that they have overcome their prior barrier(s) to participation; they are to be treated as mandatory and indicated as such in the eligibility system. They should be informed that they will be subject to the TANF sanction penalties for non-compliance.

When individuals receive both TANF and SNAP benefits, they

are subject only to the TANF IMPACT Program requirements and may be sanctioned for non-compliance.

When the eligibility worker authorizes a TANF referral, the individual will be advised of his/her Rights and Responsibilities at the Initial Interview and Assessment. See Sections 2520.00.00 and 2520.05.00.

TANF IMPACT referral process: IMPACT case managers are notified of the referral of a new TANF IMPACT participant and should schedule the individual for an Assessment interview according to the time frames in Section 2525.05.00.

2438.05.05.05 Referral to IMPACT (S, I)

Upon determination of an individual's eligibility for SNAP benefits, recipients who wish to participate in the IMPACT program will contact their eligibility worker and request a referral to IMPACT. **SNAP IMPACT referral process**: When the SNAP case is authorized and the individual is referred to IMPACT as a voluntary participant, the automated referral process will schedule the client to attend an IMPACT orientation interview. Volunteer SNAP IMPACT participants who fail to cooperate will be removed from the program without loss of benefits, and will not be sanctioned.

2438.05.10 IMPACT Service Priorities (S, C, I)

Indiana has established service priorities for IMPACT based on federal requirements for county DFR and IMPACT Offices that may lack sufficient staff and/or monetary resources to serve all mandatory TANF individuals and TANF and SNAP recipients who volunteer to participate in IMPACT activities.

> **TANF recipients** who are mandatory or volunteer for IMPACT participation are to be given service priority over SNAP volunteers.

2438.05.15 Work Registrant Responsibilities (S)

Each work registrant has certain Rights and Responsibilities which are included on the approval notice when the AG is authorized. This notice also contains the names of the AG members who are work registered.

Each work registrant must:

Respond to requests for more information about employment status or availability for work, and

Provide sufficient information to allow determination of employment status or job availability.

Each work registrant must not:

Voluntarily quit a job without good cause, or

Voluntarily reduce work hours below 30 hours per week without good cause.

2438.05.20.05 SNAP IMPACT Case Manager Responsibilities (S, I)

The IMPACT case manager must explain to the volunteer SNAP participant, both orally and in writing:

The benefits of participation;

The right to withdraw from participation without loss of benefits;

that failure to comply with any assigned or scheduled IMPACT activities, or the requirements of their Self-Sufficiency Plan, may result in their removal from the IMPACT program without loss of benefits, or the imposition of a sanction, and

That they may request a re-referral to the IMPACT program at any time.

2438.05.25 IMPACT Rights and Responsibilities (C, I)

Each IMPACT participant, whether voluntary or mandatory, has certain Rights and Responsibilities. The Assistance Group (AG) is informed of these at the Initial Interview.

Each IMPACT participant has the **right** to:

fair and equal treatment in the assignment of employment and training activities;

file a written complaint if the individual thinks discrimination has occurred, and

request a hearing if the AG's TANF and/or Medicaid benefits were reduced, denied, or discontinued.

Each IMPACT participant has the **responsibility** to:

Keep scheduled appointments with the IMPACT case manager;

keep scheduled appointments with other community resources, agencies, or potential employers to which the individual is referred by the IMPACT case manager;

participate in all employment and training activities outlined in the Self-Sufficiency Plan, and

accept suitable child care, transportation and other supportive services that will enable the individual to fully participate in employment and training activities.

2438.10.00 DETERMINATION OF PARTICIPATION STATUS (S, C, I)

The eligibility worker must determine IMPACT participation and Work Registration status for applicable individuals. Participation requirements vary by program and are described in the following sections.

2438.10.05 Determination of Work Registration Status (S)

Work Registration is completed when a member of the SNAP AG signs the Work Registration statement on the application.

The eligibility worker must determine which individuals are required to register for work and which are exempt. Each individual in the AG who is not exempt must be work registered at:

initial application,

each re-determination or re-certification, and

upon receipt of information that a change in participation status may have occurred.

The worker must act timely on agency anticipated changes and on any reported change by changing the status in the eligibility system. If the exemption is no longer relevant and the individual becomes an ABAWD, that must also be indicated.

If a change could not be anticipated by the agency and not required to be reported, then the change is made at the next recertification. (Example: The only child leaves the AG after the IR is submitted and mother is no longer exempt. This does not have to be reported so it would be changed at recertification.)

If a change IS anticipated by the agency, the worker must work the change in a timely manner and adjust work registration as necessary. (Example: At recertification in June, the worker determines the child in the home is turning 18 years of age in September. Because this is known information, the worker must initiate the change in a timely manner and adjust work registration for the AG members as necessary.

2438.10.05.05 Postponed Determination of Work Registration Status (S)

For AGs entitled to expedited services, registration of all required individuals may be postponed if registration cannot be accomplished within the expedited service time frames.

If an individual claims an exemption due to a disability that is not apparent or may be questionable, the eligibility worker must postpone verification of the disability if verification cannot be obtained within the expedited service time frames.

2438.10.10 Determination of IMPACT Participation Status (S, C, I)

IMPACT status must be determined in the following circumstances:

at initial application,

at each re-determination or re-certification, and

upon receipt of information that a change in participation status may have occurred.

During application entry, the eligibility worker must determine the appropriate IMPACT referral status for each individual in the AG.

Exempt individuals are not required to participate.

*All SNAP individuals are exempt from IMPACT participation unless they indicate a willingness to volunteer. The eligibility worker will change their referral status from exempt to voluntary.

TANF individuals, who are **exempt due to age**, but wish to participate, are referred as voluntary participants in the eligibility system. They are not subject to the TANF sanction penalties; however, they would lose supportive services.

All other exempt TANF individuals who wish to participate in IMPACT are referred as mandatory (M) participants because the eligibility worker has determined that the reason for the exemption is not a barrier. These individuals are subject to the TANF sanction penalties. (Refer to Section 2545.15.05.)

All non-exempt TANF applicants and recipients will be referred to an IMPACT case manager who is responsible for assessing the individual and developing the Self-Sufficiency Plan.

Individuals may **not** be referred in both TANF and SNAP IMPACT concurrently

2438.15.00 EXEMPTIONS FROM WORK REQUIREMENTS (S, I)

This section discusses exemptions from participation in the IMPACT program.

Note: Effective **May 1, 2010**, all mandatory SNAP work registrants are exempt from participation in the IMPACT program, but may volunteer to participate.

2438.15.05 Exemptions from Work Registration (S)

Any AG member who meets one or more of the following conditions is exempt from Work Registration:

Under age 16;

Age 60 or over;

Age 16 or 17, attending school, or enrolled in an employment and training program at least half-time (see Section 3210.15.35);

Age 16 or 17 and not the AG head;

Physically or mentally unfit;

Responsible for an incapacitated individual;

Responsible for care of a dependent child under six;

Enrolled student, at least half-time (see Section 3210.15.35);

Participating in a drug/alcohol treatment program;

Complying with TANF IMPACT requirements;

Receiving unemployment compensation;

Employees under contract during the non-work season (school employees, migrants) if they meet certain conditions (see Section 2438.15.05.55);

Working a minimum of 30 hours a week or equivalent; or

Earning the federal minimum wage, times 30 hours.

2438.15.05.05 Individuals under Sixteen Years of Age (S)

Individuals under 16 are exempt from Work Registration. Individuals whose 16th birthday occurs during the entitlement period will be required to register as part of the next scheduled re-certification process, unless qualified for another exemption. The individual's statement of age is accepted, unless questionable. This policy is for all AG members who turn 16 during a certification period because this is a change the AG is not required to report.

2438.15.05.10 Individuals Age Sixty or Over (S)

Individuals age 60 or over are exempt from Work Registration. The individual's statement of age is accepted, unless questionable

2438.15.05.15 Individuals Age Sixteen or Seventeen and Attending School (S)

Individuals age 16 or 17 are exempt if they are:

1. Not the head of the AG; or

2. Are attending any recognized (secondary) school or enrolled in an employment and training program on at least a half-time basis.

The individual's statement is acceptable verification unless questionable.

2438.15.05.20 Individuals Physically or Mentally Unfit For Employment (S)

If an individual is considered disabled by the Veterans Administration at any percentage, they are exempt from work registration.

An individual who has a physical or mental impairment resulting from (but not limited to) illness, addiction, injury, or domestic violence which prevents entry into employment or training is exempt from Work Registration. Verification is required if a mental or physical impairment is not evident. If necessary, the eligibility worker should provide information to help the individual obtain the appropriate verification.

Verification may consist of a signed statement from a:

Physician, physician’s assistant, nurse, nurse practitioner, or a designated representative of the physician’s office;

A licensed or certified psychologist, social worker or clinician, or other medical professional.

The signed statement must confirm that the individual is:

Unable to work due to the specific illness;

The length of time the individual is expected to be unable to work, or

Proof of temporary or permanent disability benefits issued by government or private sources.

Disability determined by the VA would qualify a SNAP recipient for the exemption as mentally/physically unfit, regardless of percentage.

2438.15.05.25 Care Of an Incapacitated Individual (S)

Recipients responsible for the care of an incapacitated individual are exempt. The incapacitated individual

May or may not be an AG member;

Need not reside with the AG, and

No documentation of the incapacity is required unless it is questionable. If questionable, a physician's statement or other appropriate documentation should be obtained.

2438.15.05.30 Individuals Responsible For Care of A Dependent Child (S)

An individual responsible for the care of a dependent child under age six is exempt from Work Registration. If the AG consists of a married couple with a common child, only one parent may be exempt from Work Registration requirements.

In an AG in which there are two families functioning as one, and each parent is responsible for his own child, both parents may qualify for this exemption. If the child's sixth birthday occurs during the entitlement period, Work Registration is required as part of the next re-certification process unless another exemption is met.

2438.15.05.35 Students (S)

Students enrolled on at least a half-time basis (as defined by the institution) in any recognized school, training program, or institution of higher education, are exempt.

Verification of enrollment and number of hours of participation are required.

Self-initiated training is not an allowable activity for a SNAP recipient. Therefore, participating in on-line independent study, or correspondence courses, does not qualify an individual for this exemption.

Students remain exempt during normal periods of class attendance, vacation, and recess, unless the student graduates, is suspended or expelled, drops out, or does not intend to register for the next normal school term.

2438.15.05.40 Participants in Drug Addiction/Alcoholic Treatment (S)

Individuals enrolled and participating in a drug addiction or alcoholic treatment and rehabilitation program are exempt.

The individual does not have to be a resident of the center.

The exemption also applies to persons participating in an outpatient program.

