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## 1410.0000 Food Stamps

The eligibility specialist must determine if each individual meets the appropriate requirements for food stamps. If the individual does not meet the applicable requirements, the individual is technically ineligible.

### 1410.0001 Food Stamp Technical Factors (FS)

The technical factors that may be considered are:

1. citizenship/noncitizen status,
2. Social Security number,
3. residency,
4. identity,
5. living arrangement, and
6. employment and training.

### 1410.0100 CITIZENSHIP/NONCITIZEN STATUS (FS)

The eligibility specialist must evaluate the citizenship status for each individual who applies for food stamps. Citizenship information of those family members who are not applying for benefits is not required. Non-receiving members are to be asked only if they are citizens or noncitizens, not their U.S. Citizenship and Immigration Services status.

### 1410.0101 Declaration of Citizenship/Noncitizen Status (FS)

Each applicant applying for public assistance must declare in writing whether each individual in the Assistance Group (AG) is a U.S. citizen, or a noncitizen in lawful immigration status.

An application declaring the citizenship/noncitizen status must be signed under penalty of perjury for all household members applying for assistance as a condition of eligibility. The form must be signed at application and recertification. An adult applicant or authorized representative may sign the application declaring the citizenship/noncitizen status of all members.

### 1410.0102 Definition of U.S. Citizenship (FS)

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

1. be born in the U.S. D.C. or a U.S. territory, (Puerto Rico, U.S. Virgin Islands, Northern Mariana, American Samoa, Harcon Tract, Swain's Island and Guam).

**Note:** If the individual was born in a former U.S. territory while it was a territory, a clarification through the Region or Circuit Program Office is required.

The individual's statement of U.S. citizenship is accepted, unless questionable. If questionable, verification is required.

2. be a naturalized citizen. An individual is a naturalized citizen when U.S. citizenship is gained after birth either through individual naturalization, or derived from a naturalized parent.
3. be adopted by a U.S. citizen.

A child acquires citizenship after birth or through adoption, if they meet all of the following conditions:

- a. the child was adopted while under the age of 16, has been in legal custody of and has resided with the adopting U.S. citizen parent(s) for at least two years;
- b. the child is under the age of 18, or was under the age of 18 on February 27, 2001;
- c. the child is/was residing in the United States in the legal and physical custody of the U.S. citizen parent(s); and
- d. the child has a qualified noncitizen status. (See 1410.0105)

The child must meet all the above criteria, all at the same time, on at least one day at some point between February 27, 2001 and the present. The child must not have been married at any time on or before the day they meet all the criteria.

**Note:** proof of U.S. citizenship will not be automatically issued to eligible children.

4. be born abroad to a U.S. citizen. Individuals born abroad to a U.S. citizen and who make a written declaration of citizenship to the U.S. Consulate are considered U.S. citizens.

A child born abroad whose parents were not married may acquire citizenship at birth if one of the parents is a U.S. citizen at the time of the child's birth and legal paternity has been established. An illegitimate child born abroad to a U.S. citizen mother need only establish the mother's U.S. citizenship and her residence in the U.S. or U.S. territory prior to the birth of the child.

Citizenship acquired at birth occurs when:

1. both parents are U.S. citizens and at least one parent resides in the U.S. or a U.S. territory before the birth of the child; or
2. one parent is a citizen and the other is a noncitizen at the time of the child's birth. (Individuals claiming citizenship under this provision must be referred to USCIS to obtain a formal determination of their citizenship.)

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

1. one parent is a U.S. citizen by birth or naturalization,
2. the child in under age 18, or was under 18 on February 27, 2001,
3. the child is/was residing in the U.S. in the legal and physical custody of the U.S. citizen parent(s), and
4. the child has a qualified noncitizen status (see 1410.0105).

#### **1410.0103 Verification Sources for U.S. Citizens (FS)**

The individual's verbal or written statement of date and place of birth must be accepted if they were born in the United States (U.S.) unless the information is questionable. This policy applies to all individuals claiming U.S. citizenship, including those who are naturalized and those born abroad to U.S. citizens.

If questioned, U.S. citizenship must be verified. Sources of verification include:

1. Birth or hospital certificates showing U.S. birth (except for voided Puerto Rican birth certificates after September 30, 2010),
2. Form I-197 (U.S. Citizen I.D. card),
3. Religious documents recorded in the U.S. shortly after birth,
4. SSA records,
5. U.S. passport,
6. Certificate of Citizenship or Naturalization.

**1410.0104 Noncitizens (FS)**

Noncitizens may qualify for food stamps based on their status granted by U.S. Citizenship and Immigration Service (USCIS). The following sections discuss different types of noncitizens and their eligibility.

The following individuals are eligible for food stamps indefinitely under the factor of citizenship even if they do not meet the qualified noncitizen status:

1. Persons who were Hmong or Highland Laotians tribe members between August 5, 1964 and May 7, 1975 (including spouses and children, and un-remarried surviving spouses) lawfully living in the United States.
2. American Indians born in Canada, who are residing in the U.S., are eligible for food stamps, based on the factor of immigration status, if they are subject to Section 289 of the Immigration and Nationality Act or a member of an Indian Tribe as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act. Proof of this status includes:
  - a. I-551 with code S-13;
  - b. unexpired temporary I-551 stamp in a Canadian passport;
  - c. I-94 with code S-13, or
  - d. a letter or other tribal document certifying at least 50% American Indian blood, as required by Immigration and Nationality Act section 289, combined with a birth certificate or other satisfactory evidence of birth in Canada.

Verification of membership in an Indian tribe includes a membership card or other tribal document demonstrating membership in a federally recognized Indian tribe.

If the individual has no document evidencing tribal membership, contact the tribal government for confirmation of the individual's membership.

**Note:** These individuals are not subject to the five-year ban.

**1410.0105 Qualified Noncitizens (FS)**

Qualified noncitizens are defined as noncitizens who meet at least one of the following sections of the Immigration and Nationality Act (INA).

**1410.0106 Lawful Permanent Resident (FS)**

A lawful permanent resident (LPR) is a noncitizen who lawfully immigrates to the U.S. and has permission to live and work in the U.S. LPRs may be eligible for food stamps based on citizenship if they entered the U.S.:

1. prior to 8/22/96 and have remained continuously present,
2. on or after 8/22/96 under a prior asylee, refugee, Amerasian, deportation withheld or Cuban/Haitian Entrant status, or
3. on or after 8/22/96 and have lived in the U.S. as a qualified noncitizen for at least five years or if they can be credited with 40 quarters of work. Quarters are the basic unit used by the Social Security Administration to determine an individual's coverage status for benefits. The term "calendar quarter" refers to a period of three calendar months ending on March 31, June 30, September 30, or December 31. An individual may accumulate quarters by earning at least a certain amount of income for a calendar quarter or earning at least a designated amount of money during the calendar year. At no time may an individual earn more than four qualifying quarters in one calendar year. Quarters of coverage are based on wages or self-employment income, which require the payment of Social Security taxes.

Individuals may be credited with qualifying quarters from the following sources:

1. individual's work history;
2. quarters earned by a spouse during the period of the legal marriage, unless the marriage ends in divorce;
3. unremarried surviving spouses may count quarters earned during the period of their legal marriage; and
4. quarters earned by parents (biological and adoptive) while the individual was under 18 years of age and unmarried (include quarters earned by the parents prior to the individual's birth.)

**Note:** The stepparent's relationship to the child is based on the marital relationship to the child's natural parent. If the marital relationship ends, other than by death, the stepparent relationship also ends.

Information regarding the current and preceding years' quarters of coverage may not be available in the verification system due to the date the tax return from the employer or from the self-employment was filed. This could be up to seven quarters and will need to be taken into consideration when determining eligibility.

The eligibility specialist must verify income to determine any quarters credited which do not appear in the Social Security Administration's records. Sources of verification include:

1. W-2 (Wage and Tax Statement) or W-2c (Statement of Corrected Income and Tax Amount);
2. employer prepared earnings statement;
3. statements of earnings signed by the custodian of the employer's records;
4. IRS copy of the employee's tax return;
5. timely filed tax return for a self-employed individual;
6. other evidence of self-employment that allows the eligibility specialist to determine that a business did exist and that a profit was earned;
7. pay envelopes, vouchers, and similar unsigned employer earnings statements to the employee, a state or federal agency;
8. union records;
9. individual's copy of a federal or state tax return;
10. records of state unemployment insurance agencies;
11. individual's personal records and statements; and
12. any other evidence of probative value.

The FLORIDA system will verify quarters earned by members of the standard filing unit (SFU) but a manual determination must be made for individuals outside the SFU whose quarters may be used. The individual's statement regarding work history and earnings of individuals outside the SFU is accepted in determining the 40 qualifying quarters until the information is verified by the Social Security Administration.

No work history from countries other than the U.S. or qualifying quarters earned after December 31, 1996, during a period when the individual was receiving a federally means tested public assistance program such as TCA, food stamps, Medicaid, or SSI, will be credited toward the 40 qualifying quarters computation.

If there is a dispute regarding the information received from SSA, the individual in question may continue to receive food stamps for up to six months to allow SSA time to research the information.

The following are not subject to the qualifying quarter criteria:

1. LPRs serving as active duty or honorably discharged military personnel in the U.S. Armed Forces, veterans of the U.S. Armed Forces, their spouses and unmarried dependent children;
2. LPRs who were originally admitted as refugees, Amerasians, persons having deportation withheld, asylees, or Cuban/Haitian Entrants; and
3. LPRs who either were 65 on or before 8/22/96, are under 18, or are currently receiving assistance due to blindness or disability and are eligible indefinitely.

Proof of this status includes:

1. resident alien card, (I-551)(commonly referred to as an “green card”),
2. re-entry permit (I-327), or
3. foreign passport with a stamp stating “temporary evidence of lawful permanent resident status”.

**Note:** LPRs who enter after 8/22/96 are subject to the five-year ban, unless otherwise noted.

#### **1410.0106.01 Noncitizens Serving in the United States Armed Forces (FS)**

Noncitizens serving in the United States Armed Forces (Army, Air Force, Navy, Marines, or Coast Guard) on active duty for purposes other than training, noncitizen veterans honorably discharged from the United States Armed Forces for reasons other than noncitizen status, who have met the minimum active duty service requirements of Section 5303A(d) of Title 38, United States Code (24 months or the period for which the person was called to active duty), and their spouses and unmarried dependent children, are eligible to receive food stamps on the factor of noncitizen status.

Verification of active duty military status includes:

1. a current Military Identification Card (DD Form 2) that lists an expiration date of more than one year from the date of determination. If the expiration date is less than one year, the individual will need to present a copy of current military orders.
2. verification through the nearest Real Time Automated Personnel Identification System (RAPIDS), or
3. contact with DEERS Support Office  
Attention: Research and Analysis  
400 Gigling Road  
Seaside, California 93955-6771  
FAX (408) 655-8317

Proof of honorable discharge:

The discharge certificate (DD Form 214) or its equivalent indicates the type of discharge.

If the individual is not in possession of their discharge certificate, the specialist should refer the individual to the local Veteran Administration Regional Office for a determination of the individual's veteran status.

**Note:** If the individual's discharge certificate indicates an original enlistment date in the Armed Forces prior to September 7, 1980, there is no minimum active duty service requirement.

An unmarried child is defined as:

1. the biological or legally adopted dependent child of an honorably discharged veteran or an active duty member of the U.S. Armed Forces,
2. not married, and
3. under the age of 18 or under the age of 22 if a full-time student.

An un-remarried noncitizen surviving spouse may also be eligible when the:

1. veteran spouse was a Filipino described in Section 107 of Title 38, U.S. Code, (individuals who served in the Philippine Commonwealth Army during World War II or as a Philippine Scout following the war); or
2. spouse died while on active duty, provided the surviving spouse has not remarried and the marriage fulfills the requirements of Section 1304 of Title 38, U.S. Code.

Section 1304 defines marriage as having met one of the following conditions:

1. The surviving spouse was married to the veteran or active duty military personnel within 15 years after discharge in which the injury or disease leading to the death of the veteran or active duty personnel was incurred or aggravated (Not a factor if the individual died while on active duty) and was married for a period of at least one year. or
2. A child was born during the relationship between the individual and the veteran or active duty military personnel either during or before the marriage.

**Note:** These individuals are not subject to the five-year ban.

#### **1410.0106.02 Amerasians (FS)**

Amerasians born in Vietnam fathered by U.S. citizen and admitted to the U.S. as immigrants under Section 584 of the Foreign Operations, Export Financing and Related Programs Appropriations Act of 1988 are eligible for food stamps, on the factor of citizenship.

Proof of this status includes unexpired temporary USCIS Form I-551 with code AM6, AM7, or AM8, or USCIS Form I-94 with codes AM1, AM2, or AM3.

**Note:** These individuals are not subject to the five-year ban.

#### **1410.0107 Asylees (FS)**

Noncitizens granted asylum under Section 208 received permission to remain in the U.S. based on a "well-founded fear of persecution" should the individual return to the individual's native land may be considered for asylum. A prospective asylee applies for asylum after entering the U.S., a U.S. territory or a U.S. embassy.

Proof of this status includes:

1. USCIS Form I-94 showing grant of asylum under Section 208,
2. USCIS Form I-688B (Employment Authorization Card) annotated 274a.12(a)(5),
3. USCIS Form I-766 (Employment Authorization Card) annotated A5,
4. grant of asylum letter from the Asylum Office of the USCIS,
5. order of an immigration judge granting asylum, or
6. other conclusive documentation of this status.

**Note:** Individuals granted asylum are not subject to the five-year ban.

**1410.0108 Refugees (FS)**

Refugees are defined as those noncitizens given permission to enter the U.S. under Section 207 of the Immigration and Nationality Act (INA). These noncitizens have applied to be admitted to the U.S. based upon a well-founded fear of persecution in their homeland. Persecution must be due to race, religion, nationality, social or political ties and cannot be economic in nature.

Proof of this status includes:

1. USCIS Form I-94 or I-551 bearing Section 207,
2. USCIS Form I-688B (Employment Authorization Card) annotated 274a.12(a)(3),
3. USCIS Form I-766 annotated A3,
4. USCIS Form I-571 (Refugee Travel Document), or
5. other conclusive documentation of this status.

**Note:** These individuals are not subject to the five-year ban.

**1410.0109 Victims of Human Trafficking (FS)**

Victims of severe forms of human trafficking are eligible for benefits to the same extent as a noncitizen who is admitted to the United States as a refugee under section 207 of the Immigration and Nationality Act. The only exception is the human trafficking victim will not provide USCIS documents. Adult victims will provide a certification letter from the Department of HHS. Children under 18 years old are not required to be certified and will instead be provided an eligibility letter. The agency will accept the certification letter for adults or the eligibility letter for children in place of USCIS documentation.

Before approving these individuals, the validity of the certification or eligibility letter must be confirmed by calling the HHS' Office of Refugee Resettlement (ORR) at (866) 401-5510. The call will advise ORR of the benefits for which the individual has applied and at the same time ORR will verify whether or not the individual is a trafficking victim.

Certain family members of the Victims of Human Trafficking are now potentially eligible for food stamps. This includes the spouse and children of a trafficking victim 21 years of age or older. If the severe trafficking victim is under 21 years of age, parents, spouses, children, and unmarried siblings under 18 on the date of the "T" visa's application, are eligible, if they meet all other program criteria. These family members will have a nonimmigrant "T" Visa, with no additional USCIS documentation.

**Note:** These individuals are not subject to the five-year ban.

**Note:** Do not use the Verification Information System - Customer Processing System (VIS-CPS) for these individuals, as VIS-CPS does not contain information about them.

**Potential Child Trafficking Victims:** Potential child trafficking victims are eligible for federally funded benefits and services for up to 90 days pending a final trafficking eligibility decision. An "Interim Assistance Letter" issued to potential child victims by the Department of HHS, Office of Refugee Services (ORR) will certify this status. These children are eligible for benefits beginning with the eligibility began date on the interim assistance letter. ORR will issue a final trafficking determination on the child within this interim period. If denied a final trafficking status, terminate benefits at the end of the month in which the 90<sup>th</sup> day falls.

**1410.0110 Parolees (FS)**

Parolees under Section 212(d)5 for at least one year; Noncitizens granted temporary parole status for a total period of at least one year by the Attorney General under Section 212(d)(5) of the Immigration and Nationality Act (INA) are eligible on the factor of noncitizen status.

Verification for this status includes:

1. USCIS Form I-94 indicating that the individual has been paroled under this section of the INA, or
2. USCIS Form I-688 with codes 274a.12(a)(4), 274a.12 (c)(11), or
3. USCIS Form I-766 with codes A4 or C11, or
4. other conclusive documentation of this status.

**Note:** If the USCIS document does not reflect at least a one-year period, the eligibility specialist must institute secondary verification.

#### **1410.0111 Deportation Withheld (FS)**

A noncitizen whose deportation has been withheld pursuant to Section 243(h) or 241(b)(3) of the Immigration and Nationality Act (INA) may be eligible for food stamps on the factor of citizenship from the date deportation was withheld.

Verification of this status includes:

1. an order from an immigration judge showing that deportation has been withheld under Section 243(h) of the INA as in effect prior to April 1, 1977, or removal withheld under 241(b)(3).
2. USCIS Form I-766 (Employment Authorization Card) annotated A-10.
3. USCIS Form I-688B (Employment Authorization Card) annotated 274a.12.(a)(10).

The court will include the date deportation was withheld. If the applicant does not present a court order, do secondary verification.

**Note:** These individuals are not subject to the five-year ban.

#### **1410.0112 Cuban/Haitian Entrants (FS)**

Cuban/Haitian Entrants is defined in Section 501(e) of the Refugee Education Assistance Act of 1980 as any national of Cuba or Haiti who:

1. was granted parole status as a Cuban/Haitian Entrant (status pending) or granted any other special status subsequently established under the immigration laws for nationals of Cuba or Haiti, regardless of the status of the individual at the time assistance or services are provided; or
2. any other national of Cuba or Haiti who:
  - a. was paroled into the United States and has not acquired any other status under the Immigration and Nationality Act (INA);
  - b. is the subject of exclusion or deportation proceedings under the INA; or
  - c. has an application for asylum pending with the USCIS, and with respect to whom a final, non-appealable, and legally enforceable order of deportation or exclusion has not been entered.

Verification for this status includes:

1. USCIS Form I-94, stamped paroled as "Cuban/Haitian Entrant, Status Pending",
2. USCIS Form I-551 with code CU6 or CH6,
3. unexpired temporary I-551 stamp in foreign passport,
4. USCIS Form I-94 with code CU6 or CH6.

**Note:** These individuals are not subject to the five-year ban.

**1410.0113 Battered (FS)**

A battered individual, or parent or child of a battered person with a petition pending under Section 204(a)(1)(A) or (B) or 244(a)(3), as determined by U.S. Citizenship and Immigration Services (USCIS) are defined as noncitizens who are, or have been battered or subjected to extreme cruelty in the United States by a family member with whom they reside. This includes a noncitizen whose child or a noncitizen child whose parent has been abused. The phrase battered or subjected to extreme cruelty includes, but is not limited to, being the victim of any act or threatened act of violence.

Battered noncitizens that have not been in a battered status for five years or more must be in another qualified status to be eligible for food stamps. Sponsored noncitizens who have been determined to meet the battered noncitizen status are exempt from sponsored noncitizen deeming for a period not to exceed a total of 12 months. The battered status must be reviewed every 12 months so that the noncitizen may continue to be exempt from sponsor deeming.

**Note:** These individuals are subject to the five-year ban if entry date is after 8/22/96. Battered children under the age of 18 are not subject to the five-year ban.

Noncitizens who claim to be battered must satisfy all the following requirements:

1. Show that noncitizen has an approved or pending petition which makes a prima facie case for immigrant status in one of the following categories:
  - a. a Form I-130 filed by their spouse or the child's parent;
  - b. a Form I-130 petition as a widow(er) of a U.S. citizen;
  - c. an approved self-petition under the Violence Against Women Act (including those filed by a parent; or
  - d. an application for cancellation of removal or suspension of deportation filed as a victim of domestic violence.
2. The noncitizen, the noncitizen's child or the noncitizen child's parent has been abused in the U.S. under the following circumstances:
  - a. The noncitizen has been battered or subjected to extreme cruelty in the U.S. by a spouse or parent of the noncitizen, or by a member of the spouse's or parent's family residing in the same household if the spouse or parent consent to the battery or cruelty.
  - b. The noncitizen's child has been battered or subjected to extreme cruelty in the U.S. by a spouse or parent of the noncitizen, or by a member of the spouse's family residing in the same house if the spouse or parent consents to the battery or cruelty, and the noncitizen did not actively participate in the battery or cruelty.
  - c. The parent of a noncitizen child has been battered or subjected to extreme cruelty in the U.S. by the parent's spouse, or by a member of the spouse's family residing in the household as the parent, if the spouse consents to or allows such battery or cruelty.
3. The battered noncitizen, child, or parent no longer lives in the same household as the abuser(s).
4. There is a substantial connection between the battery or extreme cruelty and the need for public assistance.

