

TITLE 470 DIVISION OF FAMILY RESOURCES

Proposed Rule LSA # 10-243

ARTICLE 6. FOOD STAMP PROGRAM

Rule 0.5. Definitions

470 IAC 6-0.5-1 Food stamp terms defined

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-14-28-7

Affected: IC 12-13-1-1

Sec. 1. The following definitions apply throughout this article:

(1) "Assistance group" means those persons determined potentially eligible or eligible to receive benefits together.

(2) Broad based Categorical Eligibility means any assistance group receiving a TANF Maintenance of Effort (MOE) funded benefit or service, such as an informational packet or 800 number. These assistance groups are eligible without verification of resources, however, gross income limits must be applied and cannot exceed 200% of the federal poverty level.

(3) Categorical Eligibility means any assistance group in which all assistance group members are certified as eligible for SSI, TANF or a combination of both. These assistance groups are eligible without verification of resources, income, Social Security number, residency or sponsored alien status because the verifications obtained when TANF and SSI were approved are below the food stamp guidelines.

~~(2)~~(4) "Certification period" means the period of time, in calendar months, for which a household is determined eligible for food stamps, including months during which the household's participation is suspended or prorated to zero (0).

~~(3)~~(5) "Code of Federal Regulations" or "CFR" means the codification of the rules published in the Federal Register by the United States government.

~~(4)~~(6) "Contractor" means the:

- (A) person;
- (B) firm;
- (C) corporation; or
- (D) other entity;

that has a contract with the division to implement and operate an electronic benefits transfer (EBT) program.

~~(5)~~(7) "Division" means the division of family resources established by IC 12-13-1-1.

~~(6)~~(8) "EBT card" means a magnetic-stripe plastic card issued to a recipient which enables the recipient to purchase food items from a retailer through a point of sale (POS) terminal operated by the retailer and connected to a central computer maintained by the contractor for distribution of food stamp benefits to recipients.

~~(7)~~(9) "Eligibility worker" means an employee of the division responsible for determining eligibility for food stamps.

~~(8)~~(10) "Food and Nutrition Service" or "FNS" means the federal agency responsible for the overall administration of the food stamp program.

~~(9)~~(11) "Interviewee" means:

- (A) an applicant;
- (B) a participating member of the assistance group; or
- (C) an authorized representative.

~~(10)~~(12) "Nonassistance (NA) household" means all households other than public assistance (PA) households.

~~(11)~~(13) "Notification date" means the date on which a household is notified of any additional activity required of them or of

changes in their eligibility or benefit level. This date may be established by the:

- (A) personal delivery to the household; or
- (B) mailing date;

of a written notice.

~~(12)~~(14) "Prospective budgeting" means the computation of a household's food stamp allotment for an issuance month based on a reasonable anticipation of income and circumstances that will exist in the issuance month or months.

~~(13)~~(15) "Public assistance (PA) household" means a household in which all members have applied for or received cash assistance, including households not receiving cash benefits because the grant is less than ten dollars (\$10) or recoupment is occurring.

~~(14)~~(16) "Recertification" means a certification pursuant to an application filed in a month where the household:

- (A) is currently certified; or
- (B) was certified for the month prior to the month of application.

~~(15)~~(17) "Recipient" means a household that the division has determined, pursuant to 7 CFR 273, is eligible to receive food stamp benefits in a certification period.

~~(16)~~(18) "Retailer" means a store that:

(A) sells food items to consumers; and

(B) has been authorized by the FNS pursuant to 7 CFR 278 to participate in the food stamp program.

~~(17)~~(19) "Suspension" means the interruption of the participation of a certified household that is categorically eligible but not eligible for a food stamp allotment.

~~(18)~~(20) "Thrifty food plan" means the diet required to feed a family of four (4) persons consisting of a:

(A) man and woman twenty (20) years of age through fifty (50) years of age;

(B) child six (6) years of age through eight (8) years of age; and

(C) child nine (9) years of age through eleven (11) years of age;

determined in accordance with the Secretary of Agriculture's calculations. The cost of the diet shall be the basis for uniform allotments for all assistance groups regardless of their actual composition. In order to develop maximum food stamp allotments, the Secretary of Agriculture shall make assistance group size and other adjustments in the thrifty food plan taking into account economies of scale and other adjustments as required by law.

~~(19)~~(21) "Verification" means the use of documentation or a contact with a third party to confirm the accuracy of statements or information.

