

RHODE ISLAND DEPARTMENT OF HUMAN SERVICES

DATE: APRIL 30, 2009

NOTICE OF

PROPOSED ADOPTION OF RULES, REGULATIONS,  
POLICIES, PROCEDURES, AND OTHER MATERIALS  
RELATING TO THE ADMINISTRATION OF THE FOLLOWING PROGRAM(S):

In accordance with Title 42, Chapter 35, of the General Laws of the State of Rhode Island, notice is hereby given that the Department of Human Services (DHS) proposes to adopt rules, regulations, policies, procedures, and other materials relating to the following programs(s):

**FAMILY INDEPENDENCE PROGRAM (FIP) REPEAL**

The Family Independence Act (RIGL 40-5.1) was repealed effective July 1, 2008, and was replaced by The Rhode Island Works (RIW) Program (RIGL 40-5.2). Effective July 1, 2009, The Family Independence Program policies in Section 0800, et al, are repealed and replaced by the Rhode Island Works Program policies in Sections 1400, et al.

For all assistance units that were receiving cash assistance on October 1, 2008, without any break in eligibility through June 30, 2009, the RI Works time limits will take effect on July 1, 2009.

A Fiscal Note is available upon request. In the development of the rules and regulations, consideration was given to the following: (1) alternative approaches; and (2) overlap or duplication with other statutory and regulatory provisions. No alternative approach or duplication or overlap was identified based upon available information. (Complies with 42-35-3(3).) The health, safety, and welfare of the public preclude any economic impact that may be incurred as a result of these regulations.

Interested persons may inspect said proposed rules, regulations, policies, procedures, summary of policies, and other related materials on the R.I. Secretary of State's website at [www.sec.state.ri.us/ProposedRules/](http://www.sec.state.ri.us/ProposedRules/) or on the Department of Human Services website at [www.dhs.ri.gov](http://www.dhs.ri.gov), or in the Office of Policy Development, Department of Human Services, Louis Pasteur Building, Bldg. 57, Howard Avenue, Cranston, Rhode Island 02920, between the hours of 9:00 a.m. and 3:00 p.m., Monday through Friday.

Interested persons may submit data, views, or written arguments to the Office of Legal Counsel, Department of Human Services, Louis Pasteur Building, Bldg. 57, 600 New London Avenue, Cranston, Rhode Island 02920, within thirty (30) days of the date of this notice.

In accordance with the Rhode Island General Laws 42-35-3, an oral hearing will be granted on these rules if requested by twenty-five (25) persons, or an agency, or by an

association having at least twenty-five (25) members. A request for an oral hearing must be made within thirty (30) days of this notice.

### SCOPE OF CHANGE

The Family Independence Act (RIGL 40-5.1) was repealed effective July 1, 2008, and was replaced by The Rhode Island Works (RIW) Program (RIGL 40-5.2). Effective July 1, 2009, The Family Independence Program policies in Section 0800, et al, are repealed and replaced by the Rhode Island Works Program policies in Sections 1400, et al.

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### SUMMARY OF CHANGE

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## ~~0806~~ ~~NON-FINANCIAL REQUIREMENTS~~

### ~~0806.05~~ ~~NON-FINANCIAL ELIGIBILITY FACTORS~~

~~REV:05/1997~~

~~In addition to meeting eligibility factors pertaining to need, a Family Independence Program applicant/recipient must satisfy certain non-financial eligibility factors as well. These are:~~

- ~~Age;~~
- ~~Relationship: living with at least one parent or a specific relative;~~
- ~~Establishment or re-establishment of the home;~~
- ~~Citizenship;~~
- ~~Residency;~~
- ~~Special circumstances;~~
- ~~Enumeration; and~~
- ~~Time limits (for adults).~~

~~Special circumstances relate to the determination of eligibility of families with children receiving SSI, families consisting of a pregnant woman, and minor parents.~~

~~The information on the DHS-2 provides the basis for the establishment of these factors. The agency representative assesses the data on the DHS-2 and supplies to the client any supplementary forms that are needed.~~

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~~In addition to the specific eligibility factors, eligible persons must be either citizens or lawfully admitted permanent resident aliens (or refugees/entrants admitted under specific immigration legislation), must furnish a social security number for each family member, and meet certain time limit criteria.~~

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~~Section 0806.10 through 0806.50 present the requirements for each of the eligibility factors other than need. The date and source of verification of each item must be entered as verified on the DHS-2.~~

## **0806.10 — ELIGIBILITY FACTOR OF AGE**

REV:05/1997

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~~To be eligible for cash assistance, a parent (or other caretaker relative) must have a needy child under the age of eighteen (18) or a needy child between eighteen (18) and nineteen (19) if the following conditions are met.~~

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~~At age eighteen (18), a child can be eligible for cash assistance only when s/he is a full-time student in a secondary school, or at the equivalent level of vocational or technical training, and is reasonably expected to complete the program before or in the month of her/his nineteenth (19th) birthday. (A student attending summer school full time, as defined by school authorities, is considered a full-time student for these purposes.) If these conditions are not met, the child is not eligible for cash assistance after the month in which his/her eighteenth (18th) birthday occurs.~~

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~~In determining eligibility, the exact date of birth must be verified for each child to assure termination when the child no longer meets the age requirement. A child who is otherwise eligible may receive a payment for the entire month in which his/her eighteenth (18th) birthday occurs. A child between age eighteen (18) and nineteen (19) years in school and completing his/her schooling or training, as specified above, may receive a payment for the entire month in which his/her schooling or training is completed or discontinued.~~