Proof of the battered status includes:

1. individual's statement for proof of no longer living with the abuser and direct connection between battery and need for public assistance;

2. approved petitions or orders granted by USCIS;
3. restraining order or criminal conviction against the abuser;
4. charges brought about that lead to the conviction of the abuser; or
5. credible evidence of the abuse which includes but is not limited to, reports or affidavits from law enforcement, judges or other court officials, medical personnel, school officials, social workers, mental health providers, other social service agency personnel, legal documents, residence in a battered spouse shelter or similar refuge, photographs of the injuries, or sworn affidavits from friends, family members, or other third parties with personal knowledge of the battery or cruelty.

The eligibility specialist cannot delay authorization of an application or request for additional assistance while awaiting verification to establish battery or extreme cruelty. If it is later discovered that the noncitizen does not meet these criteria, a Benefit Recovery referral must be made.

**Note:** The eligibility specialist does not need to determine if the battered noncitizen meets the three criteria listed above for noncitizens who meet one of the other qualified noncitizen statuses unless it is to the noncitizens advantage such as sponsored noncitizens.

#### **1410.0114 Verification Requirements for Noncitizens (FS)**

The eligibility specialist must verify the immigration status of all noncitizens applying for or receiving food stamps through the U.S. Citizenship and Immigration Service (USCIS). If a noncitizen does not wish for our Agency to contact USCIS to verify immigration status, the household must be given the option of withdrawing its application or participating without that member. If this occurs, the agency must not continue in efforts to obtain that documentation. Instead that individual is technically ineligible for benefits.

When verifying noncitizen status, the agency uses automated verification by Verification Information System-Customer Processing System (VIS-CPS).

If a noncitizen is unable to provide any documentation to verify immigration status, the eligibility specialist is not responsible for contacting USCIS on the noncitizen's behalf unless the individual requests assistance in obtaining documentation or verification of immigration status.

An expired noncitizen registration card does not necessarily mean that the noncitizen lost their immigration status. If VIS-CPS does not indicate the noncitizen has an acceptable status, the noncitizen should be referred to USCIS to obtain current USCIS documentation. If obtaining USCIS documentation would place an undue hardship on the noncitizen, or the noncitizen is hospitalized or suffers from a medical disability, the eligibility specialist must continue to process the application. The USCIS documentation provided will be manually verified with USCIS.

Examples of undue hardship include, but are not limited to, living a distance from the USCIS office, lack of transportation, or a several months waiting period for an appointment with USCIS.

If a noncitizen does not have any documentation of immigration status, but can provide the "Noncitizen registration number," the eligibility specialist will verify the number using the VIS-CPS system. If the number is verified, and VIS-CPS indicates the individual has an immigration status, this is acceptable documentation of the noncitizen's immigration status for all programs. However, in this situation, the individual's identity must be verified to ensure the noncitizen registration number belongs to the individual.

**Note:** If a noncitizen provides any form of USCIS documentation, regardless of the expiration date, showing an eligible Immigration Act section, the eligibility specialist must accept the documentation and verify the individual's status through the VIS-CPS system. When the VIS-CPS system requests secondary verification, benefits may not be withheld pending response from the secondary verification, providing all other technical eligibility factors are met.

If the secondary verification shows that the noncitizen no longer has an eligible immigration status, a Benefit Recovery referral will be initiated for the total amount of assistance received during the interim investigation period.

**1410.0115 VIS-CPS (FS)**

VIS-CPS must be completed for noncitizens:

1. at application or reapplication,
2. when adding a noncitizen individual, and
3. any time there is a change to alien status.

A noncitizen who has what appears to be a "good" USCIS document, when VIS-CPS indicates contradictory information, will be considered potentially eligible until secondary verification is returned confirming the status. Do not hold, deny or terminate benefits waiting for the secondary verification.

**1410.0117 Noncitizens not Eligible for Assistance (FS)**

The following individuals are not eligible for food stamps on the factor of citizenship status:

1. foreign government representatives on official business and their families and servants,
2. visitors for business or pleasure, including exchange visitors,
3. crewmen on shore leave,
4. noncitizen in travel status while traveling directly through the U.S.,
5. treaty traders and investors and their families,
6. foreign students,
7. international organization representatives and individuals and their families and servants,
8. temporary workers including agricultural contract workers, or
9. members of foreign press, radio, film, or other information media and their families.

Verification is usually the I-94, Arrival-Departure Record, annotated with the letters "A" through "V", except "T" (A-2, B-1, etc.).

**1410.0118 Reporting Illegal Noncitizens (FS)**

Substantial evidence of unlawful presence in the United States (U.S.) must exist before an individual can be reported to U.S. Citizenship and Immigration Services (USCIS). Do not attempt to make a determination of unlawful presence in the following situations when:

1. an individual declines to present documentation of immigration status.
2. a VIS-CPS response shows no USCIS record on the individual.
3. a VIS-CPS response shows an immigration status that makes the individual ineligible for benefits. or
4. secondary verification shows that the individual's USCIS status has expired.

Individuals who are not applying for benefits are not to be reported as unlawfully present in the US. Additionally, staff should not seek verification status through VIS-CPS, or through any secondary verification process, for individuals who are not applying for benefits. This is because those applying for food stamps may live with others who are not applying for benefits but who may not be lawfully present in the US.

**Who must be reported:**

Before it is determined that an individual is unlawfully present in the US, the individual must provide a formal non-appealable order of deportation. This document is required because prior to

issuing the order of deportation, the case has had a formal review by USCIS or by the Executive Office of Immigration Review.

**Reporting:**

Region or Circuit Program Offices must make a quarterly report to headquarters if the region or circuit determines there are noncitizen applying for benefits who are unlawfully present in the US. It is only necessary to send a quarterly report to headquarters when noncitizens who are not lawfully present in the United States are identified. When necessary to report, please send the report within 15 days following the quarter ending in March, June, September and December. The headquarters staff will forward the relevant reports to USCIS. If a report is necessary, it must include the name, address and other identifying information, such as how the determination was made that the individual is not lawfully present in the US.

**1410.0200 SOCIAL SECURITY NUMBER (FS)**

As a condition of eligibility the Social Security Number (SSN) for each individual included in the assistance group must be obtained.

A verbal statement providing the SSN is sufficient if the SSN is validated through data exchange. If the SSN is not validated through Data Exchange, the eligibility specialist must obtain documentation of the individual's SSN. The following documentation is acceptable:

1. SS card;
2. other 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).

If the SSN is unknown or has never been obtained, the individual must:

1. apply for an SSN through the local SSA office, or
2. apply for an SSN through the Florida enumeration at birth process.

Evidence that the individual has applied includes:

1. the SSA filing receipt for application,
2. an SSA 2853 indicating that an SSN was requested at the hospital,
3. the child's birth certificate with "yes" annotated in Section 11d, or
4. a screen print from BVS with a "y" indicator in the child issue field.

The eligibility specialist must request the SSN at each future contact, when the application for an SSN has been made. In the case of a newborn, the household has six months from the birth month or until the next redetermination, whichever is later, to provide the social security number for the newborn.

**1410.0204 When SSN is not Provided/Refusal to Apply (FS)**

The needs of the individual or child without an SSN must be excluded from the assistance group if an individual fails without good cause to provide or apply for an SSN on his own behalf or on the behalf of the individual's child(ren) or nonrelative child(ren).

Eligibility under this factor is determined if good cause exists. Good cause must be evaluated at each recertification in order for the individual to retain continued eligibility. Expedited households must apply or provide an SSN prior to the first full month of eligibility unless good cause exists.

To determine if good cause exists, documentary evidence or collateral information indicating that the individual has applied for an SSN or made every effort to supply information to complete the application must be considered.

**1410.0205 Suspected and Confirmed Multiple SSNs (FS)**

Suspected multiple SSNs exist when the eligibility specialist has reason to believe that an individual has more than one SSN. Confirmed multiple SSNs exist when an individual presents different Social Security cards with the same or similar names and different numbers.

If either of these situations arises the individual must be asked to clarify the problem with the SSA office.

**1410.0300 RESIDENCY (FS)**

Individuals must live in the state, but do not have to have the intent to permanently reside in the state in which they make application. Individuals in the state solely for vacation purposes are not considered residents. A fixed living or mailing address is not required.

Temporary Cash Assistance requirements for residency will be applied to categorically eligible assistance groups. Homeless individuals are considered residents.

Residency must be verified. This can be accomplished in conjunction with verification of other factors including identity, and through collateral contact or other available documentary evidence.

**1410.0310 Temporary Absence from the State (FS)**

Temporary absence from the state exists when a visit for a period of less than one calendar month is made out of the state and the intent is to return. Household members away from home because of a vacation or illness will maintain their household member status if they are in the home during any part of the calendar month. If the absence is to cover a full calendar month, the individual(s) should be removed from the assistance group. These changes should be reported prior to departure.

**1410.0400 IDENTITY (FS)**

The identity of the individual making application must be established as a condition of eligibility. Use any available documentation as proof of identity, but if unavailable, make a collateral contact. 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. If the individual(s) is known to the interviewer, this information must be recorded in order for the identity to be considered established.

Examples of acceptable documentation include but are not limited to:

1. driver's license,
2. data from the Driver's And Vehicle Express (DAVE) system,
3. work or school ID,
4. ID for health benefits or for any assistance or social services program,
5. voter registration card,
6. wage stubs, or
7. birth certificate (except for voided Puerto Rican birth certificates after September 30, 2010).

**1410.0400.01 Customer Authentication (FS)**

As a condition of eligibility, applicants and recipients must have their identity verified prior to authorization of benefits. Customer Authentication is a two-step process that "Discovers and Authenticates" an individual's identity. The discovery process uses the name, social security number, and the date of birth entered by the applicant into the web application to ensure they match an actual identity. In the authentication process, the applicant is asked to answer a series of multiple-choice authentication questions at the end of the web application that only the

individual should be able to answer. Once an individual's identity is both discovered and authenticated, the technical eligibility factor of identity is established.

If the individual opts not to answer the questions or does not correctly answer the questions, the eligibility specialist must complete the verbal authentication process.

The individual does not have to answer the authentication questions to continue with the online application. All paper applications must complete the verbal authentication process.

#### **1410.1100 LIVING ARRANGEMENTS (FS)**

This section describes policies relating to eligibility and living arrangements.

##### **1410.1101 Residents of Institutions (FS)**

Residents of institutions, with certain exceptions, are not eligible to participate in the Food Stamp Program. Individuals are considered residents of institutions when the institution provides them with the majority of their meals (50% of three meals a day) as a part of its normal services, and the institution has not been authorized by FNS to accept food stamps.

Individuals of any age who are prisoners, inmates, detainees, or convicts placed under detention or custody of a Federal, State, or local penal, correctional, or other detention facility or institution for more than 30 days are not eligible for food stamp benefits.

Students who purchase a majority of their meals at one of the school's facilities are considered residents of an institution regardless of whether obtaining meals at a school facility is mandatory or optional.

Individuals who do not receive their meals from the institution but who prepare their own food, are participating in the Delivered Meals Program, or a Communal Dining Program, are eligible for food stamps if the institution is not authorized to accept food stamps.

##### **1410.1102 Exemptions from Institutional Provisions (FS)**

The following individuals residing in group facilities are not considered residents of an institution for the purpose of qualifying for the Food Stamp Program:

1. any narcotics addict or alcoholic who resides at a facility or treatment center under the supervision of a Drug/Alcoholic Treatment and Rehabilitation Program unless the individual of any age is under detention or custody of a Federal, State, or local penal, correctional, or other detention facility or institution for more than 30 days;
2. 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;
3. certain blind/disabled individuals who live in authorized small group living arrangements licensed for 16 residents or fewer;
4. individuals or individuals with children temporarily residing in a shelter for battered persons (such individuals shall be considered individual household units for purposes of applying for and participating in the program); or
5. residents of public or private nonprofit shelters for homeless individuals.

Chapter 2200 describes special provisions for the residents of these facilities.

**1410.1700 CHILD SUPPORT COOPERATION (FS)**

Under state and federal law, the state must take action to locate non-custodial parents, establish paternity, and secure all child support, medical support, or other benefits for children receiving public assistance.

Applicants for and recipients of food stamps (including caretaker relatives receiving food stamps) must cooperate with Child Support Enforcement (CSE) as a condition of eligibility, unless it is determined that good cause for non-cooperation exists.

**1410.1702 Child Support Cooperation Requirements (FS)**

Cooperation with Child Support Enforcement (CSE) by a parent or caretaker relative is required when:

1. the parent or caretaker is applying for or receiving food stamps,
2. paternity has not been established and the alleged father is not in the home,
3. one or both parents are absent from the home, or
4. good cause for non-cooperation does not exist as determined by CSE.

The parent or caretaker relative must cooperate with the following:

1. identifying and locating the parent(s) of the child,
2. establishing the paternity of the child, and
3. obtaining child support payments for the child or amending a court order.

**1410.1704 Definition of Cooperation (FS)**

Cooperation includes the following:

1. providing complete information required to obtain child support (if information about the non-custodial parent is known by the individual but is withheld, the individual may face a possible penalty of perjury);
2. completing and signing affidavits attesting to paternity of the child; and
3. making court appearances and providing testimony in paternity hearings and support actions.

**1410.1705.01 Definition of Non-Custodial Parent (FS)**

The term "non-custodial parent" refers to non-custodial (absent) legal fathers, non-custodial (absent) mothers, and all putative (non-legal biological) fathers.

**1410.1705.02 Legal Father and Natural Father (FS)**

If both a legal and putative father exists, or the responsibility for support is not clear, the parent or caretaker relative must provide information on both the legal and putative father.

**1410.1706 Cooperation by a Pregnant Woman (FS)**

Pregnant women who are receiving food stamps for themselves and other dependent children are required to cooperate with CSE unless they have good cause reasons not to cooperate. A pregnant woman with no other children is not referred for CSE cooperation until the child is born.

**1410.1707 Good Cause for Failure to Cooperate (FS)**

Cooperation in establishing paternity and/or securing support may be contrary to the best interest of the family. In those situations, a parent or caretaker relative may have good cause for not cooperating. Child Support Enforcement (CSE) must advise these individuals of reasons for good cause.

The eligibility specialist must refer the individual to CSE even when it appears that good cause exists.

**1410.1708 Reasons for Good Cause (FS)**

Accept the good cause determination by Child Support Enforcement. Good cause may exist when cooperation in establishing paternity or securing child support could result in one of the following conditions:

1. physical harm to the child - examples are broken bones, bruises, burns, lacerations, etc.;
2. emotional harm to the child - examples are poor school performance, sleep disturbances, self destructive behavior, eating disorders, etc.;
3. physical harm to the parent or caretaker relative, which reduces the individual's capacity to care for the child adequately (such as life threatening injury); or
4. emotional harm to the parent or caretaker relative to such a degree that the individual's capacity to adequately care for the child is diminished (such as any psychological disorder or dysfunction which has a serious impact on the individual's abilities as caretaker).

Good cause may also exist under the following circumstances:

1. the child was conceived as a result of incest or forcible rape,
2. legal proceedings for the adoption of the child are pending before a court, or
3. the parent or caretaker relative is being assisted by a public or licensed private social agency to determine whether or not to relinquish the child for adoption (this circumstance is valid for three months).

**1410.1709 Failure to Cooperate (FS)**

When the parent, including a teen parent or caretaker relative refuses to provide information regarding the non-custodial parent of a child under the age of 18 residing in the home during an application or eligibility review, the eligibility specialist must review child support cooperation requirements with the individual.

**Note:** A pregnant woman with no other deprived children is not subject to child support cooperation until the child's birth.

Deny food stamp assistance for the individual (adult or teen parent) subject to child support cooperation if he/she does not express an intent to claim good cause or the intent to cooperate with Child Support Enforcement and authorize benefits for the other household members, if eligible. A referral to the Department of Revenue, Child Support Enforcement Agency to establish cooperation is not necessary when the individual expresses intent not to cooperate or claim "good cause".

**1410.1710 CSE Reports of Failure to Cooperate (FS)**

When Child Support Enforcement (CSE) requests a sanction be imposed because a custodial parent or caretaker relative did not comply with Child Support Enforcement requirements, immediate action will be taken to remove the non-compliant custodial parent or caretaker relative from food stamps, allowing for a 10-day notice of adverse action. The non-cooperative custodial parent will be treated as "technically ineligible" for food stamp budgeting purposes. Refer to passage 2610.0410 for how to treat these individuals.

**1410.1711 Ending Sanction (FS)**

Eligibility staff must:

1. Remove the sanction upon Child Support Enforcement's request that the individual complied.
2. Add the individual back into the food stamp assistance group (must meet all other factors of eligibility).
3. Not require an application unless the entire food stamp assistance group is closed.

Remove CSE imposed sanctions for noncooperation without CSE approval in the following situations:

1. When the last child subject to cooperation leaves the home.
2. When the last child subject to cooperation turns 18.
3. When the absent parent, based on established legal paternity, moves into the home and
4. When a non-legal parent moves into the home and completes the DH 432 acknowledging paternity and staff forwards the completed DH 432 to CSE or the Department of Health State Office of Vital Statistics.

The effective date for adding the sanctioned individual is the first month following the date of compliance.

#### **1410.1800 ABLE-BODIED ADULT WITHOUT DEPENDENTS (FS)**

Able-bodied adults without dependents (ABAWDs) are persons 18 through 49 years of age, who do not have dependent children and who do not meet an exemption. "Time-Limited" ABAWDs are individuals who are not otherwise exempt from Supplemental Nutritional Assistance Program (SNAP) Employment and Training (E&T) work registration and participation and do not meet an exemption to the ABAWD time limits. An individual who can be reasonably anticipated to become an ABAWD at some point within the four-month certification period and will not meet any other exemptions is considered to be a potential ABAWD.

Some examples of potential ABAWDs include:

- Last child is turning 18,
- Graduating from school,
- Employment is expected to end, or
- Unemployment Compensation Benefits (UCB) is expected to end

#### **1410.1801 ABAWD Provisions (FS)**

"Time-Limited" ABAWDs are not eligible to participate in the Food Stamp Program if, during the assigned 36-month period preceding the month of application, the individual received food stamps for any three months in which the individual was not:

1. Working 80 hours or more monthly;
2. Participating in an Employment program that includes work, on the job training, volunteer work, and job search for 80 hours or more a month; or
3. Participating for 80 hours or more monthly, in a combination of work and work program activities

ABAWDs are required to report whenever their work hours fall below 80 hours per month. Staff must encourage all customers who meet a SNAP E&T exemption to report when hours fall below 80 hours per-month. The customer will become a time-limited ABAWD the month the hours drop below 80 hours per-month.

"Time-Limited" Able-Bodied Adults Without Dependents who have exhausted their time limit (three months in the designated 36-month period) to receive food stamps will be treated as technically ineligible (Prorated) individuals for food stamps.

**Note:** \* The Department will begin a new 36-month period beginning January 1, 2019, and expire December 31, 2021. New 36-month periods begin every third year on January 1 and end three years later on December 31.

#### **1410.1802 Exemptions from ABAWD Provisions (FS)**

The time limit does not apply and the individual is not a “time-limited” ABAWD if he or she meets any of the following exemptions:

1. Is under 18 years of age or over 49 years of age. A person is considered 50 on their 50th birthday.
2. Physically or mentally unfit for employment (including 2 months post-partum). An individual is physically or mentally unfit for employment if he or she:
  - a. Is receiving temporary or permanent disability benefits issued by governmental Supplemental Security Income/Social Security Disability Income (SSI/SSDI) or private sources. Is obviously mentally or physically unfit for employment as determined by the eligibility specialist. Individuals are obviously unable to participate due to a physical or mental incapacity only if the physical or mental impairment(s) are of such severity that the individual is not only unable to do their previous work but cannot, considering education and work experience, engage in any other kind of substantial gainful work which exists in the national/state/local economy. This includes individuals who have proof of applying for SSI. The eligibility specialist is to record observations used to determine unfitness on CLRC.
  - b. If the unfitness is not obvious, it must be verified with a written or verbal statement 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 other medical personnel indicating, the individual is physically or mentally unfit for employment.
3. Is a parent (natural, adoptive, or step) or other member of the food stamp standard filing unit (SFU) with a child under age 18 in the standard filing unit, even if the member who is under 18 is not eligible for food stamps.
4. Is residing in an SFU where an SFU member is under age 18, even if the SFU member who is under 18 is not himself eligible for food stamps.
5. Is pregnant.
6. Is caretaker of an incapacitated individual.
7. Is caretaker of a child under 6 years of age.
8. Is a UCB applicant/recipient.
9. Is in a Drug or alcohol treatment program (does not include Alcoholics or Narcotics Anonymous or Sober Living Houses).
10. Is employed 120 hours/month or equivalent earnings (at least \$870 monthly).
11. Is a student enrolled at least half time.
12. Is a refugee participating in Office of Refugee Resettlement (ORR) E&T program.
13. Is a migrant worker with agreement to begin work within 30 days.

**1410.1802.01 Good Cause from ABAWD Provisions (FS)**

“Good Cause” is a temporary situation that an employer would normally excuse and the individual has returned to work/work activities. This provision is limited to situations where the ABAWD was already working or participating in the employment and training program (E&T) but then became temporarily noncompliant and has returned to compliance.