2438.15.05.50 Individuals Receiving Unemployment Compensation (S)

Individuals receiving unemployment compensation, or eligible to receive these benefits, are exempt.

Individuals who fail to cooperate with unemployment compensation rules will result in a dual sanction provided the registrant does not meet another SNAP registration exemption.

2438.15.05.55 School Employees Under Contract (S)

Employees under contract are exempt during the non-work season if they meet one of the following conditions:

1. Total annual wages equal the federal minimum wage multiplied by 1560 (52 weeks times 30 hours);

2. Total number of hours worked equals or exceeds 1560 (52 weeks times 30 hours); or

3. Seasonal farm workers (migrants) under contract, or similar agreement, with an employer to begin work within 30 days.

2438.15.05.60 Individuals Working Minimum of Thirty Hours Weekly (S)

Individuals are exempt if employed or self-employed and meet one of the following criteria:

1. Working a minimum of 30 hours per week;

2. Receiving earnings equal to or greater than the federal minimum wage multiplied by 30 hours, or the training wage multiplied by 30 hours if the employment situation warrants the payment of a training wage; or

3. Are migrant or seasonal farm workers under contract, or a similar agreement, with an employer to begin work within 30 days?

When determining whether a self-employed individual is exempt under these criteria, the eligibility worker may use the following information:

1. Income alone may be sufficient (unsubsidized employment 30 hours per week);

2. If the self-employment income does not equal the federal minimum wage multiplied by 30 (i.e., babysitting), but the individual claims he works 30 hours per week, the individual must cooperate with the eligibility worker to establish that the volume of work equals 30 hours per week;

3. Individuals engaged in hobbies or volunteer work (except VISTA or AmeriCorp), or any other activity which does not generate sufficient income, cannot be considered gainfully employed and may not be exempt from Work Registration regardless of the number of hours spent in the activity; or

4. When the self-employed individual hires or contracts with another individual or firm to handle daily activities of the enterprise, the

individual may not be considered self-employed unless the individual works at least 30 hours per week in the activity.

2438.15.10.05 Exemptions from IMPACT (C, I)

The policy in this section affects the **TANF ADCU** and **ADCR** categories.

TANF recipients are exempt from participating in IMPACT activities if they meet one or more of the following criteria:

Under age 16;

Full-time student (as defined by the school) at an elementary or secondary school who is age 16 or 17 and not a minor parent TANF case head;

Age 60 or older;

Eligible for Medicaid for the disabled or blind; (f107e)

Individuals receiving Social Security Disability Insurance (SSDI) or other assistance due to disability;

A Refugee (or other alien with refugee equivalent status as indicated in Table TCTZ) for six (6) months from their date of arrival;

Needed in the home to provide care for a child who is less than 12 weeks of age;

Needed in the home to provide care for an incapacitated household member. Verification of the need for his/her presence is required;

A doctor's statement, or State Form 54717 (4-13), STATEMENT OF MEDICAL CONDITION FOR DETERMINATION OF PARTICIPATION IN THE IMPACT PROGRAM, would be acceptable as medical documentation to verify being needed in the home to provide care to an incapacitated household member.

NOTE: With the exception of the exemption for persons age 60 and over, the circumstances which cause the exemptions may be subject to change. Therefore, it is necessary to review the exemption circumstances at each eligibility re-determination to assess whether the recipient's exempt status should be revoked or maintained.

When an individual has been exempted due the care of a young child or the care of an incapacitated family member, and the individual begins working or indicates that she/he is able to participate in an employment activity, the exemption is revoked because the individual's prior barrier to participation has been removed.

Per the Personal Responsibility and Work Opportunity and Reconciliation Act of 1996, all individuals are subject to the 60-month federal time limit regardless of their IMPACT status. Individuals who are determined to be exempt from IMPACT participation should be provided services that will assist them in overcoming barriers to economic self-sufficiency.

2438.15.10.10 Exemptions from Employment and Training Participation (C)

The policy in this section affects the **ADCQ** category for **Refugee Cash Assistance (RCA)**.

Recipients of Refugee Cash Assistance **(ADCQ)** are exempt from participation in employment and training activities for refugees if they meet one or more of the following criteria:

Under age 16;

Full-time student (as defined by the school) age 16 or 17 at an elementary or secondary school;

Age 65 or older;

Completely unable to work;

The condition can be the result of many things including illness, addiction or injury, or domestic violence. Documentation of the physical and/or mental condition is needed as well as an explanation of how and why the condition prevents

employment. Receipt of SSI, Social Security Disability Insurance (SSDI), or other assistance due to disability is sufficient documentation of the client's inability to work.

Required presence in the home on a continuous basis to care for an ill or incapacitated household member, <u>if there is no appropriate caregiver in the home</u>.

The need for the recipient's presence as caregiver must be verified by a physician or qualified psychologist;

Working 30 or more hours per week;

An RCA recipient who is determined to be mandatory and who subsequently starts employment of 30 or more hours per week, either through E&T or on his own, does not become exempt as a result of becoming employed. The individual remains mandatory and employment becomes their E&T activity. They should be encouraged to increase hours, seek promotions or raises, etc., to bring their family to self-sufficiency.

Pregnancy in second or third trimester verified <u>in writing</u> by a licensed medical professional;

Caretaker of a child under age six for RCA;

This exemption is not available if the parent is under age 20 and does not have a high school diploma, GED or HSE diploma.

NOTE: With the exception of the exemption for persons age 65 and over, the circumstances which cause the exemptions to be allowed are subject to change. Therefore, it is necessary to periodically review the exemption circumstances but no later than six (6) months after application to determine whether the recipient's exempt status should be revoked or maintained.

RCA recipients who are exempt from the requirement to participate, but wish to do so, are to be referred to E&T as volunteers. It is important for the Refugee Cash Assistance contract case manager to inform an exempt person

wishing to volunteer that, once referred for employment and/or training, failure to participate in assigned activities without good cause could result in a sanction. See 2438.45.30.

2438.17.00 ABLE BODIED ADULTS WITHOUT DEPENDENTS (S)

An ABAWD is defined as an Able Bodied Adult without Dependents and is subject to time limited benefits. ABAWDs are limited to 3 months of SNAP benefits within a fixed 36 month period unless they meet one of the following requirements:

Working an average of 20 hours per week for a total of 80 hours per month; includes those who are self employed

1. Participating in an approved SNAP employment and training activity through the Indiana Manpower and Comprehensive Training (IMPACT) program, Workforce Innovation and Opportunity Act (WIOA) or a program under Section 236 of the Trade Act of 1974 (TAA), or any other approved employment and training activity for a minimum of 20 hours per week (may not be averaged);

2. Participating in a combination of work and an approved SNAP employment and training activity as identified in #2 above for a minimum of 20 hours per week, or
3. Participating in a Workfare (Community Work Experience Program-CWEP) activity for the required hours. The number of hours required to fulfill the requirement with a CWEP activity is calculated by dividing the individual’s allotment by the federal minimum wage (rounded down) for example: ABAWD with $194 allotment divided by federal minimum wage of $7.25 would meet the monthly requirement by having 26 hours in a CWEP activity. (108)

The initial 36 month time period begins July 1, 2015 and ends June 30, 2018. Another 36 month period will begin on July 1, 2018.

Prorated SNAP benefits are not counted toward the 3 month limit. Additionally, if the individual does not receive SNAP benefits in a given month, that month is not counted in the 3 month compliance determination. This includes months where the individual was sanctioned but continues to

be a household member. This also includes an ABAWD who did not participate in a given month.

SNAP benefits erroneously received by an ABAWD shall be counted unless or until the ABAWD repays the benefit in full.

2438.17.05 ABAWD Status Determination (S, I)

ABAWD status is determined at initial application, redetermination or when an individual is added to the case. Coding an individual as an ABAWD in the eligibility system will trigger an interface between the eligibility system and the Employment and Training (E & T) Vendor. The client will then receive an appointment notice from the eligibility system for an orientation with vendor for E & T services.

An individual between the ages of 18-49 is not subject to time limited benefits if he/she is:

Exempt from work registration requirement (refer to 2438.15.05); or

Physically or mentally unfit for employment: if the client is receiving temporary or permanent disability benefits issued by a governmental or private source or if the individual is obviously mentally or physically unfit for employment as determined by the eligibility worker. If the client’s level of fitness for work is not obvious, the client must provide documentation from a physician, physician's assistant, nurse, nurse practitioner, designated representative of the physician's office, a licensed or certified psychologist, a social worker, or any other medical personnel the State agency determines appropriate, that he or she is physically or mentally unfit for employment.

Note: An individual who is in the initial joint application process for SSI and SNAP is not considered an ABAWD. A client who has not applied for SSI on a joint application with SNAP benefits, or whose SSI is currently undergoing an appeal, is still considered an ABAWD. It should be noted that DFR does not currently receive joint applications for SSI and SNAP. Applications for any other type of disability does not affect work registration status. An individual who is not receiving a disability benefit would have to be determined unfit for work by another method. If

the client states that they are unable to work and the impairment is not obvious to the state eligibility worker, then documentation from a medical professional would be required to verify the impairment.

Also, if an individual is considered disabled by the Veterans Administration at any percentage, they are exempt from work registration and exempt from ABAWD requirements.

A member of a SNAP assistance group that contains a child age 17 or younger; or

Pregnant (any trimester). Verification must be obtained before changing the ABAWD status.

Individuals who are not classified as an ABAWD for one of the above reasons should be evaluated for the proper work registration classification.

Individuals considered as ABAWDs would not be subject to time limited benefits if they live in a county or city which has been approved as a waivered labor surplus area by Food and Nutrition Service (FNS). There are currently no such designations. This designation is only to be coded if directed by SNAP policy.

If an individual is not considered an ABAWD for any portion of a given month, that month is not considered towards time limited benefits. For example, if an ABAWD turns age 50 in the month of September; he/she would no longer be an ABAWD from September forward, this includes any prorated months.

2438.17.10 Compliance with ABAWD/IMPACT (S, I)

An individual is in compliance with ABAWD requirements when:

Working an average of 20 hours per week for a total of 80 hours per month;

Participating in an approved SNAP employment and training activity through the Indiana Manpower and Comprehensive Training (IMPACT) program, program or any other approved employment and training activity for a minimum of 20 hours per week (may not be averaged);

Participating in a combination of work and an approved SNAP employment and training activity through the IMPACT

program for a minimum of 20 hours per week, or

Participating in a Workfare (CWEP) activity for the required hours

The individual remains in compliance while meeting the above provisions or becomes exempt from work registration/ABAWD requirements.

An Individual may remain in compliance when participating in an approved activity or working less than the required hours due to illness or injury.

When an individual has received 3 months of benefits without complying, the individual will be determined ineligible for SNAP benefits. If the individual is the only member of the AG, benefits will be closed. The individual's income, resources and expenses will continue to be included in the SNAP budget if others are in the AG.