### **0806.10.05 — Verification of Age**

REV:05/1997

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~~The birth certificate is the primary source of verification to establish age. If this is not available or obtainable, the following other documents are satisfactory verification:~~

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<del>Baptismal Certificate</del>	<del>Marriage License</del>
<del>Confirmation Papers</del>	<del>Driver's License</del>
<del>Immigration Papers</del>	<del>*State or Federal Census Record</del>
<del>Military Service Papers</del>	<del>*Life Insurance Policy</del>
<del>Hospital Birth Records</del>	<del>*School Records</del>
<del>Adoption Records</del>	<del>*Physician's Records</del>

~~Passport RSDI Award Letter if birth date  
of child is included~~

~~Voter Registration Card Family Bible  
Affidavit of Third Party (See Sec. 0806.15.20.)~~

~~\* Acceptable if dated at least six (6) months prior to date of  
application and provided it contains evidence of age.~~

~~The agency representative will assist the family, if needed, in  
obtaining the verification.~~

## **~~0806.10.10 School or Training of Children 18-19~~**

~~REV:05/1997~~

~~A child between the ages of eighteen (18) and nineteen (19) is eligible  
only if s/he is a full-time student in a secondary school or in the  
equivalent level of vocational or technical training and reasonably  
expected to complete the program before or in the month of her/his  
nineteenth (19th) birthday. A student attending summer school full-  
time, as defined by school authorities, is considered a full-time  
student for cash assistance purposes.~~

### ~~Vocational or Technical Training~~

~~A course of vocational or technical training not beyond the level of  
high school can occur in a school or training unit, or an organized  
training program under recognized sponsorship with a specified  
vocational or technical training objective.~~

### ~~Payment~~

~~Payments are made for months in which the child is not attending school  
or training because of official school vacation, illness,  
convalescence, or family emergency, and for the month in which s/he  
completes or discontinues her/his school or training before to the  
nineteenth (19th) birthday.~~

## **~~0806.10.15 Verification of Attendance~~**

~~REV:05/1997~~

### ~~Child Aged Eighteen (18) to Nineteen (19)~~

~~Verification is required to establish the fact that a child between  
eighteen (18) and nineteen (19) is a full-time student and is expected  
to complete high school or the equivalent level of vocational or  
technical training before or in the month of her/his nineteen (19th)  
birthday. A student attending summer school full-time, as defined by  
school authorities, is considered a full-time student for Family  
Independence Program purposes.~~

## **~~0806.15 ELIGIBILITY FACTOR OF RELATIONSHIP~~**

~~REV:05/1997~~

~~To be eligible for the Family Independence program, a child must be  
living with a relative of acceptable degree of relationship in a home~~

~~maintained by such relative. When the relative with whom the child lives is not the biological or adoptive parent, the term in loco parentis (in place of the parent) is used. Spouses of any of the persons in the listed groups meet the relationship requirement and continue to meet it even after the marriage is terminated by death or divorce. A child meets this eligibility factor if his/her home is with any of the following relatives:~~

- ~~—~~
- ~~— o — father, adoptive father, mother, adoptive mother;~~
- ~~— o — stepfather, stepmother (but not the parent of either);~~
- ~~— o — grandfather, great grandfather, great great grandfather, great great great grandfather;~~
- ~~— o — grandmother, great grandmother, great great grandmother, great great great grandmother;~~
- ~~— o — adoptive grandparent if the grandchild is the natural child of a parent who was adoptive, or if the grandchild is the adopted child of a parent who was the natural child of the grandparent;~~
- ~~— o — brother, half brother, adoptive brother, stepbrother, sister, half sister, adoptive sister, stepsister;~~
- ~~— o — uncle, great uncle, great great uncle, aunt, great aunt, great great aunt (including uncle or aunt of whole or half blood);~~
- ~~— o — nephew, great nephew, great great nephew, niece, great niece, great great niece (including nephew or niece of whole or half blood);~~
- ~~— o — first cousin (including first cousin of whole or half blood), first cousin once removed.~~

## ~~0806.15.05 — Verification of Relationship~~

~~REV:05/1997~~

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~~The degree of relationship between the parent or caretaker relative and the child must be established. The following sources of evidence serve to substantiate the parent's statement of relationship.~~

### ~~— Vital Records~~

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~~For natural or adoptive parents, relationship is determined by examination of the child's birth certificate on which the parents' names are recorded. For other relatives, a combination of vital records must be reviewed in order to establish the required degree of relationship as specified in Section 0806.15.~~

### ~~— Other Records~~

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~~When vital records are unavailable for review, insurance policies, RSDI award letters, or written statements by doctors, clergy, school authorities, or others who have previous knowledge of the relationship constitute acceptable evidence. See Section 0806.15.10 for policy concerning establishing relationship for an unwed natural father.~~

## ~~0806.15.10 — Unwed Father as Applicant~~

~~REV:01/2002~~

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~~———— Definition~~

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~~An "unwed natural father" is defined as a child's biological father who was not married to the child's mother at the time of the child's birth.~~

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~~———— Policy~~

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~~The primary sources of verification of relationship for an unwed natural father are the child's birth certificate on which the man's name is recorded, or an adjudication of paternity by the R.I. Family Court or any court of competent jurisdiction. When paternity has been established through adjudication, a copy of the court order or decree must be retained as part of the case record. If either of these sources of verification is available, no further documentation of paternity is required.~~