Recipients may have a good cause reason for not complying with work requirements. Noncompliant ABAWDs must be given the opportunity to claim good cause prior to imposing a sanction from CareerSource. ABAWDs meeting the work requirements on their own also have the opportunity to claim good cause prior to using a time limited month. The department is responsible for determining good cause when an ABAWD refuses or fails to comply with work requirements. Good cause must not be granted up-front prior to referring to CareerSource. Good cause applies to situations in which an individual is normally able to meet the ABAWD work requirement but does not due to circumstances beyond their control. Most instances of good cause are short-term or temporary events. If the event is not temporary, the eligibility specialist should explore if the individual meets an exemption.

**1410.1803 Referrals - Able-Bodied Adult without Dependents (FS)**

The eligibility specialist is required to work register applicants and recipients who meet the ABAWD criteria unless they meet one of the work exemptions noted in passage 1410.1802.

**1410.1804 Becoming Eligible – After Sanction (FS)**

An ABAWD can become eligible for food stamps if the individual does one of the following:

1. Becomes Exempt.
2. During the first three time-limited months, “time-limited” ABAWDs that are sanctioned when they fail to comply with the work requirements may become eligible if during any month they comply. The minimum sanction period must be served.

**Note:** If the ABAWD has already received three time limited months, then evaluate regaining.

3. New 36-month period starts in order to receive food stamps again.

**1410.1806 Regaining Eligibility after Time Limited Months Exhausted (FS)**

The eligibility specialist will discuss the process of regaining eligibility with all applicants and recipients who meet the ABAWD criteria and have exhausted their time limits. Months in which an individual receives food stamps for the full benefit month but did not meet the work requirements, or was not exempt, count toward the three-month time limit. There is no limit as to how many times an individual may regain eligibility and subsequently maintain eligibility by complying with the work requirement.

Individuals denied eligibility for food stamps after receiving benefits for three time-limited months in the designated 36-month period without meeting an exemption may regain eligibility for food stamps if during a 30-day period prior to applying, the individual does one of the following:

1. works 80 hours or more; or
2. participates in and complies with the requirements of a work program for 80 hours or more

An individual who regains eligibility for food stamps shall remain eligible, as long as the recipient continues to meet the ABAWD work provisions, or they meet an exemption.

An individual required to comply with the able-bodied provisions who regains eligibility, and then no longer meets the requirements under this provision, shall remain eligible for a consecutive

three-month period beginning with the date the individual notifies the eligibility specialist of the change in their circumstances or reapplies. The receipt of a second three-month food stamp period (bonus months) is allowed only once during the 36-month period.

#### **1410.1807 Bonus Months under the ABAWD Provisions (FS)**

ABAWDs can receive an additional three months of eligibility if they have exhausted their three time limited months, regained eligibility through work, and are no longer fulfilling the work requirement. These are called the bonus months. Bonus months must be used consecutively and can only be used once in the three-year period. If the ABAWD is a current food stamp recipient and loses employment or their work hours fall below 80 hours monthly, the three consecutive bonus months of eligibility will begin when the individual notifies the Department that they are no longer meeting the ABAWD work requirements.

Bonus months will begin with the first full month of food stamps following the month they notify us. If the ABAWD was participating with CareerSource, the three consecutive bonus months will begin when the Department is notified that the ABAWD is no longer in compliance. If the ABAWD is not currently receiving food stamp, eligibility must first be regained prior to becoming eligible for use of bonus months. The use of bonus months must be recorded on the tracking screen (ARFS) and CLRC. While receiving bonus months, an ABAWD may become noncompliant with CareerSource and receive a sanction. The sanction for noncompliance will cancel out any remaining bonus months. Once the three consecutive bonus months have been used, an ABAWD must meet the ABAWD work requirements or have an exemption in order to receive food stamps for the remaining three-year period.

**Note:** Bonus months only apply to individuals who have regained eligibility through work.

#### **1410.1900 EMPLOYMENT AND TRAINING (FS)**

Certain individuals who are not exempt must register and/or participate in SNAP E&T or work activities. Individuals who are not in the benefit calculation are not subject to these requirements. At application and recertification, staff must discuss possible exemptions for a deferral from participation.

For paper applications, provide the household with Food Stamp Work Registration Notice CF-ES 2095 with the names of all mandatory AG members. If the mandatory AG member is not the member completing the interview, explain work requirements and provide the form with the mandatory members' names to the member completing the interview.

#### **1410.1904 Determination of Participation Status (FS)**

Determine the participation status of each individual in the AG prior to approval of the application. Complete work registration and refer individuals to participate by providing the Food Stamp Work Registration Notice CF-ES 2095 and by entering the referral code on the electronic case. At application and recertification, discuss possible exemptions and potential good cause reasons that will allow a deferral from participation until the next recertification. Good cause reasons include circumstances beyond the individual's control that DCF can anticipate will continue for the entire certification period. Record all good cause reasons in the running record comments. Some good cause reasons are:

1. temporary illness;
2. illness of another person in the home requiring the presence of the individual in the home (a doctor's statement is required if the illness is questionable);
3. an SFU emergency or circumstances beyond the control of the SFU that prevent compliance with the work requirements;
4. public or private transportation is not available in the area on a consistent basis and the transportation cost exceeds the allowable \$25 reimbursement;

5. responsible for a dependent child between the ages of six and 12 for whom no adequate child care is available;
6. individuals who reside an unreasonable distance from potential employment (more than two hours round trip excluding time required to transport child to child care);
7. expedited SFUs certified for one month; or
8. persons who reside in a geographic area of the state for which the Department determines that no federal, state or local funds are available to provide services offered.

Work registration must occur:

1. at the time of the application interview;
2. each time the individual loses an exemption;
3. each time the individual re-enters the Food Stamp Program after an absence of at least one month;
4. when 12 months have passed since the individual last registered for work.

#### **1410.1906 Exemptions from SNAP E&T (FS)**

Individuals meeting one or more of the following conditions are exempt from work requirements:

1. Under age 16 or age 60 or older; age 16 or 17 who is not the payee/head of a household, or who is attending school, or is enrolled in an Employment and Training Program at least half-time;
2. Physically or mentally unable to work;
3. Complying with TCA work requirements;
4. Responsible for care of a dependent child under age six or responsible for an incapacitated individual;
5. Applying for or receiving unemployment compensation;
6. Drug and/or Alcohol Treatment and rehabilitation Program participant (not Alcoholics Anonymous, Narcotics Anonymous, or Sober Living Houses);
7. Working a minimum of 120 hours/month or equivalent hours (at least \$870 monthly); migrant and seasonal farm workers who are under agreement with an employer or crew chief to begin employment within the next 30 days;
8. A student enrolled at least half-time in any recognized school (high school, training program, or an institution of higher education);
9. Recipient of SSI/SSDI;
10. UCB applicant/recipient; or
11. Refugee participating in Office of Refugee Resettlement (ORR) E&T program

##### **1410.1906.01 Individuals under 16 Years of Age (FS)**

Individuals under 16 are exempt from SNAP E&T work requirements. Individuals whose 16th birthday occurs during the certification period must comply with work requirements starting at the next recertification, unless the individual meets another exemption. Accept the individual's statement of age unless questionable.

##### **1410.1906.02 Individuals Age 60 or Over (FS)**

Individuals age 60 or over are exempt from SNAP E&T work requirements. Accept the individual's statement of age unless questionable.

##### **1410.1906.03 Individuals Age 16 or 17 and Attending School (FS)**

An individual age 16 or 17 is exempt from SNAP E&T work requirements if the individual is not the payee/head of the household, or is attending school, or is enrolled in an Employment and Training Program on at least a half-time basis. The individual's statement is acceptable verification, unless questionable.

**1410.1906.04 Physically or Mentally Unfit for Employment (FS)**

Individuals physically or mentally unfit for employment are exempt from SNAP E&T work requirements. An individual is physically or mentally unfit for employment if he or she is:

1. Receiving disability benefits issued by the government (Supplemental Security Income or Social Security Disability)

**1410.1906.05 Care of an Incapacitated Individual (FS)**

Individuals responsible for the care of an incapacitated individual are exempt from SNAP E&T work requirements. The incapacitated individual may or may not be an SFU or an AG member. In addition, the incapacitated individual need not reside with the SFU or the AG. The individual's statement is acceptable verification unless questionable.

**1410.1906.07 Responsible for Care of Dependent Child (FS)**

Individuals responsible for the care of a dependent child under age six are exempt from SNAP E&T work requirements. There must be one child per exempt adult in the SFU. Two parents must have at least two dependent children in their SFU to meet this exemption. If the SFU contains two parents but only one child under age six, only one parent meets the exemption.

If the child's sixth birthday occurs during the certification period, the parent must comply with work requirements starting with the next recertification unless the parent meets another exemption. The individual's statement of the child's age is acceptable unless questionable.

**1410.1906.08 Students (FS)**

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 from SNAP E&T work requirements.

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

**1410.1906.09 Drug Addiction/Alcoholic Treatment (FS)**

Individuals enrolled and regularly participating in a Drug Addiction or Alcoholic Treatment and Rehabilitation Program are exempt from SNAP E&T work requirements.

Participants in Alcoholics (AA), Sober Living Houses, and Narcotics Anonymous (NA) do not meet an exemption unless they are attending these meetings as a part of a certified treatment center program.

The individual does not have to be a resident of a center. However, the Substance Abuse Program must certify the treatment center as an eligible facility. The provider must verify the individual is participating in the treatment program.

**1410.1906.10 Complying with Work Requirements for TCA/RAP/Match Grant (FS)**

Individuals subject to and complying with any work requirement under Title IV-A of the Social Security Act (TCA participants) are exempt from SNAP E&T work requirements.

Evaluate individuals sanctioned for failure to comply with any TCA work requirements to determine if they meet a food stamp exemption. If they meet a food stamp exemption, do not apply a sanction to the food stamp benefits. If they do not meet a food stamp exemption, apply a sanction according to food stamp work requirements.

**1410.1906.11 Receiving Unemployment Compensation (FS)**

SNAP E&T considers individuals receiving unemployment compensation to be participating in a work activity and exempt from SNAP E&T work requirements. An individual who has applied for, but is not receiving unemployment compensation, is exempt if the individual must register for work with CareerSource as part of the unemployment compensation application process.

**1410.1906.12 Working Minimum of 120 Hours Monthly (FS)**

Individuals are exempt from SNAP E&T work requirements if they are employed or self-employed and meet one of the following criteria:

1. working a minimum of 120 hours/month;
2. receiving earnings equal to or greater than the federal minimum wage multiplied by 120 hours (at least \$870 monthly); or
3. migrant or seasonal farm workers under contract or similar agreement with an employer to begin work within 30 days.

When determining whether a self-employed individual is exempt, use the following information:

1. Income alone may be sufficient.
2. The self-employment enterprise must require 120 hours/month on an annual basis. If the income does not indicate full-time employment, but the individual claims full-time self-employment, the individual must cooperate to establish if the volume of work and income claimed justifies the self-employment as full-time employment.

Individuals who are working but not being paid, in exchange for expenses or for in-kind services such as working to pay their rent, meet this exemption if they are working 120 hours/month or the amount of the expense is equal to or greater than the federal minimum wage multiplied by 120 hours (at least \$870 monthly).

**1410.1907 Loss of Exemption While Certified (FS)**

Individuals who lose an exemption due to a change in circumstances must comply with SNAP E&T work requirements.

When the customer reports a change that causes them to lose their exemption, refer the individual to participate by entering the referral code on the electronic case.

**1410.1908 Provider Reporting Requirements (FS)**

SNAP E&T providers must notify the Department of employment for each participant. This does not relieve an individual of the responsibility to report receipt of income from employment for any member of the SFU according to reporting requirements.

**1410.1909 Noncompliance with SNAP E&T Requirements (FS)**

Determine if the individual meets an exemption or has a good cause for failure to participate when the SNAP E&T provider notifies the Department that a recipient is non-compliant. If exempt or good cause exists, do not impose a sanction. If not exempt or there is not good cause impose the sanction allowing for a 10-day adverse action.

**1410.1911 Voluntary Quit/Voluntary Reduction of Hours (FS)**

The term "Voluntary Quit" applies to voluntarily quitting employment or voluntarily reducing hours of employment without good cause. Voluntary quit/reduction of work hours does not apply to individuals exempt from work requirements.

At application for food stamp benefits or a report of loss of income determine if any member of the AG quit a job or reduced hours of employment without good cause within 30 days prior to the date of application or after. Voluntary quit/voluntary reduction of hours applies if:

1. the individual quit a job where the individual was working 30 or more hours per week or earning an amount at least equal to the federal minimum wage multiplied by 30 without good cause; or
2. the individual reduced hours of employment to less than 30 hours per week, without good cause. If the individual reduces the hours of work to less than 30 but the wages equal the federal minimum wage multiplied by 30, voluntary quit/reduction of hours does not apply.

#### **1410.1911.01 Voluntary Quit/Voluntary Reduction of Hours (FS)**

Impose a voluntary quit/voluntary reduction of hours of employment sanction on any individual in the food stamp AG who quit a job or reduced hours of employment without good cause.

The sanctions for voluntary quit/reduction of hours of employment are the same sanctions as for noncompliance with SNAP E&T requirements.

#### **1410.1911.02 Situations not Considered Voluntary Quit (FS)**

Voluntary quit/voluntary reduction of hours of employment provisions does not apply in the following situations:

1. ending a self-employment enterprise;
2. resigning at the demand of the employer;
3. the individual who voluntarily quits meets an exemption other than working 30 or more hours per week;
4. the individual quits a job, but gets another job at comparable hours and wages and the individual is then laid off; or
5. an individual leaves employment under the Family and Medical Leave Act (FMLA) of 1993 as long as the individual returns to work after the leave.

#### **1410.1911.03 Good Cause - Voluntary Quit/Voluntary Reduction of Hours (FS)**

Good cause for leaving employment/reducing hours of employment includes the SNAP E&T good cause reasons and resigning from a job that does not meet suitability criteria, regardless of whether the job was unsuitable at the time of employment or became unsuitable later.

Other good cause criteria may include:

1. discrimination by any employer;
2. unreasonable work demands or conditions;
3. acceptance by the payee or any other AG member of employment or enrollment at least half-time in any recognized school, training, or institution of higher education;
4. resignations by individuals under the age of 60 which are recognized as retirement;
5. acceptance of an offer of employment of 120 hours/month or equivalent earnings (at least \$870 monthly); or
6. 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.

#### **1410.1911.04 Verification - Voluntary Quit/Voluntary Reduction (FS)**

Request verification of the individual's voluntarily quitting employment or reducing hours of employment if the information is questionable.

Acceptable sources of verification include but are not limited to the previous employer, employee associations, union representatives, and grievances committees or organizations.

**1410.1911.05 Ending Voluntary Quit/Voluntary Reduction (FS)**

The Department may approve an application for food stamp benefits for AGs after the individual serves the minimum sanction period for voluntary quit/reduction of hours of employment if the AG reapplies and meets all eligibility requirements.

**1410.1915 When Payee/Head of Household Fails to Comply (FS)**

When the payee/head of household refuses or fails without good cause to comply with SNAP E&T requirements, including voluntarily quitting or reducing hours of employment, the entire AG is ineligible. Make a final determination for good cause and apply the following sanctions for noncompliance.

**First violation:** The entire AG is ineligible for a minimum of one month.

**Second violation:** The entire AG is ineligible for a minimum of three months.

**Third violation:** The entire AG is ineligible for a minimum of six months.

If an individual complies before the effective date of the sanction period, whether the 10-day time period in the notice of adverse action expires, do not impose a sanction.

If, at the end of the minimum sanction period, the non-compliant payee/head of household does not meet an exemption and is still not complying with the SNAP E&T requirements, the payee/head of household remains ineligible for food stamps until compliance. Other members of the food stamp AG may reapply at that time.

If the non-compliant payee/head of the household leaves the AG during a period in which the AG is ineligible due to noncompliance, the remaining food stamp AG members may request and receive food stamps providing they meet all factors of eligibility.

If the non-compliant payee/head of the household becomes the payee/head of another food stamp household, the new food stamp household is subject to the appropriate sanction for noncompliance.

When the payee/head of the household refuses or fails to comply with work requirements without good cause at initial application, deny the application. Do not assign a sanction period because compliance with work requirements is a condition of eligibility, and we cannot determine eligibility of the AG until the household meets the requirement.

**1410.1916 Failure to Comply by AG Member (FS)**

Non-compliant individuals who are not the payee/head of the household are ineligible if they refuse or fail without good cause to comply with SNAP E&T requirements. Make a determination of exemptions or good cause and apply the following sanctions for noncompliance.

**First violation:** The non-compliant individual is ineligible for a minimum of one month.

**Second violation:** The non-compliant individual is ineligible for a minimum of three months.

**Third violation:** The non-compliant individual is ineligible for a minimum of six months.

If a non-compliant individual complies before the effective date of the sanction period whether the 10-day time period in the notice of adverse expires, do not impose a sanction.

If, at the end of the minimum sanction period, the non-compliant individual does not meet an exemption, and is still not complying with the SNAP E&T requirements, the individual remains ineligible for food stamps until compliance.

If a non-compliant individual joins another AG as payee/head of household, the entire new AG is ineligible for the remainder of the sanction period. If the individual joins another AG and the individual is not the payee/head of household, the individual is an ineligible member of that AG for the remainder of the sanction period.

When an individual refuses or fails to comply with work requirements without good cause at initial application or recertification, the individual is ineligible until the individual meets the requirement because compliance is a condition of eligibility.

**1410.1918 Good Cause Reason not Provided (FS)**

If non-compliance, without good cause, occurs prior to the last month of the certification period, the sanction period begins the first month following the expiration of the adverse action notice, unless the individual requests a fair hearing. If the timing of the adverse action notice is such that we cannot impose the sanction prior to the end of the certification period, the sanction begins the first month in which we can give ten days adverse action notice even if the case closes prior to the start of the sanction period. The sanction period continues while the case is closed.

**1410.1919 Food Stamp Sanctions for RAP Individuals (FS)**

Impose a SNAP E&T sanction on individuals who receive Refugee Cash Assistance and food stamps if they fail to complete employment and training requirements of RAP employment providers.

**1410.1920 Circumstances under Which a Sanction Can Be Lifted (FS)**

**Exemption Changes:**

A sanctioned individual who becomes exempt from work requirements may reapply for food stamps and TCA.

TCA - When a sanctioned individual files an application and is now exempt, lift the sanction. If the individual becomes mandatory again, they are once again subject to the requirements for compliance and the remaining sanction period they did not serve.

Food Stamps - If a sanctioned individual reapplies and is exempt from work requirements, lift the sanction. Do not apply Riverside policy during periods when a non-compliant individual is exempt. For food stamps, the eligibility staff determine if the sanctioned individual is now exempt and whether to lift the sanction.

**Eligibility Changes:**

Once an individual is serving a sanction for food stamps due to a TCA related sanction, the sanctioned individual must serve the food stamp sanction period unless they become exempt, or the RWB or their designee determines the individual had good cause for non-compliance with TCA related work requirements.

Individuals serving a sanction for food stamps due to noncompliance with TCA related work requirements cannot have a sanction lifted simply by opting not to receive TCA.

If the sanctioned individual moves out of the residence, the remainder of the AG may reapply for food stamps.

**1410.1921 Assigning Sanction Periods for TCA and FS (FS)**

Impose the correct TCA sanction and determine if the individual meets a food stamp exemption. If the individual meets a food stamp exemption, do not impose a food stamp sanction. If the individual does not meet an exemption:

**First Non-Compliance:**

TCA - Terminate the TCA for the entire AG for a minimum of 10 days. To reinstate the TCA at the end of the 10-day minimum sanction period the individual who failed to comply with the assigned activity must comply.

Food Stamps -

1. Payee/head of the household of food stamp AG is non-compliant - the entire AG becomes ineligible for one month. If at the end of the month the non-compliant individual is still not complying with work activities, the non-compliant individual of the AG remains ineligible but other members of the food stamp AG may reapply.
2. AG member is non-compliant - Only the non-compliant individual becomes ineligible for a minimum of one month or until they comply, whichever is later.

**Second Non-Compliance:**

TCA - Terminate TCA for the entire AG for a minimum of one month or until the non-compliant individual complies, whichever is later. Upon compliance with the assigned work activity, reinstate TCA benefits back to the date of compliance or the first day of the month following the sanction period, whichever is later.

If the AG requests TCA for children under age 16, provide the TCA through a protective payee, during the sanction period.

Food Stamps -

1. Payee/head of household of the food stamp AG is non-compliant-the entire AG becomes ineligible for three months. If at the end of three months the non-compliant individual does not meet an exemption and is still not complying with work activities, the non-compliant individual AG remains ineligible for food stamps until compliance. Other members of the food stamp AG may reapply at the end of the three-month sanction period.
2. AG Member is Non-Compliant - Only the non-compliant member becomes ineligible for a minimum of three months or until they comply, whichever is later.