NOTE: If an individual applies in Indiana and had received benefits in another State, verification should be obtained regarding the number of ABAWD months used in the other state and the time period. Those months will be used to determine eligibility in Indiana. If the ABAWD months from another State are within the 3-year eligibility period, they will count in Indiana.

The eligibility system captures a status for each ABAWD during each month that the ABAWD is receiving benefits during the 36 month period. Manual overrides of the status are possible by authorized users (managers).

2438.17.15 Regaining Eligibility (S)

After an individual loses eligibility for failure to comply with the ABAWD work requirement, eligibility can be regained by meeting one of the requirements below. The individual must still meet the other eligibility requirements for SNAP. There is no limit on how many times an individual may regain eligibility and subsequently maintain eligibility by meeting the work requirements.

Eligibility can be regained by meeting one of the following requirements:

Working at least 80 hours in a 30 day period;

Participating in approved employment and training activities for 20 hours per week (may not be averaged) for a total of 80 hours in a 30 day period;

Become exempt from Work Registration; or

The 36-month period expires and a new 36-month period begins. (f109)

Participating in a combination of work and an approved SNAP employment and training activity program for 20 hours per week for a total of 80 hours in a 30 day period.

If an individual becomes exempt from work registration they are exempt from ABAWD work requirements.

An individual must verify that they have met at least one of the above noted conditions prior to becoming eligible for SNAP benefits.

2438.17.20 ABAWD One Time, 3 Month Extension (S)

If an individual has used 3 months of ABAWD eligibility in a noncompliant status and regains eligibility by meeting employment requirements, and then loses the employment, the individual may be entitled to a one time, 3 consecutive month extension.

The individual must be evaluated under the voluntary quit policy (2438.50.00), and all other eligibility criteria must be met in order to receive SNAP benefits during the extension. This 3 month extension will run consecutively once it has begun and is allowed only one time in the 36 month period.

The onetime 3 month extension requires a mandatory override within the eligibility system by a State Eligibility Manager.

An individual may avoid using the 1 time, 3 month consecutive month extension by withdrawing from the program before the effective date of the extension. If the individual is a mandatory member of an AG, the entire AG must withdraw.

2438.17.30 Reporting Requirements for ABAWD Individuals (S)

SNAP AGs with ABAWDs are subject to simplified reporting as outlined in 2015.20.05 with one exception:

If changes in work hours decrease below 20 hours per week, (averaging monthly hours) the ABAWD must report the change.

2438.17.35 SNAP IMPACT Compliance (S, I)

SNAP recipients who volunteer for the IMPACT program, are considered to be in compliance with IMPACT E&T requirements unless they fail to:

Attend a scheduled orientation;

Participate in the Assessment and Self-Sufficiency Plan (SSP) development interview;

Attend 100% of the scheduled hours for any component(s) included on their SSP;

Cooperate with any employment and training agency whose services are included on the SSP, and

Accept any credible or suitable offer of employment.

The IMPACT case manager is responsible for identifying and documenting the above non-compliances and, if appropriate, requesting the individual’s removal from the IMPACT program without loss of benefits, or the imposition of a sanction. When a volunteer SNAP recipient is removed from the IMPACT Program, the case manager is to notify the eligibility worker to change the SNAP referral code from volunteer to exempt.

2438.20.00 NON-COMPLIANCE WITH WORK REGISTRATION (S)

If an AG member fails to meet Work Registration requirements, penalties described in Section 2438.45.15 are imposed. Work Registration requires the individual to:

Work register when required;

Provide sufficient information to allow determination of employment status or job availability;

Respond to a request for more information about employment status or availability for work;

Not voluntarily quit a job without good cause, and

Not voluntarily reduce work hours to less than 30 per week without good cause.

2438.20.05 Cure For Work Registration Non-Compliance (S)

Penalties for non-compliance with Work Registration are only imposed on individuals who are mandatory for Work Registration. An individual who has been disqualified for non-compliance with a Work Registration requirement may cure the non-compliance and regain eligibility by either becoming exempt from Work Registration or by serving the minimum sanction period and complying with the following requirements:

NON-COMPLIANT BEHAVIOR	COMPLIANT BEHAVIOR
Refusal to respond to a request from an eligibility worker for supplemental information regarding employment status or availability for work.	Complies with the request from a worker for supplemental information regarding employment status or availability for work.
Voluntary Quit or Reduction	Obtains employment comparable in salary or hours to the job that was quit/reduced and serves the minimum sanction period, or becomes exempt from Work Registration.

Acts of non-compliance with Work Registration will be shown as a SNAP sanction. When the non-compliant behavior is cured, the eligibility worker must enter an end date. It is appropriate to enter the date which is one day prior to the effective date of the cure, or the minimum sanction period, whichever is later. See Section 2438.45.15.05.

Note: If the individual finds employment of at least 30 hours per week with weekly earnings equal to the federal minimum wage multiplied by 30 hours, the individual will be exempt from the Work Registration requirement and the sanction will be removed.

SNAP, ADCR, and ADCU applicants/recipients who are exempt from participation in the IMPACT Program may be given the opportunity to do so on a voluntary basis.

TANF recipients, who are exempt due to **age**, but wish to participate, are referred as voluntary participants. To volunteer an exempt TANF individual, the eligibility worker will enter the correct TANF exemption code and (V) under TANF status.

All other exempt **TANF** individuals who wish to participate in IMPACT are referred as mandatory (M) participants because the individual has determined that the reason for the exemption is no longer a barrier.

Effective July 1, 2011, all exempt TANF applicants who volunteer to participate in the IMPACT Program will be referred to Applicant Job Search (AJS) as mandatory (M) participants. (See IPPM 2510.00.00 for AJS requirements.)

A volunteer who is eligible for both the TANF and SNAP Programs must be assigned to the TANF Program.

2438.30.00 LOSS OF EXEMPTION WHILE CERTIFIED (S)

Individuals who lose Work Registration exemption status due to a change in circumstance(s) that has been, or must be, reported will be required to work register when such a change occurs. Examples of changes are:

Loss of employment, or

An exemption was granted to an AG member to care for a child and the child leaves the home.

If a change occurs which is not required to be reported, and not known by the agency, the registration will occur at the next re-certification.

2438.35.00 IMPACT PARTICIPATION STATUS RE-EVALUATION (C, I)

Reported changes which affect an individual's IMPACT participation status are entered into the eligibility system by the eligibility worker. Examples of changes that must be reported are:

A gain or loss of employment;

Address change, or
Birth of a child.

The eligibility system generates an alert or task to the eligibility worker when changes affecting participation status are reported. At each re-determination, the eligibility worker should also re-evaluate any exemptions which are not considered to be permanent in nature.

A review in less than six months is indicated when there is reason to believe that the condition or circumstance which made the exemption necessary has been eliminated. (f110) (Refer to Section 2215.15.00.)

2438.40.05 IMPACT Case Manager Responsibilities for SNAP Volunteers (S, I)

The IMPACT case manager is responsible for the Initial Assessment and development of the Self-Sufficiency Plan with each volunteer SNAP participant.

The IMPACT case manager is also responsible for determining whether a volunteer SNAP participant is complying with his/her IMPACT Program requirements.

2438.45.00 NON-COMPLIANCE DEFINITION (C)

The following actions constitute failure to cooperate with Employment and Training (E&T) services for Refugee Cash Assistance, and will require a *good cause* determination:

Failing to attend a scheduled Orientation Workshop;
Failing to complete an Assessment and Self-Sufficiency Plan development interview;
Failing to attend a job interview;
Terminating employment;
Refusing to accept employment;
Voluntarily reducing employment hours, or
Refusing to cooperate with any other agency to which the client was referred through E&T services.

2438.45.05 Non-Compliance with IMPACT (S)

Non-compliance applies to the individual’s failure to participate in activities scheduled by, or with, the IMPACT

case manager and/or in the activities listed on the individual's Self-Sufficiency Plan.

When voluntary IMPACT SNAP recipients fail to comply with their IMPACT requirements, they will be removed from the IMPACT program without loss of benefits, or the imposition of a sanction. Their IMPACT referral code will be changed and their referral status to exempt. They may request a re-referral to IMPACT at any time.

2438.45.10 Work Registration Good Cause Determination (S)

The guidelines for determining good cause for failure to meet Work Registration requirements are listed below:

Work Registering: the AG shall be considered to have good cause if the AG member was:

Not notified of the requirement to do so;

Did not receive the written notice, or

A subsequent occurrence rendered the AG member exempt from Work Registration.

Provide sufficient information to allow determination of employment status or job availability, or to respond to a request for more information about employment status or availability for work. The AG member shall be considered to have good cause if the individual:

Did not receive the written request, or

A subsequent occurrence rendered the AG member exempt from Work Registration.

2438.45.10.10 Voluntary Quit Good Cause Determination (S)

The guidelines for determining good cause for mandatory work registrants who voluntarily quit a job or reduce their hours are listed below:

Failure to report to a potential employer to who referred. The AG member shall be considered to have good cause if any of the following criteria are met:

Personal illness, illness of another AG member requiring the registrant's presence in the home, or the death of an immediate family member. A physician's statement may be required if personal illness is given as the reason for failure to report;

A household emergency which threatens injury to a person or damage to property such as a natural gas or water leak or fire;

Lack of transportation, either because none is available or available transportation is nonfunctioning;

Lack of safe and adequate child care;

Inclement weather conditions which could threaten the health and safety of the individual, or

A subsequent occurrence which rendered the AG member exempt from Work Registration.

Declining a job: The AG member shall be considered to have good cause if any of the following criteria are met:

Job was less than minimum wage or, if receiving training wage;

Job was further than walking distance (one mile) and no public or private transportation was available;

Job involved a health risk for that person;

Job required illegal activity;

Job required that the AG member join, resign from, or refrain from joining any legitimate labor organization to keep the job;

Job hours or responsibilities interfere with religious beliefs;

The AG member was physically or mentally unfit to perform the responsibilities specific to this job;

The AG member lived a distance that required more than one hour's travel (one way) to the job, excluding transporting a child to and from a child care facility;
The job was offered within the first 30 days of registration and was not in the AG member's major field of experience, or

A subsequent occurrence rendered the AG member exempt from Work Registration.

See Section 2438.45.10.15 and all sub-sections of 2438.50 for good cause for Voluntary Quit and Voluntary Reduction of Hours.

2438.45.10.15 Suitable Employment (S)

Employment will be considered unsuitable if the following applies:

The wage offered is less than the highest of the applicable federal minimum wage, or 80 percent of the federal minimum wage if the federal minimum wage is not applicable.