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~~When no primary source of verification is available, the agency representative explains to the applicant that the Department will assist him in completing a voluntary acknowledgment of paternity.~~

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~~The case is accepted on cash assistance when the alleged father signs an affidavit voluntarily acknowledging paternity.~~

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~~Continued eligibility is contingent upon the alleged father cooperating with the Department of Administration, Division of Taxation— Child Support Enforcement and/or the R.I. Department of Health, Division of Vital Records, in establishing his paternity in accordance with applicable law. In most cases, the alleged father will be required to attend a Family Court hearing to adjudicate paternity.~~

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~~———— Procedures~~

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~~The alleged (putative) father is referred to the Department of Administration, Division of Taxation— Child Support Enforcement, Office of Legal Counsel, 77 Dorrance Street, Providence 02903.~~

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~~The Office of Legal Counsel will then arrange an appointment for the client with the Paternity Unit as soon as possible.~~

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~~The application for cash assistance is held in pending status until the agency representative is notified by the Department of Administration, Division of Taxation— Child Support Enforcement that an affidavit of voluntary acknowledgment of paternity has been signed by the alleged father. Office of Legal Counsel staff notifies the agency representative of the completed action via electronic mail and also forwards a copy of the signed affidavit to the local assistance office. The agency representative assigned to the case can be determined by entering the man's social security number in the CASE function of INRHODES IV-A Menu. Upon verification that the voluntary acknowledgment of paternity has been executed, the agency representative determines eligibility for cash assistance as of the filing date. An automatic referral of the absent parent (mother) is made to the Department of Administration, Division of Taxation— Child Support Enforcement by the completion of an absent parent panel and approval of eligibility. Child Support Enforcement will then act to establish and enforce a child support order.~~

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~~It is the responsibility of the recipient to provide the agency with a copy of the child's amended birth certificate or a copy of the R.I. Family Court decree or court order when these documents become available. If a primary source of verification of relationship (amended birth certificate or court order/decreed) remains unavailable by the time of the next scheduled redetermination, the eligibility staff must review the status of the Department of Administration, Division of Taxation—Child Support Enforcement case by contacting the Office of Legal Counsel.~~

~~In the event that the recipient has failed to cooperate with the Office of Legal Counsel in establishing his paternity, appropriate action to terminate the case is initiated. The putative father and the child(ren) would be ineligible for assistance because the child(ren) must be living with a relative of the proper degree of relationship as defined in Section 0806.15. In the event that the recipient is cooperating but the legal process is incomplete, notation of this status is made in the CLOG function of INRHODES and the cash assistance case remains active, if otherwise eligible.~~

### **~~0806.15.10.05—Relative of an Unwed Father as Applicant~~**

~~REV:05/1997~~

~~When an application for cash assistance is made by a paternal relative on behalf of a dependent child, it is necessary to establish the relationship between the child and the applicant.~~

~~If the alleged father is available and participates in the process of voluntarily acknowledging paternity as specified in Section 0806.15.10, the dependent child is accepted on cash assistance, if otherwise eligible. The relative with whom the child is living must satisfy the relationship requirements in Section 0806.15. The alleged father is not required to apply for assistance for himself, unless he is living in the child's home and therefore is compelled to do so by the filing unit provisions in Section 0804.~~

~~When the alleged father is unavailable or unwilling to sign an affidavit of voluntary acknowledgment of paternity, a relative of the proper degree of relationship may qualify as a loco parentis through the use of other records or third party affidavits.~~

~~Insurance policies, RSDI award letters, or written statements by doctors, clergy, school authorities, or others who have previous knowledge of the relationship constitute acceptable evidence. In these situations, it may be necessary to examine a variety of documents in order to trace relationship from the child to the specified relative.~~

~~The agency representative completes absent parent panels in INRHODES for both the mother and putative father. This results, after approval of eligibility, in an automatic referral to the Department of Administration, Division of Taxation—Child Support Enforcement for the purpose of establishing the paternity of the child(ren) born out of wedlock and for establishing and enforcing child support orders with respect to both absent parents.~~

## ~~0806.15.15 — Verification by Means of an Affidavit~~

~~REV:05/1997~~

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When verification of age and/or relationship is unobtainable from any other source, a third party affidavit may be acceptable evidence, if the criteria set forth below are met.~~

~~—  
An affidavit is the signed and sworn statement of a third person based upon the third person's personal knowledge of the facts which would indicate the probable age and relationship of the child. It is not merely a statement of belief based on the applicant's appearance. It should contain a statement of the circumstances upon which the third party's knowledge is based.~~

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The facts to which attested must be consistent with the information provided on the DHS 2 and must not contradict other records or evidence in the case record.~~

### ~~— Preparation of the Affidavit~~

~~—  
The agency representative determines with the applicant who is the person in the best position to attest to the facts, and the person who is readily available should be first choice.~~

~~—  
The affidavit from the third party must be notarized and must contain the following:~~

~~—  
— Name, address, occupation and length of time the third party has been at the address.~~

~~—  
— Relationship to the applicant (e.g., friend, cousin, doctor, employer, teacher).~~

~~—  
— How long s/he has known the applicant.~~

~~—  
— The approximate age, number and sex of the child(ren).~~

~~—  
— Circumstances in establishing the connection with the applicant. This might include statements such as:  
— "I grew up with the applicant and his brothers and sisters. We went to school together. I know that the child(ren) (name(s)) was born on (date) and is his/her child(ren)."~~