**Third Non-Compliance:**

TCA - Terminate TCA for the entire AG for a minimum of three months or until the individual who failed to comply does so, whichever is later. Upon completion of the minimum three-month sanction period, the individual must reapply, contact the Regional Workforce Board or their designee, and comply with assigned activities prior to reinstatement of TCA. Upon compliance with the assigned work activity, reinstate TCA benefits back to the date of compliance or the first day of the month following the sanction period, whichever is later. If the AG requests TCA for children under age 16, provide the TCA through a protective payee, during the sanction period.

Food Stamps -

1. Payee/ head of household of the food stamp AG is non-compliant. The entire AG becomes ineligible for six months. If at the end of six months the non-compliant individual does not meet an exemption and is still not complying with work activities, the payee of the AG remains ineligible for food stamps until compliance. Other members of the food stamp AG may reapply at the end of the six-month sanction period.

2. AG Member is non-compliant - The individual only becomes ineligible for a minimum of six months or until they comply, whichever is later.

There is no forgiveness policy for food stamps and any non-compliance after the third non-compliance requires the same sanction period as the third food stamp sanction.

#### **1410.2200 INDIVIDUAL CONVICTED OF FELONY DRUG TRAFFICKING (FS)**

Food stamp benefits shall be denied to an individual who has been convicted of a felony for drug trafficking including agreeing, conspiring, combining, or confederating with another person to commit the act committed after 8/22/1996. This disqualification is a lifetime disqualification. Only the individual who was convicted will be penalized. If the illegal behavior that lead to the conviction occurred on or before 8/22/96, the disqualification does not apply regardless of the date of the conviction. If a court expunges the felony drug trafficking conviction, the individual is not subject to the disqualification. The individual must provide proof of the expungement.

Since felony conviction for drug trafficking is not considered noncompliance with specific program requirements, "Riverside" policy would not be applied.

#### **1410.2300 COOPERATION WITH QUALITY CONTROL (FS)**

Households are required to cooperate with state and federal Quality Control (QC) reviewers. If any individual in the household refuses to cooperate, a sanction will be imposed against the non-cooperative individual affecting the eligibility of the entire household. Refusal to cooperate will result in the denial or termination of benefits for the entire household.

The sanction will follow the non-cooperative individual. If the non-cooperative individual moves out of the household, the remaining household members can apply for benefits. If the non-cooperative individual applies for benefits for them self or moves in with another household, benefits will be denied or terminated for this household.

If QC issues a finding indicating the household refused to cooperate, eligibility staff will provide the household written notice allowing 10 calendar days to cooperate with QC. If the household does not respond or cooperate with QC within 10 calendar days, advance notice of adverse action is required prior to denying or terminating the benefits. If the household reapplies, eligibility staff must contact QC to determine if the household has cooperated or if the household remains ineligible based on refusal to cooperate.

#### **1410.2500 FLEEING FELONS AND PROBATION OR PAROLE VIOLATORS (FS)**

Food stamp benefits must be denied to an individual who is a fleeing felon or in violation of probation or parole. Since an individual disqualified due to being a fleeing felon or probation or parole violator is not considered a noncompliance with a specific program requirement, "Riverside" policy will not be applied. The following passages address how to determine if an individual is a fleeing felon or in violation of probation or parole.

##### **1410.2501 Fleeing Felon (FS)**

States must use a four-part test to identify fleeing felons. All four items have to be present and verified by the State agency to determine that an individual is a fleeing felon. To be a fleeing felon ineligible for a food stamp benefit the following four criteria must be met:

1. There must be a felony warrant for the individual;
2. The individual must be aware of, or should reasonably be able to expect that, a warrant has or would have been issued;
3. The individual has taken some action to avoid being arrested or jailed, and;

4. A law enforcement agency is “actively seeking” the individual.

Law enforcement is “actively seeking” the individual when it informs the Department it intends to enforce an outstanding felony warrant.

#### **1410.2502 Probation or Parole Violator (FS)**

The State agency has the responsibility of verifying the status of the probation or parole violator. The violation can be a misdemeanor or a felony. To be a probation or parole violator ineligible for a food stamp benefit the following two criteria must be met:

1. The individual must have violated a condition of his or her probation or parole, and;
2. Law enforcement must be “actively seeking” the individual to enforce the conditions of the probation or parole.

Law enforcement is “actively seeking” the individual when it informs the Department it intends to enforce an outstanding misdemeanor or felony warrant for a probation or parole violation.

#### **1410.2700 DISQUALIFICATION FOR CERTAIN CONVICTED FELONS (FS)**

An individual is disqualified for food stamps if:

(1) the individual is convicted as an adult, which resulted in a federal or state felony, for one of the following crimes:

- a. aggravated sexual abuse,
- b. murder,
- c. sexual exploitation and other related abuse of children,
- d. offense involving sexual assault, or
- e. offense under state law similar to one of the above.

(2) the individual is not in compliance with the terms of their sentence, probation, or parole; and

(3) the individual committed either of the crimes listed above, after February 7, 2014.

The individual’s statement is sufficient, unless questionable. If the individual’s statement is questionable and compliance cannot be verified by the eligibility worker, the eligibility specialist must pend the household for proof of compliance. An example of compliance includes confirmation from the Department of Correction’s Probation Office that the individual has successfully completed or is satisfactorily serving the probation or parole sentence term.

## 1420.0000 Temporary Cash Assistance

The Temporary Cash Assistance (TCA) Program has technical (non-financial) factors, which must be considered to determine eligibility.

The eligibility specialist must determine if each individual meets the appropriate requirements for the type of assistance requested. The following sections identify the technical factors that must be considered and the verification requirements for each factor. If the individual does not meet the applicable requirements, the individual is technically ineligible.

### 1420.0100 CITIZENSHIP/NONCITIZEN STATUS (TCA)

The eligibility specialist must evaluate the citizenship/noncitizen status for each individual who applies for TCA. Citizenship information of those family members who are not applying for benefits is not required. Non-receiving members are to be asked only if they are citizens or noncitizens, not their U.S. Citizenship and Immigration Services status.

#### 1420.0101 Declaration of Citizenship/Noncitizen Status (TCA)

Each applicant applying for public assistance must declare in writing whether each individual in the assistance group (AG) is a U.S. citizen, or a noncitizen in lawful immigration status.

An application declaring the citizenship/noncitizen status must be signed under penalty of perjury for all household members applying for assistance as a condition of eligibility. The form must be signed at application and review. An adult applicant or designated representative may sign the application declaring the citizenship/noncitizen status of all members.

#### 1420.0102 Definition of U.S. Citizenship (TCA)

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

1. be born in the U.S. or D.C., or a U.S. territory, (Puerto Rico, U.S. Virgin Islands, Northern Mariana, American Samoa, Harcon Tract, Swain's Island, and Guam).

**Note:** If the individual was born in a former U.S. Territory while it was a territory, a clarification through the Region or Circuit Program Office is required.

The individuals statement of U.S. citizenship is accepted, unless questionable. If questionable, verification is required.

2. be a naturalized citizen. An individual is a naturalized citizen when U.S. citizenship is gained after his or her birth either through individual naturalization, or derived from a naturalized parent.
3. be adopted by U.S. citizen.

A child acquires citizenship through adoption, if they meet all of the following conditions:

- a. the child was adopted while under age 16, has been in the legal custody of and has resided with the adopting U.S. citizen parent(s) for at least two years;
- b. the child is under age 18, or was under age 18 on February 27, 2001;
- c. the child is/was residing in the United States in the legal and physical custody of the U.S. citizen parent(s) and;
- d. the child has a qualified noncitizen status. (See 1420.0105)

The child must meet all the above criteria, all at the same time, on at least one day at some point between February 27, 2001 and the present. The child must not have been married at any time on or before the day they met all of the criteria.

**Note:** proof of U.S. citizenship will not be automatically issued to eligible children.

4. be born abroad to a U.S. citizen. Individuals born abroad to a U.S. citizen and who make a written declaration of citizenship to the U.S. Consulate are considered U.S. citizens.

A child born abroad whose parents were not married may acquire citizenship at birth if one of the parents is a U.S. citizen at the time of the child's birth and legal paternity has been established. To acquire citizenship a child born abroad to unwed parents need only establish the mother's U.S. citizenship and her residence in the U.S. or U.S. territory prior to the birth of the child.

Citizenship is acquired at birth when:

1. both parents are U.S. citizens and at least one parent resides in the U.S. or a U.S. territory before the birth of the child; or
2. one parent is a citizen and the other is a noncitizen at the time of the child's birth. (Individuals claiming citizenship under this provision must be referred to USCIS to obtain a formal determination of their citizenship.)

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

1. one parent is a U.S. citizen by birth or through naturalization,
2. the child is under age 18, or was under age 18 on February 27, 2001,
3. the child is/was residing in the United States in the legal and physical custody of the U.S. citizen parent(s),
4. the child has a qualified noncitizen status, (see 1420.0105).

#### **1420.0103 Verification Sources for U.S. Citizens (TCA)**

The individual's verbal or written statement of date and place of birth must be accepted if they were born in the United States (U.S.) unless the information is questionable. This policy applies to all individuals claiming U.S. citizenship, including those who are naturalized and those born abroad to U.S. citizens.

If questioned, U.S. citizenship must be verified. Sources of verification include:

1. Birth or hospital certificates showing U.S. birth (except for voided Puerto Rican birth certificates after September 30, 2010),
2. Form I-197 (U.S. Citizen I.D. card),
3. Religious documents recorded in the U.S. shortly after birth,
4. SSA records,
5. U.S. passport,
6. Certificate of Citizenship or Naturalization.

#### **1420.0104 Noncitizens (TCA)**

Noncitizens may qualify for TCA based on their status granted by U.S. Citizenship and Immigration Services (USCIS). The following sections discuss different types of noncitizens and their eligibility.

**North American Indians born in Canada**, who are residing in the U.S., are eligible for TCA, based on the factor of immigration status, if they are subject to Section 289 of the Immigration and Nationality Act or a member of an Indian Tribe as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act.

Proof of this status includes:

1. I-551 with code S-13,
2. unexpired I-551 stamp in a Canadian passport,
3. I-94 with code S-13, or
4. a letter or other tribal document certifying 50% American Indian blood, as required by Immigration and Nationality Act section 289, combined with a birth certificate or other satisfactory evidence of birth in Canada.

Verification of membership in an Indian tribe includes a membership card or other tribal document demonstrating membership in a federally recognized Indian tribe.

If the individual has no document evidencing tribal membership, contact with the tribal government for confirmation of the individual's membership.

**Note:** These individuals are not subject to the five-year ban.

#### **1420.0105 Qualified Noncitizens (TCA)**

Qualified noncitizens are defined as noncitizens who meet at least one of the following sections of the Immigration and Nationality Act (INA).

#### **1420.0106 Lawful Permanent Resident (TCA)**

A lawful permanent resident (LPR) is a noncitizen who lawfully immigrates to the United States and has permission to live and work in the U.S. LPRs may be eligible for TCA based of their noncitizen status if they entered the U.S.:

1. prior to 8/22/96 and have remained continuously present,
2. on or after 8/22/96 under a prior asylee, refugee, Amerasian, deportation withheld, or Cuban/Haitian Entrant status, or
3. on or after 8/22/96 and have lived in the U.S. as a qualified noncitizen for at least five years.

Proof of this status includes:

1. resident alien card commonly referred to as a "green card" (I-551),
2. a re-entry permit (I-327), or
3. a foreign passport with a stamp stating "temporary evidence of lawful permanent resident status".

**Note:** LPRs who entered after 8/22/96 are subject to the five-year ban, unless otherwise noted.

#### **1420.0106.01 Noncitizens Serving in the United States Armed Forces (TCA)**

Noncitizens serving in the United States Armed Forces (Army, Air Force, Navy, Marines, or Coast Guard) on active duty for purposes other than training, noncitizen veterans honorably discharged from the United States Armed Forces for reasons other than their noncitizen status, who have met the minimum active duty service requirements of Section 5303A(d) of Title 38, United States Code (24 months or the period for which the person was called to active duty), and their spouses and unmarried dependent children, are eligible for Temporary Cash Assistance on the factor of noncitizen status.

Verification of active duty military status includes:

1. a current Military Identification Card (DD Form 2) that lists an expiration date of more than one year from the date of determination. If the expiration date is less than one year, the individual will need to present a copy of current military orders,
2. verification through the nearest Real Time Automated Personnel Identification System (RAPIDS), or
3. contact with DEERS Support Office,  
Attention: Research and Analysis,  
400 Gigling Road,  
Seaside, California 93955-6771,  
Fax (408) 655-8317.

Proof of honorable discharge:

The discharge certificate (DD Form 214) or its equivalent indicating a discharge "under Honorable conditions."

If the individual is not in possession of their discharge certificate, the eligibility specialist should refer the individual to the local Veteran Administration Regional Office for a determination of the individual's veteran status.

**Note:** If the individual's discharge certificate indicates an original enlistment date in the Armed Forces prior to September 7, 1980, there is no minimum active duty service requirement.

An unmarried dependent child is defined as:

1. the biological or legally adopted dependent child of an honorably discharged veteran or an active duty member of the U.S. Armed Forces,
2. not married, and
3. under the age of 18 or under the age of 22 if a full-time student.

An un-remarried noncitizen surviving spouse may also be eligible when the:

1. veteran spouse was a Filipino described in Section 107 of Title 38, U.S. Code. (individuals who served in the Philippine Commonwealth Army during World War II or as a Philippine Scout following the war); or
2. spouse died while on active duty, provided the surviving spouse has not remarried and the marriage fulfills the requirements of Section 1304 of Title 38, U.S. Code.

Section 1304 defines marriage as having met one of the following conditions:

1. The surviving spouse was married to the veteran or active duty military personnel within 15 years after discharge in which the injury or disease leading to the death of the veteran or active duty personnel was incurred or aggravated (Not a factor if the individual died while on active duty) and was married for a period of at least one year. or
2. A child was born during the relationship between the individual and the veteran or active duty military personnel either during or before the marriage.

**Note:** These individuals are not subject to the five-year ban.

**1420.0106.02 Amerasians (TCA)**

Amerasians born in Vietnam fathered by a U.S. citizen and admitted to the U.S. as immigrants under Section 584 of the Foreign Operations, Export Financing and Related Programs Appropriations Act of 1988 are eligible for Temporary Cash Assistance on the factor of citizenship.

Proof of this status includes unexpired temporary USCIS Form I-551 with code AM6, AM7, or AM8, or USCIS Form I-94 with codes AM1, AM2, or AM3.

**Note:** These individuals are not subject to the five-year ban.

**1420.0107 Asylees (TCA)**

Noncitizens granted asylum under Section 208; have received permission to remain in the U.S. based on a "well-founded fear of persecution" should the individual return to the individual's native land may be considered for asylum. A prospective asylee applies for asylum after entering the U.S., a U.S. territory or a U.S. embassy.

Proof of this status include:

1. USCIS Form I-94 showing grant of asylum under Section 208,
2. USCIS Form I-688B (Employment Authorization Card) annotated 274a.12(a)(5),
3. USCIS Form I-766 (Employment Authorization Card) annotated A5,
4. grant of asylum letter from the Asylum Office of USCIS indicating this status is granted,
5. an order of an immigration judge granting asylum, or
6. other conclusive documentation of this status.

**Note:** These individuals are not subject to the five-year ban.

**1420.0108 Refugees (TCA)**

Refugees are defined as those noncitizens given permission to enter the U.S. under Section 207 of the Immigration and Nationality Act (INA). These noncitizens have applied to be admitted to the U.S. based upon a well-founded fear of persecution in their homeland. Persecution must be due to race, religion, nationality, social or political ties and cannot be economic in nature.

Proof of this status include:

1. USCIS Form I-94 or I-551 bearing Section 207,
2. USCIS Form I-688B (Employment Authorization Card) annotated 274a.12(a)(3),
3. USCIS Form I-766 annotated A3,
4. USCIS Form I-571 (Refugee Travel Document), or
5. other conclusive documentation of this status.

**Note:** These individuals are not subject to the five-year ban.

**1420.0109 Victims of Human Trafficking (TCA)**

Victims of severe forms of human trafficking are eligible for benefits to the same extent as a noncitizen who is admitted to the United States as a refugee under section 207 of the Immigration and Nationality Act. The only exception is the human trafficking victim will not provide USCIS documents. Adult victims will provide a certification letter from the Department of HHS. Children under 18 years old are not required to be certified and will instead be provided an eligibility letter. The agency will accept the certification letter for adults or the eligibility letter for children in place of USCIS documentation.

Before approving these individuals for benefits, the validity of the certification or eligibility letter must be confirmed by calling the HHS' Office of Refugee Resettlement (ORR) at (866) 401-5510. The call will advise ORR of the benefits for which the individual has applied and at the same time ORR will verify whether or not the individual is a trafficking victim.

Certain family members of victims of human trafficking are potentially eligible for TCA. This includes the spouse and children of a trafficking victim 21 years of age or older. If the severe trafficking victim is under 21 years of age, parents, spouses, children, and unmarried siblings under age 18 on the date of the "T" visa application are eligible, if they meet all other eligibility requirements. These family members will have a nonimmigrant T Visa, with no additional USCIS documentation.

**Note:** These individuals are not subject to the five-year ban.

**Note:** Do not use the Verification Information System - Customer Processing System (VIS-CPS) for these individuals, as VIS-CPS does not contain information about them.

**Potential Child Trafficking Victims:** Potential child trafficking victims are eligible for federally funded benefits and services for up to 90 days pending a final trafficking eligibility decision. An "Interim Assistance Letter" issued to potential child victims by the Department of HHS, Office of Refugee Services (ORR) will certify this status. These children are eligible for benefits beginning with the eligibility began date on the interim assistance letter. ORR will issue a final trafficking determination on the child within this interim period. If denied a final trafficking status, terminate benefits at the end of the month in which the 90<sup>th</sup> day falls.

#### **1420.0110 Parolees (TCA)**

Parolees under Section 212(d)5 for at least one year; Noncitizens granted temporary parole status for a total period of at least one year by the Attorney General under Section 212(d)(5) of the Immigration and Nationality Act (INA) are eligible on the factor of noncitizen status.

Verification of this status includes:

1. USCIS Form I-94 indicating that the individual has been paroled under this section, or
2. USCIS Form I-688 with codes 274a.12(a)(4) or 274a.12(c)(11), or
3. USCIS Form I-766 with codes A4 or C11, or
4. other conclusive documentation of this status.

**Note:** If the USCIS document does not reflect at least a one-year period, the eligibility specialist must institute secondary verification.

**Note:** These individuals are subject to the five-year ban if the entry date is after 8/22/96.

#### **1420.0111 Deportation Withheld (TCA)**

A noncitizen whose deportation has been withheld pursuant to Section 243(h) or 241(b)(3) of the Immigration and Nationality Act (INA) may be eligible for Temporary Cash Assistance on the factor of noncitizen status from the date deportation was withheld.

Proof of this status includes:

1. an order from an immigration judge showing that deportation has been withheld under Section 243(h) of the INA as in effect prior to April 1, 1977, or removal withheld under 241(b)(3).
2. USCIS Form I-766 (Employment Authorization Card) annotated A-10. or
3. USCIS Form I-688B (Employment Authorization Card) annotated 274a.12.(a)(10).

The court will include the date deportation was withheld. If the applicant does not present a court order, do secondary verification.

**Note:** These individuals are not subject to the five-year ban.

#### **1420.0112 Cuban/Haitian Entrants (TCA)**

Cuban/Haitian Entrants as defined in Section 501(e) of the Refugee Education Assistance Act of 1980 any national of Cuba or Haiti who:

1. was granted parole status as a Cuban/Haitian Entrant (status pending) or granted any other special status subsequently established under the immigration laws for nationals of Cuba or Haiti, regardless of the status of the individual at the time assistance or services are provided; or
2. any other national of Cuba or Haiti who:
  - a. was paroled into the United States and has not acquired any other status under the Immigration and Nationality Act (INA);
  - b. is the subject of exclusion or deportation proceedings under the INA; or
  - c. has an application for asylum pending with the U.S. Citizenship and Immigration Services (USCIS), and with respect to whom a final, non-appealable, and legally enforceable order of deportation or exclusion has not been entered.

Verification of this status includes:

1. USCIS Form I-94, stamped paroled as "Cuban/Haitian Entrant, Status Pending",
2. USCIS Form I-551 with code CU6 or CH6,
3. unexpired temporary I-551 stamp in foreign passport,
4. USCIS Form I-94 with code CU6 or CH6, or,
5. individuals with an application for asylum pending will have "Form I-589 filed" or official USCIS receipt of I-589 along with an I-94 with this status.

**Note:** These individuals are not subject to the five-year ban.

#### **1420.0113 Battered (TCA)**

A battered spouse or child, or parent or child of a battered person with a petition pending under Section 204(a)(1)(A) or (B) or 244(a)(3), as determined by USCIS. Defined as noncitizens who are, or have been battered or subjected to extreme cruelty in the United States by a family member with whom they reside. This includes a noncitizen whose child or a noncitizen child whose parent has been abused. The phrase battered or subjected to extreme cruelty includes, but is not limited to, being the victim of any act or threatened act of violence.

**Note:** These individuals are subject to the five-year ban if entry date is after 8/22/96. Battered children under the age of 18 are not subject to the five-year ban.