The employment offered is on a piece-rate basis, and the average hourly yield the employee can reasonably be expected to earn is less than the applicable hourly wages specified above.

The AG member, as a condition of employment or continuing employment, is required to join, resign from, or refrain from joining any legitimate labor organization.

The work offered is at a site subject to a strike or lockout at the time of offer, unless the strike has been declared unlawful.

All other employment will be considered suitable unless the registrant can demonstrate that:

The degree of risk to health and safety is unreasonable;

The individual is physically or mentally unfit to perform the employment, as documented by a physician's statement, medical evidence, or by reliable information from other sources such as employer statement regarding the medical verification he has received;

The employment offered within the first 30 days of registration is not in the individual's major field of experience;

Cost of commuting from individual's home to place of employment is unreasonable, considering the expected wage and the time and cost of commuting;

Daily commuting time exceeds two hours per day, including the time required for transporting a child to a child care facility;

The distance to the employment site prohibits walking, and public or private transportation is not available to transport the individual to the job site, or

Working hours or the nature of the employment interfere with the member's religious observances, convictions, or beliefs.

2438.45.15 Work Registration Penalties (S)

Penalties for non-compliance with Work Registration are only imposed on individuals who are mandatory for Work Registration. (Persons who are exempt from Work Registration due to employment of more than 30 hours per week are subject to disqualification for voluntarily quitting or reducing hours worked to less than 30.) The penalty is disqualification of the individual only. No penalty is imposed on persons exempt from Work Registration.

Individuals between the ages of 16 and 60, unless otherwise exempt, who fail to comply with Work Registration or voluntarily quit or reduce employment hours, will be disqualified as follows:

First Violation:

The later of the date they comply, or 2 months.

Second Violation:
The later of the date they comply, or 6 months.

Third or Subsequent Violations:
The later of the date they comply, or 36 months.

The mandatory minimum disqualification/sanction periods (2, 6, or 36 months) are based on whether the violation is the first, second, or third violation. If a sanctioned participant becomes exempt from Work Registration, the sanction is terminated immediately. The minimum sanction or disqualification period will not be served in this situation.

When the individual complies and the sanction is end dated, the person is added back into the AG the month following compliance.

A one member AG may reapply following his/her compliance with Work Registration requirements, or when the individual obtains employment of 30 hours per week, whichever applies.

2438.45.15.05 Failure to Comply With Work Registration by an AG Member (S)

A nonexempt AG member who refuses or fails without good cause to comply with Work Registration requirements will be ineligible to receive SNAP. The period of ineligibility will be for a minimum of two months or until the member complies with the requirement, whichever is later, or becomes exempt from Work Registration. The minimum penalty period depends on whether the non-compliance is the first, second or third violation (see Section 2438.45.15). If any of the criteria for ending the sanction are met while the case is closed, the sanction will be terminated when the client reapplies.

2438.45.15.15 Failure to Comply By Volunteers (S, I)

A volunteer who does not comply with assigned or scheduled E&T activities, or any component requirement on the SSP, shall be removed from the IMPACT program without loss of benefits, or the imposition of a sanction. The individual may request a re-referral to IMPACT at any time.

2438.45.30 Employment and Training Good Cause Determination (C)

For the **RCA** category, a good cause exemption shall be granted only in the following circumstances: (f112)

The individual is incapable of performing the task on a regular basis due to a verified physical or mental impairment;

The total daily commuting time to the service or employment site exceeds two hours, excluding transportation to a child care facility, unless the generally accepted community standard exceeds two hours;

Child care is necessary for an E&T activity and is not available;

The conditions of the E&T site violate federal, state, or local health and safety standards;

Assignments are discriminatory in terms of age, sex, race, creed, color, or national origin;

Wages offered to the individual do not meet applicable federal minimum wage requirements or, if greater than the federal minimum wage rate, are less than the customary wages paid for that activity in the community;

The daily or weekly hours of work exceed those normally associated with the occupation;

The position offered is vacant due to a strike, lockout, or other labor dispute;

The individual would be required to work for an employer contrary to his union membership;

The quality of training does not meet local employers' requirements, or

The employment offered interrupts an in-progress On-The-Job training program or professional re-certification program, which was previously approved in a Self-Sufficiency Plan.

For **RCA**, the E&T contractor is responsible for determining if good cause exists. If it does not, the E&T contractor

for Refugee Cash Assistance is to provide the eligibility worker with the non-compliance information. The eligibility worker will initiate the sanction in the eligibility system.

2438.45.35 Non-Compliance with Employment and Training (E&T) (C)

The policy stated in this section applies only to (RCA) Assistance Groups.

Non-Compliance with Employment and Training (E&T) applies to the individual's failure to participate without good cause in activities scheduled by, or with, the Refugee Cash Assistance (RCA) E&T contractor.

For **RCA**, the eligibility worker acts on non-compliance reported by the Employment and Training (E&T) RCA contractor by entering the information on the eligibility system. Sanctioning is discussed in Sections 2438.45.35.05 and 2438.45.35.15.

2438.45.35.05 Sanction For E&T Non-Compliance (C)

For **RCA**, the E&T RCA contractor contacts an eligibility worker with non-compliance information.

The eligibility worker must enter this information on the eligibility system.

An exempt RCA volunteer in E&T may leave E&T at any time without a financial penalty.

2438.45.35.15 Length of Employment and Training Sanction Periods (C)

For **RCA**, the following penalties apply:

For the first non-cooperation incident, the sanction will remain in effect for **three payment months**.

For any subsequent non-cooperation incidences, the sanction will remain in effect for six payment months. (f115)

2438.50.00 VOLUNTARY QUIT (S, C)

Certain individuals, who have voluntarily quit a job, or refused to accept an offer of employment without good cause, may be disqualified. An individual who voluntarily reduces his earnings without good cause is considered to have voluntarily quit a job. The specific program guidelines are discussed in the following sections.

For SNAP, Voluntary Quit or Reduction of Hours is treated as a Work Registration requirement. The disqualification periods for Voluntary Quit/Reduction of Hours are outlined in Section 2438.50.2.

2438.50.05 Situations Not Considered Voluntary Quit (S)

An AG member who quits a suitable job voluntarily is subject to the Voluntary Quit rules. This includes an AG member who is not going to work, but who has not actually been terminated by the employer, or has been terminated for absenteeism. Quitting a job as a result of the following situations is not considered a Voluntary Quit if:

The client would have been exempt from Work Registration at the time of the quit for a reason other than the employment.

The quit occurred 60 or more days prior to the application date.

The client was terminated (fired) by the employer for a reason other than non-attendance.

The quit was initiated by the employer. For instance, the individual was told he had a choice to quit or be fired.

The individual is under age 60, but the resignation is considered retirement by the employer.

The client obtained other employment subsequent to the Voluntary Quit of at least 30 hours a week, or the equivalent of the federal minimum wage times 30, or the training wage times 30 (if the situation warrants the payment of a training wage).

The client had a change occur which did not need to be reported, but caused the individual to lose exemption status. For example, child turned six years old, but individual remains exempt until recertification.

When any of the following criteria apply to the job the AG member quit, the worker does not need to make a Voluntary Quit determination:

Job was **less than minimum wage** or **less than the training wage** if the employment situation warranted the payment of a training wage.

Job was less than **30 hours per week**.

Job was further than walking distance (one mile), and no public or private transportation was available.

Job involved a health risk for that person.

Job required illegal activity.

Job required that the AG member join, resign from or refrain from joining any legitimate labor organization to keep the job.

Job site was the location of a strike or lockout.

Job hours or responsibilities interfere with religious beliefs.

Job was self-employment.

Job was accepted at more than 30 hours per week or the equivalent of the federal minimum wage multiplied by 30, and either did not materialize, or resulted in employment of less than 30 hours a week, or less than the federal minimum wage multiplied by 30.

2438.50.10 Good Cause For Voluntary Quit (S)

Good cause for leaving employment includes the good cause provisions for declining employment found in Section 2438.45.10.10, and resigning from a job that does not meet the suitability criteria in Section 2438.45.10.15, regardless of whether the job was unsuitable at the time of employment or became unsuitable at a later date.

Other good cause criteria include:

Discrimination by any employer based on age, race, sex, color, handicap, religious beliefs, national origin, political beliefs, or marital status;

Work demands or conditions that render continued employment unreasonable, such as working without being paid on schedule;
Acceptance by any AG member of employment or enrollment at least half-time in any recognized school, training program, or institution of higher education that requires an AG member to leave employment; or

Leaving a job in connection with patterns of employment in which employees frequently move from one employer to another, such as migrant farm labor or construction work. (This is considered to be good cause even if there is a time lapse between the end and begin date of employment.)

2438.50.15 Requirements for Voluntary Quit Disqualification (S)

The AG member will be disqualified for Voluntary Quit if all of the following conditions are met:

The individual quit employment within 60 days of the date of application, or any time thereafter.

The individual did not meet one of the exemptions for Work Registration.

The employment involved work of at least 30 hours per week, or produced earnings in an amount at least equivalent to the federal minimum wage multiplied by 30 hours.

The individual is currently unemployed (that is, employed less than 30 hours per week, or receiving less than weekly earnings equivalent to the federal minimum wage multiplied by 30), including employees of federal, state, and local government who have been dismissed from employment because of participation in a strike against such government, and

The quit was without good cause.

2438.50.20 How to Make A Voluntary Quit Determination (S)

The eligibility worker will obtain a statement from the individual who voluntarily quit a job, or from the authorized representative, as to the reason for the quit.

The eligibility worker must get enough information/verification from the AG to determine:

If a quit occurred, and
The reason for the quit.

This should be accomplished during the application process if the AG is currently being certified, providing the processing time frames can be met. Otherwise, within two working days of receipt of a report of loss of employment, send the AG a notice requesting necessary information to determine whether good cause exists. Give the AG a deadline of 13 days to provide the information.

The eligibility worker will help obtain verification of the Voluntary Quit if the information is difficult for the AG to obtain.

Acceptable sources of verification include, but are not limited to:

The previous employer;
Employee associations;
Union representatives; or
Grievance committees or organizations.

The eligibility worker is responsible for obtaining verification from collateral contacts provided by the AG.

If the Voluntary Quit resulted from circumstances that, with good reason, cannot be verified such as:

Resignation from employment due to discrimination,
Unreasonable demands by any employer, or
Because the employer cannot be located.

The AG will **not** be disqualified for Voluntary Quit.