### ~~— Use of Affidavit in Establishing Eligibility~~

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An affidavit of a third person shall not be the first source of verification. The applicant together with the eligibility technician must explore the availability of other sources to establish age and relationship. S/He must demonstrate that s/he has tried to obtain appropriate records (e.g., letter has been written to a city or state registry).~~

~~—  
An affidavit is acceptable verification while awaiting replies from other sources, and it may be accepted if no other record is obtainable.~~



~~However, prior approval of the Regional Manager must be obtained before an affidavit can be accepted to establish eligibility.~~

## ~~0806.20 ESTABLISHMENT OF HOME~~

~~REV:05/1997~~

~~A home is the family setting maintained or in the process of being established, as evidenced by assumption, continuation, and exercise of responsibility for day to day care and control of the child by the relative with whom the child is living, regardless of who has legal custody. The agency representative is responsible for confirming that the child is, in fact, meeting this requirement.~~

~~When there is any doubt, the agency representative may verify that a child is living with the parent through school records showing the address of the child and responsibility for the child. Other sources of verification which the eligibility technician might use are based on the individual situation.~~

~~These could include a landlord's statement; contact with a public housing authority; a child support order; a physician, clergyman's or neighbor's statement; records from the juvenile court; child welfare agencies; Head Start; a child care center; a church; and visual confirmation.~~

### ~~0806.20.05 Temporary Absence from Home~~

~~REV:12/2004~~

~~A "home" exists while the parent exercises responsibility for the child even though circumstances may require the temporary absence of either the child or caretaker from the customary family setting. Examples of allowable temporary physical separations between parent and child, without compromising eligibility for cash assistance, include but are not limited to the following:~~

~~\_\_\_\_\_ Hospitalization of the child or parent, when the  
\_\_\_\_\_ illness is such that a return to the family can be  
\_\_\_\_\_ expected and parental responsibility continues.~~

~~\_\_\_\_\_ Attendance at school for the primary purpose of  
\_\_\_\_\_ obtaining an education or vocational training while the  
\_\_\_\_\_ parent retains full responsibility for the child.~~

~~\_\_\_\_\_ Visiting or moving to another community and similar  
\_\_\_\_\_ situations in which the child or parent is away from  
\_\_\_\_\_ home for a temporary period of time.~~

~~However, allowable temporary absences of the child from the home are limited to ninety (90) days per episode, with a second ninety (90) day renewal authorized only through supervisory approval.~~

~~Circumstances relating to the temporary absence must be noted in the CLOG.~~

~~Note the requirement in Section 0808.30 that whenever an adult family member(s) becomes aware that a minor child in his or her household has been or will be temporarily absent from the home, the adult family member(s) is responsible to report such absence of a minor child from the home by the end of the five (5) day period.~~

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~~When circumstances vary substantially from the examples given or whenever physical separation raises a serious question of eligibility, the agency representative must refer the case situation to the Regional Manager for review and decision.~~

## ~~0806.20.10 Separation as Bar to Eligibility~~

~~REV:05/1997~~

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~~In determining whether a separation is allowable, the Regional Manager considers such factors as:~~

~~—~~

~~the extent to which the parent retains custodial, legal, and/or financial responsibility for the child;~~

~~—~~

~~the degree to which the parent's functioning as a provider of maintenance, physical care, or guidance is interrupted or terminated;~~

~~—~~

~~whether the municipality in which the parent resides pays tuition to the municipality where the child attends school if the separation results from the child's attendance away at school; and~~

~~—~~

~~frequency of contact between parent and child.~~

## ~~0806.25 RE-ESTABLISHMENT OF HOME~~

~~REV:05/1997~~

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~~An initial payment may be made on behalf of a child who goes to live with the natural or adoptive parent (or other caretaker relative) within thirty (30) days of the receipt of the first payment, provided payments are not made for a concurrent period for the same child in the home of another relative or through Foster Care.~~

~~—~~

~~A payment may be made for the entire month in the course of which a child leaves the home of a specified relative, provided cash assistance is not paid for a concurrent period for the same child in the home of the home of another relative or as Foster Care.~~

## ~~0806.25.05 Temporary Arrangement in Emergencies~~

~~REV:01/2002~~

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~~A payment to continue FIP may be made for a temporary period up to thirty (30) days to a non relative acting for the parent in emergency situations. An emergency situation exists when the parent who was receiving the payment on behalf of the child is unable to continue such care because of sudden death, desertion, imprisonment, admission to a hospital for the mentally ill, or an emergency admission to any~~

~~hospital. When the policy is used, referral is made immediately to social services. Such payments may be made only when:~~

~~-~~

~~there is no parent or relative to assume immediate responsibility for the child; and~~

~~-~~

~~the temporary period is limited to the time necessary to make and to carry out plans for the care and support of the child. Such plans include the return and resumption of care by the parent, planning with relatives who may be located, or transfer of responsibility for the child to the Department for Children, Youth and Families, through voluntary placement or commitment.~~

### **0806.30 CITIZENSHIP**

REV:05/1997

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~~To be eligible for cash assistance, an otherwise eligible applicant must be either a citizen or lawfully admitted for permanent residence or otherwise legally entitled to reside in the United States.~~

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~~See General Provisions, Section 0104 for further discussion on citizenship.~~

### **0806.35 RESIDENCY**

REV:05/1997

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~~The Family Independence program exists primarily to meet the needs of the residents of the state. Therefore, as a factor of eligibility, an individual who is applying or reapplying for benefits or services from Rhode Island must be a resident of the state.~~

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~~See General Provisions, Section 0106 for further discussion of residency.~~