Noncitizens who claim to be battered must satisfy all of the following requirements:

1. Show that noncitizen has an approved or pending petition which makes a prima facie case for immigrant status in one of the following categories:
  - a. a Form I-130 filed by their spouse or the child's parent;
  - b. a Form I-130 petition as a widow(er) of a U.S. citizen;
  - c. an approved self-petition under the Violence Against Women Act (including those filed by a parent;

- d. an application for cancellation of removal or suspension of deportation filed as a victim of domestic violence.
2. The noncitizen, the noncitizen's child or the noncitizen child's parent has been abused in the U.S. under the following circumstances:
  - a. The noncitizen has been battered or subjected to extreme cruelty in the U.S. by a spouse or parent of the noncitizen, or by a member of the spouse's or parent's family residing in the same household if the spouse or parent consent to the battery or cruelty.
  - b. The noncitizen's child has been battered or subjected to extreme cruelty in the U.S. by a spouse or parent of the noncitizen, or by a member of the spouse's family residing in the same house if the spouse or parent consents to the battery or cruelty, and the noncitizen did not actively participate in the battery or cruelty.
  - c. The parent of a noncitizen child has been battered or subjected to extreme cruelty in the U.S. by the parent's spouse, or by a member of the spouse's family residing in the household as the parent, if the spouse consents to or allows such battery or cruelty.
3. The battered noncitizen, child, or parent no longer lives in the same household as the abuser(s).
4. There is a substantial connection between the battery or extreme cruelty and the need for public assistance.

Proof of the battered status includes:

1. individual's statement that the battered noncitizen, child, or parent no longer lives with the abuser and that there is a direct connection between the battery and their need for public assistance;
2. approved petitions or orders granted by USCIS;
- ~~3.~~ restraining order or criminal conviction against the abuser;
4. charges brought about that lead to the conviction of the abuser; or
5. credible evidence of the abuse which includes but is not limited to, reports or affidavits from law enforcement, judges or other court officials, medical personnel, school officials, social workers, mental health providers, other social service agency personnel, legal documents, residence in a battered spouse shelter or similar refuge, photographs of the injuries, or sworn affidavits from friends, family members, or other third parties with personal knowledge of the battery or cruelty.

The eligibility specialist cannot delay authorization of an application or request for additional assistance while awaiting verification to establish battery or extreme cruelty. If it is later discovered that the noncitizen does not meet these criteria, a Benefit Recovery referral must be made.

**Note:** The eligibility specialist does not need to determine if the battered noncitizen meets the three criteria listed above for noncitizens who meet one of the other qualified noncitizen statuses unless it is to the noncitizens advantage, such as sponsored noncitizens.

#### **1420.0114 Verification Requirements for Noncitizens (TCA)**

The eligibility specialist must verify the immigration status of all noncitizens applying for or receiving TCA through the US Citizenship and Immigration Service (USCIS).

If a noncitizen does not wish for our agency to contact USCIS to verify immigration status, the household must be given the option of withdrawing its application or participating without that

member's needs included. If this occurs, the agency must not continue efforts to obtain that documentation. Instead the individual is technically ineligible for benefits. When verifying noncitizen status, the agency uses automated verification by Verification Information System - Customer Processing System (VIS-CPS).

If a noncitizen is unable to provide any documentation to verify immigration status, the eligibility specialist is not responsible for contacting USCIS on the noncitizen's behalf unless the individual requests assistance in obtaining documentation or verification of immigration status.

An expired noncitizen registration card does not necessarily mean that the noncitizen lost their immigration status. If VIS-CPS does not indicate the noncitizen has an acceptable status, the noncitizen should be referred to USCIS to obtain current USCIS documentation. If obtaining USCIS documentation would place an undue hardship on the noncitizen, or the noncitizen is hospitalized or suffers from a medical disability, the eligibility specialist must have the noncitizen declare their noncitizen status and continue to process the application. The USCIS documentation provided will be manually verified with USCIS.

Examples of undue hardship include, but are not limited to, living a distance from the USCIS office, lack of transportation, or a several months waiting period for an appointment with USCIS.

If a noncitizen does not have any documentation of immigration status, but can provide the "noncitizen registration number," the eligibility specialist will verify the number using the VIS-CPS system. If the number is verified, and VIS-CPS indicates the individual has an immigration status, this is acceptable documentation. However, the individual's identity must be verified to ensure the noncitizen registration number belongs to the individual.

**Note:** If a noncitizen provides any form of USCIS documentation, regardless of the expiration date, showing an eligible Immigration Act section, the eligibility specialist must accept the documentation and verify the individual's status through the VIS-CPS system. When the VIS-CPS system requests secondary verification, benefits may not be withheld pending response from the secondary verification, providing all other technical eligibility factors are met.

If the secondary verification shows that the noncitizen no longer has an eligible immigration status, a Benefit Recovery referral will be initiated for the total amount of assistance received during the interim investigation period.

#### **1420.0115 VIS-CPS (TCA)**

VIS-CPS must be completed for noncitizens:

1. at application or reapplication,
2. when adding a noncitizen individual, and
3. any time there is a change to alien status.

A noncitizen who has what appears to be a "good" USCIS document, when VIS-CPS indicates contradictory information, will be considered potentially eligible until secondary verification is returned confirming the status. Do not hold, deny or terminate benefits waiting for the secondary verification.

#### **1420.0117 Noncitizens not Eligible for Assistance (TCA)**

The following individuals are not eligible for Temporary Cash Assistance on the factor of citizenship status:

1. foreign government representatives on official business and their families and servants,
2. visitors for business or pleasure, including exchange visitors,
3. crewmen on shore leave,

4. noncitizens in travel status while traveling directly through the U.S.,
5. treaty traders and investors and their families,
6. foreign students,
7. international organization representatives and individuals and their families and servants,
8. temporary workers including agricultural contract workers, or
9. members of foreign press, radio, film, or other information media and their families.

Verification is usually the I-94, Arrival-Departure Record, annotated with the letters "A" through "V", except "T". (A-2, B-1, etc.).

#### **1420.0118 Reporting Illegal Noncitizens (TCA)**

Substantial evidence of unlawful presence in the United States (US) must exist before an individual can be reported to the U.S. Citizenship and Immigration Services (USCIS). Do not attempt to make a determination of unlawful presence in the following situations when:

1. an individual declines to present documentation of immigration status.
2. a VIS-CPS response shows no USCIS record on the individual.
3. a VIS-CPS response shows an immigration status that makes the individual ineligible for benefits. or
4. secondary verification from VIS-CPS shows that the individual's USCIS status has expired.

Individuals who are not applying for benefits are not to be reported as unlawfully present in the US. Additionally, staff should not seek verification status through VIS-CPS, or through any secondary verification process, for individuals who are not applying for benefits. This is because those applying for TCA may live with others who are not applying for benefits but who may not be lawfully present in the US.

#### **Who must be reported:**

Before it is determined that an individual is unlawfully present in the US, the individual must provide a formal non-appealable order of deportation. This document is required because prior to issuing the order of deportation, the case has had a formal review by USCIS or by the Executive Office of Immigration Review.

#### **Reporting:**

Region or Circuit Program Offices must make a quarterly report to headquarters if the region or circuit determines there are noncitizen applying for benefits who are unlawfully present in the US. It is only necessary to send a quarterly report to headquarters when noncitizens who are not lawfully present in the United States are identified. When necessary to report, please send the report within 15 days following the quarter ending in March, June, September and December. The headquarters staff will forward the relevant reports to USCIS. If a report is necessary, it must include the name, address and other identifying information, such as how the determination was made that the individual is not lawfully present in the US.

#### **1420.0200 SOCIAL SECURITY NUMBER (TCA)**

The eligibility specialist must obtain or verify that the individual has applied for a Social Security Number for each individual as a condition of eligibility.

A verbal statement providing the SSN is sufficient if the SSN is validated through data exchange. If the SSN is not validated through Data Exchange, the eligibility specialist must obtain documentation of the individual's SSN. The following documentation is acceptable:

1. SS card;
2. Other 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).

If the SSN is unknown or has never been obtained, the individual must:

1. apply for an SSN through the local SSA office ; or
2. apply for an SSN through the Florida enumeration at birth process.

Evidence that the individual has applied includes:

1. the SSA filling receipt for application,
2. an SSA 2853 indicating that an SSN was requested at the hospital,
3. the child's birth certificate with "yes" annotated in Section 11d, or
4. a screen print from BVS with a "y" indicator in the child issue field.

SSN Application Follow-Up:

1. After 90 days, if an individual who has applied for an SSN has not received an SSN, the eligibility specialist must determine if the individual need to reapply for a number.
2. The eligibility specialist must contact the individual the second month after the month of application for an SSN and each month thereafter until the number is received.
3. If an individual has not received an SSN by the next complete eligibility review, the eligibility specialist must resubmit an SS-5, but no sooner than three months from the previous SSN application.
4. The eligibility specialist must request that SFU members whose income and/or assets are included in the budget, but who are not members of the assistance group, provide their SSN for purposes of Data Exchange, although these individuals are not required to comply with this request.

#### **1420.0204 When SSN is not Provided/Refusal to Apply (TCA)**

If an individual fails to provide or apply for an SSN on his own behalf or the individual's child(ren), the needs of that individual or child, whichever is applicable must be excluded from the assistance group.

If a child resides in a facility or with a nonrelative and the child's parent, caretaker relative, or designated official of the facility fails to apply for an SSN for that child, the child is ineligible.

#### **1420.0205 Suspected and Confirmed Multiple SSNs (TCA)**

Suspected multiple SSNs exist when the eligibility specialist has reason to believe that an individual has more than one SSN. Confirmed multiple SSNs exist when an individual presents different Social Security cards with the same or similar names and different numbers.

If either of these situations arises the individual must be asked to clarify the problem with the SSA office.

#### **1420.0300 RESIDENCY (TCA)**

In order to receive Temporary Cash Assistance, all individuals must be eligible on the factor of residency. Homeless individuals and residents of public or private nonprofit shelters for the homeless are considered residents. An individual does not need to have a permanent dwelling or a fixed mailing address.

Residency exists when the intent of the individual is to remain in the state. Residency does not exist when the stay is for a temporary purpose such as a vacation and there is intent to return to a residence in another state.

When a child is in the child's usual family setting, the residency of the child is considered in the context of the family situation. If the child leaves the family setting to reside elsewhere, residence is determined based on the extent and nature of the child's own stay.

A child is considered a resident when the parent or caretaker relative is a migrant agricultural worker who maintains Florida as a home for the children and intends to return to Florida.

Children born in the U.S. of undocumented or ineligible noncitizen parents residing in the state may meet the residency requirement if they intend to remain even if parents may not legally remain due to USCIS status.

An individual must satisfy one of the following residency requirements:

1. must reside in the State of Florida with the intent to remain, (individuals statement as to their intent to remain is acceptable) or
2. must be living in the State of Florida for employment purposes without intent to remain and meets the following conditions:
  - a. the individual or caretaker relative is not receiving assistance from another state, and
  - b. the individual or caretaker relative came to Florida with a job commitment or is actively seeking employment during the stay in the state.

Verification of residency for employment purposes must be verified and includes:

1. letter from employment agency,
2. letter of employment offer,
3. home visits,
4. collateral contacts,
5. rent/mortgage or utility receipts,
6. other forms of ID,
7. driver's license records, and
8. institutionalized in a Title XIX facility.

Some individuals in the U.S. with a temporary visa and their U.S. born children may meet the Florida residency requirement if they verify their residency and state an intent to remain.

Examples of verification of residency include:

1. employment or school records,
2. bank statements,
3. lease agreements,
4. utility bills,
5. Florida driver's license or state ID card, and
6. other reliable information.

#### **1420.0310 Temporary Absence from the State (TCA)**

Temporary absences do not affect residency. Temporary absence exists when an absence is 30 days or less. If the absence is greater than 30 days, the individual must provide:

1. The reason(s) the absence has been prolonged (e.g., medical treatment),
2. Plans to return to Florida, and
3. The date the individual intends to return to Florida.

To determine if TCA should continue for temporarily absent assistance groups, the assistance group must:

1. Have maintained its residence in Florida during the temporary absence period, and
2. Have plans to return to Florida when the reason for the temporary absence has ended.

Temporary absence does not exist and the individual does not meet residency requirements if:

1. Another state has determined the individual is a resident of their state for TCA (TANF) purposes, or
2. The individual leaves the U.S. with the intent to establish permanent residence outside the U.S., or
3. There is no intent to return to Florida.

When the assistance group leaves Florida with the intent of establishing its home in another state, Florida residency is lost. TCA may continue for one month following the month of departure.

Households using TCA benefits out of state for more than 30 days with no subsequent in-state usage must have the TCA benefits terminated, unless the household can verify Florida residency or temporary absence from the state and has the intent to return.

#### **1420.0400 CUSTOMER AUTHENTICATION (TCA)**

As a condition of eligibility, applicants and recipients must have their identity verified prior to authorization of benefits. Customer Authentication is a two-step process that “Discovers and Authenticates” an individual’s identity. The discovery process uses the name, social security number, and the date of birth entered by the applicant into the web application to ensure they match an actual identity. In the authentication process, the applicant is asked to answer a series of multiple-choice authentication questions at the end of the web application that only the individual should be able to answer. Once an individual’s identity is both discovered and authenticated, the technical eligibility factor of identity is established.

If the individual opts not to answer the questions or does not correctly answer the questions, the eligibility specialist must complete the verbal authentication process.

The individual does not have to answer the authentication questions to continue with the online application. All paper applications must complete the verbal authentication process.

#### **1420.0500 AGE (TCA)**

Children in the assistance group must meet requirements in order for the assistance group to be eligible.

#### **1420.0504 Definition of a Child (TCA)**

By definition, a child must be:

1. unmarried (never married or marriage was annulled),
2. not legally emancipated, and
3. under age 18, or under age 19 and a full-time student in secondary school or at the equivalent level of vocational or technical training.

A child is eligible to receive assistance due to age requirements through the month of the child’s appropriate birthday unless born on the first day of the month. Eligibility then ceases effective the birth month.

**1420.0505 Verification of Age (TCA)**

The parent or caretaker relative's statement of the child's birth date and marital status is sufficient to verify age. If information is questionable, documentation must be obtained.

Acceptable documentation includes:

1. the birth certificate,
2. hospital certificate,
3. medical records,
4. BVS,
5. DH form 432, "Consenting Affidavit Acknowledging Paternity",
6. physician's statement, or
7. census records.

**1420.0506 Verification of Student Status (TCA)**

An individual's statement that a child age 18 to 19 is attending school full-time is acceptable unless questionable. Full-time attendance is defined by the school or institution. A child is considered to be in attendance during school vacations and for the entire month in which the child completes school or discontinues attendance. If school attendance is questionable, (ex. Learnfare data exchange indicates child has dropped out) then verification of attendance must be obtained from the school or institution.

**1420.0509.01 Immunization (TCA)**

Applicants and recipients for Temporary Cash Assistance (TCA) who have a preschool child under age five must complete appropriate childhood immunizations for the child as a condition of eligibility. If the immunization requirement is not met, the child is sanctioned. When a refugee is applying for TCA with a child under age five, the immunization verification requirement is waived at initial application, if the initial application is within their eight-months from date of entry, status, or asylum. At recertification, the eligibility worker must ensure that immunization requirements are met prior to reauthorizing benefits.

The child's income and assets must be counted. If the only child in the assistance group does not meet the requirement, TCA is denied/terminated.

Applicants and recipients must be informed of the availability of childhood immunizations through the Department of Health County Health Department or through the child's health provider.

**1420.0509.02 Verification Requirement (TCA)**

Verification that the applicant or recipient is current with immunizations for a preschool child is required. The assistance group must be pended for verification if documentation is not provided at the eligibility review or cannot be verified independently via the Florida Shots database. Verification of immunizations for a newborn is not required until the first eligibility review after the date the child was added to the TCA benefit. If the child is less than three months of age at the time of the eligibility review, immunization verification may be postponed until the next review. Any verification containing the following information is acceptable:

1. Immunizations are current;
2. Date next immunization is due; and
3. Signature and date by a health care professional licensed under Chapters 458, 459, or 460, Florida Statutes (medical doctors, osteopaths and chiropractors).

**1420.0509.03 Good Cause (TCA)**

The requirement for preschool children to begin and complete childhood immunizations may be waived if the failure is due to religious reasons or a permanent medical condition.

If the failure to immunize the child is due to religious reasons, the applicant's or recipient's statement indicating the individual practices a religion that is opposed to immunization may be accepted.

If the failure to immunize the child is due to a permanent medical condition, a statement from a doctor is acceptable verification.

#### **1420.0600 TEEN PARENT (TCA)**

To be eligible for Temporary Cash Assistance, a teen parent must meet certain requirements that are discussed in 1420.0601 through 1420.0603. A teen parent is a minor child and a full-time student in a secondary school or an approved program leading to obtain a GED. If the teen is not attending a secondary school or an approved program leading to obtaining a GED, this will result in ineligibility for the teen parent and teen parent's child(ren). A teen parent is not married or divorced.

#### **1420.0601 Teen Parent Requirements (TCA)**

To be eligible for Temporary Cash Assistance, a teen parent must:

1. live with parents or relatives or in another supervised setting to be eligible for Temporary Cash Assistance;

**Note:** An adult supervised setting is one in which the teen parent is receiving adult guidance and support to help the teen parent to be a responsible parent, stay in school and prepare for independent living.

2. attend school or an approved training program leading to a GED; **Exceptions:** Teen is the parent of a minor child less than 12 weeks old, or the teen parent has completed high school.
3. have temporary cash payments based on the Tier III payment standard and have a protective payee appointed when the teen parent heads her own Temporary Cash Assistance group;
4. have income deemed from parents when the teen parent lives with a parent and heads their own Temporary Cash Assistance group; and
5. attend parenting and family classes if there is a program available in the area.

**Note:** The Regional Workforce Board/designee complete referrals for these classes.

#### **1420.0602 Exception to Teen Parent Requirements (TCA)**

The eligibility specialist will determine if the teen parent meets an exception to the requirement to reside in the home with a responsible adult. The following are exceptions to this requirement:

1. There is no parent or legal guardian who is living or whose whereabouts is known;
2. There are no parents or legal guardians who will allow the teen parent to live in their home;
3. The teen parent has lived apart from their parent or legal guardian for at least one year before either the birth of the dependent child or the teen parent having made application for Temporary Cash Assistance; or
4. Good cause exists for maintaining a separate living arrangement and the physical or emotional health or safety of the teen parent or teen parent's child would be jeopardized if they reside with the teen parent's parent or legal guardian. The teen parent must

provide the reason for maintaining a separate living arrangement. Good cause reasons may include such situations as illegal substance abuse, abuse of alcohol, physical or mental abuse, serious overcrowding in the home, or a dangerous or potentially dangerous physical environment.

If good cause for not residing with a parent or caretaker relative or legal guardian is determined by the eligibility specialist and the teen parent is residing in one of the adult supervised settings, the Temporary Cash Assistance payment may include a shelter obligation and be based upon Tier I, II, or III, according to the amount paid. Payment must be made through a protective payee.

**Note:** If the teen parent is not living with an adult and the eligibility specialist and the supervisor determine that the teen parent does not meet an exception to this rule, the assistance group must be closed or denied. Possible exceptions will be reconsidered if the situation has changed upon reapplication.

All teen parent cases must have the following information recorded in CLRC:

1. Living arrangements, when the teen parent and child do not live with a parent, legal guardian or caretaker relative;
2. Type of verification used to establish eligibility;
3. Good cause reason and exception, as appropriate; and
4. Payee information when a protective payee is not available.

#### **1420.0603 Verification (TCA)**

**Living Arrangements** - The teen parent's statement is suitable verification for living in one of the required living arrangements unless questionable. The teen parent who has good cause for maintaining a separate living arrangement must provide verification of where the teen parent resides and why the teen parent is not living with an adult. Acceptable verification may be a written or an oral statement from an individual who has personal knowledge of the situation.

**School Attendance** - The teen parent's statement is suitable verification for school attendance unless questionable.

**Note:** If the teen parent is not in school but expresses an interest in attending school, the assistance group must be given a 10 day pending period to verify registration and attendance. If the teen parent does not express an interest in school, states they do not intend to attend school or fails to verify school attendance, the teen parent and their children may not receive TCA as a payee for their own benefits, nor in the assistance group of a parent or caretaker relative.

#### **1420.0700 DEPRIVATION (TCA)**

Each child in the assistance group must be deprived of the support or care of one or both parents.

Each child in the assistance group must be deprived based on one of the following reasons:

1. death of one or both parents,
2. existence of only one legal parent,
3. continued absence of one or both parents,
4. incapacity of one or both parents, or
5. unemployment or underemployment of the parent(s).

#### **1420.0701 Who is Considered a Parent (TCA)**

A "parent" is defined as:

1. the natural or biological mother of the child,
2. the adoptive mother or father,
3. the natural or biological father of the child, or
4. the legal father.

Refer to passages 1420.0702 and 1420.0703 for definitions of natural biological fathers and legal fathers.

#### **1420.0702 Definition of Biological Father (TCA)**

An individual is the biological father when he or the child's mother alleges that he is the biological father, and the Department has made a non-judicial determination of paternity.