2438.50.25 Disqualification for Voluntary Quit (S)

If a determination is made that **the AG member quit employment without good cause**, the eligibility worker enters the information in the system. When the eligibility system runs, the disqualification will be shown. The disqualification period will be applied as follows:

For **applicant AGs**, if the quit occurred during the 60 days prior to the application date, the member is disqualified for a minimum of 2 months beginning with the day after the quit or until the AG member complies, whichever is later (for the first violation);

Note: There is no penalty for a Voluntary Quit that occurred more than 60 days <u>before</u> the application date;

For **applicant AGs**, if the quit occurred after the application date, but prior to authorization, the AG member is disqualified for a minimum of 2 months beginning with the application date, or until the member complies, whichever is later (for the first offense);

For **recipient AGs**, the AG member is disqualified for a minimum of 2 months, beginning with the first of the month after normal procedures for adverse action have been followed or until the member complies, whichever is later (for the first offense); and

If the quit occurred in the last month of a certification period, the AG member is disqualified beginning with the first day of the month following the end of the certification period. The disqualification will last for a minimum of 2 months or until the member complies, whichever is later (for the first offense).

When the individual cures the sanction, he will be added back into the AG the month following the cure or the end of minimum sanction period, whichever is later.

A one member AG must reapply following compliance.

If an appeal is filed and continued benefits are provided pending a hearing, the disqualification cannot be imposed until the month after the hearing decision sustaining the

original action is released. **No claim is necessary for the benefits received pending the hearing.**

When the sanction is imposed, the AG must be given a notice of denial for applicant AG members and a notice of termination for recipient AG members. The AG will be informed of its hearing rights on the notice. The notice will contain the period of disqualification and explain what the AG member may do to avoid or end the disqualification.

The penalties for subsequent offenses are the later of 6 months for the second violation and 36 months disqualification for the third violation or until the individual complies. Refer to Section 2438.45.15.

If a disqualified client becomes exempt from Work Registration, the Voluntary Quit sanction is terminated immediately. The minimum disqualification period may not be served in this situation.

2438.50.25.05 Disqualification for Reducing Hours (S)

Mandatory individuals who voluntarily reduce their employment to less than 30 hours a week without good cause will be disqualified according to the penalties listed in Section 2438.45.15.

Good cause will be the same good cause applicable to Voluntary Quit which is included in Sections 2438.45.10.10, 2438.45.10.15 and 2438.50.10. Follow the steps in Section 2438.50.20 for Voluntary Quit, when determining if a voluntary reduction has occurred.

2438.50.25.10 Ending a Voluntary Quit/Reduction Disqualification (S)

Individuals who have been disqualified for Voluntary Quit/Reduction in Hours may be recertified for SNAP when the AG member who was disqualified:

Obtains employment comparable in salary or hours to the job that was quit/reduced, and

Serves the minimum sanction period, or

Becomes exempt from Work Registration.

If any of the criteria for ending the Voluntary Quit/Reduction of Hours are met while the case is closed, the sanction will be terminated when the client reapplies.

2438.50.30 Voluntary Quit and Refusal of Employment (C)

The eligibility worker ensures that the Voluntary Quit is identified and dealt with appropriately by the use of effective interviewing techniques and collateral information from employers. A Voluntary Quit determination may often be generated by the individual's response to an open-ended question: "How and why did your last job end?" The response to this question may prompt a collateral contact with the employer for clarification and/or verification.

The rules, penalties, and categories of assistance involved are discussed in the following sections.

2438.50.30.15 Refugee Voluntary Quit and Employment Refusal (C)

For **RCA** only, an applicant may not voluntarily quit employment or have refused to accept an appropriate offer of employment without good cause within **30 days** prior to the date of application.

The good cause determination is discussed in Section 2438.45.30.

If the applicant or recipient voluntarily quits or refuses employment, he is sanctioned in accordance with Section 2438.45.35.05.

2438.50.30.20 Voluntary Quit or Reduction of Hours (C)

The policy stated in this section applies only to members of **ADCR and ADCU** assistance groups (*not RCA*).

An applicant or recipient who voluntarily quits a job or reduces hours of employment of twenty (20) or more per week, *without good cause,* during the **six (6) month period** immediately preceding the date of application, or at any

time thereafter during which they are not IMPACT mandatory, shall be subject to the following fiscal penalty:

The TANF benefit will be re-calculated without consideration of the needs of that individual, but the individual's income, if any, will be considered in the grant calculation for a period of six (6) months from the date of the quit (or reduction in hours). (f118a)

Note: If an individual loses employment for reasons over which the individual has no control, such as documented illness or consistent threat of violence or harassment from a spouse or significant other, it would not be considered a Voluntary Quit.

As used in this section, good cause means any of the following:

1. A substantiated incident of discrimination by any employer based on age, race, sex, color, handicap, religious beliefs, national origin, political beliefs, or marital status.

2. Work demands or conditions that render continued employment financially unacceptable, such as working without being paid on schedule.

3. Leaving a job in connection with patterns of employment in which workers frequently move from one employer to another, such as migrant farm labor or construction work.

4. The individual quit, with the approval of the IMPACT case manager, to accept a bona fide job offer that resulted in increased earnings and/or benefits.

5. The individual was unable to obtain or maintain necessary care for a dependent minor child, or an incapacitated adult residing in the home.

6. The employment site violates applicable state or federal health and safety standards.

2438.60.00 REGISTRATION WITH WORKFORCE DEVELOPMENT (C)

At the time of application and at all subsequent redeterminations, an electronic interface between the

Department of Workforce Development (DWD) and the eligibility system will accomplish Work Registration for all able-bodied individuals aged 18 and over who are applying for, or receiving, TANF benefits for themselves and their dependent children.

The registration is automatic and requires no initial action on the part of the registrant. The eligibility worker must, however, inform the applicant/recipient during the eligibility interview that the registration will occur.

> Note: If an AG includes more than one participating adult, there will be more than one registrant.
>
> Non-parent caretaker relatives who are not requesting or receiving TANF benefits for themselves will not be included in the interface.

2439.00.00 COOPERATION WITH PUBLIC SERVICE REQUIREMENTS (C)

The policy in this section affects the ADCU, and ADCR categories.

An individual, who is 18 years of age, or less than 18 and the parent of a dependent child, may be required to engage in public service in exchange for assistance under these programs. (f118c)

2439.05.00 PENALTIES FOR REFUSAL TO PARTICIPATE IN PUBLIC SERVICE (C)

The policy in this section affects the ADCU and ADCR categories.

> If the individual is an applicant, then benefits are to be denied.
>
> If the individual is a recipient, then benefits are to be discontinued. (f118d)

2440.00.00 COOPERATION WITH QUALITY CONTROL (S)

Any individual who refuses to cooperate with Quality Control's (QC) investigation may be assessed a penalty by QC. The individual cannot be certified for SNAP within the QC non-cooperation penalty period indicated on the QC referral, unless the AG cooperates before the end of the QC

review period. If the individual cooperates, the DFR will be notified by QC. QC non-cooperation results in the ineligibility of the entire AG. The DFR will be notified by QC of this non-cooperation.

2442.00.00 INTENTIONAL PROGRAM VIOLATION (S)

Any person, whom a court or Administrative Law Judge has officially determined to have committed an Intentional Program Violation (IPV), cannot be certified for SNAP within the penalty period of disqualification. If a person is still within the penalty period, he is not counted in the AG size, but all of his income and expenses count.

For claim calculation and recovery information, see Section 4600.

2446.00.00 STRIKE PARTICIPATION (C)

Within the C category, the policy stated in this section only applies to ADCU and ADCR.

A strike is defined as a concerted failure to report for duty, willful absence from one's position, stoppage of work, or abstinence in whole or in part from the full, faithful, and proper performance of the duties of employment, without the lawful approval of the employer, or in any concerted manner interfering with the operation of an employer.

Participating in a strike is engaging in any activity or lack of activity included in the above definition of "strike".

An employee who terminates employment with a striking company, or is fired, is not considered to be participating in a strike.

2446.05.00 INELIGIBILITY DUE TO STRIKE PARTICIPATION (C)

Within the C category, the policy in this section only applies to ADCU and ADCR.

An AG is ineligible for TANF cash assistance for any payment month in which the natural or adoptive parent residing in the home (regardless of whether the parent is included in the award), the caretaker relative or the only eligible child, is participating in a strike on the last day of the month. (f140) If any other participating member of the AG is on strike on the last day of the month, he is ineligible for TANF cash assistance and his needs are not to be included when determining eligibility for the remainder of the AG. (f141) The term "month", as used above, means "payment month".

EXAMPLE:
AG receives TANF check on 9/1. Parent/caretaker goes on strike 9/15 and continues on strike through the end of the month. The AG is not eligible for the September check and recoupment should be pursued.

2450.00.00 PERSONAL RESPONSIBILITY AGREEMENT (C)

The policy in this section affects both the ADCU and ADCR categories of cash assistance.

The Personal Responsibility Agreement (PRA) represents a partnership between the DFR and the parent or caretaker committed to the goal of economic independence for the client. The PRA is a vehicle for recipients to declare their understanding of the program expectations and consequences for non-compliance as well as affirm their willingness to comply with the requirements. (f144) By signing the PRA, parents/caretaker relatives specifically agree, that as recipients of cash benefits, they will:

Ensure that the children under their care and control receive all age-appropriate immunizations as recommended by the American Academy of Pediatrics;

Ensure that the school-aged children under their care and control are in compliance with the school district's attendance standards;

Ensure that children under their care and control are raised in a safe, secure home;

If they are minor parents, live in the home of a qualifying relative;

Ensure that they do not use illegal drugs or abuse other substances that would interfere with their ability to be self-sufficient;

Cooperate with the IMPACT worker in developing a self-sufficiency plan.

The clients' signature on the PRA also indicates that they have been informed of the following penalties and are aware of the actions likely to cause the penalties to be imposed:

Temporary Assistance for Needy Families (TANF) cash benefits will not increase for the addition of a child born more than ten calendar months after the initial effective date of Treatment status;

The imposition of a program fiscal penalty against recipients who voluntarily terminate employment while receiving TANF or during the six (6) month period immediately preceding the date of application for TANF;

The disqualification from TANF of individuals found to have committed intentional violations of the TANF Program (IPV's);

The imposition of program sanctions against individuals who refuse or fail to cooperate in developing a self-sufficiency plan or to comply with the requirements of an already established plan;

The 24-month time-limitation placed on the receipt of cash benefits by individuals who are mandatory employment and training participants; and

The reduction of TANF benefits to the assistance groups of recipients who fail or refuse (without good cause) to sign the Personal Responsibility Agreement.

All TANF recipient parents and TANF recipient non-parent caretakers are required to sign the PRA. This includes minor parents as well as adults. When the participating assistance group includes two parents, both parents must sign an agreement.

The following individuals may be asked to sign the PRA but suffer no penalties for failure to sign the agreement or comply with program requirements:

- Non-recipient non-parent caretakers of TANF recipient children;
- Non-recipient qualifying relatives with whom minor parents are living;
- Parents and other caretaker relatives who are SSI recipients;
- Parents who are TANF-ineligible aliens, and
- Parents who are TANF-ineligible drug felons.