(Division of Family Resources; 470 IAC 6-0.5-1; filed Apr 12, 1984, 8:24 a.m.: 7 IR 1502; filed Jul 16, 1987, 2:00 p.m.: 10 IR 2662; errata, 10 IR 2741, filed Jun 1, 1989, 10:00 a.m.: 12 IR 1854; filed Oct 6, 1997, 5:25 p.m.: 21 IR 372; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Oct 24, 2007, 11:25 a.m.: 20071121-IR-470070448RFA; filed Mar 24, 2009, 11:38 a.m.: 20090422-IR-470080278FRA)

Rule 2. Household Reporting and Budgeting

470 IAC 6-2-1 Household reporting requirements

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 12-13-7-6

Sec. 1. (a) A food stamp household **under simplified reporting** is **only** required to report **to the division when their gross monthly income exceeds one hundred thirty percent (130%) of the federal poverty level. Households must report changes in their gross monthly income greater than one hundred thirty percent (130%) of the poverty level by the tenth day of the next month after this change occurs. changes as stated in 7 CFR 273.12(a) and 7 U.S.C. 2015(e)(1)(D).**

(b) Non-elderly/disabled households and elderly/disabled households with earnings who are certified for longer than 6 months are required to complete and return an interim contact form.

(c) Elderly/Disabled households who are certified for longer than 12 months are required to complete and return an interim contact form.

(d) Food Stamp benefits are terminated if the household fails to complete and return the interim report.

(Division of Family Resources; 470 IAC 6-2-1; filed Apr 12, 1984, 8:24 a.m.: 7 IR 1503; filed Jul 16, 1987, 2:00 p.m.: 10 IR 2663; filed Jun 1, 1989, 10:00 a.m.: 12 IR 1855; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; filed Oct 20, 2003, 9:45 a.m.: 27IR 870; readopted filed Oct 24, 2007, 11:25 a.m.: 20071121-IR-470070448RFA)

470 IAC 6-2-13 Certification periods

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-14-28-7

Affected: IC 12-13-7-6

Sec. 13. (a) The agency shall establish a certification period for a PA household such that temporary assistance to needy families (TANF) restudy and food stamp recertification may be accomplished at the same time, provided no loss of, or delay in receipt of, food stamp benefits occurs.

(b) The agency shall establish **the longest** certification period **possible based upon the household's status.** ~~of six (6) months for all households except those which consist of all members who are elderly or disabled according to the criteria as stated in 7 CFR 273.1(b)(2). Elderly or disabled households shall have a certification period of twelve (12) months.~~

(c) When one (1) household moves into another household, residing at the same address, the agency shall shorten the certification period of the household with the longest certification in order to align the certification periods. *(Division of Family Resources; 470 IAC 6-2-13; filed Apr 12, 1984, 8:24 a.m.: 7 IR 1506; filed Jul 16, 1987, 2:00 p.m.: 10 IR 2665; filed Jun 1, 1989, 10:00 a.m.: 12 IR 1856; filed May 17, 1993, 5:00 p.m.: 16 IR 2402; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235;*

Rule 3. Application Processing

470 IAC 6-3-1 Application processing

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-14-28-7

Affected: IC 12-13-7-6

Sec. 1.

(a) **The application process includes the following:**

(1) Completing and filing an application form

(2) Being interviewed.

(3) Having certain information verified.

(b) Denial of an application must occur on or before the thirtieth calendar day after filing under the following conditions:

(1) A household is found ineligible.

(2) A household did not cooperate in the application process.

(3) A household misses the initial scheduled interview.

(c) If a household is denied under subsection (b), the household must file a new application to participate in the program and receive benefits.

(d) If a household misses the initial interview, the division shall send the household a "Notice of Missed Interview" (NOMI). If the household does not respond to the NOMI, then the division can deny the application. However, the division cannot deny the application prior to the thirtieth day following the date of the application.

(e) If the applicant does not provide the requested verification the division may deny the application after the 10th day from the request.

(1) In the case where verification is incomplete, the division must allow sufficient time for the applicant to provide missing verification. Sufficient time shall be at least 10 days from the date of the division's initial request for the particular verification that was missing.

(2) If the applicant takes the required action within sixty (60) days following the date of application, the division shall reopen the case without requiring a new application.