When the child has a legal father and the mother alleges that someone else is the biological father, the alleged biological father cannot be considered the child's parent until paternity of the alleged biological father is legally established. In this situation, the alleged biological father's presence in the home does not affect deprivation.

**Note:** Under these circumstances, even if the biological father cannot be considered the child's parent for the purpose of establishing deprivation, the biological father can be considered a specified relative if the eligibility specialist makes a "non-judicial" determination of paternity.

#### **1420.0703 Definition of a Legal Father (TCA)**

An individual is considered the legal father if:

1. he was married to the mother at the time of the child's conception or birth,
2. he is the natural, biological father who marries the mother after the child's birth and there was no legal father at the time of the marriage,
3. paternity has been legally established,
4. procedures to amend the child's surname on the birth certificate have been conducted, or
5. the individual is the adoptive father.

This legal relationship supersedes any subsequent allegation of paternity for a natural biological father.

#### **1420.0704 When an Individual Becomes a Parent (TCA)**

An individual becomes a parent under the following circumstances:

1. ceremonial marriage,
2. common-law marriage,
3. being a biological parent,
4. establishing paternity, or
5. adoption.

#### **1420.0705 Ceremonial Marriage (TCA)**

A ceremonial marriage is a wedding ceremony in which a marriage license is obtained. The ceremony must be performed by a religious official, judge, notary, or other individual authorized by law to perform weddings.

Individuals become parents if they marry under either of the following circumstances:

1. In cases in which prior individual marriages exist, a subsequent marriage is still considered binding until determined otherwise by a court of competent jurisdiction. If the legality of a marriage is questioned, the case should be cleared with the District Legal Counsel.
2. If the mother of a child born out of wedlock and the alleged father marry each other at any time after the child's birth, they become the child's parents. A couple considered to

be legally married under the laws of another state or country are considered to be legally married for purposes of determining a child's eligibility for public assistance in Florida.

**1420.0706 Biological Parents (TCA)**

Biological parents, the birth mother and the natural biological father are considered parents of the child, except as noted in passage 1420.0705. When a mother and natural father both reside in the home, the eligibility specialist must make a non-judicial determination of paternity in order to establish if deprivation exists.

**1420.0707 Common-Law Marriage (TCA)**

Children born to a father and mother who had a "common-law" marriage which occurred in Florida prior to January 1, 1968, are considered legitimate. After January 1, 1968, Florida law does not provide for legalization of a new common-law relationship, unless it occurred in another state or foreign country under that state's or country's laws. Information given by the parent or relative concerning the dates and circumstances of the "common-law" marriage should be obtained. Mothers and fathers married through these "common-law" marriages are considered parents.

**1420.0708 Establishment of Paternity (TCA)**

An individual is considered a parent when paternity is established by one of the following methods:

1. civil court action through a paternity suit followed by the issuance of a court order declaring the natural father to be the legal father;
2. written acknowledgment of fatherhood by the natural father in the presence of a juvenile court judge;
3. establishment of paternity in another state;
4. the father's voluntary placement of his surname on the child's Florida birth certificate when both parents request in writing that his name be shown; or
5. a signed, notarized statement by the father stating that he is the child's father under the penalty of perjury and fraud prosecution (such as CF-ES Form 432, "Consenting Affidavit Acknowledging Paternity").

An Application for an Amended Certificate of Birth by Acknowledgment of Paternity must be signed by both parents in the presence of a notary and must be issued by the DH Office of Vital Records. Information given by the parent or relative concerning the date and circumstances under which the parents took this action is sufficient to establish that paternity has been declared for the child.

**1420.0709 Adoption (TCA)**

Legal adoption supersedes other parental relationships (biological and marital ties). When a parent dies and the child is adopted by the stepparent, the child's relationship to the deceased parent's relatives remains intact.

**1420.0710 Required Contact with Non-Custodial Parent (TCA)**

A contact must be made with the non-custodial parent (legal or non-legal) when any address (last known or current) is known at the time of application (including when a child is added) and every complete eligibility review. This includes a contact with the non-custodial parent of an unborn child.

This contact must be made to obtain deprivation information and to determine if the non-custodial parent is supporting the child(ren). The contents of the discussion should be recorded. If the eligibility specialist cannot contact the non-custodial parent(s) this also must be recorded. The exceptions to this requirement are described in passage 1420.0711.

**Note:** If the eligibility specialist does not question the information/verification provided by the individual regarding the non-custodial parent's support, the case should not be held pending for a reply from the absent parent.

#### **1420.0711 Exceptions to Contact the Non-Custodial Parent (TCA)**

A contact will not be made with the non-custodial parent when:

1. Child Support Enforcement (CSE) has an open state collection case;
2. the non-custodial parent is incarcerated in a state or federal institution (when the absent parent is in a county jail, the contact is still required);
3. a good cause exception exists or is pending approval; or
4. prior correspondence was returned by the post office postmarked "moved, left no forwarding address".

#### **1420.0712 Reasons for Deprivation (TCA)**

Children and unborn child(ren) must be deprived of the support or care of their mother or father (legal or non-legal natural father). When a pregnant woman is married, the man to whom she is married is presumed to be the legal father of the unborn child.

Deprivation can exist for the following reasons:

1. the mother and legal father live in the home and one or both are incapacitated;
2. a parent is continuously absent from the home due to death, desertion, marital separation, incarceration, or divorce;
3. the natural father is continuously absent from the home (if there is no legal father); or
4. the mother and father (legal or non-legal) live in the home and their income is below the payment standard for the size of their assistance group.

**Note:** When the non-legal father resides in the home with the child and the mother, and denies that he is the natural father of the child, deprivation is considered to exist until such time paternity is established.

#### **1420.0713 Deprivation Due to Death (TCA)**

A child is deprived when one or both parents are deceased. The surviving parent or caretaker relative must provide information on the deceased parent's date and place of death. The individual's statement is sufficient unless questioned. Whenever possible, the eligibility specialist must secure additional information, such as:

1. death certificate,
2. funeral director's records,
3. hospital/cemetery records,
4. police records,
5. newspaper notice,
6. Social Security records, or
7. military or VA records.

The possibility of the child being eligible for survivor's pensions, of any type, must be explored. This information must be recorded at application and each complete eligibility review.

#### **1420.0714 Deprivation Due to Single Parent Adoption (TCA)**

Deprivation due to the absence of one legal parent from the home is considered to exist in cases in which a single individual adopts a child, regardless of whether the parent later marries, and the spouse becomes the adopted child's stepparent. For purposes of Child Support Enforcement requirements, there is no non-custodial parent in these cases.

**1420.0715.01 Continued Absence of One or Both Parents (TCA)**

A child is considered to be deprived when one or both parents are continuously absent from the home. This occurs when:

1. a parent(s) is(are) anticipated to be absent from the home for at least 30 days duration without interruption;
2. this absence is the result of desertion, separation, divorce, incarceration, or removal of custody due to a court order; or
3. the parents have never resided in the home or may not have assumed parental responsibilities.

**1420.0715.02 Reasons for Continued Absence (TCA)**

There are six general reasons for continued absence:

1. marital separation,
2. incarceration,
3. desertion,
4. divorce,
5. legal prohibition against living with the child, and
6. other.

**1420.0716 Marital Separation (TCA)**

Separation exists when there is a break in the marital ties; however, the non-custodial parent is fulfilling some of his responsibilities for the care, supervision, or support of the child.

If the separation was “planned” and does not break marital ties, deprivation does not exist. Separations for economic stability, education, or employment purposes would be in this category. Information must be obtained from the parent or caretaker relative concerning the circumstances of the separation, such as: the non-custodial parent’s address and the contacts he maintains with the family, the date the separation occurred, and the frequency of contact. Contact with the non-custodial parent must be made to confirm separation information and verify child support. The contact with the non-custodial parent must be recorded. If a contact is not possible, this fact must also be recorded.

**1420.0718 Determination of Desertion (TCA)**

Desertion exists when one or both legal parents have completely abandoned all responsibilities for the care, guidance, supervision, and support of a child.

To determine if desertion has occurred, the eligibility specialist must obtain information from the parent or caretaker relative concerning the following:

1. circumstances of the desertion,
2. the non-custodial parent’s address, and
3. the contacts that the individual maintains with the family.

Verification of desertion may be obtained through contacts with:

1. family members,
2. friends, and/or
3. school personnel (who can provide address verification of the child and the individual to contact in an emergency situation).

**Note:** If the caretaker relative of a child indicates that the parents are living together apart from the child, a decision as to whether the child is temporarily absent from the home must be made.

If it is determined that the child is temporarily absent from his parent's home, then he is not eligible to be included in the requestor's TCA assistance group.

#### **1420.0719 Divorce (TCA)**

Divorce is a legal severance of marital ties. Information must be obtained from the parent or caretaker relative concerning the date and place the divorce was obtained. Divorce information must be recorded at application and each eligibility review. The eligibility specialist should request a copy of the divorce decree if the information is questionable. Examples of questionable circumstances would be:

1. When there are questions as to current ownership of joint marital assets.
2. When there are questions concerning possible income from alimony or child support payments.
3. When there are questions concerning which parent has primary custody of children.

If parents are awarded joint custody of the child and visitation provides for partial residence with each parent, the eligibility specialist must establish one parent as the primary caretaker of the child.

The eligibility specialist must involve both parents in establishing the primary caretaker. The parents must agree on this decision in order for deprivation to exist. If the absent parent is not cooperative, then a verbal statement from the parent is acceptable.

Once the primary caretaker has been established, the child would be considered temporarily absent during the time period he is with the other parent.

#### **1420.0720.01 Prohibition against Living with Child (TCA)**

There are three instances involving legal prohibition against living with the child. These are:

1. temporary removal of custody,
2. deportation of a parent from the United States, and
3. resident citizen of a foreign country unable to legally enter the U.S.

#### **1420.0720.02 Temporary Removal of Custody (TCA)**

Deprivation exists when children are temporarily removed from the custody of their parents. Parental rights may be temporarily terminated when a child is removed by court order from the custody and control of his parents. Such parents continue to have the obligation to support the child and may have visitation rights.

Clearances must be made with the Region or Circuit Program Office in these instances where both parents from whom custody has been removed are no longer continually absent from the home. Documentation as to the date, place, and type of court action must be filed in the case record. Sources of documentation include current court orders, custody papers, and protective services/child welfare records.

Temporary removal of custody is not the same as permanent severance of parental rights. Severance or termination of parental rights is a legal action by which parental rights are permanently removed and the parents generally do not continue to have the obligation to support the child and visitation rights are denied.

#### **1420.0720.03 Deportation of a Parent (TCA)**

Deprivation exists when a parent is deported from the United States. Information given by the parent or caretaker relative concerning the date and place of deportation is sufficient verification

to establish the fact of deportation. If deportation is questionable, the eligibility specialist may obtain additional information through immigration records.

**1420.0720.04 Resident Citizen of a Foreign Country (TCA)**

Deprivation exists when one or both parents are resident citizens of a foreign country and are unable to legally enter the United States. Information given by the parent or caretaker relative concerning the reasons that the absent parent cannot enter the U.S. is sufficient to establish the factor of deprivation if it is for political or medical reasons, and it is known that current immigration laws prohibit entry into this country for the specific reason given.

When two parents are residing together apart from the child, and one or both parents are unable to legally enter the U.S., deprivation exists. If ability to legally enter is questioned, the eligibility specialist must obtain all pertinent facts and request assistance from USCIS.

**1420.0721.01 Other Continued Absences (TCA)**

Deprivation due to continued absence is considered to exist when the nonlegal father is not living in the home with the mother and child or pregnant woman, or the mother or legal father live apart from the child.

**1420.0721.02 Verification - Other Continued Absences (TCA)**

Information must be obtained from the parent or caretaker relative concerning the circumstances of the continued absences. A contact must be made with the non-custodial parent(s) if possible to obtain information and determine if the non-custodial parent(s) is providing support. Refer to passage 1420.0711 for exceptions to non-custodial parent contacts.

**1420.0722 Incapacity (TCA)**

Exists when both parents live together:

1. and one or both parents are determined to be physically or mentally incapacitated.
2. although one parent is absent due to an incapacitating condition.

**1420.0722.01 Definition of Incapacity (TCA)**

Incapacity exists when the parent has a physical or mental illness, impairment, or defect supported by medical evidence and expected to last longer than 30 days. The incapacity must be severe enough to substantially reduce or entirely eliminate the individual's ability to support or care for the child.

A parent who has an incapacitating condition must either be:

1. unable to work;
2. unable to engage on a full-time basis in his usual occupation including caring for his children or any comparable alternate occupation available in the community;
3. able to engage full-time in an occupation, but accepts substantially reduced wages due to the debilitating nature or effects of the condition, (consideration must be given to the limited employment opportunities available to handicapped individuals); or
4. handicapped or disabled his entire life.

**1420.0722.02 Verification of Incapacity (TCA)**

Incapacity is established by one of the following:

1. the receipt of Social Security (RSDI) or SSI benefits on the basis of disability or blindness;
2. a medical statement from a licensed physician that an incapacity or disability exists;

3. receipt of Workers' Compensation, Vocational Rehabilitation, Veteran Disability or other public assistance benefit when eligibility is conditional upon a determination of incapacity or disability;
4. pending SSI or SSDI application supported by a medical diagnosis of disability;
5. clinic records; or
6. hospital records (medical or psychiatric).

The Department will review the incapacity if the parent's condition is expected to improve sufficiently or the parent will resume functioning at a usual level of competency. The review must be scheduled for the month the change is expected to occur.

#### **1420.0722.03 Gathering Incapacity Information Applications (TCA)**

Since incapacity is not a factor in determining family eligibility for TCA or an exemption from work referral, applicants will not be pended for incapacity or disability verification, unless a caregiver is also claiming a time limit and work activity exemption for caring for the incapacitated or disabled member.

#### **1420.0722.04 Gather Incapacity Information Ongoing (TCA)**

Information must be obtained on active cases when a need for care exemption is claimed by the caregiver and:

1. an incapacity is anticipated to end; or
2. when the RWB notifies the agency of a change in the incapacitated individual's medical condition.

#### **1420.0722.05 Resuming Level of Employment/Care (TCA)**

When the parent's incapacity ends, eligibility for the appropriate coverage group where incapacity is not a factor must be explored.

#### **1420.0723 Unemployment/Underemployment (TCA)**

Deprivation exists due to unemployment/underemployment when both parents (the mother and legal or non-legal father on whom the Department has made a non-judicial determination of paternity) live with the child and one of the following conditions exists:

1. One or both parents are unemployed. Unemployed is defined as not working.
2. One or both parents are underemployed. This means that one or both parents are working, but the assistance group has net countable income less than the payment standard.

#### **1420.0724.05 Verification of Unemployment/Underemployment (TCA)**

Unemployment/Underemployment is verified by one of the following:

1. If the parents claim no current employment, the eligibility specialist must verify any loss of employment that occurred within the prior 60 days.
2. If one or both parents are employed, follow verification procedures in 1820.0207 to determine if the assistance group has net countable income equal to or less than the payment standard.

#### **1420.0800 LIVING IN THE HOME (TCA)**

A child must be living in a home maintained by a parent or specified relative as a condition of eligibility.

**1420.0802 Definition of Parent/Specified Relative (TCA)**

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

1. the mother;
2. the father (legal or biological);

**Note:** When there is both a legal and biological father, the biological (natural) father is considered a specified relative rather than a parent. Refer to passage 1420.0803 for information about non-judicial determinations of paternal relationship.

3. blood relatives, including those of half-blood, within the relationship of siblings, first cousins, nephews, nieces, aunts, uncles and individuals of preceding generations as denoted by prefixes of grand, great, great-great, or great-great-great. This group includes relatives within the fifth degree of kinship to the dependent child; therefore, this includes first cousins once removed (children of first cousins), but not second cousins;
4. stepfather, stepmother, stepbrother, and stepsister (The parent of the stepparent does not meet this degree of relationship.);
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 above groups even though the marriage terminated by death or divorce.

**Note:** A child's adoption severs his legal ties to his biological parents; however, it does not terminate his blood relationship to his family. Even after adoption, the biological parents and relatives continue to meet the specified degree of relationship required under TCA policy. However, the parents of the child are considered specified relatives, not parents, and therefore have their needs, income, and assets treated accordingly.

**1420.0803 Verifying Parenthood/Specified Relationship (TCA)**

The mother, legal father, maternal relatives and relatives of the legal father must provide sufficient information to explain their exact relationship to the child. The verbal statement of the individual is sufficient unless questioned.

For a natural biological father, or his relatives, the eligibility specialist must make a nonjudicial determination of paternal relationship and record this information. Any two of the following sources may be used to substantiate this relationship:

1. Birth certificate(s) containing the name(s) of the alleged parent(s) through which the relationship exists. If the natural, biological father requests or receives assistance, the birth certificate of the child is sufficient. If a relative of the natural (biological) father requests or receives assistance, the relative must also produce a birth certificate showing his relationship to the father.
2. Written or oral statements verifying paternal relationship from individuals who have personal knowledge of the blood relationship. These statements may be from a natural or legal parent, friend or relative. The eligibility specialist must record the name, address, and telephone number (if available) of the individual giving the statement, and an explanation of their knowledge of the blood relationship.
3. Other verification or documentation that verifies the alleged relationship.

**1420.0804 Sources of Verification (TCA)**

The following sources of verification may be used when the information is insufficient to explain the relationship or if a non-judicial determination of paternal relationship is necessary:

1. birth certificates of the child, relative, and intermediary relatives;

2. marriage licenses, divorce records or other court records which specify the relationship;
3. adoption papers;
4. hospital birth records or written statements of physicians or midwives who attended the births and remember the names of the people involved;
5. religious records;
6. written or oral statements of individuals in a position to know about the relationship;
7. census bureau records listing the children belonging to a particular family;
8. family bible or other family records which are written in ink and have not been altered (includes wills and deeds to property naming individuals and specifying relationships);
9. social agency records including those of DCF which are at least one year old and which consistently specify the degree of relationship. TCA is included under this provision;
10. juvenile court, other court, and hospital records;
11. insurance policies at least one year old in which relationship of the child to the individual is specified;
12. copies of income tax returns listing the child's relationship;
13. school records which specify relationship;
14. an award letter or other acceptable evidence from SSA that RSDI payments have been awarded to a child based on his parent's account;
15. trust documents or related documents;
16. military or veteran's records;
17. USCIS, Indian Agency, or other government or agency records; or
18. newspaper records and local histories.

Specified relatives other than the mother or legal father who is under age 18 must have the "disability of non-age" removed legally in order to receive TCA.

**Note:** When the natural father resides with the mother, the eligibility specialist may mail a Request for Information form to him requesting that he contact the eligibility specialist within 10 days, if he is not the child's father. If the natural father does not respond and the correspondence is not returned from the post office, the eligibility specialist can consider this to be his statement of paternity.

#### **1420.0805 Definition of Living in the Home (TCA)**

The child must live on a continual basis in the home of the parent or specified relative. In cases where both parents are awarded joint custody and visitation provides for partial residence with each parent, living in the home may exist if the conditions as outlined in 1420.0719 are met. A home need not be a fixed dwelling. The home is considered the family setting shared by the parent/relative. This "home" may include a group facility such as a drug treatment center, spouse abuse center or maternity home. The parent/relative must assume and continue to take day-to-day care and responsibility for the child in this family setting. The type of facility, length of stay, setting for the child in the facility and responsibility for the child's supervision and care must be carefully evaluated.

Individuals are not considered to be in a family setting or to be "living in the home" and are ineligible for assistance if they are:

1. inmates, prisoners, detainees, or convicts under detention or custody of a Federal, State, or local penal, correctional, or other detention facility or psychiatric facility or institution; or
2. in a licensed maternity home where their care is being paid for by the state.

For Title IV-E, a child born to a mother who is incarcerated or does not plan to bring the child home from the hospital, the technical factor of living in the home is considered met.

**1420.0806 Verification/Documentation (TCA)**

The parent or relative's explanation of his home setting, degree of responsibility and supervision of the child and statement that the child lives in the home are usually sufficient to establish eligibility on this factor. When the information is questioned, or when the parent/relative resides in a group facility, documentation/verification must be obtained. Sources for this include:

1. home visit by the eligibility specialist,
2. school records, or
3. collateral contacts with landlords, neighbors, or others in a position to know the child's living arrangements, including the administrator of the group facility.

**1420.0807 Temporary Absence from the Home (TCA)**

Temporary absences from the home of the child, parent, or relative of 30 days or less duration do not affect eligibility. Absences of more than thirty days do not affect eligibility when:

1. the parent or relative continues to exercise care and control of the child during the absence;

**Note:** Care and control are considered to exist when the parent/relative continues to have contact with the child through visits, phone calls or mail; and gives directions on the child's care to the substitute caretaker. The child may be cared for in his own home or in the home of the substitute caretaker.

2. a definite plan exists for the absent child or parent/relative to return to the home at the end of the temporary period; and
3. the absence is not for a reason listed in passage 1420.0805.

If the temporary absence is due to out of home residential care, refer to passage 1420.0809 for the absence period allowed.