At the authorization of TANF eligibility (whether as a result of a new application or a reapplication for benefits which were previously discontinued) the PRA is to be discussed and signed in the presence of a caseworker, who also signs it. The adult recipient's signature should be obtained as soon as the individual's eligibility status is determined. If an individual who is required to sign a PRA is not present at authorization, their signature must be obtained within thirty days of authorization.

The parents and/or other recipient caretakers are to be contacted to:

- Inform them of the requirement to sign the Personal Responsibility Agreement;
- Provide instructions for contacting the caseworker to sign the PRA;
- Establish a deadline date for contacting the caseworker to schedule an appointment; (This due date should be no fewer than ten days from the mailing date of the notice.)
- Discuss the penalty for failing, without good cause, to sign the PRA by the deadline date.

A recipient parent/caretaker who joins an active assistance group would be required to sign the PRA at the interview, or within 30 days.

NOTE: If the PRA requirement is presented during the redetermination process, it is not actually a part of the redetermination and would not (if unmet) result in the discontinuance of TANF benefits. The penalty for failure, without good cause, to sign the PRA is a $90 fiscal penalty (per non-compliant individual) whether the requirement is presented at initial eligibility, at redetermination point, or because of a change in the family's circumstances.

Changes which would necessitate presenting the PRA requirement prior to a redetermination include:

- The addition of a recipient parent or other caretaker relative to an assistance group;

- The inclusion of a former SSI-recipient parent/caretaker relative as a participating member in an AG following the loss of SSI eligibility; and

- The birth of a child to a minor who is receiving assistance.

The notification requirements for these situations are identical to those outlined for imposing the PRA requirement after initial authorization.

Refusal or failure (without good cause) to sign the PRA within the designated time period results in a reduction of the TANF grant in the amount of $90 per non-compliant recipient adult. The non-compliant parent/caretaker relative continues to be an eligible TANF recipient and is:

- Subject to TANF IMPACT requirements;

- Entitled to receive supportive services if participating in employment and training activities; and

- Entitled to be referred for child care assistance, if otherwise eligible;

The penalty will be invoked throughout the length of the non-compliance and is lifted when the recipient:

- Signs the PRA;

- Has shown good cause for failure to sign; or

Timely appeals the Personal PRA fiscal penalty. The fiscal penalty is removed until the issue is resolved through the fair hearing process.

If the recipient comes into compliance before the effective date of the fiscal penalty, the penalty is not to be imposed. When compliance occurs after cut-off, the following month's reduced benefits must be augmented with an auxiliary payment to remove the penalty.

A recipient caretaker relative will be considered to have "good cause" for refusing or failing to sign the PRA only if determined to be mentally incompetent and incapable of understanding the requirements of the PRA by a licensed physician or a licensed mental health professional. If verification of mental incompetence has been obtained, the caseworker enters the good cause reason in the eligibility system to prevent a fiscal penalty.

Since there is only one condition of good cause, every attempt should be made to assist clients who are willing, but unable (due to circumstances beyond their control) to sign the PRA in a timely manner. This is particularly important given the necessity of signing in the presence of an eligibility worker. In certain circumstances, such as illness, incapacity, and unavailable transportation, it will be necessary to visit the home or hospital to obtain the recipient's signature.

2450.05.00 THE REQUIREMENT TO COMPLY WITH SCHOOL ATTENDANCE POLICY (C)

The policy stated in this section affects only the ADCR and ADCU categories of cash assistance.

If a TANF recipient child aged seven through seventeen has more than three (3) unexcused absences as defined by the school district during a semester or grading period, his/her recipient caretaker relative is required to comply with a written improvement plan, developed by the school or by the DFR in conjunction with the caretaker relative. (f142)

The provision applies to all school-aged children except those who are:

Not part of the TANF assistance group due to their receipt of SSI;

Excluded from the assistance group because they are ineligible for TANF;

Children in the care of relatives who are not included in the TANF award;

Children whose parents are excluded from the TANF assistance group due to the receipt of SSI (Note: This would not apply if both of the child's parents were in the home and one of the parents did not receive SSI.);

Note: Children who are excluded from the TANF payment calculation because of the family benefit cap provision are nevertheless considered to have TANF eligible status. Therefore, their recipient caretaker relatives are required to cooperate with an improvement plan should their attendance be at an unacceptable level.

The procedure used to verify the number of unexcused absences will depend upon the arrangement established between the DFR and each school system to provide notification of all children whose attendance is unacceptable. The DFR is to investigate only when the school reports that there is a problem.

When a child has been identified as having more than three (3) unexcused absences, the circumstances must be evaluated to determine the reasons for the unexcused absences. The caseworker should accomplish this by discussing the attendance problem with:

School personnel;
The parent; and/or
The child

Once causative factors have been identified, they should be documented on the eligibility system. Any hard copy material pertaining to the reasons for the child's absenteeism should be maintained in the case file.

After the reasons for excessive absenteeism have been determined and documented, a written plan of action will be developed with the parent. If the school has a plan in place, the DFR need not devise another. The plan should explain specific barriers to school attendance and specific measures to be taken by the parent to remove them. It is necessary that the plan be developed as a collaborative

effort between the eligibility worker and the recipient caretaker. By working with the eligibility worker, the recipient caretaker is more likely to gain a clear understanding of what is expected and the consequences of failure to fulfill his/her part of the agreement.

A parent or other recipient caretaker is considered to be in compliance with the school attendance requirement unless he/she refuses or fails (without good cause) to:

Cooperate in developing a written plan, or

Perform the specific activities included in the written plan, or

Consent to release the school attendance information when such consent is required to obtain school attendance information.

A parent or caretaker relative may be penalized (the $90 fiscal penalty) immediately after failing or refusing to cooperate with the treatment plan after the child has three (3) unexcused absences. Refusal or failure to comply with a treatment plan can occur at any time and as early as at the time of plan development. The child may only be penalized (the $59 fiscal penalty) if he/she has three or more unexcused absences in a subsequent grading period or semester. Therefore, if, his attendance is acceptable in a subsequent semester or grading period, there is no parental non-compliance, even if the adult ceases or fails to follow the improvement plan. Conversely, the caretaker relative is considered to be in compliance as long as he is following the improvement plan, <u>whether the child's attendance improves or not</u>.

The monitoring of the adult recipient's cooperation with the improvement plan will involve obtaining verification (no less frequently than at each subsequent redetermination of TANF eligibility) that each specific required action in the plan is being taken.

A penalty for non-compliance is not to be imposed without verification that the recipient caretaker relative failed or refused (without good cause) to perform the specified, mutually agreed-upon activities included in the school attendance improvement plan.

If the parent or caretaker relative is in compliance but the child continues to have unexcused absences in any subsequent grading period, the grant will be reduced by an amount equal to removing the child's needs from the grant determination. The earliest a penalty against a child can occur is a subsequent grading period. Penalties against a child last until the end of the grading period and start again with the fourth unexcused absence in the following grading period.

If the parent or caretaker relative fails or refuses to cooperate in the attendance improvement plan and the child does not meet the attendance standard in a subsequent semester or grading period, the TANF benefit amount will be reduced by an amount equal to removing the needs of the parent or caretaker relative and the child. In a two-parent TANF cash assistance group, both parents must assist in developing and complying with the plan. If one parent is non-compliant without good cause, the TANF benefit is reduced by an amount equal to removing his/her and the child's needs. If both parents are out of compliance without good cause, the grant is reduced by an amount equal to removing both parents and the child's needs from the grant determination. Penalties against parent/caretaker relatives last until compliance or the child's attendance is satisfactory which ever is earliest. Penalties against a child last until the end of the grading period.

The non-compliance penalty is a fiscal penalty assessed against the TANF payment of the assistance group and is not to be confused with an ineligibility sanction (IV-D or IMPACT) which is applied to individuals. In an assistance group under the fiscal penalty, all assistance group members (including the non-compliant adult) continue to be TANF cash recipients and are:

Subject to TANF IMPACT requirements; and

Eligible to receive supportive services if participating in employment and training activities;

Because school systems vary so much when their grading periods or semesters start and stop, the eligibility system will not be able to track when the non-compliance penalties end. It is up to the DFR to contact the school systems for this information.

The eligibility system uses the information entered in determining whether to apply the fiscal penalty. It is, therefore, essential to review the screen prior to imposing a penalty to ensure that the individual is actually subject to the requirement. Non-recipient caretaker relatives such as parents who are ineligible aliens and non-parent caretaker relatives who have opted not to receive TANF are not subject to the school attendance requirement. Therefore, no penalty can be assessed on their assistance groups for their failure to comply with a plan to improve attendance.

If the caretaker relative comes into compliance prior to the effective date of the fiscal penalty, it is not to be imposed.

A recipient caretaker relative is considered to have good cause for non-compliance with the written plan of the school or the DFR if:

> The child is suspended or expelled for behavior problems and the school has verified that no alternative educational situation exists. For good cause to exist, the recipient caretaker relative would have to be in compliance with a plan established by a treatment professional that is monitoring the situation;
>
> The child has a mental or physical condition as determined by a licensed health care professional, that prohibits the child from integrating into the normal school environment and there is no alternative educational situation;
>
> The actions required in the improvement plan were beyond the capability of the recipient caretaker relative; or
>
> The division did not provide the services needed by the recipient caretaker relative to perform the required actions.

Compliance exists and no penalty is imposed on the parent or caretaker relative if he/she cooperates with the written improvement plan.

Minor parents are not subject to the school attendance provision unless they must (according to traditional TANF

rules) assume the role of a dependent child in an assistance group which includes the minor's applicant or recipient sibling(s) and their parent or caretaker relative. If minor parents head their own assistance groups, the school attendance provision does not apply. Minor parents living in the home of a supervisory adult (see IPPM 3215.05.25.05) for the TANF benefit are still considered to be the head of their assistance group.

2450.10.00 THE IMMUNIZATION REQUIREMENT (C)

The policy stated in this section affects only the ADCR and ADCU categories of cash assistance.

TANF recipient parent/caretakers must provide verification that all children for whom they receive TANF benefits have received all standard childhood immunizations appropriate to their age level. (Note: Although recommended by the Indiana State Department of Health, Hepatitis B vaccine has not been readily available and is, therefore, not required for TANF recipient children.) Documentation that the immunization requirement is met must be provided as follows: (f143)

At the next scheduled redetermination following initial eligibility; and

At each subsequent redetermination of eligibility.

Immunizations are required for school attendance. Therefore, a school-aged child who is currently enrolled may be presumed to be immunized or to have been excused from the requirement (by the school system) for good cause. In either case, the child would meet the TANF immunization requirement. Verification would be limited to information confirming the child's enrollment.