### **0806.40 SPECIAL CIRCUMSTANCES RELATED TO ELIGIBILITY**

REV:12/2004

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~~There are special factors involved in the determination of eligibility for families with children receiving SSI, families consisting of pregnant women, minor parents, and individuals with a history of domestic violence, and families who receive alternative cash assistance in a lump sum payment in lieu of on going FIP cash assistance. Sections 0806.40.05 through 0806.40.25 describe these factors and their respective requirements.~~

#### **0806.40.05 Parent with Child Receiving SSI**

REV:05/1997

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~~The presence of an SSI child is taken into account for purposes of qualifying a parent(s) or other caretaker relative for cash assistance and there is no other child in the home who can qualify the parent(s).~~

~~In these situations, only the needs of the eligible parent(s) or other caretaker relative are included in the cash assistance payment based on their own income and resources. The income and resources of the child are already counted in determining the SSI payment and therefore cannot be included in determining the cash assistance payment. If any income or resource of the parent is deemed to the SSI child, see Sections 0822 and 0824.~~

### **0806.40.10 Eligibility of a Pregnant Woman**

REV:01/2002

~~A pregnant woman with no other child(ren) can qualify for cash assistance:~~

- ~~o When it is medically verified that the child is expected to be born in the month the payment is made or within the three month period following such month of payment (see Table A, below). Verification of the month of expected date of delivery is required. Acceptable documentation includes a signed statement from the woman's physician or a pregnancy test report from Woman & Infants Hospital or other acceptable provider; and,~~
- ~~o She would be eligible for the Family Independence program if the child had been born and was living with her in the month of payment.~~

TABLE A

<del>EXPECTED</del>	<del>FIRST MONTH</del>	<del>EXPECTED</del>	<del>FIRST MONTH DELIVERY</del>
<del>DATE</del>	<del>ELIGIBLE</del>	<del>DELIVERY DATE</del>	<del>ELIGIBLE</del>
<del>January.....</del>	<del>October</del>	<del>July.....</del>	<del>April</del>
<del>February.....</del>	<del>November</del>	<del>August.....</del>	<del>May</del>
<del>March.....</del>	<del>December</del>	<del>September.....</del>	<del>June</del>
<del>April.....</del>	<del>January</del>	<del>October.....</del>	<del>July</del>
<del>May.....</del>	<del>February</del>	<del>November.....</del>	<del>August</del>
<del>June.....</del>	<del>March</del>	<del>December.....</del>	<del>September</del>

~~Payment for a pregnant woman (with no other child) is computed at the plan size of one as the unborn is not considered in the payment. In addition, when there is no eligible child in the home (the unborn not being considered an eligible child), the expectant father in the home is not eligible for inclusion in the cash payment.~~

~~A pregnant woman can be considered for Medical Assistance eligibility prior to eligibility for cash assistance when the pregnancy is medically confirmed.~~

### **0806.40.15 Minor Parents**

REV:05/1997

~~In order to qualify for a cash assistance payment, a pregnant minor or a minor parent (minor is defined as under age eighteen (18)) with a dependent child(ren) in her/his care must reside in the household of a parent, legal guardian, or adult relative with certain exceptions. In the latter situations, the minor must reside in a supervised supported living arrangement to the extent such arrangement is available and appropriate. See Section 0814 for elaboration.~~

## ~~0806.40.20~~ **Domestic Violence Situations**

~~REV:05/1998~~

~~The Department will screen and identify individuals with a history of domestic violence applying for or receiving assistance while maintaining the confidentiality of such individuals. The Department will refer such individuals to counseling and appropriate services.~~

~~The Department will waive, pursuant to a determination of good cause and for so long as necessary, cash assistance program requirements relating to time limits for individuals receiving assistance, residency requirements, child support cooperation requirements, and work requirements in cases where compliance with such requirements would make it more difficult for individuals receiving assistance from the Family Independence Program to escape domestic violence or unfairly penalize such individuals who are or have been at risk of further domestic violence.~~

~~See Section 0814.10 for procedures relating to the domestic violence waiver process.~~

### ~~0806.40.20.05~~ **Definition of Domestic Violence**

~~REV:05/1998~~

~~The term individual with a history of domestic violence means an individual who has been subjected to:~~

~~\* Physical acts that resulted in, or threatened to result in, physical injury to that individual;~~

~~\* Sexual abuse;~~

~~\* Sexual activity involving a dependent child;~~

~~\* Being forced as the caretaker relative of a dependent child to engage in nonconsensual sexual acts or activities;~~

~~\* Threats of, or attempts at, physical or sexual abuse;~~

~~\* Mental abuse; or~~

~~\* Neglect or deprivation of medical care.~~

## ~~0806.40.25~~ **One-Time Alternative Cash Assistance**

~~REV:12/2004~~

~~DHS may provide a one-time Alternative Cash Assistance payment in lieu of on-going FIP cash assistance to certain families equal to a total of up to three (3) times the monthly amount of cash assistance to which the family would otherwise be entitled if the FIP case worker finds that a lump sum payment would enable an adult member of the family to either accept and begin employment based upon a verifiable job offer, or to maintain current employment, provided that the adult member of the family has not voluntarily terminated employment within sixty (60) days prior to the date of application, and that the family has not received FIP cash assistance during the twelve (12) month period prior to the date of application. Moreover, the family must waive any cash assistance to which it would otherwise be entitled during the six (6) month period beginning with the date of application for payment of the lump sum.~~