**Note:** The parent or relative's statement concerning how the above conditions will be met during the period of absence is usually sufficient. When questioned, the eligibility specialist will secure additional facts from the individual with whom the child will live during the absence.

**1420.0808 Children Who Remain Hospitalized (TCA)**

Children who remain hospitalized following delivery for medical care and do not immediately return to the home for this reason can be TCA eligible if other criteria for temporary absence from the home are met.

**1420.0809 Temporary Absence in Residential Treatment Program (TCA)**

When the parent or caretaker relative is absent from the home due to out of home residential treatment not to exceed 150 days, the parent or caretaker relative shall continue to be a member of the assistance group regardless to whether the child(ren) are living in the residential treatment center. However the plan must be for the participant to resume care and control of the child(ren) at the conclusion of treatment. If the stay extends beyond 150 days the participant is no longer consider temporarily absent and the eligibility of the child(ren) must be explored in their current living arrangements.

**1420.0810 Temporary Arrangement for Emergency Care (TCA)**

When the parent or relative in an active Temporary Cash Assistance case can no longer provide care for the child due to a crisis or emergency such as a serious illness, incarceration or death, the TCA benefit can be paid for 90 days only to a nonrelative who is looking after the children in

order to allow time to plan for ongoing care of the children. This care does not have to be provided in the family home. The children may reside with the nonrelative.

#### **1420.1000 PREGNANCY (TCA)**

Pregnant women may be eligible for assistance even though the pregnant woman's assistance group does not contain a child.

#### **1420.1001 Pregnancy Policy (TCA)**

A pregnant woman may be eligible for Temporary Cash Assistance (TCA) due to pregnancy if:

1. she has no other children for whom assistance is requested,
2. the unborn is deprived, and
3. she is in her last month of pregnancy, or is in her third trimester and unable to participate in work activities.

**Note:** The third trimester begins the seventh month.

**Example:** If a woman is pregnant and due June 14, the third trimester would begin in April.

**Note:** Pregnant women residing in the home with deprived children applying for assistance will have their application for temporary cash determined on the needs of the assistance group regardless of their stage of pregnancy.

The father of the unborn child living in the home with no other children may not receive TCA under the two-parent policy until after the baby is born.

Pregnant women eligible for TCA must still work register unless they meet an exemption from work registration.

#### **1420.1002 Verification of Pregnancy (TCA)**

The pregnant woman's statement that she is in her last month of pregnancy is sufficient, unless questionable. When questionable, a written or verbal statement is required from a physician, registered nurse, licensed practical nurse, certified nurse midwife or their designee that includes confirmation of pregnancy and the anticipated date of delivery.

#### **1420.1003 Restrictions from Work - Pregnant Women in Third Trimester (TCA)**

To be eligible for Temporary Cash Assistance in the last trimester of pregnancy, a pregnant woman, with no other children in the home, must be unable to perform work or work activities. Verification from a licensed physician is required to support the individual's claim of inability to perform work or work related activities. Acceptable verification is a written statement from a licensed physician.

#### **1420.1400 REQUIREMENT TO FILE FOR OTHER BENEFITS (TCA)**

Individuals must apply for and pursue an application for all other benefits for which they may be eligible as a condition of eligibility. Benefits that must be applied for include, but are not limited to:

1. pensions from local, state, or federal government,
2. retirement benefits,
3. disability,
4. Social Security benefits,
5. Veterans' benefits,

6. UC benefits,
7. Military benefits,
8. Railroad retirement benefits,
9. Workers' Compensation benefits, and
10. Health and accident insurance payments.

**1420.1403 VA Improved Pension (TCA)**

Individuals receiving a VA pension in December 1978 were given the option of electing a higher "improved" pension. In some cases this "improved" pension caused those individuals to be ineligible for Temporary Cash Assistance. Congress passed an amendment subsequently allowing these individuals to elect the lower pension amount in order to retain their Temporary Cash Assistance eligibility.

Any VA pensioner who is applying for or receiving Temporary Cash Assistance cannot be required to file for or receive the December 1978 VA pension increase as a condition of eligibility.

**1420.1700 CHILD SUPPORT COOPERATION (TCA)**

Under state and federal law, the state must take action to locate non-custodial parents, establish paternity, and secure all child support, medical support, or other benefits for children receiving public assistance.

Applicants for and recipients of Temporary Cash Assistance (including caretaker relatives receiving Temporary Cash Assistance) must cooperate with Child Support Enforcement (CSE) as a condition of eligibility unless it is determined that good cause for non-cooperation with CSE exists.

**1420.1702 Child Support Cooperation Requirements (TCA)**

Cooperation with Child Support Enforcement (CSE) by a parent or caretaker relative is required when:

1. the parent or caretaker relative is applying for or receiving Temporary Cash Assistance for a child(ren),
2. paternity has not been established and the alleged father is not in the home,
3. but one or both parents are absent from the home, and
4. good cause for non-cooperation does not exist as determined by CSE.

The parent or caretaker relative must cooperate with the following:

1. identifying and locating the parent(s) of the child,
2. establishing the paternity of the child, and
3. obtaining child support payments for the child.

**1420.1704 Definition of Cooperation (TCA)**

Cooperation includes the following:

1. providing complete information required to obtain child support (if information about the non-custodial parent is known by the individual but is withheld, the individual may face a possible penalty of perjury);
2. completing and signing affidavits attesting to paternity of the child;
3. making court appearances and providing testimony in paternity hearings and support actions; and
4. reporting to the eligibility specialist within 10 calendar days payments of child support made directly to the parent or caretaker relative.

**1420.1705.01 Definition of Non-custodial Parent (TCA)**

The term “non-custodial parent” refers to non-custodial (absent) legal fathers, non-custodial (absent) mothers, and all putative (nonlegal biological) fathers.

**1420.1705.02 Legal Father and Natural Father (TCA)**

If both a legal and putative father exists, or the responsibility for support is not clear, the parent or caretaker relative must provide information on each parent.

**1420.1706 Cooperation by a Pregnant Woman (TCA)**

A pregnant woman with no other children will not be required to cooperate with Child Support Enforcement (CSE) until the child’s birth. No sanctions will be imposed for the pregnant woman with no other children prior to the child’s birth. If non-cooperation exists after the birth of the child, sanctions will be imposed.

Pregnant women who are receiving Temporary Cash Assistance for themselves and other dependent children are required to cooperate with CSE unless they have good cause reasons not to cooperate. CSE will make the good cause determination. Failure to cooperate will result in sanctioning the entire Temporary Cash Assistance group.

**1420.1707 Good Cause for Failure to Cooperate (TCA)**

Cooperation in establishing paternity and/or securing support may be contrary to the best interest of the family. In those situations, a parent or caretaker relative may have good cause for not cooperating. Child Support Enforcement (CSE) must advise these individuals of reasons for good cause.

The eligibility specialist must refer the individual to CSE even when it appears that good cause exists.

**1420.1708 Reasons for Good Cause (TCA)**

Good cause is determined by Child Support Enforcement (CSE). Good cause may exist when cooperation in establishing paternity or securing child support could result in one of the following conditions:

1. physical harm to the child - examples are broken bones, bruises, burns, lacerations, etc.;
2. emotional harm to the child - examples are poor school performance, sleep disturbances, self-destructive behavior, eating disorders, etc.;
3. physical harm to the parent or caretaker relative which reduces the individual’s capacity to care for the child adequately (such as life threatening injury); or
4. emotional harm to the parent or caretaker relative to such a degree that the individual’s capacity to adequately care for the child is diminished (such as any psychological disorder or dysfunction which has a serious impact on the individual’s abilities as a caretaker).

Good cause may also exist under the following circumstances:

1. the child was conceived as a result of incest or forcible rape,
2. legal proceedings for the adoption of the child are pending before a court, or
3. the parent or caretaker relative is being assisted by a public or licensed private social agency to determine whether or not to relinquish the child for adoption (this circumstance is valid for three months).

**1420.1709 Failure to Cooperate (TCA)**

When the parent or caretaker relative refuses to provide information regarding the non-custodial parent during an application or eligibility review, the eligibility specialist must review child support

cooperation requirements with the individual. Deny the application for Temporary Cash Assistance if the applicant does not express an intent to claim good cause or the intent to cooperate with Child support Enforcement.

**Note:** A pregnant woman with no other deprived children is not subject to child support cooperation until the child's birth.

#### **1420.1710 CSE Reports of Failure to Cooperate (TCA)**

When Child Support Enforcement (CSE) directs the eligibility specialist to impose sanctions based upon a Temporary Cash Assistance group member's (including a child in a parent's assistance group in the case of a teen parent) noncompliance with Child Support Enforcement requirements, the eligibility specialist will:

1. take immediate action to impose sanctions on the entire cash assistance group. The individual may reapply for the optional member(s),
2. take immediate action to remove the non-compliant individual from Medicaid unless that person is pregnant, and
3. apply "Riverside" provisions to the food stamp assistance group.

#### **1420.1711 Ending Sanction (TCA)**

Eligibility staff must:

1. Remove the sanction upon Child Support Enforcement's request that the individual complied.
2. Open the Temporary Cash Assistance group (must meet all other factors of eligibility).
3. Not require an application if compliance is within 30 calendar days from the effective date of the sanction. Provide benefits back to the date of compliance.
4. Require an application if compliance is more than 30 calendar days from the effective date of the sanction. Provide benefits based on date of eligibility policy.

Remove CSE imposed sanctions for noncooperation without CSE approval in the following situations:

1. When the last child subject to cooperation leaves the home.
2. When the last child subject to cooperation turns 18.
3. When the absent parent, based on established legal paternity, moves into the home and
4. When a non-legal parent moves into the home and completes the DH 432 acknowledging paternity and staff forwards the completed DH 432 to CSE or the Department of Health State Office of Vital Statistics.

#### **1420.1900 EMPLOYMENT AND TRAINING (TCA)**

Certain individuals are required to register and/or participate in employment and training (E&T) or work activities. Individuals whose needs are not included in the benefit calculation are not subject to these requirements.

Individuals subject to work requirements must comply. Applicants, including both parents in intact households, must work register and complete an overview of the basic options and services of the TANF work requirements as a condition of eligibility. This must be completed prior to

authorization of benefits. Employment and training services are provided by local RWB/or designee.

#### **1420.1901 Teen Parents (TCA)**

A teen parent is defined as an individual who has a child or children of their own and who meets the definition of a minor child - under age 18 or under age 19 and a full-time student in a secondary school or an approved program leading to obtaining a GED. A teen parent is not married or divorced.

Teen parent policy applies to teen fathers as well as teen mothers who receive Temporary Cash Assistance as a child in a parent's case or if they receive Temporary Cash Assistance as a parent.

There are certain restrictions placed on teen parents regarding their eligibility. This information is found in the technical assistance chapter in Section 1420.0600.

#### **1420.1902 Explanation of Benefits (TCA)**

The eligibility specialist must explain compliance with work requirements.

The eligibility specialist must provide in writing and explain the following information verbally to the payee/caretaker relative of the assistance group or the individual required to participate:

1. each of the exemptions;
2. voluntary participation to those individuals who are exempt;
3. the participation requirements and sanctioning for mandatory individuals;
4. the special requirement for the two-parent families, if applicable;
5. the benefits of participation in work related activities; and
6. the assistance group's opportunity and obligations.

The payee of the assistance group is responsible for informing other assistance group members in mandatory participation status of this information. Other assistance group members may contact the eligibility specialist for clarification of the information.

#### **1420.1903 Notification of Changes (TCA)**

Within five working days the eligibility specialist must notify the RWB/or designee of all changes to TCA benefits for persons who are mandatory participants.

Changes regarding employment or penalty activities must be reported and include:

1. a gain or loss of employment,
2. benefit cancellation due to employment or sanction, and
3. benefit reduction due to employment.

Other changes that must be reported, which will mostly be done through the FLORIDA system interface, include:

1. application approval or denial;
2. changes in participation status;
3. case cancellation for reasons other than employment;
4. removal of the individual's needs; and
5. changes of address, unit, county, and district.

#### **1420.1904 Determination of Participation Status (TCA)**

The eligibility specialist must determine the participation status (mandatory, exempt, or volunteer) of each individual in the assistance group. The eligibility specialist must review each exemption

and allow the individual the opportunity to claim an exemption for any member of the assistance group. Exempt individuals are not required to participate. The eligibility specialist must encourage exempt individuals who are able to work, to volunteer.

Participation status must be determined during the initial application, each eligibility review, or upon receipt of information that a change in participation status may have occurred.

**Applicants:**

All applicants for Temporary Cash Assistance who do not meet one of the exemptions will be referred to the RWB/or designee. For clarification, the term "applicant" refers to an individual who signs and dates the application. The referral to the RWB/or designee must occur immediately after completion of an interview, or after adding a new individual, when staff identify a mandatory work participant who must work register. Individuals subject to work registration must be informed that they must complete the Department of Economic Opportunity online work registration process or report to the local RWB/or designee for work registration and an overview of the basic options and services available. This must be completed prior to authorization of benefits.

Verification of work registration and the overview must be received prior to authorization of benefits. Acceptable verification of work registration and the overview is an automated response on the FLORIDA AGPI screen or a completed RWB Work Registration Referral form signed by both the participant and the RWB/or designee.

Applicants subject to work registration must be placed in pending status to complete work registration and overview. If the customer does not complete the registration process within applicable time standards, Temporary Cash Assistance will be denied.

**Recipients:**

All recipients previously determined exempt, who subsequently no longer meet an exemption, must be referred to the local RWB/or designee. These individuals will be referred through the FLORIDA system and will be provided a Participation and Information Notice. Verification of work registration and the overview, prior to authorization of continued benefits, is not a requirement for these individuals.

**1420.1905 TCA and FS Exemptions (TCA)**

Individuals who meet an exemption do not have a requirement to participate in work activities.

TCA exemptions include:

1. Minor children under age 16;
2. Individuals who receive benefits under the SSI or SSDI Programs;
3. Adults who are not included in the calculation of TCA in child-only cases;
4. One custodial parent with a child under three months of age, except that the parent may have a requirement to attend parenting classes or other activities; and
5. Individuals caring for a disabled family member.

Food Stamp exemptions include those who are:

1. Children under age 16;
2. Age 60 or over;
3. Age 16 or 17 who is not the payee/head of a household, or who is attending school, or enrolled in an Employment and Training Program at least half time;
4. Physically or mentally unable to work;
5. Responsible for an incapacitated individual;

6. Responsible for the care of a dependent child under age six;
7. Students enrolled at least half time in a recognized school (high school, training program, or an institution of higher education);
8. Drug and/or Alcohol Treatment Program participant;
9. Complying with TCA, RAP, or Match Grant work requirements (Note: Do not use this exemption when an individual is non-compliant with a TCA work requirement.);
10. Applying for or receiving Unemployment Compensation and complying with the work requirements of that program;
11. Working a minimum of 30 hours per week or receiving earnings equal to or greater than the federal minimum wage multiplied by 30 hours;
12. School employees under contract;
13. VISTA or AmeriCorps VISTA Volunteers; or
14. Migrant and seasonal farm workers who are under agreement with an employer or crew chief to begin employment within the next 30 days.

#### **1420.1906 Exemptions from Participation (TCA)**

Individuals meeting one or more of the following conditions are exempt from participation:

1. under age 16 and not the payee of the TCA benefit;
2. full-time students age 16-18 who are not the payee of the TCA benefit;
3. individuals caring for a disabled family member;
4. one custodial parent of a child under three months of age;
5. determined by the RWB or their contract provider to be unable to comply with work requirements because compliance would make it probable that the individual would be unable to escape domestic violence; or
6. eligible for Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI).

An individual who is exempt due to domestic violence must comply with an alternative plan that specifies requirements that prepare the individual for self-sufficiency while providing for safety of the individual. This is not an exemption from participation, but good cause for failure to comply.

##### **1420.1906.01 Individuals under 16 (TCA)**

Individuals under 16 who are not the payee of the Temporary Cash Assistance (TCA) benefit are exempt from participation. Individuals under 16 who are not teen parents cannot participate.

The individual's statement of age may be accepted unless questioned. If questioned, verification must be obtained.

**Exception:** Teen parents under age 16 who are the payee (head of household) of the TCA benefit for themselves and their child, due to meeting an exception to residing with a parent, relative or legal guardian, must be referred to the RWB for monitoring of school attendance.

##### **1420.1906.03 Full-Time Students (TCA)**

Individuals age 16 through 18 years of age are exempt if the individual is a full-time student, as defined by the school, who attends elementary, secondary, vocational or technical school.

**Exception:** Teen parents who are the payee (head of household) of the Temporary Cash Assistance benefit for themselves and their child must be referred to the RWB for monitoring of school attendance.

Individuals are considered to be in attendance during school vacations, illness, convalescence, family emergency, and for the entire month they complete or discontinue schooling.

Individuals who withdraw from school or lose their full-time status are not exempt. An individual's statement of student status is acceptable to qualify for this exemption unless questionable. If questionable the following is acceptable verification of student status:

1. a verbal or written statement from a school official,
2. registration forms, or
3. report cards.

A review of the exemption status must be made at each complete eligibility review or sooner if this status is questionable.

**Note:** An individual's statement should be considered questionable when a notice of an individual's truancy or dropout status has been received from the school via the Learnfare data exchange process.

#### **1420.1906.05 Care of a Disabled Family Member (TCA)**

An individual is exempt from participation in work activities when the individual is required to be in the home to provide for the personal care of a family member with a disability. The individual is not subject to time limits during the allowed exemption period.

The care given may include such things as supervision, arranging services, transportation and such tasks that are typically completed during the family member's waking hours. The caregiver's statement of their need to provide care in the home for the disabled individual is sufficient to establish the exemption. Verification of the family member's disability is required. Statement of Need for Care, CF-ES 2094, can be used to verify the disability and get the caregiver's statement. A verbal statement from the caregiver to the questions in Part A of this form may substitute for the caregiver completing this section. A disabled family member is any person related by blood or marriage and who resides in the home with the caregiver. The individual in need of care need not be a member of the assistance group/standard filing unit (AG/SFU) and may be either an adult or child. The caregiver may self-declare to the lack of alternative care, including lack of alternative care from other family members, for the disabled individual.

A family member is considered disabled if receiving temporary or permanent disability benefits issued by a government or a private source, or if a statement from a physician or licensed certified psychologist indicates that the family member is disabled. The age of the family member is not a factor in the need for care.

The need for care of the disabled individual must be reviewed annually to evaluate whether or not the TCA recipient still qualifies for this exemption. When the family member requiring care is temporarily disabled, the disability verification is valid until the temporary disability is expected to end or one year, whichever is earlier. If the disability is total and permanent, there is no need to re-verify the family member's disability. In either case, the department must annually require a verbal or written statement explaining the caregiver provides personal care for the disabled individual in their home.

When one disabled individual lives in a two-parent AG, only one parent may be exempted from work requirements due to caring for the disabled individual. Unless otherwise exempt, the other adult in the two-parent AG is required to participate in employment and training activities. The responsibility for the caregiver of a disabled family member may be moved from one adult in the case to another adult in the case at any time, if requested by the AG. If this occurs, verbal statement from the new caregiver or an updated Part A section on the Statement of Need for Care (CF-ES-2094) is required. The request should be granted unless the adult who was required to comply with work activities is facing penalties for noncompliance. When more than one disabled member lives in a two-parent AG, both parents may meet the need for care exemption, provided no alternative care exists and the parents indicate each parent is

responsible for the care of a different disabled household member. If a parent is in need of care, they cannot claim an exemption to care for another household member.

Note: If the physician states the disability is "temporary", then the need for care exemption can only be approved for the period determined by the physician.

#### **1420.1906.07 Child Under Three Months (TCA)**

One custodial parent of a child under three months is exempt. The individual's statement of the child's age is sufficient, unless questionable. When there is more than one child in the home who meets this criterion, the age of the youngest child should be used for this exemption.

#### **1420.1906.13 Victims of Domestic Violence (TCA)**

An individual who is determined by the RWB or their contract provider to be unable to comply with work requirements because compliance would make it probable that the individual would be unable to escape domestic violence is exempt from work requirements. However, the individual must comply with an alternative plan that specifies requirements that prepare the individual for self-sufficiency while providing for the individual's safety.

An individual who is determined by the RWB or their contract provider to be unable to comply with work requirements due to mental or physical impairment related to past incidents of domestic violence may be exempted from the work activity requirements for a period of time determined by the RWB career manager. The individual must comply with the alternative plan or penalties for noncompliance with work requirements must be applied.

#### **1420.1912 Penalties for TCA Non-Compliance (TCA)**

Non-exempt individuals who fail to comply with required work activities and who do not meet a good cause reason are subject to penalties described in passage 1420.1921. Passage 1420.1921 contains the applicable Temporary Cash Assistance (TCA) and food stamp penalties for TCA assistance groups.

Compliance with work requirements will be determined by the Regional Workforce Board or their designated provider. The eligibility specialist will be notified of any non-compliance by the FLORIDA alert system. The eligibility specialist imposes penalties on a non-compliant family using the FLORIDA system. Families must be notified by a FLORIDA or a manually prepared notice of adverse action when a penalty is imposed.