(f) The division must determine the cause of the delay as outlined in 7 CFR 273.2(h)(1) if:

(1) there is a delay in the processing of an application; and

(2) the division does not:

(A) determine a household's eligibility; and

(B) provide an opportunity to participate;

within thirty (30) days following the date the application was filed;

(g) If the applicant was at fault for the delay in the initial thirty (30) day period and found to be eligible during the second thirty (30) day period, the division will prorate benefits from the date requested verifications are provided.

~~For households subject to thirty (30) day processing, if the household fails to appear for the interview appointment after having filed an application for food stamp benefits, and does not contact the county department on or before the thirtieth day after the date of application to reschedule the interview, the household shall be denied food stamp benefits based on this application.~~

(h) The household is considered to have failed to appear for the face-to-face interview appointment if the interviewee arrives more than fifteen (15) minutes after the scheduled time. The division shall schedule another appointment in this situation.

~~**(i) The state agency shall send the household a notice of pending status on the thirtieth day after the application is filed if verification is lacking.**~~

(j) Households that:

(1) are certified on an expedited basis; and

(2) have a postponed interview and/or verifications;

shall be assigned a normal certification period if circumstances warrant a normal certification.

(k) The state agency shall verify Supplemental Security Income (SSI) benefit payments through the:

- (1) state data exchange (SDX); or
- (2) beneficiary data exchange (BENDEX).

Only if the verification cannot be obtained through one (1) of these sources shall verification be requested from the household.

(1) The division will accept an application for food stamps signed with an electronic signature. (*Division of Family Resources; 470 IAC 6-3-1; filed Jul 16, 1987, 2:00 p.m.: 10 IR 2666; filed May 17, 1993, 5:00 p.m.: 16 IR 2403; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Oct 24, 2007, 11:25 a.m.: 20071121-IR-470070448RFA; filed Mar 24, 2009, 11:38 a.m.: 20090422-IR-470080278FRA*)

Rule 4.1. Benefit Calculation

470 IAC 6-4.1-1 Shelter and medical deductions

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-14-28-7

Affected: IC 12-13-7

Sec. 1. (a) Allowable ~~actual~~ costs for utilities shall include the following **Standard Utility Allowances (SUA) as calculated by average utility costs in accordance with 7 CFR 273.9 (d)(6)(iii)(B). Each assistance group charged for a utility expense is entitled to a utility allowance.**

- (1) Fuel for heating or cooling, or both.
- (2) Electricity for purposes other than heating or cooling.
- (3) Water.
- (4) Sewer.
- (5) Garbage.
- (6) Trash collection fees.
- (7) Initial installation charges (not deposits).

(b) The state agency shall determine the household's shelter deduction in accordance with 7 CFR 273.9(d)(5)(ii) and **in using** the following **utility allowances procedures:**

(1) ~~Except as specified in subdivision (4), the state agency shall allow applicant and participating households the option of using:~~

(A) ~~the actual cost of utilities; or~~

(1) a single standard utility allowance that includes a heating or cooling component if the household incurs an out-of pocket heating or cooling expense listed in 7 CFR 273.9(d)(6)(ii).

(2) ~~Except as specified in subdivision (4), the state agency shall allow applicant and participating households the option of using:~~

(A) ~~the actual cost of utilities; or~~

(2) a single standard utility allowance for assistance groups that incur two (2) or more utility expenses, none of which is a heating/cooling expense, but could include a telephone expense that includes electricity, telephone, water, and sewer if the household is billed for electricity but does not qualify for the standard utility allowance in subdivision (1) and incurs costs for at least two (2) of the utilities listed in subsection (a).

~~(3) Households that do not qualify for a standard utility allowance in subdivision (1) or (2) shall be entitled to claim a standard telephone allowance if the household incurs a telephone expense for basic service.~~

~~(4) Assistance groups that share utility expenses with other assistance groups or nonrecipients living in the same household shall not be allowed the standard utility allowance options specified in subdivisions (1) and (2).~~

(3) a single standard utility allowance for households that have only one expense other than heating/cooling and/or telephone.

(4) a single telephone standard for assistance groups that have no other utility expense other than a basic telephone fee.

(5) The standard utility allowances and the standard telephone allowance shall be:

(A) reviewed annually; and

(B) adjusted to reflect changes in the cost of utilities.

(c) Allowable medical deductions shall be those deductions as listed in 7 CFR 273.9(d)(3).