~~See Section 0814.15 for policy and procedures relating to alternative cash (lump sum) payments.~~

## ~~0806.45~~ ~~ENUMERATION~~

~~REV:05/1997~~

~~As a condition of eligibility for assistance required by the Social Security Act, applicants for and recipients of the Family Independence program must furnish the Department with their social security account numbers and the account number of each person for whom they are requesting assistance. Upon verification of birth of a child, one must be obtained.~~

~~The applicant or recipient must be notified that the furnishing of the SSN is a condition of eligibility and that the number will be utilized only in the administration of the Family Independence program.~~

### ~~0806.45.05~~ ~~Inability to Furnish SSN~~

~~REV:01/2002~~

~~If the applicant or recipient is unable to furnish a number because one has not been issued, or is lost, or is not known, such person is required to apply for a Social Security Number Card at the appropriate Social Security Administration office.~~

~~Acceptance of Applicant/Recipient~~

~~Applicants or recipients who have complied with the above and who are otherwise eligible are accepted for a payment pending the issuance or verification of their Social Security number. In accordance with federal regulations, refusal to comply with these requirements will result in ineligibility of each person for whom the number is not obtained.~~

## ~~0806.50~~ ~~TIME LIMITS~~

~~REV:09/2006~~

~~0806.50~~ ~~TIME LIMITS~~ ~~REV:09/2006~~

~~The Family Independence Act (RIGL 40-5.1) provides in part that "no person shall be included in any family for purposes of determining eligibility for, or the amount of, cash to which a family is entitled under this chapter, if that person after attaining eighteen (18) years of age, has received cash assistance under this chapter for a total of sixty (60) months, whether or not consecutive, to include any time receiving family cash assistance in any other state or territory of the United States of America." (See section 0806.50.03 below.)~~

~~Moreover, the Family Independence Act (FIA) states that the Department of Human Services "may exempt a family from the application of the lifetime time limit by reason of hardship; provided, however, that the number of such families to be exempted by the Department under hardship shall not exceed twenty percent (20%) of the average monthly number of families to which assistance is provided" plus families with individuals waived from FIP work requirements due to domestic violence. The Department shall determine annually the maximum number of exemptions allowed under this statutory formula, and these exemptions shall be assigned in the following order of priority: first, to those classified as exempt as outlined in Section 0806.50.07, second, to those who are employed as outlined in Section 0806.50.10, and third, to those who are participating in certain approved education activities in their employment plan, are homeless, or lack child care as outlined in Section 0806.50.10.~~

~~When an individual reaches the lifetime time limit, an adequate and timely notice of adverse action shall be issued to notify the individual of the action being taken in accordance with Section 0834.05.~~

## ~~0806.50.03~~ **Counting Cash Assistance from Other States**

~~REV:09/2006~~

~~0806.50.03~~ ~~Counting Months of Family Cash Assistance~~  
~~Received in Other States REV:09/2006~~

~~Family cash assistance issued in any other state or territory of the United States of America shall include family cash assistance funded on or after May 1, 1997, in whole or in part by Temporary Assistance for Needy Families (TANF) funds and/or family cash assistance provided under a program similar to the Family Independence Act or the federal TANF program.~~

~~For all applications received on or after July 1, 2006, and for all redeterminations of continuing eligibility occurring on or after July 1, 2006, the Department must determine if the family received cash assistance from other states/territories in the U.S. after May 1, 1997. Form FIP-20, "Cash Assistance Received in Other States," is used to obtain this information from each applicant or recipient family. This form shall now be a part of each FIP application and redetermination packet. The form is part of the application process and must be completed by the applicant or recipient family in order for initial or continuing eligibility to be determined. The completed and signed form is retained in the case file.~~

~~Form FIP 21, "Months on Cash Assistance Request," is completed if any cash assistance is reported as received on the FIP 20 or the department becomes aware of cash assistance received by the family from other sources. The original is sent to the state(s) or territory(ies) where the family received cash assistance to verify the number of months the family received cash assistance from that state/territory. A copy of the FIP 21 is retained in the case file.~~

~~When the FIP 21 is returned verifying the number of months of cash assistance was received by the family, that information is entered into InRhodes. The number of months of cash assistance that is counted toward the FIP 60 month lifetime limit for adults is then recalculated. In calculating the months of cash assistance received in other state(s)and/or territories, all benefits received for the adult(s) and children, in which the adult's needs were considered, shall count toward that adult's FIP sixty (60) month life time limit. Cases in which the adult(s) was/were sanctioned shall be counted toward the adult's FIP sixty (60) month life time limit. The department shall disregard any months during which the adult was: (1) under the age of eighteen (18) years of age; or (2) a parent employed an average of thirty (30) or more hours per week during a month in a single parent family, or an average of thirty five (35) hours per week during a month for a two parent family. A notice of adverse action is generated through InRhodes and mailed to the family to inform them of the change in the number of months being counted toward the adult's FIP 60 month life time limit.~~

## ~~0806.50.05~~ ~~Exceptions to Time Limits~~

~~REV:09/2006~~

~~0806.50.05~~ ~~Exceptions to Time Limits~~ ~~REV:09/2006~~

~~There are exemptions from, exceptions to, and extensions to an adult's FIP sixty (60) month lifetime time limit. The criteria for these are found in Sections 0806.50.07, 0816.55.05, and 0806.50 of the DHS Manual.~~

## ~~0806.50.07~~ ~~Exemption from Time Limit Criteria~~

~~REV:03/2002~~

~~Unless they choose to participate in an Employment Plan, individuals who meet the criteria below are exempt from and do not accrue months toward their lifetime time limit during the period that they are:~~