#### **1420.1913 Good Cause for Noncompliance (TCA)**

Good cause exists when circumstances beyond an individual's control prevent participation in work activities. Good cause for noncompliance with work activity requirements is determined by the Regional Workforce Board or their designated provider. The eligibility specialist shall inform the participant to report good cause to the Regional Workforce Board or their designated provider within three working days of failure to comply. Reasons for good cause for noncompliance are as follows:

1. Child Care - Assistance is not terminated if the individual is a single custodial parent caring for a child who has not attained age six and the parent proves the inability to obtain child care within a reasonable distance; unavailability or unsuitability of informal care by a relative or under other arrangements; or unavailability of appropriate and affordable formal child care arrangements.
2. Medical Incapacity - If an individual cannot participate in an assigned work activity due to a temporary medical incapacity, the individual is required to comply with a medically prescribed course of treatment necessary to resume participation. The individual may be excused from work activity requirements if the medical incapacity is verified by a licensed physician.

3. Pending Supplemental Security Income (SSI) or Social Security Disability Income (SSDI) Application - The local Regional Workforce Board career manager will determine the extent to which the individual is capable of complying in work activities if an individual provides verification that he has a pending SSI or SSDI application.
4. Domestic Violence - An individual who is determined by the Regional Workforce Board or their designated provider to be unable to comply with work requirements because such compliance would make it probable that the individual would be unable to escape domestic violence is exempt from work requirements. However, the individual must comply with an alternative plan that specified requirements that prepare the individual for self-sufficiency while providing for their safety. An individual who is determined to be unable to comply with work requirements due to mental or physical impairment related to past incidents of domestic violence may be exempted from work requirements for a period of time by the Regional Workforce Board or their designated provider. The individual must comply with the alternative plan or work activity penalties will apply.
5. VISTA or AmeriCorps VISTA Volunteers - VISTA volunteers enrolled for full-time service as volunteers are not to have services or assistance under any governmental programs interrupted because of their failure or refusal to register for, seek, or accept employment or training during the time they are VISTA volunteers. This means that if they fail to register for work or complete assigned work activities, they cannot be penalized for Temporary Cash Assistance (TCA) or Food Stamp Programs.
6. Other Good Cause Reasons - An individual temporarily unable to participate due to circumstances beyond their control may be granted an exception from noncompliance penalties. Examples include family emergencies or disruptions in the family's usual transportation system.

Tracking of good cause for noncompliance (for example, following the course of treatment for medical incapacity) will be performed by the Regional Workforce Board or their designated provider.

If a penalty has been imposed (or is scheduled to be imposed) and the Regional Workforce Board indicates that the individual had good cause for not participating in work activities, the eligibility specialist will remove the penalty. The next penalty will be counted as the same penalty that had been imposed at the time good cause was determined (i.e., an individual has been penalized for a second time, if good cause is subsequently approved by the Regional Workforce Board or their designated provider, the penalty will be lifted and the next penalty would be the second penalty).

#### **1420.1914 Requirement to Counsel (TCA)**

Prior to requesting imposition of a TANF penalty, the Regional Workforce Board career manager will counsel the non-compliant individual. The purpose of the counseling is to determine why full compliance with work activity requirements has not been achieved. The individual will be counseled regarding compliance and, if appropriate, will be referred by the Regional Workforce Board career manager for services that could assist the individual to fully comply with work activities. The career manager will send a letter of counseling to the recipient and allow the individual 10 days to contact them for counseling.

#### **1420.1917 Length of Penalty Periods (TCA)**

When it is determined that an individual has not complied with prescribed work activities, the penalty period will be applied as follows:

1. First Noncompliance - Temporary Cash Assistance is terminated for the entire assistance group until the individual contacts the RWB/contract provider and complies with prescribed work activities.
2. Second Noncompliance - Prior to requesting imposition of the second penalty, the RWB/or designee will interview and counsel the non-compliant individual. The interview will be conducted to determine why full compliance with work activity requirements has not been achieved. The individual will be counseled regarding compliance and, if appropriate, will be referred by the RWB/or designee for services that could assist the individual to fully comply with work activities.

Temporary Cash Assistance is terminated for the entire assistance group until the individual contacts the RWB/or designee and complies with work activities. Temporary Cash Assistance may be provided to children under the age of 16 through a protective payee.

3. Third and Subsequent Noncompliance - Policy for the third noncompliance is also applicable for subsequent noncompliance when requirements for forgiving prior noncompliance have not been met.

Temporary Cash Assistance is terminated for the entire assistance group. The penalty period remains in effect for three months. The individual is required to contact the RWB/or designee and comply with work activities prior to reinstatement of assistance. The penalty period must be served prior to reinstatement of assistance. Temporary Cash Assistance may be provided to children under the age of 16 through a protective payee.

#### **1420.1920 Circumstances under Which a Sanction Can Be Lifted (TCA)**

##### **Exemption Changes:**

A sanctioned individual who becomes exempt from work requirements may reapply for food stamps and TCA.

TCA - When a sanctioned individual files an application and is now exempt, lift the sanction. If the individual becomes mandatory again, they are once again subject to the requirements for compliance and the remaining sanction period they did not serve.

Food Stamps - If the individual reapplies and is exempt from work requirements, lift the sanction. Do not apply Riverside policy during periods when a non-compliant individual is exempt. For food stamps, the eligibility staff determine if the sanctioned individual is now exempt and whether to lift the sanction.

##### **Eligibility Changes:**

Food Stamps - Once an individual is serving a sanction for food stamps due to a TCA related sanction, the sanctioned individual must serve the food stamp sanction period unless they become exempt, or the RWB, their designee, or the eligibility specialist determines the individual had good cause for non-compliance with TCA related work requirements.

Individuals serving a sanction for food stamps due to noncompliance with TCA related work requirements cannot have a sanction lifted simply by opting not to receive cash assistance.

If the sanctioned individual moves out of the residence, the remainder of the AG may reapply for food stamps.

**1420.1921 Assigning Sanction Periods for TCA and FS (TCA)**

Impose the correct TCA sanction and determine if the individual meets a food stamp exemption. If the individual meets a food stamp exemption, do not impose a food stamp sanction. If the individual does not meet an exemption:

**First Non-Compliance:**

TCA - Terminate the TCA for the entire AG for a minimum of 10 days. To reinstate the TCA at the end of the 10-day minimum sanction period the individual who failed to comply with the assigned activity must comply.

Food Stamps -

1. Payee/ head of household of food stamp AG is non-compliant - the entire AG becomes ineligible for one month. If at the end of the month the non-compliant payee is still not complying with work activities, the payee of the AG remains ineligible but other members of the food stamp AG may reapply.
2. AG member is non-compliant - Only the non-compliant individual becomes ineligible for a minimum of one month or until they comply, whichever is later.

**Second Non-Compliance:**

TCA - Terminate TCA for the entire AG for a minimum of one month or until the non-compliant individual complies, whichever is later. Upon compliance with the assigned work activity, TCA reinstate TCA benefits back to the date of compliance or the first day of the month following the sanction period, whichever is later.

If the AG requests TCA benefits for children under age 16, provide the TCA through a protective payee, during the sanction period.

Food Stamps -

1. Payee/ head of household of food stamp AG is non-compliant - The entire AG becomes ineligible for three months. If at the end of three months the non-compliant payee does not meet an exemption and is still not complying with work activities, the payee of the AG remains ineligible for food stamps until compliance. Other members of the food stamp AG may reapply at the end of the three-month sanction period.
2. AG Member is Non-Compliant - Only the non-compliant member becomes ineligible for a minimum of three months or until they comply, whichever is later.

**Third Non-Compliance:**

TCA - Terminate TCA is terminated for the entire AG for a minimum of three months or until the individual who failed to comply does so, whichever is later. Upon completion of the minimum three-month sanction period, the individual must reapply, contact the Regional Workforce Board or their designee, and comply with assigned activities prior to reinstatement of TCA. Upon compliance with the assigned work activity, reinstate TCA benefits back to the date of compliance or the first day of the month following the sanction period, whichever is later. If the AG requests TCA for children under age 16, provide the TCA through a protective payee, during the sanction period.

Food Stamps -

1. Payee/ head of household of food stamp AG is non-compliant- The entire AG becomes ineligible for six months. If at the end of six months the non-compliant payee does not meet an exemption and is still not complying with work activities, the payee of the AG remains ineligible for food stamps until compliance. Other members of the food stamp AG may reapply at the end of the six-month sanction period.
2. AG Member is Non-Compliant - The individual only becomes ineligible for a minimum of six months or until they comply, whichever is later.

There is no forgiveness policy for food stamps and any non-compliance after the third non-compliance requires the same sanction period as the third food stamp sanction.

#### **1420.1922 BR Referral Due to Agency Error (TCA)**

If the eligibility specialist fails to apply a penalty after it is determined that an individual has not complied with work requirements and good cause does not exist, a BR referral will be completed. The first month of the penalty period is the first month that ten days advance notice can be given.

#### **1420.1923 Penalties and Voluntary Participants (TCA)**

An exempt volunteer may withdraw from participation in work requirements at any time without a financial penalty. If the volunteer does not notify the RWB/or designee or eligibility specialist prior to ending participation, then the volunteer will lose priority for services if they wish to participate in the program at a later date.

#### **1420.1924 Reinstatement of TCA after Penalty (TCA)**

When a penalized individual indicates a willingness to participate, the Regional Workforce Board or their designee will be responsible for determining if the individual has satisfied program requirements. The Regional Workforce Board or designee will notify the eligibility specialist when compliance has occurred.

Refer to 1420.1920 to determine when benefits can begin following compliance.

When an individual has been off of assistance 30 days or more due to a work penalty non-compliance an application is required.

#### **1420.1925 Forgiving Prior Noncompliance (TCA)**

If a previously penalized individual complies for a period of at least six months, the individual is forgiven for all past noncompliance. With the occurrence of a subsequent penalty, it is handled as if prior sanctions do not exist. For example, if an individual becomes noncompliant after being in compliance for at least six months, the resultant sanction is considered to be the first noncompliance.

#### **1420.1926 Assistance for Children under Age 16 (TCA)**

Upon the second, third or subsequent noncompliance with work activity requirements, Temporary Cash Assistance may be provided for a child(ren) in the family who is under age 16. Temporary Cash Assistance payments must be made through a protective payee, when the noncompliant individual is the parent payee. Once Temporary Cash Assistance is terminated, the Notice of Work Sanctions must be sent. This form notifies the assistance group of the sanction, the continuation of assistance for children under age 16 and the protective payee requirement. Follow application and date of eligibility policy and procedures to provide assistance to children under age 16.

Temporary Cash Assistance policy and procedures for protective payees should be followed to establish a protective payee for continuance of Temporary Cash Assistance. Refer to Chapter 3200 for these procedures. The pre-sanctioned Temporary Cash Assistance amount is included in the food stamp budget.

**1420.1927 Caretaker Relative Cases (TCA)**

A caretaker relative who has failed to comply with work activity requirements may ask to have their needs removed from the Temporary Cash Assistance case and may request Temporary Cash Assistance for the child only as a child-only case. This is true regardless of the age of the child. However, if the noncompliance is the third or subsequent noncompliance, the three month penalty period must first be served. During the penalty period, Temporary Cash Assistance benefits may be provided to a child under age 16. Refer to passage 1420.1926, "Assistance for Children under Age 16".

Once the case is considered a child-only case, non-TANF food stamp work requirements, including any applicable penalties, are applied if the relative receives food stamps. Protective payee provisions do not apply once the case is considered a child-only case. In order for the caretaker relative's needs to again be included in the Temporary Cash Assistance benefits, the relative must serve any applicable penalty period and comply with work activity requirements. Date of eligibility begins on the date the RWB/or designee states the individual contacted them and subsequently complied, and after any applicable penalty period.

**1420.2000 LEARNFARE (TCA)**

School age children age six by February 1 of the current school year up to age 18 are subject to the school attendance requirement. Parents or caretaker relatives whose needs are included in the benefit calculation must participate in school conferences.

Note: Refugees applying for TCA are exempted from Learnfare requirements at initial application only, if the initial application is within their eight-month from date of entry/status/asylum. At recertification, the eligibility worker must ensure that immunizations requirements are met prior to reauthorizing benefits.

**1420.2001 Learnfare - School Attendance (TCA)**

A child of a TCA recipient is required to attend school unless good cause is established or an exemption from educational participation requirements has been granted.

Good Cause is considered to exist when:

1. The student is expelled from school and an alternative school is not available.
2. Prohibitive transportation problems exist.

An educational exemption from participation exists when a school official has granted a hardship waiver due to employment, medical reasons, a court action, or pregnancy.

Children who are habitual truants and school dropouts will be sanctioned for failing to meet school attendance requirements. Local school boards will notify DCF of children who are habitual truants or dropouts.

When notified by the school district that a child is habitually truant or a dropout, the agency must determine if "good cause" for non-cooperation. If a good cause requirement is met, a sanction will not be imposed and a child age 16 or 17 will be referred to the workforce board for participation in work requirements. If a good cause requirement is not met, action will be taken to remove the child from the TCA assistance group effective the first month following the required adverse action period.

**Lifting School Attendance Sanctions:**

## 1. Habitually Truant Children

A TCA sanction will be lifted when school officials notify DCF that attendance has improved. The recipient must request that the child's needs be added back to the assistance group. Failure to make this request will result in termination of the assistance group's TCA benefit.

## 2. School Dropouts

TCA sanctions will be lifted when the child:

- a. enrolls in school,
- b. receives a high school diploma or its equivalency,
- c. enrolls in preparation for General Educational Development (GED) Tests, or
- d. enrolls in other educational activities approved by the district school board.

**1420.2003 Learnfare School Conferences (TCA)**

A parent or included caretaker relative with a child subject to school attendance requirements, must have a conference with an appropriate school official during each semester.

The parent's or included caretaker relative's statement of completion of the school conference must be obtained at the regularly scheduled review. If a review is due during the summer when school is not in session, the conference verification from the prior semester will be sufficient evidence of compliance.

A parent or caretaker relative who fails to have a conference with a school official, without good cause, is subject to sanction. Sanctions will be imposed in the month following the required adverse action period. To have a sanction lifted, the recipient must comply with the conference requirement. Normal procedures for adding an individual to an assistance group should be followed.

**Exemptions from the Learnfare school conference requirements**

The following individuals are exempt from Learnfare school conference requirements:

1. Caretaker relatives whose needs are not included in the TCA benefit,
2. Parents or included caretaker relatives who home school their children with the approval of the local school board.
3. Parents or included caretaker relatives where the only child subject to educational participation meets a good cause or educational exemption.

**1420.2100 APPLYING THE FAMILY CAP POLICY (TCA)**

A child born to a recipient of Temporary Cash Assistance more than ten months from the date of application will be subject to the family cap. If the individual reapplies for TCA and there has been a break of six or more continuous months since the last TCA was received, the family cap will apply to a child born more than 10 months from the date of reapplication.

The first child subject to family cap will be added to the assistance group at one half the benefit amount for adding additional persons. This addition of one half the benefit amount applies to all children in the case of multiple births. The Temporary Cash Assistance will not increase when any other children subject to the cap are born to the cash recipient.

Children subject to a Temporary Cash Assistance benefit cap will be considered Temporary Cash Assistance recipients for all other purposes, including Medicaid eligibility, eligibility for child care, and categorical eligibility for food stamps. The family cap remains with the child, unless the child meets an exception to the provision.

All of the income and assets of family cap children are considered in the budget calculation of the assistance group. Child support is not counted for subsequent children.

#### **1420.2101 Break in Assistance (TCA)**

When an assistance group does not receive cash assistance for six or more continuous months, the family cap is applied as if the assistance group is a new applicant. The family cap is applied when the birth of a child occurs more than ten months from the date of reapplication. Past months of cash assistance received prior to the reapplication, following a six-month or more break in receipt of TCA, are not counted. When a break occurs for less than six continuous months, the family cap continues to apply as if there were no break.

#### **1420.2102 Children Not Subject to Family Cap (TCA)**

A child is not subject to the family cap provision in the following situations:

1. the firstborn(s) of a minor when the minor is receiving Temporary Cash Assistance as a dependent in the minor parent's assistance group;
2. the child was conceived as a result of rape, sexual assault, or incest, and the mother filed a police report within 30 days of the incident;
3. a child whose parental custody has been legally transferred (examples include a legal transfer of custody or guardianship sanctioned by a court of the state; a voluntary private placement of a child by the child's parent involving a legal transfer of a custody or guardianship; and a placement by the state agency or agency under contract with the state agency);
4. a child who is no longer able to live with his parents as a result of:
  - a. the death of the child's parent(s);
  - b. the incapacity of the child's parent(s) as documented by a physician, such that the parent(s) is unable to care for the child;
  - c. incarceration of the child's parent(s) and the parent(s) is not considered temporarily absent;  
**Note:** A child otherwise subject to the family cap will again be subject to the family cap upon the subsequent release of the parent(s).
  - d. a situation in which the child's parent's institutionalization is expected to be for an extended period and the absence is not considered temporary.  
**Note:** A child otherwise subject to the family cap provision will again be subject to the family cap upon the subsequent reapplication for assistance.
  - e. Children born ten months or less from the initial date of application or ten months or less from a reapplication, following a break in receipt of TCA of six or more continuous months.

The following are not considered Temporary Cash Assistance recipients for determining family cap:

1. SSI mothers, and
2. cash assistance received in another state.

#### **1420.2200 INDIVIDUAL CONVICTED OF FELONY DRUG TRAFFICKING (TCA)**

Temporary Cash Assistance benefits shall be denied to an individual who has been convicted of a felony for drug trafficking including agreeing, conspiring, combining, or confederating with

another person to commit the act committed after 8/22/1996. This disqualification is a lifetime disqualification. Only the individual who was convicted will be penalized. If the illegal behavior that lead to the conviction occurred on or before 8/22/96, the disqualification does not apply regardless of the date of the conviction. If a court expunges the felony drug trafficking conviction, the individual is not subject to the disqualification. The individual must provide proof of the expungement.

Since felony conviction for drug trafficking is not considered noncompliance with specific program requirements, "Riverside" policy would not be applied.

#### **1420.2300 COOPERATION WITH QUALITY CONTROL (TCA)**

There is no federal requirement to complete Quality Control (QC) reviews for TCA cases. However, the state has opted to continue this process in order to maintain program integrity.

When the eligibility specialist is notified that an individual receiving TCA refuses to cooperate with the QC review, the eligibility specialist will contact the recipient to conduct an eligibility review. If the individual cooperates, the interview may be conducted jointly with the QC analyst. If the individual does not cooperate, the TCA benefit will be canceled, as the eligibility specialist is unable to determine eligibility.

**Note:** It is important that the reason on the notice to the individual reflects the correct cancellation reason. There is no basis for canceling TCA solely for refusal to cooperate with the QC review.

If the individual whose benefit is terminated for this reason subsequently reapplies, eligibility will be determined without involvement of QC.

#### **1420.2400 FAILURE TO REPORT CHILD OUT OF HOME (TCA)**

Temporary Cash Assistance recipients are required to report changes within 10 calendar days. The parent or caretaker relative must report within 5 calendar days that a minor child will be out of the home for 30 or more consecutive days. Failure to do so results in penalizing the parent or caretaker relative from receiving Temporary Cash Assistance in the following manner:

1. 30 days for the first occurrence;
2. 60 days for the second occurrence; and
3. 90 days for the third or subsequent occurrence.

Policy regarding temporary absence from the home will apply before applying penalties.

The individual being penalized will still be eligible for food stamp and Medicaid benefits; however, "Riverside" procedures will be applied.

#### **1420.2500 FLEEING FELONS AND PROBATION OR PAROLE VIOLATORS (TCA)**

Temporary Cash Assistance benefits must be denied to an individual who is a fleeing felon or in violation of probation or parole. Since an individual disqualified due to being a fleeing felon or probation or parole violator is not considered a noncompliance with a specific program requirement, "Riverside" policy will not be applied. The following passages address how to determine if an individual is a fleeing felon or in violation of probation or parole.

**1420.2501 Fleeing Felon (TCA)**

States must use a four-part test to identify fleeing felons. All four items have to be present and verified by the State agency to determine that an individual is a fleeing felon. To be a fleeing felon ineligible for TCA benefits the following four criteria must be met:

1. There must be a felony warrant for the individual;
2. The individual must be aware of, or should reasonably be able to expect that, a warrant has or would have been issued;
3. The individual has taken some action to avoid being arrested or jailed, and;
4. A law enforcement agency is "actively seeking" the individual.

Law enforcement is "actively seeking" the individual when it informs the Department it intends to enforce an outstanding felony warrant.

**1420.2502 Probation or Parole Violator (TCA)**

The State agency has the responsibility of verifying the status of the probation or parole violator. The violation can be a misdemeanor or a felony. To be a probation or parole violator ineligible for a TCA benefits the following two conditions must be met:

1. The individual must have violated a condition of his or her probation or parole, and;
2. Law enforcement must be "actively seeking" the individual to enforce the conditions of the probation or parole.

Law enforcement is "actively seeking" the individual when it informs the Department it intends to enforce an outstanding misdemeanor or felony warrant for a probation or parole violation.