(d) The state agency shall allow forty cents (\$0.40) per mile as a transportation cost to obtain medical treatment or services for individuals who are elderly or disabled as defined in 7 CFR 271.2 when actual costs cannot be verified. (*Division of Family Resources; 470 IAC 6-4.1-1; filed May 17, 1993, 5:00 p.m.: 16 IR 2403; filed Jul*

28, 1994, 4:00 p.m.: 17 IR 2854; filed Aug 1, 1996, 4:00 p.m.: 19 IR 3383; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Oct 24, 2007, 11:25 a.m.: 20071121-IR-470070448RFA; filed Mar 24, 2009, 11:38 a.m.: 20090422-IR-470080278FRA)

470 IAC 6-4.1-4 Change reporting

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-14-28-7

Affected: IC 12-13-7-6

~~Sec. 4. (a) Households with a six (6) month certification period are only required to report when the monthly income exceeds one hundred thirty percent (130%) of the federal poverty level. Households must report changes in the gross income greater than one hundred thirty percent (130%) of the federal poverty level by the tenth day of the next month after the change occurs.~~

~~(b) Households with a twelve (12) month certification period must report changes as required in 7 CFR 273.12.~~

(a) Households under simplified reporting with a six (6) month certification period may report any other changes that occur, and those changes will be processed after verification is provided.

(b) The division shall not pay postage for households to mail the change report form provided by the agency.

(c) All changes reported within the certification period necessary to determine eligibility shall be verified prior to implementing the changes.

(d) All reported changes that result in an increase in benefits shall be reflected the month following the month the change is reported providing verification is provided timely.

(e) Households that do not cooperate by providing requested verification or information, or both of reported changes necessary to determine eligibility shall be discontinued with advance notice. (Division of Family Resources; 470 IAC 6-4.1-4; filed May 17, 1993, 5:00 p.m.: 16 IR 2404; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; filed Oct 20, 2003, 9:45 a.m.: 27 IR 871; readopted filed Oct 24, 2007, 11:25 a.m.: 20071121-IR-470070448RFA; filed Mar 24, 2009, 11:38 a.m.: 20090422-IR-470080278FRA)

470 IAC 6-4.1-6 Allowable costs for utilities

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-14-28-7

Affected: IC 12-13-7

~~Sec. 6. The state agency shall allow the household the option of:~~

~~(1) budgeting actual utilities; or~~

~~(2) a standard utility allowance (SUA).~~

~~(Division of Family Resources; 470 IAC 6-4.1-6; filed Mar 24, 2009, 11:38 a.m.: 20090422-IR-470080278FRA)~~

Rule 4.2. Resource Considerations

470 IAC 6-4.2-1 Resource considerations

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 12-13-7-6

Sec. 1. (a) **Assistance groups in which all members are receiving public assistance in the form of TANF or SSI are categorically eligible. These assistance groups are eligible for food stamps without verification of resources because the verifications obtained when TANF and SSI were approved are below the food stamp guidelines.**

(b) Resources belonging to assistance groups are not to be considered in determining eligibility for food stamp benefits under broad based categorical eligibility. There is a gross income limit applied to all assistance groups considered under broad based categorical eligibility.

(c) Assistance groups are not to be considered under broad based categorical eligibility if:

1) The entire assistance group is institutionalized

2) Any member is disqualified for intentional program violation

3) Assistance group is disqualified because one or more of its members failed to comply with workfare.

4) The head of household is disqualified for not complying with work requirements.

5) Any member of the assistance group is ineligible because of a drug related felony.

6) Assistance group does not provide the division with enough information to determine eligibility.

(d) For assistance groups determined to not be categorically eligible, the following conditions would apply:

(a) — **1)** The agency shall presume that all funds in a jointly owned financial institution belong to each owner. Individuals are to be advised of the presumption and given the opportunity to rebut. If the individual rebuts, he must provide proof of ownership. Following a successful rebuttal, funds must be separated and only the funds actually belonging to the applicant or recipient shall be counted as a resource to him.

(b) **2)** Proportionate shares of jointly owned real or personal property shall be considered if jointly owned with another applicant or recipient.