Medical documentation is necessary if the child is under school-age or receives "alternative" schooling.

If the recipient parent/caretaker provides clear medical documentation that the child has received all age-appropriate immunizations, the requirement is met. The eligibility worker completes the Indiana Immunization

Certificate from the information at hand and maintains it in the case file. Recipient parents and recipient caretaker relatives who do not submit their own medical documentation are to be given the Indiana Immunization Certificate and the Indiana State Department of Health (ISDH) Immunization Record. The recipient takes these forms to the child's physician, the local health department or another immunization provider for review and signature. The signed certificate is then to be returned to the eligibility worker by the recipient within 10 calendar days. Upon receipt, it is to be filed and maintained in the case file. The recipient should be instructed to retain the immunization record for future use.

Children are not subject to the immunization requirement if they are:

- Not part of the TANF cash assistance group due to their receipt of SSI;

- Excluded from the assistance group because they are categorically ineligible for TANF cash assistance;

- Not mandatory members of the assistance group and the caretaker relative did not wish to include them in the TANF award;

- Children in the care of relatives who are not included in the TANF award;

- Children whose parents are excluded from the TANF cash assistance group due to the receipt of SSI (NOTE: This does not apply if both of the child's parents are in the home and one of the parents does not receive SSI.);

NOTE: Children who are excluded from the TANF payment calculation because of the family benefit cap provision are, nevertheless, considered to have TANF eligible status. Therefore, their recipient caretaker relatives are required to have them immunized.

If the recipient caretaker relative of a child who is subject to the immunization requirement fails or refuses to comply, without good cause, the AG's TANF benefits are to be reduced by $90 per month until the requirement is met.

The good cause reasons for non-compliance include:

That the recipient refuses to have the child immunized because of religious beliefs;

That the recipient has documented medical evidence from a licensed health care professional that an immunization is not appropriate for the child.

2450.15.00 THE REQUIREMENT TO RAISE CHILDREN IN A SAFE, SECURE HOME (C)

The policy stated in this section affects only the ADCR and ADCU categories of cash assistance.

Parents/caretaker relatives are required to raise the children under their care and control in a safe, secure home. As defined for this provision, a safe, secure home is one that is free of substantiated domestic violence or substantiated incidents of child abuse or neglect. (f143a)

Individuals are not subject to this provision if they are:

Not part of the TANF assistance group due to their receipt of SSI;

Excluded from the assistance group because they are categorically ineligible for TANF cash assistance;

Not mandatory members of the assistance group and the caretaker relative did not wish to include them in the TANF award;

Caretaker relatives who are not mandatory members of the assistance group, and have elected not to be included in the cash award;

Non-compliance with this provision occurs when:

There is a substantiated incident of child abuse or neglect or domestic violence involving an AG member;

It has been determined that the parent/caretaker relative is in need of counseling or other actions to prevent further incidences; and

The parent/caretaker relative fails or refuses, without good cause, to comply with the counseling or other actions determined to be appropriate.

Good cause is considered to exist when:

The required actions were beyond the capability of the individual to perform; and

The agency did not provide the services needed by the individual to perform the required actions.

The non-compliance penalty is a $90 fiscal penalty assessed against the TANF payment of the assistance group and is not to be confused with an ineligibility sanction (IV-D or IMPACT). A $90 per month fiscal penalty will be assessed for each member who is out of compliance. For example, in a two parent TANF cash assistance group, if both parents are out of compliance, the penalty will be $180. In an assistance group under the $90 fiscal penalty, all assistance group members (including the non-compliant member) continue to be TANF recipients and are:

Subject to TANF IMPACT requirements; and

Eligible to receive supportive services if participating in employment and training activities;

If compliance occurs prior to the effective date of the fiscal penalty, it is not to be imposed.

In cases of substantiated child abuse or neglect, the child welfare staff maintains responsibility for monitoring the family situation and compliance with a service plan. Consequently, the DFR will need to establish procedures to notify the eligibility worker when a TANF parent/caretaker does not comply with the Child Welfare Service Plan.

In cases of domestic violence, monitoring will depend on the worker's interviewing ability and the recipient's willingness to share information. At the point where the worker has been notified of domestic violence, it will be necessarily to obtain verification that an actual substantiated case exists. The individual should be given notice that verification is required (i.e., a police report or statement from a certified counselor) and the regular change reporting/verification procedures should be followed. If no verification is obtained, no penalties will be applied.

If verification is obtained that a substantiated case of domestic violence does exist, the individual will need to provide documentation as to the recommended treatment plan. The monitoring of the individual's cooperation with the recommended plan will involve obtaining verification (no less frequently than at each subsequent redetermination of eligibility, or until that time that the service provider indicates service is no longer required) that each specific required action in the plan is being taken. The individual is considered to be in compliance as long as he/she is following the treatment plan, whether there are further incidence of domestic violence or not.

2450.20.00 THE REQUIREMENT TO ABSTAIN FROM DRUG OR SUBSTANCE ABUSE (C)

The policy stated in this section affects only the ADCR and ADCU categories of cash assistance.

Recipient parent/caretaker relatives are prohibited from using illegal drugs or abusing other substances that would interfere with their ability to be self-sufficient. (f143b)

Individuals are not subject to this provision if they are:

- Not part of the TANF cash assistance group due to their receipt of SSI;
- Not an adult required to sign a Personal Responsibility Agreement (PRA);
- Excluded from the assistance group because they are categorically ineligible for TANF cash assistance;
- Not mandatory members of the assistance group and the caretaker relative did not wish to include them in the TANF award; and
- Caretaker relatives who are not mandatory members of the assistance group, and have elected not to be included in the cash award;

Once an individual has been found out of compliance with this provision, the individual is to be referred to a state approved alcohol and drug addiction service provider for assessment and treatment recommendation. If the individual

fails or refuses, without good cause, to comply with the assessment or recommended treatment, it will result in the imposition of a $90 fiscal penalty per month for each individual assessed against the assistance group. For example, in a two-parent TANF cash assistance group, if both parents are out of compliance, the penalty will be $180. In an assistance group under the $90 fiscal penalty, all assistance group members (including the non-compliant member) continue to be TANF recipients and are:

- Subject to TANF IMPACT requirements; and
- Eligible to receive supportive services if participating in employment and training activities.

Good cause for purposes of this requirement is defined as:

- The required actions were beyond the capability of the individual to perform; and
- The agency or addiction service provider did not provide the services needed by the individual to perform the required actions.

If compliance occurs prior to the effective date of the fiscal penalty, the penalty is not to be imposed.

Individuals should not be referred to a service provider for treatment unless there is substantiated or documented evidence that they are using illegal drugs or abusing other substances that would interfere with their ability to be self-sufficient, for example:

- The recipient admits to using illegal drugs or abusing other substances or has a drug related conviction; and
- The recipient is referred for a job and fails the drug screening or is fired from a job for failing a drug screening.

When a questionable situation arises, keep in mind that you would not make a referral unless the evidence would be such that it could be used in a legal action. We do not act on suspicions.

The individual who has been determined to be out of compliance with this provision should be referred to a state approved alcohol and drug addiction service provider.

For purposes of this provision, a state approved provider is defined as:

> A provider who offers a broad range of planned and continuing care, treatment, and rehabilitation, including, but not limited to, counseling, psychological, medical, and social service care designed to influence the behavior of individual alcohol abusers, or drug abusers based on an individual treatment plan; and has regular certification or outpatient certification.

Individuals should be instructed to provide verification from the provider that they are receiving services. Any hard copy verification should be maintained in the case file. Accompanying documentation should be made in the eligibility system. Monitoring of compliance with the treatment plan should occur no less frequently than at each subsequent redetermination of eligibility, or until that time when the service provider indicates service is no longer required. Individuals are considered to be in compliance as long as they have submitted for an assessment and are following the treatment plan, whether there are further abuses of the substances or not.

2452.00.00 TANF 60-MONTH BENEFIT LIMIT (C)

The policy, stated in this sub-section, affects both the ADCR and ADCU categories of cash assistance, as well as the former ADCI category.

Effective 04/01/02 (10/01/06 for ADCU), TANF cash assistance groups that include a parent or caretaker relative, are subject to a 60-month lifetime limit on cash assistance. (f146)

The 60-month limit is separate and distinct from the 24-month limit discussed in section 2453.00.00.

Only months where a parent or caretaker relative is receiving TANF cash assistance in the assistance group will count in the 60-month limit. Once an individual has reached the 60-month limit, the assistance group in which that individual is a participating member whose income and resources are/were used to determine eligibility and benefit level is prohibited from receiving TANF cash assistance for the lifetime of the individual while remaining the specified relative of the assistance group.

This means that non-parent caretakers, who have exhausted the 60-month limit, may serve as non-particpating caretakers and receive benefits for any qualifying children in their case other than their own natural or adoptive children.

> EXAMPLE: A mother has received TANF for herself and her children and she has exhausted her 60-month limit, so her case was closed. She now has applied for her nephew. She may serve as the nephew's non-parent caretaker and as a non-participating member of the AG receive a child only benefit for him.

The 60-month clock does not apply to children independently; children are only affected by the limit based on the parent or caretaker relative, as specified above, in their assistance group who is subject to the limit.

Only months starting with April 1, 2002 will count toward the 60 months. For ADCU, only months starting with October 1, 2006 would be included in the count, unless they had previously been in ADCI or ADCR.

The 60-month lifetime limit is a Federal mandate. See IPPM 2452.05.00 to determine how these months are to be considered.

Effective October 1, 2011 months where the assistance group receives the $10 minimum grant due to earned income putting them over the adjusted need standard will not count toward the 60-month clock; however, they will count toward the 24-month clock (see IPPM 2453.00.00).

The 60-month limit results in ineligibility for the parent/caretaker as well as the children included in the assistance group while the 24-month period affects only the parent or caretaker.

2452.05.00 OUT OF STATE TANF AND THE 60-MONTH LIMIT (C)

The policy in this section affects ADCU and ADCR categories.

When an individual applies for TANF cash assistance, they should be asked for all addresses/states where they or any other member of their immediate family have lived since October 1, 1996, and the eligibility worker should then contact any other states provided to determine whether they received assistance that would count against their 60 month benefit level. (f151)

* When updating the system with out of state months of assistance received, it is only necessary to enter the months for adults.

2452.10.00 OUT OF STATE 60-MONTH LIMIT PENALTIES (C)

The policy in this section affects both the ADCU and ADCR categories.

If an individual refuses or fails to provide the department with the information required, the TANF benefit is to be denied. (f152)

2453.00.00 24-MONTH BENEFIT LIMIT (C, I)

The receipt of cash assistance is limited to twenty-four (24) months for adults in the ADCR and ADCU categories of assistance who are mandatory for IMPACT. Any assistance months an adult was subject to the time limit prior to 6/1/97 (Placement Track) are counted towards the 24-month time limit. **Effective 6/1/97**, only months that the adult received assistance are counted.