~~\* Unable to comply with the employment plan because of an illness which, on the basis of medical evidence, is serious enough to temporarily prevent work;~~

~~\* Unable to comply with the employment plan because of a physical or mental impairment which, on the basis of medical evidence, either by itself or in conjunction with age, prevents work;~~



~~\* Unable to comply with the employment plan because of the illness or incapacity of a minor child or spouse who requires full time in-home care, and for whom the person is providing care;~~

~~\* Sixty (60) years of age or older; or~~

~~\* Victims of domestic violence who qualify for a waiver of the work requirements under Section 0814.10.~~

~~Such exemptions stop the individual's FIP clock for as long as the condition(s) or circumstances leading to the exemption or waiver exist.~~

## **0806.50.10 Hardship Extension Criteria**

REV:03/2002

~~Any individual approaching her or his lifetime time limit is notified that s/he may request a reassessment to determine whether or not s/he is exempt or excepted from the lifetime time limit through employment. Through the reassessment, the FIP case worker must also determine if the individual's ability to work is prevented or affected by learning disability(ies), mental illness, mental retardation, substance abuse, or other special circumstances.~~

~~A hardship extension may be granted to an individual coded nonexempt with sixty (60) or more countable months towards her or his lifetime time limit if s/he meets all other FIP eligibility requirements, including redeterminations, and meets one of the following criteria. The individual has sixty (60) or more countable months and:~~

~~\* Who has an Employment Plan with an employment component and is working less than thirty (30) hours per week (or is not otherwise meeting the requirements of Section 0816.55.05) and whose employment is limited by some element of documented physical or mental incapacity; or~~

~~\* Who has both an approved education activity in which s/he participates AND an approved employment component in her/his Employment Plan but is employed more than twenty (20) hours but less than thirty (30) hours per week (or is not otherwise meeting the requirements of Section 0816.55.05); or~~

~~\* The Department has determined the individual is unable to secure paid employment without additional language or literacy skills AND s/he is successfully participating full time (at least twenty (20) hours or more per week) in an approved literacy or ESL activity(ies) in her/his Employment Plan, AND completion of that activity would enable the individual to work; or~~

~~\* Who is unable to participate in her or his Employment Plan because of homelessness as defined in Section 0806.50.10.05; or~~

~~\* Who is unable temporarily to participate in her or his~~

~~Employment Plan because of lack of child care.~~

~~-~~

~~Hardship extensions are prohibited for individuals who are sanctioned at the time they reach their lifetime time limit.~~

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~~If not exempt or otherwise excepted, the individual will be offered appropriate assistance, such as intensive job search referral, to increase her or his income or obtain employment of thirty (30) hours per week and remove whatever barriers are preventing her/him from leaving cash assistance.~~

### **~~0806.50.10.05~~ *Hardship Extensions and Procedures***

~~REV:03/2002~~

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~~Individuals within ninety (90) days of their lifetime time limit are sent letters informing them of the time remaining and that they may request a reassessment.~~

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~~When a request for a reassessment is received, the FIP case worker must promptly schedule an appointment for such reassessment to determine whether or not the individual is exempt from the lifetime time limit as outlined in Section 0806.50.07; or excepted from the lifetime time limit by working (or the other parent working) a certain number of hours as defined in Section 0816.55.05. As appropriate, an individual exempt due to physical or mental impairment is referred to the Office of Rehabilitation Services (ORS), and to file an application for Supplemental Security Benefits (SSI) with the Social Security Administration.~~

~~-~~

~~It must be determined through this reassessment if her or his ability to work is affected by a learning disability(ies), mental illness, mental retardation, or substance abuse, or other special circumstances warranting a temporary extension.~~

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~~Any hardship extension that is granted requires an amended Employment Plan be signed containing steps to be taken as appropriate in order to increase the individual's income, obtain employment of thirty (30) or more hours per week and/or remove whatever barriers are preventing her/him from leaving cash assistance.~~

~~-~~

~~Hardship extensions may be granted and approved for defined periods of time and by following the procedures below:~~

~~-~~

~~\* When an individual has an Employment Plan with an employment component AND is working less than thirty (30) hours per week (or is not otherwise meeting the requirements of Section 0816.55.05) AND whose ability to work is limited by some element of documented physical or mental incapacity.~~

~~-~~

~~The FIP case worker, in consultation with her/his supervisor, may grant an extension for up to twelve (12) months after review of medical evidence/documentation. Individuals, as appropriate, are referred to ORS and/or to file an application for Supplemental Security Benefits (SSI) with the Social Security Administration.~~

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~~Any further request for extension may be granted, after review by the FIP case worker and submission of a memorandum and medical evidence for review and approval by the Regional Manager, for a maximum of twelve (12) months longer. These two (2) field level extensions may not exceed twenty four (24) months. Any extension beyond the initial two (2) granted at the field level requires Administrative review and approval.~~

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~~\* When an individual has both an approved education activity in which s/he participates and an approved employment component in her/his Employment Plan but works more than twenty (20) hours but less than thirty (30) hours per week (or is not otherwise meeting the requirements of Section 0816.55.05):~~

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~~The FIP case worker, in consultation with her/his supervisor, may grant an extension until the end of the education activity plus one (1) month.~~