(c) **3)** The available proportionate shares are considered as a resource if there is real or personal property jointly owned with a nonrecipient. (*Division of Family Resources; 470 IAC 6-4.2-1; filed May 17, 1993, 5:00 p.m.: 16 IR 2404; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Oct 24, 2007, 11:25 a.m.: 20071121-IR-470070448RFA*)

470 IAC 6-5-3 Employment and training

Authority: IC 12-13; IC 12-14-28-7

Affected: IC 12-13-7-2

Sec. 3. (a) The following are general provisions for employment and training:

(1) Persons will be placed in appropriate components as determined by the agency. Referral to the IMPACT program as a mandatory participant does not entitle that person to IMPACT services or placement in a component. Participation in any IMPACT component does not guarantee any individual placement in employment or a designated level of competency for employment.

(2) Individuals exempt from work registration may volunteer to participate in the IMPACT program.

(3) Mandatory work registrants who are exempt from participation in IMPACT may volunteer to participate in the IMPACT program subject to the following limitations:

(A) No volunteer will be guaranteed a placement in a component or special services.

(B) Voluntary participants will have the same component requirements as mandatory participants in IMPACT. Voluntary participants will not be disqualified from participation in the food stamp program if they fail to comply with IMPACT component requirements without good cause.

However, a voluntary participant who fails to comply with the requirements of any component without good cause will not be given priority to participate in the future.

(4) Participants will be placed in IMPACT components until:

(A) employment/training goals are achieved;

(B) the activity is completed; or

(C) the individual:

(i) becomes exempt; or

(ii) leaves the food stamp program.

(5) The IMPACT program base of eligibles shall include all mandatory work registrants, less those who meet the IMPACT exemptions, adjusted downward by ten percent (10%) at the end of the federal fiscal year to account for short-term (less than thirty (30) days) food stamp program participants.

(6) Work registrants, unless otherwise exempt, will be required to participate in IMPACT.

(7) The division will implement the voluntary employment and training program per the annual state plan that is reviewed and approved by FNS.

(7) IMPACT participants will be reimbursed for the costs of supportive services determined to be necessary and directly related to participation in an IMPACT component up to a maximum level of reimbursement established by the state agency in the federally approved food stamp employment and training state plan developed on an annual basis.

(8) Provision of any IMPACT services shall be based on the availability of funding.

(b) The referral process to IMPACT shall be as follows:

(1) Each voluntary or mandatory work registrant shall be evaluated to determine exemption from referral to IMPACT.

(2) Mandatory work registrants shall be exempt from IMPACT if they meet the following conditions:

(A) The monthly cost of participation exceeds the reimbursement limits for supportive services identified in subsection (a)(7).

(B) The registrant does not have available transportation necessary to attend an assigned component.

(3) If not exempt from IMPACT, registrants shall be notified, in writing, of referral to IMPACT and the appointment scheduled for them to attend orientation. This information will be provided to registrants only after the assistance unit is determined eligible for the food stamp program.

(4) At the time of entry into each component, the IMPACT case manager shall be responsible for informing the registrant, in writing, of the following:

(A) The requirements of the component.

(B) What will constitute noncompliance.

(C) The sanction for noncompliance.

(c) The IMPACT program incorporates the employment and training program provisions identified in 7 CFR 273.7(e)(1), including the following:

(1) Employment services, may include the following:

(A) Job search.

(B) Job placement.

(C) Job development.

(D) On-the-job training.

(E) Community work experience.

(F) Other work programs.

(2) Training activities, may include the following:

(A) Job skills assessment.

(B) Adult basic education.

(C) High school completion.

(D) Vocational and other job skills training.

Training and education beyond high school is limited to twenty-four (24) months in duration.

(d) After notice of a requirement, a mandatory IMPACT participant shall be considered to have good cause for failure to comply with an employment and training component if the reason provided by the participant for failure to comply is any of the following:

(1) Illness or illness of another household member requiring the participant's presence. A physician's statement may be required if illness is given as the reason for failure to comply.

(2) A household emergency.

(3) The unavailability of transportation.

(4) The lack of adequate child care for children who have reached six (6) years of age but are under twelve (12) years of age.

(Division of Family Resources; 470 IAC 6-5-3; filed Jul 16, 1987, 2:00 p.m.: 10 IR 2667; filed Jun 2, 1988, 8:35 a.m.: 11 IR 3553; filed Mar 31, 1992, 5:00 p.m.: 15 IR 1386; filed Feb 26, 1993, 5:00 p.m.: 16 IR 1819; filed Jun 19, 1996, 9:00 a.m.: 19 IR 3078; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Oct 24, 2007, 11:25 a.m.: 20071121-IR-470070448RFA; filed Mar 24, 2009, 11:38 a.m.: 20090422-IR-470080278FRA)

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