At application, the 24-month clock will start with the effective date of the first month's TANF benefits for IMPACT mandatory adults. For on-going cases when an exempt adult becomes IMPACT mandatory, the 24-month clock starts with the next possible month allowed by adverse action. When adding an IMPACT mandatory adult to an on-going case, the 24-month clock starts with the first month in which the adult’s needs are considered in the grant.

> **Note: When an IMPACT mandatory minor parent caretaker turns 18, both the IMPACT and eligibility worker will receive alerts. The eligibility worker initiates the 24-month clock by running AEABC and authorizing the TANF Assistance Group (AG). The clock will start with the next possible month allowed by adverse action.**

Upon expiration of the 24-month period, an individual who has cooperated with the IMPACT program requirements and their Self-Sufficiency Plan (See IPPM 2454.00.00) may receive an extension under the following circumstances:

The DFR substantially failed to provide the services specified in the individual's Self-Sufficiency Plan.

Both during and after the 24-month time limit (in spite of continuous efforts), the individual was unable to find employment, or lost employment without cause, that would have provided the assistance group with income at least equal to the TANF grant plus the ninety dollar ($90) work expense allowance if combined with other income.

There were other unique circumstances beyond the control of the individual like the adverse effects of a natural disaster, or other catastrophic events such as the individual’s exposure to domestic violence, that resulted in the individual’s inability to obtain or retain employment.

In addition, recipients may earn one (1) month of TANF benefits for every six (6) consecutive months during which they were employed full time.

(a) For employed individuals, “full time” is defined by the employer.

(b) For self-employed individuals, full time is defined as 35 hours per week at minimum wage, which is calculated by dividing the self employment income by the federal minimum wage. (f146b)

Credit cannot be earned for periods of employment prior to 6/1/97, or for employment prior to the recipient's first application for TANF. A month during which an individual was ineligible for TANF due to a IV-D or IMPACT sanction is **not** considered a consecutive month of full time employment for purposes of calculating entitlement to additional months. An individual may not retain credit for more than 24 months at any one time. The individual is automatically entitled to an extension for a period equal to the number of accrued months, but only if the individual requests an extension.

Sixty (60) days prior to the end of the 24 months, the recipient will be notified of the date his/her 24 months ends. The notice will explain how to request an extension, who qualifies and on what grounds, and where to return the request.

Upon receiving the recommendations in the extension request package from the appropriate IMPACT staff, the Division Director will make the final determination as to whether an extension, or earned time, will be granted.

Recipients may request an extension at any time before or after their 24-month period has ended. However, individuals who receive a sixty (60) day advance notice are asked to return the extension request portion of the notice within thirteen (13) days of the mailing date of the notice to expedite the process. [No penalty is imposed if the recipient does not request an extension within the thirteen (13) day period.] The request must include an explanation of why the recipient feels he/she is eligible for the extension, and any verification he/she can provide to substantiate this claim.

An extension should be for a period sufficient to allow IMPACT staff and the recipient to determine and remove the barriers that continue to prevent the individual from achieving self-sufficiency. Extensions may be granted for up to twelve (12) months, are renewable, and go into effect in the month following approval to allow for system processing time frames.

The IMPACT case manager will have five (5) days from the receipt of the individual’s extension request to review and draft a response which will ultimately be submitted to the DFR Director for a final decision. The response should contain all documentation necessary to explain the individual’s situation with regard to attaining financial independence within 24 months. The response package for the Director is to include, at a minimum:

A copy of the Self-Sufficiency Plan with all updates;

A detailed explanation of any barriers facing the recipient and all services provided by the Local IMPACT Office to address these barriers;

A detailed explanation of the actions taken by the IMPACT case manager to help the individual overcome the barriers which were identified within the last two years, and why these efforts were unsuccessful;

A direct response for the justification provided by the recipient to support the request if different from the barriers listed above, and

A recommendation to approve or deny the request. If approval is proposed, the IMPACT case manager is also to recommend the length of time [not to exceed twelve (12) months] the recipient's benefits should be extended and provide a rationale for the recommendation.

Processing an Extension Request:

A hard copy package containing

(a) the recipient’s request,
(b) the IMPACT case manager’s response package, and
(c) recommendations from other appropriate personnel to approve or deny the request

is forwarded to the Regional IMPACT Consultant.

The IMPACT Consultant will have ten (10) days to review the package and, if necessary, return it to the IMPACT case manager for additional documentation and/or corrections. The IMPACT case manager will have five (5) days to provide the required documentation and/or corrected information and return the completed package to the IMPACT Consultant. The IMPACT Consultant will forward the completed package to the TANF consultants in Central Office for their recommendation.

TANF consultants will have ten (10) days to review and include their recommendation in the package and forward the complete hard copy package to the DFR Director who is responsible for the official and final decision to either approve or deny the request. The Director's approval or denial response is returned to the appropriate Local IMPACT Office for implementation.

Central Office IMPACT will send a letter to the individual notifying him/her of the DFR Director’s decision. The State Regional Manager (or designee), the State Eligibility

Manager (SEM), and the appropriate IMPACT Regional Manager (or designee) also receive copies of the decision.

The decision information will be updated in the eligibility system by the SEM (who will also complete any authorizations that may be needed). If approved, the length of the extension must be entered. If denied, the reason for the denial must be coded on the eligibility system. The Local IMPACT Office will update the IMPACT case file notes which will be reflected on the eligibility system.

Anyone may "bank" time so that months may be used at a later date, if needed, by withdrawing their AG from TANF or, if the individual in the time clock is an optional AG member, by having the optional person withdraw from TANF.

If the individual in the 24-month clock loses eligibility for cash benefits solely because the 24-month benefit period has expired, the rest of the assistance group will remain eligible for a cash payment as long as the AG continues to meet all other eligibility criteria. Because the individual subject to the 24-month limit is still considered a recipient, he/she must continue to cooperate with IMPACT and IV-D.

2454.00.00 SELF-SUFFICIENCY PLAN (C, I)

The policy stated in this sub-section affects only the ADCR and ADCU categories of cash assistance.

The Self-Sufficiency Plan (SSP) is developed jointly by the recipient and the IMPACT case manager and specifies, in writing, the activities required of the client and the services required of the agency during the 24-month period. The IMPACT case manager is required to initiate the development of a Self-Sufficiency Plan within 30 days of the individual’s referral to IMPACT. The client’s participation in the IMPACT activities outlined in the SSP is to begin immediately. The Self-Sufficiency Plan must be reviewed with the recipient and updated appropriately when circumstances change and, at a minimum, every 90 days.

2499.00.00 FOOTNOTES FOR CHAPTER 2400

Following are the footnotes for Chapter 2400:

(f1) Social Security Act, Section 1137(d)
(f2) 8 CFR 320.2

(f4) Social Security Act, Section 1903(v)
(f4a) HCFA Letter to State Officials, 10/6/99: Provisions On Access and Cost Sharing for American Indian/Alaska Native Children).
(f6) Social Security Act, Section 1137(a)(1)
(f9) Social Security Act, Section 402 (a)(7)
(f10) 7 CFR 273.3
(f13) 7 CFR 273.3
(f15a) 1902(a) (10) (A) (ii) (XV) and 1902(a) (10) (A) (ii) (XVI) of the Social Security Act
(f23) 470 IAC 2.1-2-1
(f24) 470 IAC 2.1-2-1
(f26) 470 IAC 2.1-1-2
(f27) 470 IAC 2.1-1-2
(f27a) IC 12-14-15-1 as amended by P.L. 67-2000 and P.L. 218-2003
(f28) IC 12-14-15-1
(f29) 470 IAC 2.1-1-2
(f34) 470 IAC 2.1-1-2
(f35) 470 IAC 2.1-1-2
(f36) Social Security Act, Section 402(a)(24); 45 CFR 233.20
(f37) Social Security Act, Section 1619(b)(3);
(f38) Social Security Act), Section 1902(a)(10)(E)
(f39) Social Security Act, Section 1905(p) (1) As amended by the Technical and Miscellaneous Revenue Act of 1988
(f40) Social Security Act, Section 1902(a) (10) (E)
(f41) Social Security Act, Section 1905(s) (4) as added by P.L. 101-239)
(f42) Section 1902(a) (10) (E) (iii)
(f42a) Social Security Act, Section 1902(A) (10) (E)
(f42b) Social Security Act, Section 1902(A) (10) (E)
(f65) Social Security Act, Section 406(a) (c)
(f66a) IC 31-14-7-2
(f77) Social Security Act, Section 1905(i)
(f79) Social Security Act, Section 1905(n) (1)
(f80) Social Security Act, Section 1902(e) (4)
(f84a) Section 2110(b) (2) of the Social Security Act
(f88) 470 IAC 2.1-4-5
(f89) 470 IAC 2.1-4-6
(f92) IC 12-14-2-24; IC 12-14-7-1
(f93) IC 12-1-7-5.1
(f94) Social Security Act, Section 402(a) (26);
(f96) Social Security Act, Section 402(a) (26); 470 IAC 10.3-8-1
(f106) Social Security Act, Section 402(a) (26); IC12-14-2-24; 470IAC10.3-8-1

(f107a) 470IAC10.3-10-1
(f107b) 470IAC10.3-10-1
(f107c) 470IAC10.3-10-1
(f107d) 470IAC10.3-10-1
(f107e) 470IAC10.3-10-1
(f108) Section 6(o) of the Food Stamp Act of 1977 as amended by Section 824 of P.L. 104 -193 (PRWORA)
(f109) Section 6(o) of the Food Stamp Act of 1977 as amended by Section 824 of P.L. 104 -193 (PRWORA)
(f112) 45 CFR 400.81
(f115) 45 CFR 400.82(b) (3) (ii)
(f115b) 470 IAC 10.3-8-3
(f117) Social Security Act, Section 402(a) (8); 45 CFR 233.20
(f118a) 470 IAC 10.3-8-2
(f118c) IC 12-14-5.5-1
(f118d) IC 12-14-5.5-1
(f140) Social Security Act, Section 402(a) (21);
(f141) Social Security Act, Section 402(a) (21); 45 CFR 233.106
(f142) 470 IAC 10.3-9-4
(f143a) 470 IAC 10.3-9-5
(F143b) 470 IAC 10.3-9-6
(f144) 470 IAC 10.3-9-1
(f146) PROWRA of 1996 Section 103
(f146a) 470 IAC 10.3-5-10
(f146b) 470 IAC 10.3-5-10
(f151) IC 12-14-2-25
(f152) IC 12-14-2-25