~~-~~

~~\* The Department has determined the individual is unable to secure paid employment without additional language or literacy skills as found through current TABE test results of Grade Level 5.9 or less, and a sporadic employment history, i.e, numerous jobs of short duration, frequent firings, and other evidence that may indicate a lack of any adequate marketable skills; AND s/he is successfully participating full time (at least twenty (20) hours or more per week) in an approved literacy or ESL activity(ies) in her/his Employment Plan; AND completion of that activity would enable the individual to work.~~

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~~The FIP case worker, in consultation with her/his supervisor, may grant an extension until the end of the education activity plus one (1) month.~~

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~~\* When an individual is unable to participate in her or his employment plan because of homelessness.~~

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~~A homeless family is defined as a family which lacks a fixed and regular nighttime residence or a family whose primary nighttime residence is:~~

~~-~~

~~o A supervised shelter designed to provide temporary accommodations, for example, an emergency shelter or shelter for victims of domestic violence;~~

~~o A halfway house or similar institution which provides temporary residence for individuals who would otherwise be institutionalized;~~

~~o A temporary accommodation, e.g., a hotel/motel, or in the residence of another individual for not more than ninety (90) days; or~~

~~o A place not designed for, or ordinarily used, as a regular sleeping accommodation, such as a bus station, a lobby, or similar places.~~

~~-~~

~~Homeless individuals must be immediately referred to the Housing Services Unit and must develop an amended Employment Plan including a~~

~~signed Family Support Agreement with their FIP case worker to solve the problem. Appropriate documentation of homelessness may include a letter from the shelter, or an assessment of the living arrangements by the agency representative for those living with others less than ninety (90) days or otherwise meeting the definition of homeless.~~

~~An individual who is homeless may qualify for a hardship extension as follows. One extension may be granted by the FIP case worker and supervisor for up to three (3) months. Any request for further extension must be accompanied by the submission of a memorandum (and other appropriate documentation) for review and approval by the Regional Manager in increments of up to three (3) months. All extensions under this paragraph must not exceed twelve (12) months.~~

~~\* Who is unable temporarily to participate in her or his Employment Plan because of a lack of child care.~~

~~Lack of child care is defined as the Department's determination that appropriate child care is necessary for the parent to participate in her or his Employment Plan, and that such appropriate child care is unavailable. For purposes of this section "appropriate child care" means child care which is provided by a person or organization qualified and authorized to provide such care by the Department of Children, Youth and Families or such other approved providers as determined by the DHS. Child care shall be considered "necessary" under this section for any child below the age of thirteen (13), or any children age thirteen (13) years or older who is under supervision of the family court or who requires care because of a physical or mental impairment.~~

~~The FIP case worker will explain all the care options available to the individual and, as appropriate, refer her/him to the DHS contracted child care resource and referral agency for further assistance in locating an appropriate child care provider(s). An individual who lacks appropriate child care may qualify for a hardship extension as follows. One extension may be granted by the FIP case worker and supervisor for up to three (3) months.~~

~~Any request for further extension must be accompanied by the submission of a memorandum (and other appropriate documentation) for review and approval by the Regional Manager in increments of up to three (3) months. All extensions under this paragraph must not exceed twelve (12) months.~~

~~Hardship extensions under Section 0806.50.10 are approved as outlined above and only for as long as the condition(s) or circumstances leading to the extension exist. The Agency shall periodically review the case to determine whether an extension is appropriate.~~

### ~~**0806.50.10.10 Reapplication Due to Hardship**~~

~~REV:03/2002~~

~~An individual who has reached her/his lifetime time limit and has been closed to FIP may request a hardship extension. A hardship extension may be granted to an individual who reapplies if s/he is determined to be otherwise eligible and if the individual is:~~

~~— \* — A victim of domestic violence who qualifies for a  
waiver of the work requirements under Section 0814.10;~~

~~— A hardship extension due to domestic violence mirrors the maximum time  
period for the granting of a domestic violence waiver: six (6) months  
renewable only with the Regional Manager's consultation and approval in  
accordance with Section 0814.10.~~

~~— \* — Unable to work due to a disability as documented by  
appropriate medical evidence and a copy of an  
application for Social Security Disability, SSI, or  
other similar private disability program.~~

~~— The case worker, in consultation with her/his supervisor, may grant an  
extension for up to twelve (12) months after review of medical  
evidence/documentation. The individual, as appropriate, is referred to  
ORS and/or to file an application for Supplemental Security Benefits  
(SSI) with the Social Security Administration.~~

~~— Any further request for extension may be granted, after review by the  
case worker and submission of a memorandum and medical evidence for  
review and approval by the Regional Manager, for a maximum of twelve  
(12) months longer. Any extension beyond twenty four (24) months  
requires Administrative review and approval.~~

~~— \* — Unable to work due to homelessness as determined by an  
assessment of the living arrangements by the DHS  
Housing Unit agency representative and documented by a  
letter from the shelter, or the Housing Unit worker for  
someone living with others less than ninety (90) days,  
or otherwise meeting the definition of homeless in  
Section 0806.50.10.05.~~

~~— One extension may be granted by the worker and supervisor for up to  
three (3) months. Any request for further extension must be  
accompanied by the submission of a memorandum (and other appropriate  
documentation) for review and approval by the Regional Manager in  
increments up to three (3) months. All extensions under homelessness  
must not exceed twelve (12) months.~~

~~— Any hardship extension that is granted requires an Employment Plan be  
signed containing steps to be taken as appropriate in order to increase  
the individual's income, obtain employment of thirty (30) or more hours  
per week and/or remove whatever barriers are forcing her/him to re-  
apply for cash assistance.~~